

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

In the Matter of: :

Investigation into Development of : :

Electronic Interfaces for BellSouth's: Docket No. 8354-U

OPERATIONAL SUPPORT SYSTEMS : :

Hearing Room 110
 244 Washington Street
 Atlanta, Georgia

Tuesday, May 8, 2001

The above-entitled matter came on for hearing
 pursuant to Notice at 10:00 a.m.

BEFORE:

LAUREN MCDONALD, JR., Chairman
 STAN WISE, Vice Chairman
 ROBERT BAKER, Commissioner
 ROBERT DURDEN, Commissioner
 DAVID BURGESS, Commissioner

* * *

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-and-

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I N D E X

| <u>WITNESSES:</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RE-CROSS</u> |
|-------------------|---------------|--------------|-----------------|-----------------|
| David Frey | | | | |
| Mike Weeks | | | | |
| By Mr. Barber | -- | 14 | -- | -- |
| By Ms. Azorsky | -- | 51 | -- | -- |
| By Mr. Ross | -- | 83 | -- | -- |
| By Ms. Boone | -- | 86 | -- | -- |
| By Mr. Atkinson | -- | 143 | -- | -- |
| By Ms. Azorsky | -- | 159 | -- | -- |
| By Mr. Lemmer | -- | 167 | -- | -- |
| By Mr. Ross | -- | 179 | -- | -- |
| By Ms. Boone | -- | 183 | -- | -- |
| By Mr. Lemmer | -- | 185 | -- | -- |
| By Mr. Lemmer | -- | 205 | -- | -- |
| By Mr. Barber | -- | 208 | -- | -- |
| By Mr. McCallum | -- | 230 | -- | -- |
| By Ms. Boone | -- | 236 | -- | -- |
| By Mr. Atkinson | -- | 238 | -- | -- |

| <u>EXHIBITS:</u> | <u>FOR IDENTIFICATION</u> | <u>IN EVIDENCE</u> |
|------------------|---------------------------|--------------------|
|------------------|---------------------------|--------------------|

AT&T:

| | | |
|---|-----|-----|
| 1 - October Flow-Through Verification | 172 | 185 |
| 2 - October 2000 Flow-Through Verification | 175 | 185 |

PROCEEDINGS

1
2 COMMISSIONER BURGESS: We'll call to order Docket
3 Number 8354-U. This is investigation into the development
4 of electronic interfaces for BellSouth's operational support
5 systems.

6 At this time we'll have our appearance list. For
7 the Georgia Public Service Commission staff.

8 (No response.)

9 COMMISSIONER BURGESS: Somebody. We're getting
10 off to a bad start.

11 MR. BOND: Tom Bond on behalf of the Commission
12 staff.

13 COMMISSIONER BURGESS: For the Consumers' Utility
14 Counsel.

15 MR. CULBREATH: Good morning, Mr. Chairman, my
16 name is Kealin Culbreath, I'm with the CUC.

17 COMMISSIONER BURGESS: ACI Corporation.

18 (No response.)

19 COMMISSIONER BURGESS: Let the record indicate no
20 response.

21 American Communications Services, Inc.

22 (No response.)

23 COMMISSIONER BURGESS: No response.

24 AT&T Communications.

25 MS. OCKLEBERRY: Good morning, Mr. Commissioner,

1 Suzie Ockleberry on behalf of AT&T. Also, there will be
2 Tami Azorsky, Tim Barber and Tom Lemmer on behalf of AT&T.

3 COMMISSIONER BURGESS: Thank you.
4 BellSouth.

5 MR. ROSS: Good morning, Mr. Chairman, Bennett
6 Ross on behalf of BellSouth. Also with me today is Fred
7 McCallum.

8 COMMISSIONER BURGESS: I thought we'd done got rid
9 of Mr. McCallum. He's been sent back in the state again?

10 MR. MCCALLUM: Just like a bad dream.

11 COMMISSIONER BURGESS: Cable Television
12 Association of Georgia.

13 MR. MIDDLETON: Mark Middleton for CTAG.

14 COMMISSIONER BURGESS: Globe Telecommunications.
15 (No response.)

16 COMMISSIONER BURGESS: No response.
17 Intermedia Communications.

18 (No response.)

19 COMMISSIONER BURGESS: No response.
20 Interpath Communications.

21 (No response.)

22 COMMISSIONER BURGESS: No response.

23 ITC DeltaCom.

24 (No response.)

25 COMMISSIONER BURGESS: No response.

1 KMC Telecom.
2 (No response.)
3 COMMISSIONER BURGESS: No response.
4 Knology of Georgia.
5 (No response.)
6 COMMISSIONER BURGESS: No response.
7 LCI International.
8 (No response.)
9 COMMISSIONER BURGESS: No response.
10 Low Tech Designs.
11 (No response.)
12 COMMISSIONER BURGESS: No response.
13 MediaOne Telecommunications of Georgia.
14 (No response.)
15 COMMISSIONER BURGESS: No response.
16 Mpower Communications.
17 (No response.)
18 COMMISSIONER BURGESS: No response.
19 NEXTLINK Georgia.
20 (No response.)
21 COMMISSIONER BURGESS: No response.
22 NewSouth Communications.
23 (No response.)
24 COMMISSIONER BURGESS: No response.
25 NorthPoint Communications. I guess there'll be no

1 response there.

2 (No response.)

3 COMMISSIONER BURGESS: Powertel.

4 (No response.)

5 COMMISSIONER BURGESS: No response.

6 Sprint Communications.

7 MR. ATKINSON: Good morning, Mr. Chairman, Bill

8 Atkinson and Steven H. Kukta on behalf of Sprint

9 Communications Company L.P.

10 COMMISSIONER BURGESS: Thank you.

11 U.S. Department of the Army.

12 (No response.)

13 COMMISSIONER BURGESS: No response.

14 MS. BOONE: Mr. Chairman, apparently we're not on

15 the list. Catherine Boone on behalf of COVAD

16 Communications. We are a party to the docket and I'd like

17 to make my appearance. Thank you.

18 COMMISSIONER BURGESS: Thank you, Ms. Boone.

19 Any other parties?

20 I do want to recognize that we have some staff

21 members here from the Florida Public Service Commission and

22 from the Tennessee Public Service Commission that are here

23 with us this morning. And I would just like for the record

24 if they would just come up to the podium and introduce

25 themselves at this time.

1 MS. HARDY: Lisa Hardy from Florida Public Service
2 Commission.

3 MR. VINSON: Carl Vinson, Florida Public Service
4 Commission.

5 MR. REED: Arnold Reed from the Tennessee
6 Regulatory Authority.

7 MR. BENNETT: Jerry Bennett from the Tennessee
8 Regulatory Authority.

9 COMMISSIONER BURGESS: We're glad to have you with
10 us this morning.

11 We're going to get ready to proceed. This hearing
12 is kind of an unusual hearing, we've got a lot of material
13 to cover today and we've laid out a process to get us where
14 we need to go. There will be two main witnesses that will
15 appear on behalf of KPMG this morning and KPMG has brought
16 along with them all the subject matter experts -- at least a
17 lot of the subject matter experts -- that worked on this
18 project. Of course, this project has covered some almost
19 two years, two years to date that this Commission first
20 ordered that the third party testing of these BellSouth
21 operational support systems.

22 So the way that we'll proceed this morning is
23 we've divided this issue into six different panels and we'll
24 proceed with one panel at a time. I would ask the attorneys
25 if they would direct their questions to the two main persons

1 on the panel and those will be David Frey and Mike Weeks.

2 The subject matter experts will be available with
3 each panel and Mr. Weeks and Mr. Frey will be able to
4 consult with those subject matter experts and relay
5 pertinent information back to the attorney in response to
6 those questions. If we find out that this process is too
7 cumbersome, we will allow the subject matter experts to
8 speak themselves. However, before speaking, they must
9 identify themselves for purposes of the record.

10 But at this time, we're going to proceed with our
11 first panel and our two principal witnesses. That'll be Mr.
12 Frey and Mr. Weeks. And our first panel will consist of our
13 general test management and pre-ordering, ordering and
14 provisioning.

15 MR. ATKINSON: Before we start this morning, Mr.
16 Chairman, could I ask a clarifying question about the
17 presentation of the panels?

18 COMMISSIONER BURGESS: Go right ahead.

19 MR. ATKINSON: I understand that initially the
20 lawyers' cross examination questions will be directed to Mr
21 Frey or Mr. Weeks and then if they can't answer, they will
22 rely on the subject matter experts on the panel. But I just
23 want to clarify for the record and ask the Chairman -- I
24 think this is probably the case -- but I want to clarify
25 that the lawyers, can't they ask direct questions to either

1 Mr. Frey or Mr. Weeks, ask, for instance, Mr. Frey a
2 question and then if Mr. Frey does not know the answer, he
3 can defer to Mr. Weeks or defer to a subject matter expert,
4 as appropriate on the panel.

5 COMMISSIONER BURGESS: That would be appropriate.
6 The idea is to proceed orderly and not to get into a
7 situation where the record becomes confused because the
8 court reporter is not aware of who is principally speaking
9 in that case. But that'll be permissible.

10 MR. ATKINSON: Thank you, Mr. Chairman.

11 COMMISSIONER BURGESS: With that, I'm going to
12 ask, Mr. Hill, if you would swear the two main panelists as
13 well as all of the subject matter experts at the same time -
14 - just swear them all at once.

15 MR. HILL: Will you all please raise your right
16 hand -- everybody who enjoyed the ride over in the cabs this
17 morning.

18 (Witnesses sworn en masse.)

19 Whereupon,

20 DAVID FREY

21 MICHAEL WEEKS

22 appeared as witnesses herein, and having been first duly
23 sworn, were examined and testified as follows:

24 MR. HILL: Mr. Commissioner, before we begin, just
25 one housekeeping matter and it may have been brought to your

1 attention --

2 COMMISSIONER BURGESS: Let me ask you, Mr. Hill,
3 to use the microphone, please, sir.

4 MR. HILL: It may have already been brought to the
5 Commission's attention, but if it has not, I think it's
6 appropriate that I do at this time. Liz Fuccillo is not
7 with us. She is under panel c. on billing. She had a death
8 in the family and she was not able to be present.

9 In addition, there are two additional witnesses
10 that are not listed -- Alan Salzburg and he will be under
11 panel a. under general test management and pre-ordering,
12 ordering and provisioning. And the second additional person
13 is Henry King. Henry King is an IT individual, Alan
14 Salzburg, statistical p values.

15 COMMISSIONER BURGESS: And Mr. King will also be
16 under the first panel?

17 MR. HILL: Yes, sir.

18 COMMISSIONER BURGESS: Okay. With those noted
19 changes, we'll move forward.

20 MR. HILL: Thank you, Mr. Commissioner.

21 COMMISSIONER BURGESS: Let me ask -- you know,
22 we've got a pretty extensive list of parties here. I'm just
23 trying to establish an order for cross examination. All
24 parties, if you do have a copy of the appearance list, we'll
25 kind of proceed in that order for the order of cross

1 examining the witnesses.

2 So we'll begin with our first panel, which will be
3 the panel consisting of general test management, pre-
4 ordering, ordering and provisioning. I will first ask Mr.
5 Frey and Mr. Weeks, do you have any summary comments that
6 you would like to make -- presentation that you would like
7 to make to the Commission at this time regarding this first
8 panel?

9 WITNESS FREY: Certainly we're very pleased to be
10 here today to provide further clarification on our final
11 report. We've not prepared a formal summary. We came here
12 today with the intent solely of responding to questions and
13 providing further clarification.

14 I would like to point out that we did distribute
15 to all parties of record a small number of corrected pages
16 yesterday. If anyone has not received those, we do have
17 copies that are available through the KPMG team in the front
18 row.

19 And unless Mike has anything else to add, --

20 COMMISSIONER BURGESS: Thank you.

21 I also would like for the staff to have a copy of
22 the report with the corrected pages introduced into the
23 record. So if staff would get a copy of the report and have
24 that to offer as a part of the record in this case, that'd
25 be appreciated.

1 A (Witness Weeks) I reviewed that during
2 depositions last week.

3 Q Are you the person at KPMG primarily responsible
4 for the conclusions contained in the report?

5 A (Witness Weeks) I am.

6 Q The cover letter that you submitted with the
7 report summarizes those conclusions, is that correct?

8 A (Witness Weeks) It does.

9 Q Was a draft of this report sent to BellSouth prior
10 to it being finalized and submitted to the Commission?

11 A (Witness Weeks) As I testified last week, I don't
12 recall whether it --

13 CHAIRMAN McDONALD: You're going to have to talk
14 into that mic if you want me to hear.

15 WITNESS WEEKS: Sorry, Commissioner.

16 CHAIRMAN McDONALD: Thank you.

17 WITNESS WEEKS: As I testified last week, I have
18 no recollection of whether drafts were submitted or not.

19 BY MR. BARBER:

20 Q Do you know whether a draft of the report was sent
21 to BellSouth for comment before it was finalized?

22 A (Witness Weeks) The report or the cover letter?

23 Q The draft of the report itself.

24 A (Witness Weeks) Excuse me; yes, the report was
25 sent, drafts were sent.

1 Q And did BellSouth suggest any changes be made in
2 the report?

3 A (Witness Weeks) We asked BellSouth to comment on
4 factual inaccuracies. They fed back to us things that they
5 believed needed to be corrected, yes.

6 Q And were those changes made?

7 A (Witness Weeks) I couldn't comment on whether
8 they were made or not.

9 Q Do you know whether a draft of the report was sent
10 to any CLECs before it was submitted to the Commission?

11 A (Witness Weeks) Not to my knowledge.

12 Q Do you know whether KPMG kept in its files the
13 drafts of the report?

14 A (Witness Weeks) We would not, that would be
15 against our policy.

16 Q Your policy in fact is to destroy all drafts, is
17 that correct?

18 A (Witness Weeks) Upon submission of either the
19 next draft or the final report, yes.

20 Q So that the drafts of this report are no longer in
21 existence?

22 A (Witness Weeks) In our files.

23 Q Would it be correct that the drafts of -- to the
24 extent that they exist -- of your cover letter are also not
25 in existence?

1 A (Witness Weeks) That is correct.

2 Q Is it correct that your overall testing of
3 BellSouth's OSS in Georgia is not yet complete?

4 A (Witness Weeks) There is a section left on
5 testing some of the metrics.

6 Q Could the metrics results cause KPMG to change the
7 conclusions changed in the report?

8 A (Witness Weeks) Only for those sections that have
9 to do with metrics.

10 Q And in that case, it could cause changes in the
11 ultimate conclusions you've reached?

12 A (Witness Weeks) For metrics.

13 Q If you turn to the section of the report entitled
14 Document Control.

15 A (Witness Weeks) Yes.

16 Q Page Roman Numeral II -- I'm sorry Roman Numeral
17 I-2. Do you have that in front of you, Mr. Weeks?

18 A (Witness Weeks) No, I do not.

19 Q It's entitled Statement of Limiting Conditions.

20 A (Witness Weeks) I see that.

21 Q The fourth full paragraph begins, "The original
22 master test plan (MTP) governing much of the testing work at
23 BellSouth-Georgia was not authored or developed by KCI."
24 That reference to KCI is to KPMG, correct?

25 A (Witness Weeks) KPMG Consulting -- at the time

1 KPMG Consulting, Inc.

2 Q The report goes on to state, "On September 9,
3 1999, KCI inherited an MTP and certain associated work in
4 progress that had been performed by two third parties.
5 Therefore, KCI makes no representations or warranties as to
6 the contents of this MTP or of the testing work that had
7 been done prior to September 9, 1999."

8 Was that included -- first of all, did I read that
9 correctly?

10 A (Witness Weeks) I believe you did.

11 Q Was that included in this report because you
12 wanted it clear that KPMG was not the author of the master
13 test plan?

14 A (Witness Weeks) That is correct.

15 Q If you'll turn over to the section entitled
16 Evaluation Review.

17 A (Witness Weeks) Evaluation Overview?

18 Q Yes, sir. Roman Numeral II-3.

19 A (Witness Weeks) Okay.

20 Q Does this paragraph again discuss your assumption
21 of responsibilities after the testing had begun?

22 A (Witness Weeks) Which paragraph would that be?

23 Q About four paragraphs down, beginning "On
24 September 9, 1999."

25 A (Witness Weeks) That's a similar paragraph, yes.

1 Q And in that paragraph, it states, "KCI agreed to
2 assume responsibility for execution of the tests stipulated
3 in the MTP but not for the design of the MTP itself." Do
4 you see that language?

5 A (Witness Weeks) Yes, I do.

6 Q Was that again intended to make clear that KPMG
7 was simply executing a plan that had been designed by
8 others?

9 A (Witness Weeks) That's correct.

10 Q KPMG has been involved in third party tests of OSS
11 in a number of other states, have they not?

12 A (Witness Weeks) Yes, we have.

13 Q Are there any other states in which KPMG played no
14 role in the design of the third party tests?

15 A (Witness Weeks) Not that I'm aware of.

16 Q Would you turn to the section in the report on
17 pre-ordering?

18 A (Witness Weeks) I'm there.

19 Q First of all, let me ask you some questions about
20 how the test results were catalogued throughout this test.
21 It's correct that you tested over 1100 separate test points,
22 correct?

23 A (Witness Weeks) I believe that's an approximately
24 correct number.

25 Q I may put this in layman's terms, but is it

1 correct that essentially those are 1100+ separate, distinct
2 steps in the overall process of the OSS?

3 A (Witness Weeks) I think they would be 1100
4 separate evaluation criteria, some of them were related by
5 theme or topic. So there are inter-relations between them,
6 but they were all separately evaluated as to whether they
7 were satisfied or not satisfied.

8 Q When you say they were separately evaluated, does
9 that mean they were not evaluated end-to-end? In other
10 words, the entire process from start to finish was not
11 evaluated?

12 A (Witness Weeks) No, it would not mean that.

13 Q Did you perform end-to-end testing in Georgia?

14 A (Witness Weeks) In some places, in some cases,
15 yes.

16 Q With regard to the 1100+ separate test points, did
17 you establish benchmarks for each of those test points?

18 A (Witness Weeks) There were three different
19 categories of benchmarks or standards that were used during
20 the evaluations.

21 Q Could you explain to us the three different
22 standards you're referring to?

23 A (Witness Weeks) Yes. When there was a clearly
24 defined SQM quality measure that the Georgia Public Service
25 Commission had directed that we use during the course of the

1 test, we would attempt to use that first. If no such
2 standard existed, then we would attempt to see if BellSouth
3 had published some interval or guideline that they used with
4 commercial parties to communicate what commercial parties
5 could normally expect in the normal course of business, and
6 if there were neither of those, then KPMG Consulting would
7 establish a standard or a benchmark based upon our
8 professional opinion, professional judgment.

9 Q How did you then use each of those benchmarks?

10 A (Witness Weeks) The general method would be to
11 perform the test in question, gather the facts as to the
12 company's performance or what we observed during the course
13 of that particular evaluation. We would compare the
14 company's performance to each of the appropriate standards.
15 We would determine whether there was an initial pass or
16 fail, satisfied or not satisfied based upon that, and then
17 we would also look at the answer that came out of that
18 initial evaluation to see if it made business sense in our
19 professional opinion.

20 Q Would you turn to -- again in the Evaluation
21 section -- Roman Numeral II-8 and 9.

22 A (Witness Weeks) II-8.

23 Q The section on II-8 and II-9, does that describe
24 the evaluation criteria you've just described for us?

25 A (Witness Weeks) If you'll give me a moment, I'll

1 look.

2 (Brief pause.)

3 A (Witness Weeks) Yes, I believe that it summarizes
4 that approach.

5 Q And as you completed each of these tests, were
6 they each assigned to one of four categories which are set
7 forth on page II-9?

8 A (Witness Weeks) Yes.

9 Q And those are satisfied, meaning it's met the
10 benchmark; not satisfied; no result determination made and
11 not complete. Are those the four categories?

12 A (Witness Weeks) Those are the four categories,
13 yes.

14 Q Throughout the course of its testing, if KPMG
15 encountered a test in which BellSouth failed to meet the
16 benchmark, was further analysis done to determine whether
17 the deficiency was statistically significant?

18 A (Witness Weeks) In some cases.

19 Q Would that have been the next step in some cases?

20 A (Witness Weeks) In some cases.

21 Q And if in fact it was significant, it would be
22 assigned to one of the other three categories?

23 A (Witness Weeks) It would be initially assigned a
24 value based upon one of the categories, yes.

25 Q By the way, these categories, the four categories

1 we've talked about -- satisfied, not satisfied, no result
2 determination made and not complete. Were those established
3 prior to actually beginning the testing?

4 A (Witness Weeks) Yes.

5 Q So those were established at a time when you
6 didn't know whether BellSouth would pass or fail any
7 particular test.

8 A (Witness Weeks) That's correct.

9 Q In the area of ordering and provisioning, there
10 were three tests in fact that BellSouth did not satisfy, is
11 that correct?

12 A (Witness Weeks) I would have to refresh my memory
13 from looking at the report.

14 Q If you'll refer to your cover letter where you
15 summarize your conclusions, I think --

16 A (Witness Weeks) I don't have the cover letter, as
17 I previously stated.

18 Q Let me hand you the cover letter.

19 A (Witness Weeks) Okay.

20 Q On page 2 of the cover letter -- I'm going to pass
21 two of the copies up, we actually have a third one that's
22 sort of marked up. I believe it should be included with the
23 copy the Commission received.

24 Mr. Weeks, you now have a copy of the cover letter
25 with you?

1 A (Witness Weeks) Yes, I do.

2 Q On page 2 of the cover letter, does that indicate
3 the three tests in the area of ordering and provisioning
4 that were not satisfied by BellSouth?

5 A (Witness Weeks) I see that paragraph.

6 Q And as we sit here today, they've still not
7 satisfied the criteria in those three areas, is that
8 correct?

9 A (Witness Weeks) We have stopped testing, so we
10 have done no work that would establish whether they're
11 currently meeting those or not.

12 Q Is it your opinion that these three areas -- the
13 problems in these three areas -- could have a materially
14 adverse impact on a CLEC's ability to compete effectively
15 using BellSouth's OSS?

16 A (Witness Weeks) They could potentially have, as
17 it says in that paragraph.

18 Q Were there other tests in the pre-ordering or
19 ordering and provisioning sections in which BellSouth's
20 performance failed to meet the benchmark but KPMG gave them
21 a satisfied mark anyway?

22 A (Witness Weeks) Yes, I believe there are
23 instances of that.

24 Q If you will look at the pre-ordering section.

25 A (Witness Weeks) Okay.

1 Q Pre-order test 1-3-3. If I may, I have a blowup
2 of that particular test result.

3 All I've got here is a reproduction at this point
4 on certain areas, along with a footnote. Do you have that
5 in front of you, Mr. Weeks?

6 A (Witness Weeks) Yes, I do.

7 Q And this test had to do with the timely pre-order
8 response received from BellSouth; is that correct?

9 A (Witness Weeks) That's correct.

10 Q In this case, the standard -- you referred to
11 three separate standards. In this case, the standard had
12 been set by this Commission; correct?

13 A (Witness Weeks) That is correct.

14 Q And the standard was retail parity?

15 A (Witness Weeks) Parity with retail.

16 Q All right.

17 A (Witness Weeks) Slightly different. Yes.

18 Q I'll take your word for that. Does that
19 essentially mean that BellSouth needs to show in this test
20 that it responds as quickly to a CLEC's inquiries as it does
21 to its own retail inquiries?

22 A (Witness Weeks) The general definition of parity
23 with retail would be that there was similarity of operation
24 or performance of the systems for the retail operations as
25 compared to the wholesale operations.

1 Q And in this case, the response time in the retail
2 operations was determined to be half a second, which you
3 have listed under the "Comments" section.

4 A (Witness Weeks) The retail performance observed
5 for the period was half of a second; yes.

6 Q And that is indicated up there on the exhibit on
7 the "Comment" section; correct?

8 A (Witness Weeks) It's in the first paragraph of
9 the "Comment" section; correct.

10 Q All right. When KPMG first ran this test, the
11 test results were actually ten-and-a-half seconds; is that
12 correct?

13 A (Witness Weeks) That's correct. Our initial test
14 yielded an average for wholesale of 10.5 seconds.

15 Q So there was a -- an upgrade performed by
16 BellSouth; is that true?

17 A (Witness Weeks) Yes, there was.

18 Q All right. And then a retest?

19 A (Witness Weeks) That's correct.

20 Q And the results of the retest showed a response
21 time of 1.0 seconds?

22 A (Witness Weeks) That was the average for that;
23 yes.

24 Q And that is actually double the response time --
25 benchmark response time; right?

1 A (Witness Weeks) That's double retail; yes.

2 Q All right. And if you look at Footnote 17,
3 Footnote 17, that result was deemed -- that difference was
4 deemed "statistically significant" by KPMG; right?

5 A (Witness Weeks) That's correct.

6 Q Nevertheless, KPMG rated that test as "satisfied"
7 by this result?

8 A (Witness Weeks) That's correct.

9 Q So in this test you had a standard that had been
10 set by this Commission, and BellSouth had failed to meet the
11 benchmark; correct?

12 A (Witness Weeks) That's correct in this case.

13 Q And that failure was deemed to be "statistically
14 significant" by KPMG?

15 A (Witness Weeks) The differences between the two
16 numbers are statistically significant, not the conclusion.

17 Q And, in fact, had you stopped at that point, if
18 you simply came up with your result based on that, had you
19 applied the standard of SQM set by the Commission, the
20 result of this would have been "not satisfied"; is that
21 correct?

22 A (Witness Weeks) That's correct. If we stopped at
23 comparing the benchmark to the achieved results, and
24 applying the difference in analyzing whether it was
25 statistically significant, we would have given it a

1 technical "not satisfied."

2 Q But KPMG passed it anyway, based on its
3 professional judgment that the response time, though slower
4 than the benchmark, was within a reasonable time frame; is
5 that accurate?

6 A (Witness Weeks) That's correct. We believe that
7 one second was more than reasonable.

8 Q In developing that professional judgment, did
9 anyone -- did you talk with others within KPMG?

10 A (Witness Weeks) Yes, we did.

11 Q And I'm assuming that would include the people
12 lined up behind you in there?

13 A (Witness Weeks) And others, as well.

14 Q All right. Did you do any independent research?

15 A (Witness Weeks) No.

16 Q Did you consider any additional information beyond
17 what's contained on that blowup right there?

18 A (Witness Weeks) Experience that we had seen in
19 other jurisdictions performing other 271 tests.

20 Q But in terms of any additional information
21 regarding this test, you considered nothing beyond what is
22 actually listed on that log; correct?

23 A (Witness Weeks) That's correct. The facts that
24 were input to the decision were the facts that are listed on
25 the page.

1 Q Did you confer with any CLECs or seek their input
2 in any manner as to whether or not this would cause them a
3 problem?

4 A (Witness Weeks) No.

5 Q Did you seek the guidance of the Commission on
6 what to do, since it hadn't met the benchmark?

7 A (Witness Weeks) No.

8 Q Did you keep any notes of the deliberations you
9 had with the various people on that test?

10 A (Witness Weeks) No, we did not.

11 Q And this is not an instance, by the way, where the
12 notes were destroyed. This is an instance where no notes
13 were created; correct?

14 A (Witness Weeks) I'm not aware of any notes. I
15 certainly didn't create any.

16 Q In other words, it was -- the professional
17 judgment was arrived at just through conversations with
18 people on the team?

19 A (Witness Weeks) That's my recollection.

20 Q Are you aware that there are 19 other tests in the
21 pre-ordering and ordering sections in which BellSouth failed
22 to meet a benchmark by a statistically significant margin,
23 yet was passed because the deficiency was found to be,
24 quote, "within a reasonable time frame" in KPMG's
25 professional judgment?

1 A (Witness Weeks) I would have to count, but I will
2 take counselor's representation that that's accurate.

3 Q Thank you. Were there also tests in these areas
4 in which KPMG didn't have enough information to prepare a
5 valid benchmark against which to test BellSouth's
6 performance?

7 A (Witness Weeks) I'm sorry, I missed that
8 question. Would you ask it again, please.

9 Q Were there other tests in the pre-ordering and
10 ordering sections in which KPMG did not have enough
11 information to give it a valid benchmark against which to
12 test BellSouth's performance?

13 A (Witness Weeks) Yes.

14 Q For instance, if you will turn to test 1-3-6 in
15 pre-ordering, or 7, or 9, or 4-3-6, 4-3-7. Have you got one
16 of those in front of you?

17 A (Witness Weeks) I'm looking at 1-3-6.

18 Q Is that a situation where you're trying to compare
19 BellSouth's performance to a benchmark, you really didn't
20 have an apples and apples comparison you could make?

21 A (Witness Weeks) There are certain circumstances
22 for which there's no direct retail analog, for example.

23 Q Are you looking at -- which test are you looking
24 at?

25 A (Witness Weeks) You asked me a general question,

1 so I gave you a general answer.

2 Q All right. If you would look at the pre-ordering
3 test 1-3-1. I'm sorry, 1-3-6. Do you have that in front of
4 you?

5 A (Witness Weeks) I have 1-3-6; yes.

6 Q And if you'd look at Footnote 21, it states that,
7 "BellSouth retail analog data on responses from Atlas-MLH is
8 not currently available." Is this a situation in which you
9 didn't really have an apples to apples comparison you could
10 make?

11 A (Witness Weeks) I believe this is a case of where
12 the retail -- there's no retail electronic system that was
13 in operation at the time, and the retail operation was
14 manual, so this was not an apples to apples; it was an
15 electronic to a manual.

16 Q In fact, BellSouth's operations use a manual
17 process for this. The test used an electronic process. So
18 you really didn't have results you could compare against?

19 A (Witness Weeks) That's correct.

20 Q Why did you not -- and yet you rated this test
21 "satisfied"; correct?

22 A (Witness Weeks) Yes, it's marked as "satisfied."

23 Q Why did you not rate this test "no result, no
24 determination made," if you couldn't make a meaningful
25 comparison between the two?

1 A (Witness Weeks) Well, the evaluation criteria
2 says -- provides timely response. It doesn't require that
3 we apply a standard that is parity with retail.

4 Q So KPMG in this case, even though it could not
5 make that comparison, deemed it "satisfied" based on its
6 professional judgment; correct?

7 A (Witness Weeks) Yes, based on the facts that we
8 saw and our -- the application of our professional judgment.

9 Q In reaching this decision, based on your
10 professional judgment, was the process in coming to that
11 judgment similar to the process you described in the
12 previous test?

13 A (Witness Weeks) Yes, in all cases where we
14 applied professional judgment, the pattern was to look at
15 the actual company's performance, attempt to discover the
16 benchmarks, discuss amongst ourselves what we had seen in
17 other jurisdictions and in other tests, and make a
18 professional judgment. And then to put the facts in the
19 "Comments" section so that if others chose to form a
20 different conclusion using the same facts, they had the
21 information with which to do that.

22 Q I want to make sure I understand that last answer.
23 In each of the test results in which the result is based on
24 an exercise of professional judgment by KPMG, the process
25 you went through in coming to that judgment was similar to

1 what you've described?

2 A (Witness Weeks) That's correct.

3 Q In other words, no independent research was done;
4 correct?

5 A (Witness Weeks) If by "independent," did we
6 commission some body independent of ourselves to do
7 research, no, we never did that, to my recollection.

8 Q And you didn't seek input from any CLECs or from
9 the Commission for a...

10 A (Witness Weeks) I'm sure we sought the input of
11 the Commission from time to time, but we wouldn't formally
12 ask the CLECs for input. We have a number of folks that are
13 on our team that have many, many, many years of CLEC and
14 ILEC experience, so that's the way in which we gathered
15 industry input and information.

16 Q And in any of these test results in which the
17 result is based on an application of KPMG's professional
18 judgment, you did not keep notes of those conversations; is
19 that correct?

20 A (Witness Weeks) That's correct.

21 COMMISSIONER BURGESS: Let me ask a question. Was
22 the same process utilized in the other third-party tests
23 that you conducted in the other states?

24 WITNESS WEEKS: Yes, that's consistent with the
25 way we've done all of our testing in all the jurisdictions.

1 COMMISSIONER BURGESS: And there were some cases
2 where you utilized professional judgment in the New York
3 tests and...

4 WITNESS WEEKS: That's correct.

5 COMMISSIONER BURGESS: ...other states?

6 WITNESS WEEKS: That is correct.

7 BY MR. BARBER:

8 Q Continuing along this line of using your
9 professional judgment, were there other tests in the pre-
10 ordering section in which the statistical evidence was not
11 strong enough to deem it "flunked," and it was issued a
12 "satisfied"? You may object to the use of that word, but...

13 A (Witness Weeks) The answer is yes.

14 Q All right. Would you turn to test 1-3-1. I'm
15 sorry, it's -- the one I've got the blowup for is in the
16 ordering in front, it's in the OMP section, 1-3-4.

17 A (Witness Weeks) I'm sorry? 1 dash...

18 Q 1-3-4.

19 A (Witness Weeks) ...4.

20 Q Actually this test is -- this is an example of one
21 where you had a "no result" determination made.

22 A (Witness Weeks) OMP. Okay. All right, I'm on 1-
23 3-4. And, I'm sorry, could you repeat the question. It
24 was: Is this an example of...

25 Q Let me go ahead. If you would, let me slow down

1 and show you -- I'm going to first ask you about OMP 2-3 on
2 Page 2-A. It is on page Roman numeral V-B-12.

3 A (Witness Weeks) V-B?

4 Q 12.

5 MR. HILL: Mr. Commissioner, I have an objection.

6 COMMISSIONER BURGESS: Would you use the
7 microphone, please, Mr. Hill.

8 MR. HILL: Your Honor, I do have an objection to
9 the board. It's an abbreviated rendition of the -- of the
10 graph that's located on Roman numeral V-B-12.

11 MR. BARBER: Mr. Chairman, what we have done is --
12 what they have taken out of a portion of the "Comments"
13 section doesn't relate to what I'm going to ask him. He
14 will have the full -- all the entire "Comments" section in
15 front of him. But that's not really germane to the question
16 I'm going to ask you about.

17 COMMISSIONER BURGESS: Well, just for the record,
18 if you will, cite what section it is, so that the record
19 will reflect that. If we need to go back and take a look,
20 we've got the whole section in front of us.

21 BY MR. BARBER:

22 Q Mr. Weeks, I've got a blowup of a portion of the
23 comments on OMP Test 2-3-2A. Have you got that in front of
24 you?

25 A (Witness Weeks) Yes.

1 Q The portion that is not on the blowup begins after
2 the first dash line, "in less than one hour," you see that?

3 A (Witness Weeks) Starts "KCI initiated"?

4 Q Yes, sir. So the language that is omitted is --
5 in the middle there, "KCI initiated an initial retest of
6 error response timeliness on August 25th, 2000. This retest
7 was designed to evaluate the effects of process improvement
8 implemented in BOS ordering centers. LSR submitted during
9 the first retest received FM errors within the following
10 time frames," paren, "(see Table Roman numeral V-2.6) 67
11 percent of FM errors were received in less than one hour.
12 An additional 13 percent were received within one to two
13 hours."

14 Now, is that the portion that's omitted from that
15 blowup?

16 A (Witness Weeks) It is.

17 Q All right. I believe I had asked you if there
18 were other tests in which, based on the statistical
19 evidence, you deemed a test passed; is that correct?

20 MR. HILL: I have an objection. That's not -- I
21 have an objection. That's not all that's admitted from
22 this -- omitted from this blowup.

23 COMMISSIONER BURGESS: I've said previously that
24 the record -- he's cited in the record what section we're
25 talking about. There'll be a complete report filed as a

1 part of the record in this case. I'm going to -- I note
2 your objection, but I'm going to let the attorney go
3 forward -- Mr. Barber go forward with his question.

4 MR. BARBER: Thank you, sir, and I apologize for
5 that. I will...

6 COMMISSIONER BURGESS: You don't have to read it.
7 You can go ahead. We've got a copy of the report.

8 MR. BARBER: There are two sentences at the bottom
9 that I had not realized had been omitted.

10 BY MR. BARBER:

11 Q All right, I had asked you whether there were test
12 based on the statistical evidence you deemed passed. Is
13 this an example of one of those tests?

14 A (Witness Weeks) Yes, it would be.

15 Q The -- again, the result given is "satisfied."
16 And under Footnote 18, does Footnote 18 explain how you came
17 to rate this test "satisfied"?

18 A (Witness Weeks) It gives some of the information
19 we used to do that with; yes.

20 Q Can you explain the process you went through in
21 determining that this test was satisfied?

22 A (Witness Weeks) In layman's terms, or in
23 statistical terms?

24 Q I would prefer it in layman's terms. If you can't
25 do that, I'll understand that.

1 COMMISSIONER BURGESS: In commissioner terms.

2 A (Witness Weeks) I'm not going to touch that one.

3 I think the general process, to try to characterize it, is
4 that we would take the information, the data that we had
5 obtained during our testing, and we would subject that
6 information to certain statistical testing. Mr. Salzburg
7 can describe that for you in great detail. And we would
8 compute a particular type of statistic---and I may get in
9 trouble here with my statistician, but I'll say it in
10 layman's terms---that allows one to determine whether or not
11 it is probable that the result that we received could have
12 come from a population that would be the same as a
13 population that had an average statistic that was that which
14 was the standard.

15 And if it could have been the case, in other
16 words, if the calculations suggest that that could have been
17 the case, then the difference that we observed could be
18 explained by just normal random error that exists in any
19 process. And so that we said that there -- the evidence --
20 the statistical evidence was not strong enough to suggest
21 that, even though the number we observed is different from
22 the standard, it still could have occurred in the normal
23 course of business, and that the statistical evidence wasn't
24 strong enough to suggest that in fact they had failed the
25 test.

1 Q Would this be another example of KPMG exercising
2 its professional judgment in deeming the test "satisfied"?

3 A (Witness Weeks) I think this would be a case of
4 where we used common statistical techniques to try to
5 determine whether or not the results that we were seeing
6 were -- were in fact a true failure or just random variation
7 in the process. One could argue that we used professional
8 judgment in applying that statistical technique, but once
9 the statistical technique told us that things were -- could
10 be explained by normal random variation, then I don't think
11 it would be fair to characterize our opinion as being based
12 upon professional judgment.

13 COMMISSIONER DURDEN: Let me interrupt for just a
14 moment. I'm intrigued by the concept of professional
15 judgment as it's being used in this case. First of all, do
16 you have any set criteria which you apply consistently in
17 arriving at professional judgment or in applying
18 professional judgment to a question?

19 WITNESS WEEKS: We have, I would call it, perhaps,
20 a decision-making framework that we use that involves
21 looking at the absolute result. For example, the one we
22 were using earlier where the standard was a half a second
23 for retail, and a second was the actual wholesale
24 performance. So we look at the absolute number -- or we
25 look at the relative numbers and we say that's a technical

1 failure. Then we look at the absolute number, which in this
2 case was wholesale performance of one second, and we use the
3 knowledge gained by our subject matter experts through their
4 many, many years of industry experience of having actually
5 operated CLECs and operated in ILECs, and we try to apply
6 that knowledge and that experience and that judgment about
7 is that one second a -- an appropriate number? Can CLECs
8 operate effectively and efficiently? Can there be
9 meaningful competition if the company consistently delivers
10 that level of service to the CLEC community. And if, in the
11 cumulative experience and judgment and wisdom of the people
12 that are making those evaluations, if it's the case that we
13 believe that that can take place, then we use our
14 professional opinion, and we label it as opinion as opposed
15 to fact, and we say in our professional opinion this
16 criteria is satisfied.

17 We also list for other parties the absolute
18 numbers that went into that discussion. So we will list the
19 half a second and we will list the second, so that if other
20 parties choose to apply a different standard, all the
21 information is there with which to do that. And people are
22 free to disagree with us. It's our opinion, and we've
23 labeled it as such.

24 COMMISSIONER DURDEN: When you arrive at
25 professional judgment, then, you take opinions from a number

1 of people that you consider to be knowledgeable in that
2 area?

3 WITNESS WEEKS: That's correct.

4 COMMISSIONER DURDEN: When you decide what the
5 opinion's going to be, I assume you don't take a formal
6 vote. I mean, you don't sit down with a panel of 15
7 knowledgeable people and say, "Okay, do you think it's
8 satisfied, yea or nay"?

9 WITNESS WEEKS: We don't have a ceremony like
10 that; no.

11 COMMISSIONER DURDEN: Well, do you take a vote at
12 all?

13 WITNESS WEEKS: I don't think in a formal sense of
14 a vote. We do, amongst the people that are sitting down,
15 reach consensus. And we'll talk about it if we're not able
16 to reach consensus. But most of the time it's not very
17 gray. This issue of a half a second or one second was
18 arrived at very quickly. It didn't take much discussion at
19 all.

20 COMMISSIONER DURDEN: Is there any general
21 understanding among the folks that participate in this
22 process that if there is -- if you're going to err, you're
23 going to err on the side of the criteria -- criterion---
24 which is singular---being satisfied, or is there a general
25 consensus that you're going to err, if you're going to err,

1 on the side that the -- that the standard was not satisfied?

2 Or does it vary from one person to the other? I mean,
3 obviously this is an opinion. You've acknowledged that.

4 WITNESS WEEKS: Yes.

5 COMMISSIONER DURDEN: So implicit in that is the
6 idea that there could be some error there. And I'm sure
7 your folks realize that.

8 WITNESS WEEKS: Yes.

9 COMMISSIONER DURDEN: Is there any assumption
10 either way, or does it vary from individual to individual,
11 or what?

12 WITNESS WEEKS: I would say it would probably vary
13 from individual to individual in terms of their personal
14 opinion about the answer to the question.

15 COMMISSIONER DURDEN: Okay.

16 WITNESS WEEKS: What we try to do is form a
17 consensus professional opinion that factors in the various
18 experience levels of the individuals involved, and we'll
19 give more weight to people with more knowledge or more
20 experience than to those that have less knowledge or less
21 experience. And at the end of the day it winds up being my
22 decision as the head of the project, what the final answer
23 is.

24 COMMISSIONER DURDEN: Well, you've anticipated one
25 of my other questions, Mr. Weeks. So you make the final

1 decision?

2 WITNESS WEEKS: If it -- if there was -- and I
3 don't recall an instance where there was, but if there were
4 ever a case where we had differing opinions and we were
5 unable to reach a conclusion, I would have broken the tie or
6 helped make the decision. And to answer your other
7 question, I don't think there was any built-in bias one way
8 or another to a *priori* assume that we would pass, or a
9 *priori* assume we would fail. We tried to let the case that
10 was in front of us dictate what the correct decision was.

11 COMMISSIONER DURDEN: This process sounds to me
12 like the process that most juries go through.

13 WITNESS WEEKS: I would think that would be fair.

14 COMMISSIONER DURDEN: When they're back in a room
15 and they're all discussing the evidence and they try to
16 arrive at some common -- so basically the opinion -- would
17 it be fair to say that the opinion has to be like a jury's
18 opinion, unanimous? Is that what you mean by arriving at a
19 consensus, that everybody ends up agreeing one way or the
20 other?

21 WITNESS WEEKS: We don't force a consensus. We
22 don't form a -- you know, force everyone to agree. We allow
23 our professionals the right to disagree if they choose to.
24 And if we ever got into a situation where five people
25 couldn't reach unanimity, then the person that was in charge

1 of the project would make the final decision.

2 COMMISSIONER DURDEN: Was there any instance in
3 these cases that are before us today where the verdict was
4 "satisfied," but that -- that verdict or that decision was
5 counter to a significant number, whether it was a majority
6 or not, of those knowledgeable people -- I hesitate to call
7 them experts because they haven't been qualified as experts
8 -- but those people that you relied on for the technical
9 input?

10 WITNESS WEEKS: I don't recall that. David, do
11 you?

12 WITNESS FREY: No, I don't. We would have --

13 WITNESS WEEKS: We would have been involved in
14 each of those discussions, and we don't remember any
15 instance where that was the case.

16 COMMISSIONER DURDEN: Was there any instance where
17 there was at least one dissenter to the decision whether it
18 was satisfied or not satisfied?

19 WITNESS WEEKS: We're not able to remember a case
20 where one of the principal consultants to this who was
21 specifically consulted on this disagreed with anything that
22 we put forth as a conclusion.

23 CHAIRMAN DURDEN: Okay. I have a couple of
24 questions if you'll bear with me --

25 WITNESS WEEKS: Certainly.

1 CHAIRMAN DURDEN: -- on the statistical tests. I
2 assume, based on what I've heard you say, that you applied
3 more or less standard statistical tests of significance to
4 determine whether the difference was significant.

5 WITNESS WEEKS: That's correct.

6 CHAIRMAN DURDEN: What specific test did you
7 apply? Was it just one initially? Here's what I'm getting
8 at -- my understanding -- and I'm saying this so that I can
9 get your response, you make sure I'm understanding this
10 correctly. You applied a test of significance or maybe more
11 than one initially. If that test or tests came back saying
12 that these results were not significant, then you tended to
13 go to say well, it's not significant -- the difference is
14 not significant, so we'll deem this satisfied. It wasn't
15 that simple, but basically that's what you did, right?

16 WITNESS WEEKS: I think that's fair.

17 CHAIRMAN DURDEN: Okay. Then in the case where
18 the test of significance came back saying that the
19 difference was significant -- and by the way, my
20 understanding of tests of significance is basically that it
21 says there's a certain probability that these results could
22 have occurred by chance or randomly versus there is some --
23 it could not have. And it's all a guessing -- not a
24 guessing game, but it's a probability game, right?

25 WITNESS WEEKS: Let me look at my statistician

1 here. Is that close enough for a layman's definition?

2 Okay.

3 CHAIRMAN DURDEN: Okay. In those cases -- let me
4 go back now. In those instances where your initial tests of
5 significance showed that the difference was significant, my
6 understanding is that you then, at least some of the time,
7 in arriving at -- in the exercise of professional judgment,
8 performed other statistical tests. I thought that was what
9 your testimony was just a few minutes ago. I'm not trying
10 to trip you up, I want to make sure --

11 WITNESS WEEKS: I don't believe that's what we
12 said, but -- I think maybe a better characterization --
13 there were two ways in which we used statistics. I think
14 the way you characterized the first is correct, that if we
15 look to see if the results were statistically significant --

16 COMMISSIONER DURDEN: Right.

17 WITNESS WEEKS: -- if the difference was
18 statistically significant, then the next step would not have
19 been another statistical test --

20 COMMISSIONER DURDEN: Right.

21 WITNESS WEEKS: -- it would have been an
22 examination of the absolute performance of the wholesale
23 operation. The example of the difference of retail was a
24 half a second, wholesale was a second. We did the
25 statistical test. The difference was significant

1 statistically.

2 COMMISSIONER DURDEN: Was significant.

3 WITNESS WEEKS: Was significantly different from a
4 statistical standpoint. But then we would look at the
5 absolute wholesale performance which was one second and we
6 would ask the question is one second as a wholesale
7 performance an absolute good or bad thing. And in that case
8 we believed it was a good thing so we gave it a satisfied.
9 So you got a technical not satisfied overridden by a common
10 sense business application of one second is good enough.

11 WITNESS FREY: To add to --

12 COMMISSIONER DURDEN: Go ahead.

13 WITNESS FREY: To add to that, this occurred --
14 the particular example that Mike just walked through
15 occurred only for the case of pre-order in which case when
16 we got to the business judgment decision, we did establish a
17 standard of eight seconds as adequate for the timely
18 delivery of a pre-order response. And this information is
19 presented in the final report where that stage of the
20 decision-making process became relevant, and again occurred
21 for the pre-order transaction tests only.

22 COMMISSIONER DURDEN: Okay, the reason I'm
23 following this is not to belabor the point, but we've got a
24 number of issues here in which applying the initial
25 statistical test indicated that they maybe were not

1 satisfied, if you relied just on those. Then there was the
2 exercise of professional judgment. So I need to know -- I
3 need to be able to determine -- and this is for everybody as
4 we go through this -- what, other than just -- I mean maybe
5 this is all you can say about it other than just the
6 experience of years of working in the industry or whatever.
7 I'm trying to determine what constitutes -- I'm trying to
8 get a handle on what constitutes professional judgment as it
9 is exercised in this particular instance. And I'm trying to
10 get some handle on how -- the role that statistical tests
11 used -- were used in the exercise of that judgment.

12 And for right now, I have only one other question,
13 and that is did you apply in any instance any statistical
14 tests other than tests of significance? And if so, what
15 were they?

16 WITNESS WEEKS: Sorry for the long collaboration,
17 but I think the answer is in every case that we can think of
18 sitting here today, it was a test of significance in one
19 form or another.

20 COMMISSIONER DURDEN: All of them were tests of
21 significance.

22 WITNESS WEEKS: That's correct.

23 COMMISSIONER DURDEN: While you were conferring, I
24 did think of two other questions.

25 (Laughter.)

1 COMMISSIONER DURDEN: What was the level of
2 significance that you applied and was it the same for every
3 test?

4 WITNESS WEEKS: Yes, five percent.

5 COMMISSIONER DURDEN: .05, okay. What specific
6 tests did you use? And that is my last question for right
7 now. If you can't remember, you can just supply it --

8 WITNESS WEEKS: We'll give the ones we can recall.

9 COMMISSIONER DURDEN: Okay.

10 WITNESS WEEKS: The four that we can think of this
11 morning are binomial, T test, permutation and hyper-
12 geometric.

13 COMMISSIONER DURDEN: I'm sorry, give me those
14 again.

15 WITNESS WEEKS: Binomial --

16 COMMISSIONER DURDEN: Right. T-test.

17 WITNESS WEEKS: T-test, permutation and hyper-
18 geometric.

19 COMMISSIONER DURDEN: Okay, that's all I have for
20 right now.

21 MR. BARBER: Thank you, Commissioner.

22 BY MR. BARBER:

23 Q In fact, over those last couple of questions, we
24 saw the process by which you arrive at a professional
25 judgment, correct?

1 A (Witness Weeks) We're missing some of our SMEs
2 for CLECs but other than that --

3 Q In one of your answers, you referred to technical
4 failures.

5 A (Witness Weeks) Yes.

6 Q When BellSouth failed to meet a benchmark, failed
7 to meet a standard, it was statistically significant, but
8 you deemed it satisfied, and I thought in your answer you
9 stated something about you made a professional judgment as
10 to whether or not that would affect a CLEC's ability to
11 compete; is that correct?

12 A (Witness Weeks) Yes, that was what we were doing.

13 Q In the exercise of that judgment, did you consult
14 or confer with any CLECs?

15 A (Witness Weeks) We consulted with our subject
16 matter experts who have many years of experience with CLECs
17 and ILECs in their operations, so indirectly but not
18 directly, if you mean parties in this room.

19 Q All right. And the people you consulted with are
20 employed by KPMG, correct?

21 A (Witness Weeks) They are currently employed by
22 KPMG, formerly employed by CLECs and ILECs.

23 Q And unlike a traditional jury, they are paid by
24 BellSouth, correct?

25 A (Witness Weeks) No, they're paid by KPMG

1 Consulting.

2 Q Who bills time to BellSouth?

3 A (Witness Weeks) But the individuals themselves
4 are not compensated by BellSouth. They're paid by us
5 regardless of whether BellSouth pays their bills or not.

6 MR. BARBER: Thank you.

7 MS. AZORSKY: Good morning, Commissioners.

8 FURTHER CROSS EXAMINATION

9 BY MS. AZORSKY:

10 Q I'm going to get into a little bit of the
11 specifics of the pre-ordering and ordering and provisioning
12 tests and rather than have the whole test report in front of
13 you, Ms. Ockleberry is handing out some excerpts of the
14 report. Those excerpts include the summary of all of the
15 tests in the pre-ordering section. And you can see that,
16 that's Table IV-1.3 and it has a summary of all the tests
17 and with the evaluation criteria, the result and the
18 comments. And then there are a few tables from the pre-
19 ordering section that we will be using, Tables IV-1.4,
20 Tables IV-1.5, Tables IV-1.6.

21 And then after that, there are some sections of
22 the ordering and provisioning section of the report and once
23 again, we gave you the summary of all the tests. It's a lot
24 smaller than the big binder that the whole report comes in.
25 And a number of the tables -- again, Table V-1.5, parts 1,

1 2 and 3 and Table V-1.6, parts 1, 2 and 3. And we will be
2 referring to those. All of them have page numbers on the
3 bottom as we go through this.

4 But before we go into that, with apologies to Mr.
5 Salzburg, the statistical analysis -- and to follow up on
6 Commissioner Durden's question -- the statistical analysis
7 that you did that's represented on this page was done in a
8 number of instances when BellSouth didn't hit the benchmark;
9 is that correct?

10 A (Witness Weeks) I believe that would be a fair
11 characterization.

12 Q And I believe you described it, Mr. Weeks, as the
13 probability that a negative finding is random, in layman's
14 terms.

15 A (Witness Weeks) I don't recall exactly what I
16 said. If that's what I said --

17 Q Okay. Did you ever, in a test where BellSouth
18 just hit the benchmark, apply any kind of statistical test
19 to determine if in hitting the benchmark, if there was a
20 chance that that was random?

21 A (Witness Weeks) The answer is that that sort of
22 statistical testing when they were at or above the benchmark
23 was not necessary because of the design of our test. We
24 knew, before we even executed the test, because of the
25 significance levels and the way we designed the hypothesis

1 in the .05 that the p-value would in fact be above .05 and
2 therefore, those tests were superfluous.

3 Q Thank you. I'd like to focus on the specific
4 tests that were done here and I would like to begin by
5 focusing on pre-ordering tests. Pre-ordering test 1-3-1
6 through 1-3-9, and those are reflected on the excerpts of
7 the report. Those tests focused on -- or measured the
8 timeliness of pre-order responses, is that correct?

9 A (Witness Weeks) 1-3-1 through what was the other,
10 I'm sorry?

11 Q 1-3-9.

12 A (Witness Weeks) Yes, those all appear to be
13 timeliness.

14 Q Okay, would it be accurate to say that their
15 purpose was to test the speed with which BellSouth responded
16 to pre-order requests?

17 A (Witness Weeks) I believe that's correct. I'm
18 just double-checking here to make sure that's not
19 inaccurate. For the TAG interface, yes.

20 Q Okay, so 1-3-1 through 1-3-9 was the TAG
21 interface.

22 A (Witness Weeks) That's correct.

23 Q And other interfaces were tested in other parts of
24 the report?

25 A (Witness Weeks) That's correct.

1 Q Now the results of those tests are reported in
2 Tables 1.4 through 1.6, is that correct? You can look on
3 page Roman IV-A-22.

4 (The witnesses confer and a short recess was
5 taken.)

6 COMMISSIONER BURGESS: We're back on the record in
7 Docket Number 8354-U. This is third party testing of
8 BellSouth's operational support systems.

9 And while we do have a break, I do want to
10 recognize -- I saw him earlier in the audience our guest
11 from the Department of Justice that is here with us this
12 morning and we thank you for your attendance here this
13 morning.

14 BY MS. AZORSKY:

15 Q Mr. Weeks, we were talking about the pre-ordering
16 timeliness of response tests and the results of those tests
17 are reported in Table IV.4 which shows the summary results
18 for each pre-order category, is that correct?

19 A (Witness Weeks) IV-1.4?

20 Q IV-1.4. Is that correct?

21 A (Witness Weeks) That's correct.

22 Q And then Table IV-1.5 shows the results of each of
23 the -- shows the results of the initial test by query type,
24 is that correct?

25 A (Witness Weeks) That is correct.

1 Q And then Table IV-1.6 shows the results of the
2 retest, is that correct?

3 A (Witness Weeks) That's correct.

4 Q And again, that's by query type, is that correct?

5 A (Witness Weeks) That is by query type, yes.

6 Q Now the reason it's reported by query type is
7 because in order to evaluate the different back end systems
8 that BellSouth had, you sent through the types of queries
9 that those systems handle, is that correct?

10 A (Witness Weeks) It's correct to say that in the
11 design of the test, we sent in different order types. The
12 purpose of these tables in the report is to provide
13 additional information for people using the report.

14 Q But in order to evaluate the back end systems,
15 some of those systems -- if I look at Table IV-1.4 -- handle
16 more than one query type that you tested, is that correct?

17 A (Witness Weeks) That's correct.

18 Q And others handle only one query type, is that
19 correct?

20 A (Witness Weeks) I believe that's correct.

21 Q So let's walk through an example of this. In
22 order to evaluate BellSouth's DSAP system, you sent through
23 appointment availability queries, is that correct?

24 A (Witness Weeks) Yes.

25 Q And those results -- and the standard for that is

1 a standard set by the Commission of parity with retail
2 performance, is that correct?

3 A (Witness Weeks) Yes.

4 Q And BellSouth gets their responses in half a
5 second, correct?

6 A (Witness Weeks) the average for the time period
7 observed was half a second.

8 Q Now if you look at Table IV-1.5, which is on IV-A-
9 23, in that top section, which is reporting the timing for
10 the appointment availability query, I see two lines there.
11 The top line says TAG API responses and it shows numbers
12 going across. Do you see what I'm referring to?

13 A (Witness Weeks) Yes.

14 Q Can you explain to the Commission what TAG API is?

15 A (Witness Weeks) The ones characterized as TAG API
16 responses would be requests that were processed solely by
17 the TAG front end processing system, never made it to the
18 back. Any response that was generated would have been
19 generated by the front end TAG API itself and returned to
20 us.

21 Q So that top line represents responses that were
22 returned from the CLECs' gateway before they got into
23 BellSouth's back end system?

24 A (Witness Weeks) No, these would have been
25 returned by the ILECs TAG process -- for example, a hard

1 error. If we sent in a request through the TAG API that was
2 malformed, it would have been rejected by BellSouth's TAG
3 API processor, the one that sits on the other side of the
4 wall from us.

5 Q And so those queries did not go into the back end
6 systems for actual processing, is that correct?

7 A (Witness Weeks) That's correct.

8 Q So I misspoke when I said the CLECs' gateway, it
9 was really BellSouth's gateway.

10 A (Witness Weeks) That's correct.

11 Q The first step once it gets to BellSouth.

12 A (Witness Weeks) Yes, the things that's
13 immediately on the other side of the wall from the CLEC.

14 Q Now the second line reports BellSouth's back end
15 system responses. Am I correct in my understanding that
16 these are the queries that actually went into the back end
17 systems, collected information and came back to the CLEC?

18 A (Witness Weeks) I believe that would be correct.

19 Q When KCI calculated the average response time for
20 this query, and those responses that are reflected in Table
21 1.4, did you use only the numbers in the second line that
22 reflected the performance in BellSouth's back end systems or
23 did you also use the numbers for the queries that were
24 rejected at the gateway?

25 A (Witness Weeks) The answer is that the average

1 numbers on Table IV-1.4 would have included both lines.

2 Q So when you reported the averages, you included
3 both the responses that were rejected right at the gateway
4 and those that went all the way into BellSouth systems and
5 back out.

6 A (Witness Weeks) That's correct.

7 Q Now when you look at this table, it appears that
8 the responses that were rejected right at BellSouth's
9 gateway came back more quickly than the responses that went
10 all the way into BellSouth's systems and came back out, is
11 that correct?

12 A (Witness Weeks) I would have to actually do some
13 calculations to agree or disagree with that, but empirically
14 it looks like that's the case, yes.

15 Q Okay, because 27 -- 90 percent of the TAG API
16 responses came back in less than six seconds.

17 A (Witness Weeks) Right.

18 Q But only 18 percent of the back end system
19 responses came back in less than six seconds.

20 A (Witness Weeks) That's correct.

21 Q Now Table 1.6 reflects the results of the retest,
22 is that correct?

23 A (Witness Weeks) Yes.

24 Q And here again, in calculating the responses, the
25 responses that are reflected in Table 1.4, did you use both

1 the time for the queries that were rejected at the gateway
2 and the time for the queries that went all the way into the
3 system and came out?

4 A (Witness Weeks) Yes.

5 Q And again here, looking at Table 1.6, would you
6 agree with me that it appears that those queries that never
7 make it into BellSouth's systems come back faster than those
8 queries that do make it into BellSouth's systems?

9 A (Witness Weeks) I think the evidence says that's
10 true and it's also logical.

11 Q Turning to test -- pre-ordering test IV-3-1 and
12 IV- -- through IV-3-9.

13 A (Witness Frey) Sorry, pre-order tables or tests?

14 Q Tests.

15 MR. HILL: What page are you on, counselor?

16 WITNESS FREY: We're turning to the large report
17 now, moving away from your stack?

18 BY MS. AZORSKY:

19 Q Actually before you move on, I want to ask you a
20 question. If you look at Table IV-1.5, when you told me
21 that TAG API responses were rejected by the BellSouth
22 gateway, could you look at Footnote 34 and do you see the
23 second sentence in that footnote where it says "TAG API
24 errors are generated by the CLECs' interface prior to the
25 transaction being sent through the BellSouth TAG gateway."

1 A (Witness Weeks) Yes, I see that sentence.

2 Q Is that an error in the report or do we need to
3 modify what we talked about?

4 A (Witness Weeks) Here's the answer, and not to get
5 too technical, there's a C++ function call that takes place
6 across an Orbix network, so even though there is a function
7 call that takes place on our side, it gets executed on the
8 BellSouth computers. So I could draw a picture if that's
9 helpful but the processing that takes place that determines
10 the transaction needs to be rejected runs on BellSouth
11 computers.

12 Q Okay, so let me ask it this way because you might
13 have tried not to be technical, but you were.

14 A (Witness Weeks) I'm sorry.

15 Q We're talking about two gateways that are pretty
16 much right next to each other, is that correct, in the
17 processing sense?

18 A (Witness Weeks) They're separated by a
19 communication facility that doesn't necessarily have the
20 proximity I think you implied, but -- there's a phone line
21 between them.

22 Q In processing time, does it have the proximity
23 that I am implying?

24 A (Witness Weeks) I've seen transmission delays in
25 the two and three second range, so is that proximity or not,

1 I -- I don't want to get into that.

2 Q All right. But it is, regardless whether it's the
3 CLECs' system or the BellSouth system, it does not include
4 an analysis of BellSouth's back end systems where the
5 processing of the queries happen.

6 A (Witness Weeks) That's correct. And the sentence
7 that you referred to is probably, in layman's terms, not as
8 accurate as it should be. In fact, there is -- think of it
9 as a phone call made on the CLEC side to someone sitting on
10 the BellSouth side and the decision-making framework that
11 processes the error and determines that it's an error is on
12 the BellSouth computer and returns back to the agent working
13 on the CLEC side the message -- through response that sorry,
14 that's a bad error, you can't go any further, and therefore,
15 it doesn't go back into the back end systems that do the
16 business logic. The TAG interface is protocol-based, it
17 doesn't have any business logic in it. The business logic is
18 back behind.

19 Q So if it's rejected at that point, it doesn't
20 really measure the time it takes for the business logic
21 processing that you were just referring to.

22 A (Witness Weeks) That's correct.

23 Q All right, if you could turn to pre-ordering test
24 IV-3-1 through IV-3-9. These are not summarized in the
25 handouts that I gave you.

1 A (Witness Weeks) IV-D-10?

2 Q IV-D-10. These tests also measure timeliness of
3 response to pre-order inquiries, do they not?

4 A (Witness Weeks) That's correct.

5 Q And these were volume tests that you did at
6 "normal volume," is that correct?

7 A (Witness Weeks) Yes, that's correct.

8 Q On these tests, did you do the same thing, did you
9 use both the time for the queries that didn't go into
10 BellSouth's systems and the time for the queries that went
11 all the way into BellSouth's systems and came back out?

12 A (Witness Weeks) We believe the correct answer to
13 the question is there were a very small number of planned
14 errors and to our recollection no unplanned errors when we
15 executed the volume test, and we believe that the averages
16 that are shown include those planned errors, of which there
17 were a very small number.

18 Q So they do include the TAG API responses that you
19 got.

20 A (Witness Weeks) Yes.

21 Q Okay. But those aren't reported here like they
22 were reported back in the pre-one test, is that correct?

23 A (Witness Weeks) They're not broken out separately
24 so that you can see them.

25 Q Okay. So looking at this section, we can't see

1 the way we went through and analyzed how the TAG API
2 responses might have influenced the final numbers -- we can
3 see that in these tests, can we?

4 A (Witness Weeks) No, because they were such a
5 small number by comparison to the whole, they wouldn't have
6 changed the over all numbers.

7 Q But the number of them isn't listed in the report,
8 is it?

9 A (Witness Weeks) That is correct.

10 Q I'd like to talk about some ordering and
11 provisioning retests -- tests and retests. I'd like to go
12 to O&P-1-3-1 through 1-3-6. They begin on page V-A-11.

13 A (Witness Weeks) O&P-1-3-1 through 1-3-6?

14 Q Yes.

15 A (Witness Weeks) Okay.

16 Q O&P test 1-3-2 was a test for timely return of
17 order errors, is that correct?

18 A (Witness Weeks) Through the EDI interface, yes,
19 for fully mechanized.

20 Q Okay, well, it was divided into parts A and B,
21 wasn't it? If you look on page V-A-12 and the following
22 page?

23 A (Witness Weeks) Right.

24 Q Is that correct, it was divided into parts A and
25 B?

1 A (Witness Weeks) Yes.

2 Q And part A was to test fully mechanized orders, is
3 that correct?

4 A (Witness Weeks) Yes.

5 Q And part B was to test partially mechanized
6 orders.

7 A (Witness Weeks) That's correct.

8 Q And four fully mechanized orders, the Georgia
9 Commission standard is 97 percent received within one hour;
10 is that correct?

11 A (Witness Weeks) Yes, that's what the report
12 indicates.

13 Q And for partially mechanized orders, the standard
14 is 85 percent received within 24 hours, is that correct?

15 A (Witness Weeks) 85 in 24, yes.

16 Q Now this is one of the tests -- the test for order
17 errors on fully mechanized orders that was not satisfied, is
18 that correct?

19 A (Witness Weeks) It has a final result "not
20 satisfied."

21 Q Okay. But the partially mechanized orders were
22 satisfied, is that correct?

23 A (Witness Weeks) It shows a final result of
24 "satisfied."

25 Q Now looking at -- when you did this test, did you

1 test a certain number of orders that were intended to be
2 fully mechanized and a certain number of orders that you
3 thought would be partially mechanized?

4 A (Witness Weeks) The answer, I think, to your
5 question, if I understood it, is that for the orders
6 themselves there were specific designations of partially and
7 fully mechanized. For the errors, which is what 1-3-2
8 refers to, there were not the same provisioning of test bed
9 and specificity with respect to the exact ones -- exactly
10 which errors were supposed to be partially mechanized and
11 which ones were supposed to be fully mechanized. And this
12 represents more characterization of the errors we received
13 during our transaction testing than a design test for errors
14 that paid a great deal of attention to partially versus
15 fully mechanized.

16 Q All right, let me see if I understand that. You
17 didn't -- for this test you didn't designate partially
18 mechanized and fully mechanized. You let the orders go
19 through the system. And depending on whether or not they
20 flowed through the electronic systems, you designated them
21 as fully mechanized or partially mechanized; is that
22 correct?

23 A (Witness Weeks) For the initial test that would
24 be true.

25 Q Okay. And those -- the results of that initial

1 test are reported in Tables 1.5 -- V-1.5, and -- Parts 1,
2 2, and 3? Is that correct?

3 A (Witness Weeks) You're looking at the amended
4 pages that we handed out?

5 Q No, I am not, but I can hand the amended pages to
6 the Commission. Although -- let me ask a question. Maybe
7 we can shortcut that. The amended pages for this table
8 simply added directory listings; is that correct?

9 A (Witness Weeks) No, there were some additional
10 changes.

11 Q Okay. I don't think these will be relevant to the
12 questions I'm asking, but so your record can be clear, I
13 want to go ahead and hand out the amended pages. So the
14 record is clear, the pages I just handed out are revisions
15 that you made to this report that you delivered to the
16 Commission yesterday; is that correct?

17 A (Witness Weeks) Yes.

18 Q All right, as I said, I don't believe that these
19 questions are going to be impacted by this, by these revised
20 pages. When I look at Table 1.5, Part 1 for the initial
21 test -- strike that.

22 Let me go back. Before we get there, let's go
23 back to the summary test on page V-A-12.

24 A (Witness Weeks) Yes.

25 Q And when you made this determination of fully

1 mechanized and partially mechanized, there were a certain
2 number of orders that you couldn't classify as either fully
3 mechanized or partially mechanized; is that correct?

4 A (Witness Weeks) That's correct. Yes, during the
5 initial test, that's correct.

6 Q Okay. So turning to Table 1.5, which is on Page
7 V-A-32 -- begins on Page V-A-32, when you reported those
8 results, you didn't include the orders that you couldn't
9 classify as either fully mechanized or partially mechanized;
10 is that correct?

11 A (Witness Weeks) That's correct.

12 Q And -- and if you need to check the report, please
13 feel do (sic), but will you agree with me that Footnote 24
14 says that response is to seven -- well, strike that. It's
15 unimportant. We won't waste the Commission's time.

16 When you did the retest, similarly there were --
17 you depended on actual fallout to determine whether an order
18 was partially mechanized or fully mechanized; is that
19 correct?

20 A (Witness Weeks) That's correct.

21 Q And the retest results are reported in Table V-
22 1.6; is that correct?

23 A (Witness Weeks) That's correct.

24 Q Now, are the errors, that you could not classify,
25 reported in this table? This is the retest.

1 (Brief pause.)

2 COMMISSIONER BURGESS: We need to have an answer.

3 WITNESS FREY: Trying to make sure we get the
4 right answer.

5 COMMISSIONER BURGESS: I want the right answer;
6 but if we're going to have a conference that's going to last
7 much longer, we're going to have to reconsider how we're
8 going to proceed. I want you to have the opportunity to
9 consult with Mr. Weeks, but we've got to be a little bit
10 more timely in our responses.

11 WITNESS FREY: Sure.

12 A (Witness Weeks) We believe we have -- were
13 successful at classifying all of the orders in the first
14 retest, and that the footnote that says something to the
15 contrary should have been removed from the report.

16 Q So this change in the footnote, on Footnote 24 on
17 page V-A-12, which states that of 30 non-classified orders,
18 70 percent were received within 24 hours, that sentence
19 should be removed? There were no unclassified orders?

20 A (Witness Weeks) That's our testimony.

21 Q Is that in the changes that we delivered in the
22 Commission yesterday?

23 A (Witness Weeks) No, it is not.

24 Q Are there other changes...

25 A (Witness Frey) The table has been updated with

1 the appropriate data. The footnote was not deleted in the
2 changes delivered to the Commission and parties of record
3 yesterday.

4 Q So the numbers are reported in table IV-1.5?

5 A (Witness Weeks) You can rely on the table, and
6 the footnote you...

7 Q But the footnote is inaccurate?

8 A (Witness Weeks) That's correct.

9 COMMISSIONER DURDEN: May I interrupt here. I
10 have a question that's probably unrelated to anything that
11 we're talking about right now. But in the report that I was
12 handed, Table IV-1.4, "Average Pre-Order Response Timeliness
13 by Category," Page IV-A-21, appears to be identical to Page
14 4, A-22. Is that -- is there supposed to be some
15 difference, or is that just an inadvertent inclusion? If
16 there was a difference, I'd like for you to point it out.

17 WITNESS FREY: I'm sorry, Commissioner, what...

18 COMMISSIONER DURDEN: Page IV-A-21 and Page IV-A-
19 22 appear to me to be the same table. They appear
20 identical. Are they?

21 WITNESS WEEKS: We're looking. Hold on a second.

22 COMMISSIONER DURDEN: Okay.

23 WITNESS FREY: Sir, are you referring to documents
24 that AT&T has handed out, or are you referring to...

25 COMMISSIONER DURDEN: I'm referring to the

1 document that this lady right here, this woman, this
2 attorney handed me.

3 WITNESS FREY: Yeah. And we're -- I guess the
4 question as to AT&T, were those taken from the final report
5 issued on March 20th, 2001?

6 MS. AZORSKY: They were.

7 WITNESS FREY: Okay. On Page IV-A-22.

8 WITNESS WEEKS: IV-A-22, in our copy of the
9 report, shows table IV-1.4.

10 COMMISSIONER DURDEN: Yeah. So does mine.

11 WITNESS WEEKS: And the next page...

12 COMMISSIONER DURDEN: No. No. IV-A-21 and IV-A-
13 22.

14 WITNESS WEEKS: Yes. IV-A-21 doesn't have a table
15 on it in our copy of the report.

16 COMMISSIONER DURDEN: Well, it does on mine.

17 MS. AZORSKY: And I think -- I think what
18 happened, Mr. Commissioner, is there is an electronic copy
19 of the report posted on the Commission's website, and the
20 page numbers are slightly different. So that on the
21 electronic copy the table ends on IV-A-20, and the table
22 appears on IV-A-21, and the copies were made from two
23 different versions, so they are -- they do appear to be
24 identical.

25 COMMISSIONER DURDEN: Well, they are identical on

1 this.

2 MS. AZORSKY: They are because they're from two
3 different copies. But that's because the electronic version
4 of the report has different page numbers.

5 COMMISSIONER DURDEN: Okay. And I have a
6 question, too, about that table. Why is the average
7 response time for all of these categories in initial testing
8 so vastly different from the average response time in the
9 retest?

10 WITNESS WEEKS: BellSouth made certain system
11 changes to accomplish that.

12 COMMISSIONER DURDEN: Do you believe that -- in
13 other words, my concern is if they went from 63.3 seconds to
14 1.9 seconds, that they could go back the other way?

15 WITNESS WEEKS: I couldn't comment on that. I
16 mean, anytime one makes system changes, you can see a
17 potential impact on performance. So I would have to say
18 yes, that's within the realm of possibility that that could
19 happen if a system change was made.

20 COMMISSIONER DURDEN: Okay. I'm sorry to digress,
21 but that...

22 MS. AZORSKY: Perfectly all right, Mr.
23 Commissioner. It's your hearing.

24 BY MS. AZORSKY:

25 Q On the final retest for this error clarification

1 timeliness, the second retest, which is reported in Table
2 1.7...

3 A (Witness Weeks) Okay, we're on 1.7.

4 Q Wait. Actually let me back up: I'm sorry. I
5 want you to look at Table 1.6. B-1.6 on your corrected
6 pages.

7 A (Witness Weeks) Okay, we're on 1.6.

8 Q Has this summary table been modified?

9 (Brief pause.)

10 Q The revised copies that we just handed to you.
11 There's only two of them.

12 A (Witness Frey) There's no corrected copy of Table
13 1.6.

14 Q Okay. So Table 1.6 on V-A-35, has not been
15 modified?

16 A (Witness Weeks) That's correct.

17 A (Witness Frey) That's correct.

18 Q All right. When you came to your conclusion that
19 BellSouth met the benchmark for partially mechanized errors,
20 did you rely on the disaggregated data in the table, or did
21 you rely on the summary data?

22 A (Witness Weeks) Summary.

23 Q So even -- so even though you've reported the 30
24 orders that you originally couldn't classify in your
25 disaggregation table, you did not rely on those in

1 calculating BellSouth's compliance with the 85 percent
2 benchmark established by the Commission; is that correct?

3 A (Witness Weeks) The -- the results in our report
4 are based upon the aggregated information that's in the
5 summary table.

6 Q Okay. So did you go back and reevaluate your
7 conclusion that BellSouth had met the partially mechanized
8 standard when you were able to classify the 30 orders that
9 previously you could not classify?

10 A (Witness Frey) I think the -- your previous
11 question might have been misunderstood. The data that has
12 been classified and treated appropriately in the tables does
13 form part of the results on which our analysis was based.
14 And those classifications are included in both the summary
15 tables and in the disaggregated tables.

16 Q So you have now included these 30 orders that were
17 previously unclassified in the summary table?

18 A (Witness Frey) Those orders have always been
19 included in the summary tables.

20 A (Witness Weeks) For the -- for the first retest.

21 Q For the first retest?

22 A (Witness Weeks) Yes.

23 A (Witness Frey) Yes.

24 Q And so you're -- where did you put them? Did you
25 put them in fully mechanized or did you put them in

1 partially mechanized?

2 A (Witness Weeks) Where they belonged. Either one.
3 Whichever was appropriate for the each of the 30 orders.

4 Q When you originally reported them, you could not
5 classify the 30 orders; is that correct?

6 A (Witness Weeks) As we've said, the footnote is
7 incorrect. By the time we got to producing these tables,
8 both the summary table and the disaggregated tables, they
9 had been classified and placed in their proper position in
10 the appropriate columns and rows in the tables.

11 Q So, for the retest on error clarification
12 timeliness for partially mechanized orders, the total number
13 you tested was 70, not 100?

14 A (Witness Weeks) For partially, that would be
15 true. Yes, that's true for partially.

16 Q And those are accurately reflected?

17 A (Witness Weeks) We believe they are.

18 A (Witness Frey) When you say the total we tested,
19 the error clarifications received in response to orders
20 submitted totaled 70 for partially mechanized -- for orders
21 that were classified as partially mechanized. Yes, that's
22 correct.

23 Q And now, previously all of those orders were not
24 reflected in the disaggregated data?

25 A (Witness Weeks) In the final report that you're

1 looking at, the -- both the aggregate and the disaggregated
2 tables contain the 30.

3 Q With the corrected pages?

4 A (Witness Weeks) Right. Well, they had them in
5 the originals.

6 A (Witness Frey) These aren't corrected pages.
7 Right.

8 A (Witness Weeks) We didn't correct these pages.
9 We did not correct these pages as a result of the 30, let's
10 put it that way.

11 Q Okay. So Footnote 24 has always been incorrect?

12 A (Witness Weeks) That is correct.

13 Q Thank you.

14 All right, let me focus on a different -- let me
15 focus on a different issue with regard to Tables 1.6, Part 1
16 and 2. When you reached your conclusions, and I believe you
17 said this just a moment ago, in calculating whether the
18 response time for fully mechanized and partially mechanized
19 errors met the Commission's standard, you calculated that
20 based on Table 1.6, Part 1, the summary data; is that
21 correct?

22 A (Witness Weeks) I believe that's correct.

23 Q Okay. Now, you reported it based on the
24 disaggregated data that is included in the Commission's June
25 6th order, applying standards and benchmarks for this third-

1 party test; is that correct?

2 A (Witness Weeks) Yes.

3 Q But your evaluation was not based on that?

4 A (Witness Weeks) That's correct.

5 Q Okay. Is there a reason that you based your

6 evaluation on the aggregated data instead of the

7 disaggregated data ordered by the Commission?

8 A (Witness Frey) At the time of the test, when the
9 order sample sizes were designed, the standards to be used
10 for purposes of the test had not been specified by the
11 Commission. These levels of disaggregation were not known
12 to us. These tables were provided for information purposes
13 only.

14 Q When did you conduct the retest? You might want
15 to look at page V-A-37, the notes to the table on the
16 retest.

17 A (Witness Frey) We conducted August 25th through
18 November 15th, 2000.

19 Q Could you have tested for the retest based on
20 statistically valid samples for the level of disaggregation
21 ordered by the Commission?

22 A (Witness Frey) Theoretically, yes.

23 Q Okay. And when did you conduct the second retest?

24 A (Witness Frey) January 19th through February 27th.

25 Q So those tests also were conducted after the

1 Commission issued its order establishing benchmarks and
2 standards for this test; correct?

3 A (Witness Frey) That's correct. And retests were
4 targeted based on criteria that had been identified in the
5 first and second -- in the case of the second test, criteria
6 that were identified in the first test as not satisfied; in
7 the case of the second retest, for criteria that, in both
8 the initial test -- or in the initial test and/or the
9 retest, had not achieved a satisfied -- had not achieved
10 satisfactory performance.

11 Q So when you conducted the initial retest, the test
12 that was conducted after the Commission's orders on
13 standards and benchmarks, you didn't test any local number
14 portability, or you tested one local number portability
15 standalone; is that correct?

16 A (Witness Weeks) For partially mechanized?

17 Q Put them both together; fully mechanized and
18 partially mechanized. If you look at Table 1.6, Part 2 --

19 A (Witness Weeks) Right.

20 Q -- on the disaggregated data, and we look at the
21 line that says, "LNP Standalone," I see zeros all the way
22 across.

23 A (Witness Weeks) I do as well.

24 Q And if we look at partially mechanized, I see one.

25 A (Witness Weeks) That's correct.

1 Q Okay. Similarly, two wire loops with INP design,
2 when you did your first retest, I see zeros all the way
3 across on fully mechanized.

4 A (Witness Frey) INP had been phased out at that
5 time.

6 Q Okay.

7 COMMISSIONER BURGESS: That's interim number
8 portability?

9 WITNESS FREY: That's correct.

10 BY MS. AZORSKY:

11 Q Okay, when you did your retest, you tested four 2-
12 wire loops; is that correct?

13 A (Witness Frey) Are you talking about the first
14 retest or the second retest?

15 Q Second retest.

16 A (Witness Frey) There were four 2-wire loop
17 design; that is correct.

18 Q Okay. If -- again, for the second retest, would
19 it have been possible to set statistically valid samples for
20 all of the levels of disaggregation in the Commission's
21 order, in order to conduct the -- when you conducted those
22 tests?

23 A (Witness Weeks) We're being advised by our
24 statistician that statistically valid sample size is not a
25 term that statisticians would be comfortable using. The

1 design of sample sizes is somewhat complex and can't be
2 oversimplified easily. We certainly -- if you're asking the
3 question could we have tested more instances than we did,
4 the answer is yes, we could have. The design of the retest,
5 as previously testified, was not to recreate the entire test
6 over again, it was to focus in on particular issues that
7 were raised in exceptions. So you see a mix of transactions
8 that reflects the design of the test as we -- the design of
9 the retest as we were focused on clearing exceptions.

10 COMMISSIONER DURDEN: Let me ask you this
11 question. Isn't it true that the size of the sample -- as
12 the size of the sample gets larger, a statistically
13 significant result is easier and easier to achieve in the
14 sense that a given difference will tend to be statistically
15 significant -- more likely to be statistically significant
16 in a larger -- a much larger sample size than it will in a
17 much smaller sample size?

18 WITNESS WEEKS: If there really is a difference,
19 then the test would be designed in such a way that if there
20 really were a difference, the answer is yes, the larger the
21 sample size, the more likely that you would get that.

22 COMMISSIONER DURDEN: Yeah. Although I think -- I
23 mean, I'm not disagreeing with you that you can't -- it's
24 not meaningful to say, "We've got a statistically
25 significant sample size." That's a very different thing

1 from what -- from what we just talked about.

2 WITNESS WEEKS: That's correct.

3 COMMISSIONER DURDEN: But I think we don't want to
4 be misled by assuming that because something is
5 statistically significant, we don't want to overdo that.

6 WITNESS WEEKS: Correct.

7 COMMISSIONER DURDEN: I'm not saying you can --
8 you can't generally manipulate it to get whatever outcome
9 you want, although you can massage data. I think that's
10 kind of a common misconception. But there are some things
11 built into the way these things are calculated that can
12 yield a result that can be -- can be, I'm not saying any of
13 these are -- but can be misleading in the sense -- and this
14 is one good example. If you've got a sample size of 2,000,
15 a given difference is more likely to be significant than if
16 you have a sample size of 100, all other things -- all other
17 things being equal.

18 WITNESS WEEKS: If there's a true difference in
19 the population, yes.

20 COMMISSIONER DURDEN: Yeah. Well, without a true
21 difference, you don't have any difference.

22 WITNESS WEEKS: Yes. As has been pointed out, you
23 could still observe in your sample differences where...

24 COMMISSIONER DURDEN: That could be attributed to
25 randomness.

1 WITNESS WEEKS: ...to randomness; exactly.

2 COMMISSIONER DURDEN: Yeah. But that's what the
3 test of significance is designed to ferret out; right?

4 WITNESS WEEKS: That's correct.

5 COMMISSIONER DURDEN: And the other point I want
6 to make is choosing the level of significance, whether it's
7 .05 or .01, can also have a big effect on whether a given
8 difference is statistically significant or not. And that's
9 one of the things that statisticians have to mull about
10 before they even begin, is at what level of significance do
11 we want to test; right?

12 WITNESS WEEKS: The answer is yes.

13 COMMISSIONER DURDEN: The answer is yes. And what
14 that means is, if you choose a .05 level, that means that
15 with regard to this particular sample, if there is less
16 than -- if there's a five percent or less chance that this
17 was just a randomly generated difference, then it's going to
18 show up as statistically significant; correct? Yes.

19 WITNESS WEEKS: That's correct.

20 COMMISSIONER DURDEN: And if its -- if your level
21 of significance is .01, that means you've decided that it's
22 more important -- one of the considerations, it's more
23 important to make sure that you've got a statistically
24 significant -- I believe I'm saying this right --
25 statistically significant sample in fact. Because that

1 means there's less than a one percent chance that the
2 difference was just due to pure randomness. One percent or
3 less.

4 WITNESS WEEKS: That's correct.

5 COMMISSIONER DURDEN: Okay.

6 MS. AZORSKY: I'm impressed. But let me follow...

7 COMMISSIONER DURDEN: What I'm impressed with is
8 that they have to consult before they answer these
9 questions. I don't know what to make of that.

10 MS. AZORSKY: That's a good question. But I'll
11 let you ask that question.

12 COMMISSIONER DURDEN: I will ask it.

13 BY MS. AZORSKY:

14 Q Following up on Commissioner Durden's question,
15 and looking at Table 1.6, Part 2, which lists the levels of
16 disaggregation ordered by the Commission, did you conduct
17 any analysis to set sample sizes that you felt -- I won't
18 use the term "statistically valid" -- that would be
19 meaningful for each of these individual levels of
20 disaggregation?

21 A (Witness Frey) No, our -- our test was not
22 constructed with the levels of disaggregation specified in
23 the June 6th order.

24 Q Thank you. I have no further questions.

25 COMMISSIONER BURGESS: BellSouth?

1 MR. ROSS: We respectfully request that we be
2 permitted to go after the other parties in this docket, if
3 we could.

4 MS. BOONE: Chairman Burgess, we would object to
5 that. I believe it's traditional that friendly cross-
6 examination be the first cross that's offered. That's how
7 it happens in all the other dockets that we participate in
8 here. And I believe BellSouth is sponsoring the test,
9 ultimately.

10 COMMISSIONER BURGESS: I said that when we started
11 the -- we would go in alphabetical order, and I didn't hear
12 any objection from any party at that time, so we're going to
13 go that way. So, Mr. Ross, it's time for BellSouth to come
14 on.

15 COMMISSIONER DURDEN: See, if you'd kept the name
16 Southern Bell, that would have solved your problem.

17 (Laughter.)

18 MR. ROSS: I just have a few questions just to
19 clarify some of the issues that were raised by counsel for
20 AT&T.

21 FURTHER CROSS EXAMINATION

22 BY MR. ROSS:

23 Q Mr. Weeks, I'd like to direct your attention to
24 pre -- 1-3-3 which was in the pre-ordering section of the
25 test, the test criteria -- I'm sorry 1-3-3. Do you have

1 that?

2 A (Witness Weeks) Yes.

3 Q And this was the issue of one second response for
4 the CLECs and the .05 second response for BellSouth, do you
5 recall those questions?

6 A (Witness Weeks) Yes, I do.

7 Q What is the actual test criterion that's being
8 evaluated here?

9 A (Witness Weeks) As stated in the report, it says
10 that the TAG interface provides timely pre-order responses
11 from the -- in this case DSAP back end system.

12 Q Does KPMG have an opinion as to whether .05 or one
13 second is a timely response?

14 A (Witness Weeks) We would think that both of those
15 would be considered timely responses.

16 Q Now you had testified in response to questions
17 from counsel from AT&T that the standard at the time that
18 the Commission had adopted was a parity standard; is that
19 correct?

20 A (Witness Weeks) Yes, that's our understanding,
21 that it was parity with retail.

22 Q To your knowledge, do you know whether the
23 Commission has since modified that standard?

24 A (Witness Weeks) We have no knowledge of whether
25 that's taken place or not.

1 Q Let me ask you to assume for purpose of my
2 question that the Commission has since modified the standard
3 to be a parity plus two second interval. Assuming that that
4 standard were applied here, would this criterion be
5 satisfied?

6 A (Witness Weeks) Yes, it would be satisfied.

7 Q In the discussion that you had with Commissioner
8 Durden and counsel for AT&T about statistical tests, were
9 the statistical tests that you employed here in connection
10 with the test of BellSouth's OSS consistent with the
11 statistical tests employed by KPMG in other states?

12 A (Witness Weeks) It's consistent with current
13 practices. There may be practices in New York that it's not
14 consistent with.

15 Q Commissioner Durden also asked you a question
16 about Table IV-A-4, which dealt with the dramatic --
17 relatively dramatic improvement in BellSouth's performance
18 from the first test to the second test.

19 A (Witness Weeks) I remember the question.

20 Q I'm sorry IV-1-4, right. To the extent the
21 Commission were requiring BellSouth to report its
22 performance data for these particular back end systems,
23 would the Commission be able to monitor whether BellSouth's
24 performance had deteriorated or not?

25 A (Witness Weeks) To the extent that the breakdown,

1 the disaggregation in the SQMs recorded those results and
2 continued to do that, then they could monitor that, yes.

3 MR. ROSS: No further questions, Mr. Chairman.

4 COMMISSIONER BURGESS: Thank you. Cable
5 Television Association of Georgia.

6 MR. MIDDLETON: No questions.

7 COMMISSIONER BURGESS: Covad, Ms. Boone.

8 MS. BOONE: It's not as bad as it looks,
9 Commissioner.

10 FURTHER CROSS EXAMINATION

11 BY MS. BOONE:

12 Q Good afternoon, I'm Cathy Boone with Covad
13 Communications. How are you?

14 A (Witness Weeks) Good afternoon.

15 Q I'm going to be focusing mostly on the
16 supplemental test plan, which involves xDSL testing, and you
17 all have a copy of that there?

18 A (Witness Weeks) Yes, we do.

19 Q Do you also have a copy of the exceptions that you
20 filed?

21 A (Witness Weeks) Yes, we do.

22 Q Now the first thing I just want to be clear on is
23 exactly what you viewed KPMG's role as in this procedure.
24 Would it be fair to say that you inquired from BellSouth
25 what the process was for provisioning xDSL loops and then

1 measures the processes involved in that process?

2 A (Witness Weeks) I think that's a fair
3 characterization.

4 Q Okay. Did you, in your analysis, advise BellSouth
5 that any of their processes were perhaps inefficient?

6 A (Witness Weeks) I don't think efficiency was ever
7 a test objective.

8 Q Okay. So in essence, you took what they had and
9 you just measured how they did it, right?

10 A (Witness Weeks) I think that's a fair
11 characterization.

12 Q So your job here was not to try to improve their
13 process, right?

14 A (Witness Weeks) That was never an objective of
15 the test.

16 Q I'd like to talk first about -- it's on page IV-B-
17 6.

18 A (Witness Weeks) Is this the supplemental report?

19 Q Yes, sir, it is. I'm going to keep it simple,
20 it's all going to be about DSL.

21 Now this -- starting on this page is where you all
22 began your evaluation of the DSL provisioning processes and
23 ordering processes is that correct?

24 A (Witness Weeks) IV-B-6 in the supplemental test
25 plan, section 3.0 result summary, is that the section you're

1 referring to?

2 Q Right; yes, sir.

3 A (Witness Weeks) Okay.

4 Q Now test POP-12-2-1, do you see that one?

5 A (Witness Weeks) Yes.

6 Q Now that was a test of whether you got the
7 expected response from an LSR from BellSouth, is that
8 correct?

9 A (Witness Weeks) Pre-order or LSR.

10 Q Okay, so a service inquiry or an LSR or a loop
11 makeup order.

12 A (Witness Weeks) Yes.

13 Q Any of those. Okay. Now in that -- in this
14 particular test, you sent 370 orders initially, is that
15 right?

16 A (Witness Weeks) Pre-order and order.

17 Q Correct, I'm sorry, I don't mean to keep saying
18 order -- pre-orders and orders. And you got an
19 acknowledgment on 30 percent, is that right?

20 A (Witness Weeks) For the initial testing, that is
21 correct.

22 Q Now you were expected to get an acknowledgment on
23 every order, is that correct?

24 A (Witness Weeks) Yes.

25 Q Now, is that because the --

1 A (Witness Weeks) Okay, I stand corrected. When we
2 first started our tests, BellSouth did not have a procedure
3 in place that required them to acknowledge pre-orders or
4 orders sent in through manual processes.

5 Q And when did you start this test?

6 A (Witness Frey) It was approximately fourth
7 quarter 2000.

8 Q Fourth quarter 2000. So would it be fair to say
9 from the beginning of time until the fourth quarter 2000,
10 BellSouth did not acknowledge pre-orders sent manually?

11 A (Witness Weeks) We really wouldn't know the
12 answer to that question. They didn't have a process that
13 required that, to our knowledge.

14 Q So it's possible that they acknowledged them, but
15 they didn't have a process that required it. Do you know of
16 any other ILECs that have no process for acknowledging
17 manual orders or pre-orders?

18 A (Witness Weeks) We're not aware of any.

19 Q Now the next thing you report here is that
20 BellSouth implemented this new system to acknowledge e-
21 mails, is that right?

22 A (Witness Weeks) Yes.

23 Q Now that was in September, I believe, according to
24 your report, is that right?

25 A (Witness Weeks) Yes.

1 Q Now later, you tested again, as you continue
2 reading, and of the 111 e-mails, you got -- no, excuse me,
3 112 e-mails, you got responses on 111, correct?

4 A (Witness Weeks) Yes, both those numbers are
5 correct.

6 Q Okay. And how man responses did you get on the
7 faxes that you retested?

8 A (Witness Weeks) They don't acknowledge faxes.

9 Q They still don't acknowledge faxes.

10 A (Witness Weeks) We believe that they are in the
11 process of phasing out faxes, but the process did not get
12 changed in September for faxes.

13 Q Okay. Well, I guess what I would like to discuss
14 with you is you were evaluating whether BellSouth returned
15 appropriate responses to pre-orders that were submitted
16 either by facsimile or e-mail, is that correct?

17 A (Witness Weeks) Well, it says it provides
18 expected responses.

19 Q Okay, expected response is a response, correct?

20 A (Witness Weeks) Expected response would be that
21 response called for by the process.

22 Q Okay, so if the process had no response, then
23 there wouldn't be anything for you to measure, right?

24 A (Witness Weeks) If there was no expectation, then
25 we would have no expectation.

1 Q So if BellSouth devised a system in which they
2 just said we're not going to ever acknowledge anything you
3 send -- any order Covad ever sends, then that would be okay
4 with you and there wouldn't be any reason to test that.

5 A (Witness Weeks) It's not up to me to be okay. We
6 were testing the systems that were in place and if they had,
7 as I previously testified, no process for acknowledgement,
8 then there would have been nothing for us to test as
9 testers. We can't test what doesn't exist.

10 Q Okay, and do you know definitively whether there
11 was in the process a requirement to acknowledge an order
12 sent by facsimile, a pre-order sent by facsimile?

13 A (Witness Weeks) Our understanding of the current
14 process is that it does not require an acknowledgement of a
15 faxed order.

16 Q Could you turn to exception 112, please?

17 MS. BOONE: Mr. Chairman, am I correct that all
18 the exceptions are also already in the record or should I
19 enter this as a Covad exhibit?

20 COMMISSIONER BURGESS: No, they're part of the
21 record also.

22 BY MS. BOONE:

23 Q Do you have 112 there?

24 A (Witness Weeks) Yes, we do.

25 Q Now in this exception, KPMG was monitoring loop

1 makeup inquiries, is that correct?

2 A (Witness Weeks) Yes, loop makeup and LSR.

3 Q Okay. And you initially issued an exception
4 because you did not get the expected response, is that
5 correct?

6 A (Witness Weeks) That's correct.

7 Q Now the problem was you didn't know then if
8 BellSouth had gotten your orders ever, is that right?

9 A (Witness Weeks) That's correct.

10 Q And from a testing standpoint, you would have
11 expected a response, is that right?

12 A (Witness Frey) We would not have known that our
13 order had been received until a subsequent response, such as
14 an FOC or an error had been received.

15 Q If you ever got the subsequent response. Because
16 it's possible that you might not have gotten that response.

17 A (Witness Frey) That is theoretically possible,
18 yes.

19 Q Okay, so that the importance of a response is so
20 that you, KCI, acting as a CLEC, will know if your order
21 ever got there, right?

22 A (Witness Frey) That's correct.

23 Q Now you discussed some of the impacts the lack of
24 this response had and it was a decrease in customer
25 satisfaction and an increase in operating costs, is that

1 correct?

2 A (Witness Weeks) It could have resulted in that.

3 A (Witness Frey) Yes.

4 Q Okay. And that's a result of not having a
5 response either by fax or by e-mail, right?

6 A (Witness Weeks) Yes.

7 A (Witness Frey) It's a result of not having a
8 response at all, yes.

9 Q So to the extent that BellSouth still accepts
10 anything by facsimile and they don't have a process for
11 acknowledging those, would you agree with me that there
12 still is a decrease in customer satisfaction and an increase
13 in costs?

14 A (Witness Frey) I would agree that there is a
15 potential for those impacts.

16 Q That's all I want to know. Now you subsequently
17 closed out this exception, is that right?

18 A (Witness Frey) Yes.

19 A (Witness Weeks) Yes.

20 Q And on what basis did you close the exception?

21 A (Witness Weeks) BellSouth developed a documented
22 process in response to this lack of a process.

23 THE REPORTER: I couldn't hear your answer.

24 A (Witness Weeks) BellSouth developed a process in
25 response to the exception which noted the lack of a process.

1 BY MS. BOONE:

2 Q But that's a process for acknowledging e-mails,
3 not a process for acknowledging facsimiles, right?

4 A (Witness Weeks) I believe the way -- I believe in
5 the exception when it was written, it was for both e-mail
6 and fax.

7 Q Is that accurate?

8 A (Witness Weeks) Is what accurate?

9 Q That BellSouth has a process for acknowledging
10 receipt of facsimile orders?

11 A (Witness Weeks) It is our belief that BellSouth
12 has phased out fax orders.

13 Q As of when?

14 A (Witness Weeks) We don't know the date.

15 Q Was it before this closure report?

16 A (Witness Weeks) We believe they were still
17 accepting faxes as of this closure.

18 Q Well, I just want to be clear, because you closed
19 the closure report on the basis of the existence of a
20 process that BellSouth had put in place to return
21 acknowledgements of pre-orders sent by e-mail or facsimile.
22 Are you now stating that there was not in fact, at the time
23 you closed this, a process in place for acknowledging orders
24 sent by facsimile?

25 A (Witness Weeks) Give us a moment to re-read the

1 closure statement.

2 (Brief pause.)

3 A (Witness Frey) We closed the exception based on
4 the implementation of a process that provided for an
5 acknowledgement to the CLEC upon receipt of a manual LMU
6 request from a CLEC. The process for accepting faxes was
7 being phased out.

8 Q But had not yet been phased out?

9 A (Witness Frey) I believe at the time of the
10 closure statement, it was in the process of being phased
11 out, correct.

12 Q Now the order acknowledgement or pre-order
13 acknowledgement process --

14 COMMISSIONER BURGESS: One question. Do you know
15 whether or not faxes are being accepting for pre-ordering or
16 ordering of DSL loops today?

17 WITNESS FREY: It's our understanding that they're
18 not, but we have not verified that.

19 BY MS. BOONE:

20 Q Now in your summary of the retest activities
21 that's on page 2 of the closure report, you state a couple
22 of reasons in addition to the one you just offered. One
23 thing you said was that you don't need an acknowledgement
24 because a CLEC can submit a request for a status to the
25 complex resale group. Do you see that right there in the

1 second paragraph?

2 A (Witness Weeks) Yes. The sentence that starts
3 "According to the new documentation"?

4 Q Yes, sir.

5 A (Witness Weeks) I see that.

6 Q Okay. Now so is it your view that having the CLEC
7 initiate a status request to BellSouth is sufficient to
8 replace the actual acknowledgement of an order from
9 BellSouth?

10 A (Witness Weeks) I would say it's not a
11 replacement for, it is a mitigation of a lack of.

12 Q A mitigation of the lack of the BellSouth process
13 or the failure of the BellSouth process.

14 A (Witness Weeks) If an acknowledgement was not
15 coming to you and you could mitigate that lack by doing a
16 request during the query, then it would tend to offset that
17 lack of response.

18 COMMISSIONER BURGESS: Would you pull your mic a
19 little closer to you? The court reporter is still having a
20 tough time hearing.

21 BY MS. BOONE:

22 Q I just want to be clear. The CLECs are obligated
23 to mitigate BellSouth's failure to return an
24 acknowledgement, is that right?

25 A (Witness Weeks) We're just pointing out a fact,

1 as a finder of fact, that at the time this evaluation took
2 place, there was not an acknowledgement in place, and that
3 it was possible for CLECs to determine what the status of
4 that was, but in the end, as the report states, you know,
5 we're still in a "not satisfied" situation on this
6 evaluation criteria.

7 Q Yeah, I was just going to get to that. Now let's
8 talk about exception number 134. Exception number 134 was
9 again opened regarding acknowledgement of pre-orders from
10 CLECs on xDSL, is that right?

11 A (Witness Weeks) It says we didn't get expected
12 responses, there were missing acknowledgements for certain
13 types of pre-orders and orders,

14 Q All right. Now help me understand how this works,
15 because you had exception 112 we were just talking about
16 that dealt with acknowledgement of loop makeup as well as
17 LSR, SI inquiries sent that were not properly acknowledged,
18 is that correct?

19 A (Witness Weeks) 112 was about a missing process.

20 Q Okay, and then what's 134 about?

21 A (Witness Weeks) It's about actual responses
22 received and whether or not they were expected or not.

23 Q Excuse me, I didn't hear the last bit.

24 A (Witness Weeks) It's talking about the fact that
25 we had missing acknowledgement or responses to our pre-order

1 queries and our LSRs. One is process oriented, the other is
2 results oriented.

3 Q Okay. So in exception 112, you've concluded that
4 there was not a process and when BellSouth put in place a
5 process, you passed them, correct? You closed the
6 exception.

7 A (Witness Weeks) Well, a closure of an exception
8 is not a passing of a test, those are independent actions.

9 Q Thank you for that clarification. You closed the
10 report on that basis, is that correct?

11 A (Witness Weeks) We closed the process exception
12 based on the creation of a process.

13 Q And then you opened exception 134 because the new
14 process didn't work, right?

15 A (Witness Weeks) Because we were missing certain
16 responses and things that we needed.

17 Q Now you opened exception 34 on March 16, 2001, is
18 that correct?

19 A (Witness Weeks) 134?

20 Q Yes, sir.

21 A (Witness Weeks) On the 16th, yes.

22 Q And if you look back at 112, that's the day you
23 closed that one on. Is there any significance in that?

24 A (Witness Frey) Coincidence.

25 Q Coincidence, okay. Did you consider combining

1 these two exceptions to monitor not only the process but
2 then how the processed worked?

3 A (Witness Weeks) No, there was a decision taken
4 early on in the Georgia test that we would try to make a
5 large number of small fine-grained exceptions, each as much
6 as possible focused on a particular topic. And so the
7 existence or lack thereof of a process is in our mind a
8 fundamentally different thing than how the company performs
9 while it operates that process. So in our minds, those are
10 two issues that would be dealt with separately.

11 Q Okay. Now with exception 134, you submitted 447
12 pre-order loop makeup service inquiries and LSR service
13 inquiries, is that right?

14 A (Witness Weeks) I believe 447 -- yeah, I believe
15 that's correct.

16 Q And you got an acknowledgement on 93 percent of
17 those, right?

18 A (Witness Weeks) Yes.

19 Q Now is it part of your role to figure out what
20 happened with the seven percent?

21 A (Witness Weeks) The way these tests are performed
22 is that when we have a missing response, we will communicate
23 what we believe to be missing to the company because we're
24 willing to admit we may have been the cause of the problem
25 or the error and we would like clarification from the

1 company as to whether from its perspective it agrees that
2 those items should be missing. We go through a fact-finding
3 process to try to resolve where these things might be.

4 Q Now doesn't that actually occur at the draft
5 exception level, before it ever becomes a formal exception
6 with this Commission?

7 A (Witness Weeks) Well, the process of trying to
8 communicate problems or issues could have been brought to
9 light in several different ways.

10 Q Let me ask it this way. For every exception you
11 filed with this Commission, did you present to BellSouth a
12 draft exception covering the same issues?

13 A (Witness Frey) I can think of no exceptions to
14 that process.

15 Q Is that a yes?

16 A (Witness Weeks) We don't recall any instances
17 where that's not the case.

18 Q Okay. Now was it then BellSouth's opportunity to
19 explain to you that you were incorrect?

20 A (Witness Weeks) That's the way the process
21 worked.

22 Q And in how many instances did they do that,
23 convince you not to file a formal exception I guess is the
24 question.

25 A (Witness Weeks) I don't have a count.

1 A (Witness Frey) I don't recall specifically, I'd
2 say approximately 10.

3 Q So if you can't recall any exceptions to the
4 exception rule, you submitted a draft exception of 134 to
5 BellSouth, is that correct, to the best of your
6 recollection?

7 A (Witness Frey) Yes.

8 Q And at that time, BellSouth would have discussed
9 with you whether they believed that it was actually 93
10 percent that were acknowledged or 98 percent, is that
11 correct?

12 A (Witness Weeks) No, they would have discussed
13 individual line items with us that were part of the
14 exception and they would have contested or agreed with
15 individual topics, not percentages. The percentages are a
16 calculation.

17 Q Okay. So is it fair to say that with respect to
18 the seven percent that did not acknowledgements, BellSouth
19 either said we don't know what happened to them or yes, we
20 were wrong.

21 A (Witness Frey) It's fair to say that at the time
22 the exception was issued, BellSouth did not provide any
23 evidence to us that was satisfactory in our view to call for
24 the removal of a pawn from the detail list provided in the
25 text of the exception.

1 Q Okay. Now after the exception becomes a formal
2 exception with the Commission, do you then work with
3 BellSouth to determine a way to improve their process?

4 A (Witness Weeks) No.

5 Q I'm sorry, could you speak into the microphone?

6 A (Witness Weeks) No, that is not our
7 responsibility.

8 Q Okay. Explain to me then how the military testing
9 works.

10 A (Witness Weeks) Military testing fundamentally
11 suggests that we raise -- we conduct a test, if the test
12 results aren't satisfactory, we communicate the fact that
13 there are certain things that didn't work properly such as
14 through an exception. The company goes and researches that,
15 determines whether or not the facts that we have attempted
16 to communicate are accurate or inaccurate. After we go
17 through the factual accuracy stage, if in fact the company
18 acknowledges that there is a problem, then the company can
19 make a decision as to whether they choose to fix the problem
20 or not fix the problem. If they choose to fix the problem,
21 they communicate to us what the nature of that fix is, what
22 the timing of that fix is and then a determination is made
23 as to whether there will be a retest or not. If there's a
24 retest done, then we start the cycle again and at some point
25 either the issue gets resolved or the issue gets into a

1 state where no more formal testing or analysis is possible
2 at this time.

3 Q Okay. In your report, I didn't see any instances
4 of a third test. So am I to understand that on each of these
5 where a retest was required, BellSouth failed the first test
6 and passed the second test?

7 A (Witness Weeks) Or got into a situation where
8 they chose not to make changes or not to conduct a resting.

9 Q And then what happens?

10 A (Witness Weeks) Well, then there's a closure
11 statement on the exception because there's no further work
12 that's possible at that time, and based upon the company's
13 performance, we award a satisfied, not satisfied, no
14 determination possible -- the four categories discussed
15 earlier.

16 Q And in how many instances did BellSouth not agree
17 to either improve the process or change the process and
18 agree to a retest?

19 A (Witness Weeks) If I understood the question
20 correctly, I think one could look at probably a count of the
21 not satisfied, which I don't have off the top of my head.

22 Q And those would be the only instances. There
23 would be no test in which BellSouth had failed the first
24 test, refused a retest and then you would have offered any
25 result other than not satisfied?

1 A (Witness Weeks) I can't think of an example of
2 that.

3 Q Now --

4 COMMISSIONER BURGESS: Let me ask you, Ms. Boone,
5 how much longer do you think you have for your cross? I'm
6 just trying to map out the calendar here.

7 MS. BOONE: I think I have another half an hour or
8 so.

9 COMMISSIONER BURGESS: We'll go forward and at
10 1:00 we'll take a 30-minute break for lunch. So you go
11 right ahead.

12 MS. BOONE: Okay, thank you.

13 BY MS. BOONE:

14 Q I'd like you to turn now to exception 117. Do you
15 have it there in front of you?

16 A (Witness Weeks) We're getting it.

17 Q Now this exception deals with BellSouth's
18 providing a clarification or a rejection of a loop makeup
19 inquiry, is that correct?

20 A (Witness Weeks) Within a specified period of
21 time.

22 Q Right. That's what I'd like to talk to you about.
23 Now BellSouth's products and services guide at the time
24 that you evaluated this allowed itself an interval of seven
25 business days to return a manual loop makeup, is that

1 correct?

2 A (Witness Weeks) I believe that's correct. Yes,
3 that's true.

4 Q And that's the time during which BellSouth is
5 reviewing its records and determining the physical
6 characteristics of a loop that a DSL provider would order?

7 A (Witness Weeks) That's our understanding.

8 Q That's your understanding. Now you also decided
9 to allot BellSouth seven days to issue a clarification or
10 rejection of a request to perform that work, is that right?

11 A (Witness Weeks) So our understanding was that
12 that would be any type of response, not just the proper
13 response or the desired response.

14 Q Okay. So you didn't try to measure separately how
15 quickly they should return a clarification?

16 A (Witness Weeks) We applied the same seven days to
17 all responses. We didn't distinguish by response type.

18 Q Now in this exception though, you say they didn't
19 provide a clarification or a rejection within seven days, is
20 that right?

21 A (Witness Weeks) That's correct.

22 Q So does that mean they did provide the loop makeup
23 with seven days on these test orders?

24 A (Witness Frey) The orders specified in the
25 exception were specific to clarifications or rejections,

1 yes.

2 Q The orders specified in the exceptions -- so you
3 tested 60, 45 had clarifications or rejections that you
4 didn't get in time, is that --

5 A (Witness Weeks) No, I think the way to
6 characterize it is, we received clarification or rejections
7 to our responses 60 times, and of the 60 we received, this
8 is a list of the ones that didn't come back on time.

9 Q Okay. So you think that BellSouth should either
10 do the loop makeup or reject the order altogether in seven
11 days?

12 A (Witness Weeks) We believe that was their stated
13 process.

14 Q Okay. So all you were doing was measuring whether
15 they had met what they set forth in their products and
16 services guide?

17 A (Witness Weeks) That is the nature of the design
18 of the test.

19 Q Okay. Are you aware of comments submitted by
20 CLECs throughout the process, particular Covad?

21 A (Witness Weeks) Yes, some.

22 Q Are you aware of concerns raised by CLECs that the
23 intervals set forth in BellSouth' products and services
24 guide were inadequate to provide a meaningful opportunity to
25 compete?

1 COMMISSIONER BURGESS: Ms. Boone, I'm being a
2 little bit liberal here, but I think you might be stepping a
3 little bit outside of the confines of this case. I know
4 we've got some other issues where we've been talking about
5 intervals for provisioning. I want to give you some
6 freedom, but I don't want to turn this into a performance
7 measurement proceeding also.

8 MS. BOONE: I understand that. Thank you,
9 Commissioner.

10 WITNESS WEEKS: As we sit here today, we don't
11 have any specific recollection of those particular
12 conversations. They certainly could have taken place. We
13 don't recall them specifically.

14 BY MS. BOONE:

15 Q Now when you look further here at Exception 117,
16 if you'll turn over to -- I believe it's your page when you
17 first say how many there were. It's the second page of the
18 closure report, which is 2 of 2.

19 A (Witness Weeks) I'm sorry, you said the first or
20 the second page?

21 Q The second page, the top of the page. It states,
22 "KCI submitted 216 LMU/SI pre-orders to BellSouth, of which
23 149 LMU/SI's received rejections/clarifications from the
24 CRSG/LCSC," is that correct?

25 A (Witness Weeks) That's what it says, yes.

1 Q Now that is 68 percent of your orders. Does that
2 seem like a reasonable number to receive a rejection or
3 clarification?

4 A (Witness Weeks) This exception was about
5 timeliness and whether we received the appropriate responses
6 on time. In closing this, we noted that all were returned
7 within seven days. So the criteria were met.

8 Q I understand that that was what the target of this
9 test was, but I'm wondering if you used it as an opportunity
10 to evaluate whether there was some other problem resulting
11 in 68 percent clarifications or rejections?

12 A (Witness Weeks) There was a separate test where
13 we looked at the accuracy of clarifications and rejections.

14 Q Yes, there certainly was. It's POP 12-4-4. And
15 you determined that BellSouth had satisfied that in that
16 test. But what I'm curious about is, you had an opportunity
17 here to operate as a CLEC and submit 216 orders and you
18 received a clarification or a rejection on 68 percent of
19 them. Did you use that as an opportunity to explore what
20 may be another problem in the BellSouth process?

21 MR. HILL: Mr. Commissioner, I hesitate to rise
22 and object, but she asked that exact same question and he
23 just answered that exact same question.

24 MS. BOONE: I believe it was asked but I don't
25 believe it was answered.

1 COMMISSIONER BURGESS: The witness responded. You
2 might not have gotten the answer you wanted to hear, but I
3 did hear the witness respond to your question, Ms. Boone.
4 BY MS. BOONE:

5 Q Okay, let me ask you this: You employ smart
6 people at KPMG, is that correct?

7 (Laughter.)

8 A (Witness Weeks) The answer is yes, of course.

9 Q Okay. And you read the rules on how to fill out
10 the loop makeup service inquires, is that correct?

11 A (Witness Weeks) That's correct.

12 Q And you submitted 216 of them, is that correct?

13 A (Witness Weeks) That's correct.

14 Q But for some reason there was a problem on 68
15 percent of them?

16 A (Witness Weeks) And every response we got back
17 that was a clarification was accurate or complete according
18 to the rules.

19 Q Okay. Let me ask you this: Is it possible there
20 was some problem with the BellSouth rules that led you to
21 make 68 percent errors?

22 MR. HILL: Objection: That calls for speculation
23 on the part of the individuals presenting testimony.

24 COMMISSIONER BURGESS: I'm going to allow the
25 question to be answered.

1 WITNESS WEEKS: Some of the errors that we
2 received were our cause. Some of those we would have
3 attributed to BellSouth. But we, sitting here today, can't
4 honestly tell you because we gave this a satisfied that we
5 believe the company isn't following the procedures that it's
6 outlined and isn't returning accurate information.

7 BY MS. BOONE:

8 Q Okay. Even though your experience was different?

9 A (Witness Weeks) No our experience says that.
10 They gave us back accurate information according to their
11 process.

12 Q Now I would like to ask you about a few of the
13 exceptions that you noted with BellSouth. I think in
14 BellSouth's response, which is the last page of this
15 Exception 117, BellSouth agreed with your findings on all of
16 them except for three PON numbers. Do you see that page?
17 It's not numbered unfortunately. It's the second page of
18 the BellSouth response.

19 A (Witness Weeks) The original response or the
20 amended?

21 A (Witness Frey) The initial response or their
22 amended?

23 Q It must be original -- no, amended -- no,
24 original.

25 (Laughter.)

1 A (Witness Weeks) Right. I see that.

2 Q Okay. Now in those three PON -- BellSouth says
3 okay -- on the first one, for example, they said hey, we got
4 it and we rejected it on the same day. Is that correct?
5 Would that be a correct paraphrasing of that?

6 A (Witness Weeks) They're representing that they
7 rejected it the same day they received it, yes.

8 Q Then they say they got it again 20 days later, is
9 that right?

10 A (Witness Weeks) Yes.

11 Q So what happened in between that time?

12 A We don't recall.

13 Q Okay. And the second one, we have the same sort
14 of situation where it says BellSouth received and clarified
15 on September 7th. Do you recall what happened with that
16 one?

17 A (Witness Weeks) We don't remember the specifics
18 but it was represented to us that this was some sort of
19 BellSouth internal error.

20 Q Is it possible that -- for example, with these
21 three examples right here, that you've tapped into another
22 potential process problem at BellSouth that you didn't
23 further investigate?

24 A (Witness Weeks) Is it possible?

25 Q Uh-huh.

1 A (Witness Weeks) I guess in the sense that almost
2 all things are possible that would be true.

3 Q And in the sense that you're acting as a CLEC in
4 order to gain meaningful information for this Commission
5 about what a CLEC experiences, do you think it's possible
6 there's a process still there that has not been investigated
7 that caused these problems?

8 A (Witness Weeks) The design of the test, for the
9 most part, is to look at CLEC-facing processes, not
10 BellSouth's internal processes. So could BellSouth have
11 internal processes imbedded back in their systems where
12 there are problems? Yes, it could be. If it doesn't visit
13 itself necessarily on a CLEC, we wouldn't necessarily know
14 that.

15 Q Well now these did visit themselves on a CLEC,
16 because a CLEC did not get the clarification or rejection
17 that the CLEC was experiencing, correct?

18 A (Witness Weeks) And the record speaks to that.

19 Q Well, I just want to kind of understand what you
20 just said, because you said you didn't look at the internal
21 BellSouth processes because they weren't CLEC facing, is
22 that right?

23 A (Witness Weeks) We tested the process and our
24 report describes the results of that test. We didn't crawl
25 inside and internally test for xDSL, the internal xDSL

1 processes.

2 Q So, for example, for the first PONs number listed
3 there that was lost for 20 days, that could be lost between
4 the CRSG and the LCSC at BellSouth and that order could, you
5 know, potentially languish there forever.

6 A (Witness Weeks) In the first case we testified we
7 don't remember what the cause, it could very well have been
8 ours.

9 Q Okay. How about the second one? You see
10 something happened between August 11 and September 7.

11 A (Witness Weeks) Yeah, something happened in here
12 that we don't understand or know.

13 Q Could that happen to Covad?

14 A (Witness Weeks) You would have to answer that
15 question.

16 Q Now I believe that you responded -- if you look at
17 the closure report on this same exception, this is Exception
18 117 -- no, I'm sorry, this is BellSouth's amended response
19 to 117. Do you see where it says the documentation has been
20 enhanced to provide additional guidelines regarding handling
21 of clarification/rejection responses? Do you see that part?

22 A (Witness Weeks) Not yet. Where is it, first page
23 or second page?

24 Q Second page of BellSouth's amended response to
25 117.

1 A (Witness Weeks) I see that sentence you're
2 referring to, yes.

3 Q Okay, what kind of enhancements were made to the
4 BellSouth guidelines that address this problem?

5 A (Witness Weeks) This was external -- or internal
6 documentation, not external documentation.

7 Q What does that mean?

8 A (Witness Weeks) This means this is the M&Ps
9 inside the company, not the CLEC-facing documentation.

10 COMMISSIONER BURGESS: Mr. Frey, if you would get
11 up to that mic again.

12 WITNESS WEEKS: The documentation referred to in
13 this case would be BellSouth internal documentation, not the
14 documentation made available to CLECs.

15 BY MS. BOONE:

16 Q So you didn't review any of the improvements they
17 made to any of the internal systems, is that what you're
18 saying?

19 A (Witness Weeks) When we conduct this kind of
20 retest that's based upon response timeliness, our role is to
21 retest by resubmitting transactions to see if the behavior
22 of the system is different. We don't do internal process
23 reviews to satisfy performance-related criteria.

24 Q And do you have any way of knowing whether the
25 same -- strike that. Would you look at -- this is on IV-B-

1 11 and this is POP-12-3-6 and that's on jeopardy
2 notifications.

3 A (Witness Weeks) Yes.

4 Q That's a notification that's given to a CLEC when
5 there's some problem with the facility, is that correct?

6 A (Witness Weeks) That's one of the reasons for a
7 jeopardy, yeah.

8 Q Okay. Now you noted that you were not able to
9 reach a conclusion because there was not sufficient
10 information or a sufficient number of these that were
11 received, is that right?

12 A (Witness Weeks) Not only were there not
13 sufficient, there weren't any.

14 Q Well, that wouldn't be sufficient, would it. Now
15 what steps did you take to ensure that the test bed that you
16 were doing this xDSL testing on was actually reflective of
17 the outside BellSouth plant?

18 A (Witness Weeks) I don't understand the question,
19 could you rephrase it?

20 Q Sure. If a jeopardy notification is triggered
21 when there's a problem with a facility, then that is a
22 problem that's experienced in the real world based on
23 BellSouth's facilities that exist, is that correct, to your
24 understanding?

25 A (Witness Weeks) It'd be our understanding that if

1 the company can't provide a facility that's consistent with
2 that which was ordered, then they could create a jeopardy
3 and send that in and the reason would be facilities, yes.

4 Q Okay, and one of the things they might send a
5 jeopardy notification for is if they got out there and saw
6 that the copper pair was loaded and wouldn't support DSL, is
7 that right?

8 A (Witness Weeks) That would be a condition that
9 might cause that.

10 Q Or if it had excessive bridge tap, it wouldn't
11 support DSL, right? Or if it turned out that it actually
12 ran over fiber and wasn't all copper and the records were
13 just wrong, that'd be another reason for a jeopardy, right?

14 A (Witness Weeks) I assume so, yes.

15 Q So am I to understand that in none of your testing
16 of any of the DSL, you received any jeopardy notifications?

17 A (Witness Weeks) That's correct.

18 Q In the aggregate, how many orders did you submit
19 on DSL?

20 A (Witness Weeks) 208 orders.

21 Q 208 orders total, is that both the first test and
22 the retest?

23 A (Witness Weeks) That's the initial test.

24 Q Initial test. So out of 208 orders, you did not
25 receive one order that had loaded copper pairs?

1 A (Witness Weeks) We did not receive -- we didn't
2 have any working lines. All these terminated in the central
3 office. We were testing the ability to order loops, you're
4 describing a provisioning test.

5 Q Okay. I'm describing a provisioning test. Now
6 Covad wants to order a loop just like KCI did. We submit an
7 order, the response we get is that this is a loaded pair.
8 Are you telling me that that just never happened or it could
9 have never happened under your testing?

10 A (Witness Weeks) Under the design of the test bed
11 for the purposes of the ordering tests, that would not have
12 happened because they weren't working lines that terminated
13 at a customer prem.

14 Q Okay. Well that's the question I was asking you
15 about the test bed. Were there any orders in your test bed
16 that had load coils on them, that had excessive bridge tap
17 or that were too long for DSL, such that you would create
18 jeopardy notifications back to KCI?

19 A (Witness Weeks) Not as part of the ordering test
20 bed.

21 Q As part of the provisioning test?

22 A (Witness Frey) Well, the provisioning test was
23 carried out through live CLEC observations.

24 Q I believe there were 27 of those, is that correct?

25 A (Witness Frey) That's correct.

1 Q Now -- okay, so in the ordering test, you were
2 testing a process of how CLECs are going to order things in
3 a world in which there are no load coils, there are no fiber
4 loops and there's no excessive bridge tap; is that right?

5 A (Witness Weeks) The ordering test is designed to
6 answer the question do the systems that support ordering,
7 the electronic computer systems that support ordering, work
8 correctly or not. We segregate that test from a
9 provisioning test which says does the company adequately do
10 a good job of provisioning orders that have been placed and
11 since for the DSL test, we chose to look at real live CLEC
12 orders in the real world experience, the record on whether
13 or not those kinds of problems that you're raising exist in
14 the real world or not would have been discovered through our
15 provisioning test, not through our ordering test.

16 Q And did you experience any of those in your
17 provisioning test?

18 A (Witness Weeks) The answer is one.

19 Q One out of 27?

20 A (Witness Weeks) That's correct.

21 Q Now I think you might have misspoke because I
22 think you said the electronic systems that support ordering,
23 and you did not measure any electronic pre-ordering or
24 ordering systems --

25 A (Witness Weeks) I stand corrected, I was

1 generalizing.

2 Q I understand.

3 A (Witness Weeks) In the case of DSL, it's only --

4 Q I just wanted to clean up the record there.

5 A (Witness Weeks) My apologies.

6 Q And you did not test any electronic pre-ordering
7 or ordering systems of DSL whatsoever.

8 A (Witness Weeks) That's correct.

9 Q Now with respect -- do you have Exception 126
10 there?

11 A (Witness Weeks) If you'll give us a moment, I'm
12 sure we do.

13 (Brief pause.)

14 Q This is an exception with respect to how often
15 BellSouth actually provisioned a loop on the FOC date, is
16 that correct -- excuse me -- on the due date included on the
17 FOC; right?

18 A (Witness Weeks) Yes.

19 Q Now you said in your first test that BellSouth
20 delivered them 88 percent on time, correct?

21 A (Witness Weeks) Yes.

22 Q Now -- and I believe in that exception it says
23 that you got that information from CSOTS, which is an
24 acronym for something I don't know.

25 (Laughter.)

1 A (Witness Weeks) Would you like us to supply the
2 definition?

3 Q No, it's okay, it's the system for monitoring
4 status of orders for CLECs, is that correct?

5 A (Witness Weeks) That's correct.

6 Q And so you looked on the FOC and you saw what the
7 due date was, is that the process you used? And then you
8 compared it to what was actually put in CSOTS, right?

9 A (Witness Weeks) That's correct.

10 Q Did BellSouth actually deliver these loops or did
11 they just report that they delivered them in CSOTS?

12 A (Witness Weeks) We didn't verify by going to the
13 central office that the loop was physically there.

14 Q Did you verify by going to the customer premise it
15 was there?

16 A (Witness Weeks) These loops terminated in the CO,
17 they're part of the test bed.

18 Q So the only thing that this test measured was
19 whether BellSouth had done -- well, it didn't measure
20 whether BellSouth had done the central office work because
21 you never went to see if they actually did it; is that?

22 A (Witness Weeks) But we have a provisioning test
23 that would have accomplished that.

24 Q Okay. But for this test, you merely matched what
25 they put in their CSOTS records as having been complete,

1 right?

2 A (Witness Weeks) We compared the date returns to
3 the CLEC to the date updated in the CSOTS, right.

4 Q I'm sorry, I didn't hear the last.

5 A (Witness Weeks) To the date in CSOTS.

6 Q To the day that BellSouth put that it had
7 completed the work in CSOTS.

8 A (Witness Weeks) That's correct.

9 Q Okay. And if BellSouth had put that date in
10 wrong, then that would skew your results, is that right?

11 A (Witness Weeks) Either way, yes.

12 Q And if BellSouth hadn't done the work in the
13 central office, even though it was recorded in CSOTS, that
14 would skew your result as well.

15 A (Witness Weeks) It could.

16 Q Now on page IV-S-14, this is getting to the parity
17 evaluation and this is sort of the big kahuna, right?

18 A (Witness Weeks) I wouldn't characterize it that
19 way, but --

20 Q Is this the evaluation in which KPMG tried to
21 discern a comparison between CLECs' experience in DSL
22 provisioning and the BellSouth retail experience?

23 A (Witness Weeks) I don't know that I'd
24 characterize it that way.

25 Q Okay, how would you characterize it?

1 A (Witness Weeks) This was an attempt to evaluate
2 whether or not the process in place to support wholesale
3 operations in the CLECs was or was not at parity with the
4 processes used to support BellSouth's widely defined retail
5 operation, just for DSL.

6 Q Now this evaluation generated a number of
7 exceptions and the first was Exception 108, in which you
8 concluded that the ordering processes were not in parity
9 because retail was electronic, does that sound familiar? Do
10 you have it?

11 A (Witness Weeks) It sounds familiar. We'll grab
12 it here to make sure we're not misspeaking. That's correct.

13 Q Now there was another exception opened because
14 retail had access to what's called LQS which was a loop
15 qualification system for BellSouth, does that sound
16 familiar?

17 A (Witness Weeks) Yes, it does.

18 Q And you closed that exception on the basis that
19 BellSouth had made that system available to CLECs, is that
20 correct?

21 A (Witness Weeks) Yes, that's correct.

22 A (Witness Frey) 107.

23 A (Witness Weeks) 107, yes, correct.

24 Q And is that the correct conclusion of why you
25 closed the exception?

1 A (Witness Weeks) The answer is yes.

2 Q Okay. So we're evaluating the process between how
3 BellSouth retail does it and how BellSouth wholesale does it
4 for CLECs and the first conclusion you reached was that LQS
5 was available to retail and it was not available to the
6 wholesale and that created a lack of parity, correct?

7 A (Witness Weeks) Yes.

8 Q And then you determined that there was parity once
9 BellSouth made LQS available to CLECs, is that correct?

10 A (Witness Weeks) With respect to that part of the
11 process.

12 Q Okay. Now LQS is a system that's devised
13 exclusively for BellSouth, is that correct?

14 A (Witness Weeks) Yes.

15 Q In fact, if a Covad customer -- if Covad does a
16 loop makeup using LQS and BellSouth does not have a DSLAM in
17 a central office, that system will indicate that that line
18 is not qualified for DSL; are you familiar with that?

19 A (Witness Weeks) I'm making sure I follow what you
20 said. I know all the acronyms. Are you asking me if retail
21 places a query through this system and there isn't a
22 BellSouth DSLAM, then it'll come back -- LQS will come back
23 and say that loop is not available for DSL?

24 Q And the CLEC would get the same result, correct?

25 A (Witness Weeks) I assume they would.

1 COMMISSIONER BURGESS: Ms. Boone, we're going to
2 have to break here.

3 MS. BOONE: I'm sorry, I always under-estimate.

4 COMMISSIONER BURGESS: That's fine, no problem.
5 We'll be back at 1:30 to continue. Thank you.

6 (Whereupon, a luncheon recess was taken at
7 1:02 p.m., the hearing to resume at 1:30 p.m., the
8 same day.)
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AFTERNOON SESSION

1
2 COMMISSIONER BURGESS: All right, let the hearings
3 reconvene in Docket 8354-U, investigation into development
4 of electronic interfaces for BellSouth's operational support
5 systems.

6 Ms. Boone, you'll continue your cross.

7 MS. BOONE: Do we need to wait for Mr. Hill or --
8 okay.

9 COMMISSIONER BURGESS: You shouldn't be asking
10 that question.

11 MS. BOONE: Sorry. Well, wouldn't want to be
12 accused of doing anything wrong.

13 FURTHER CROSS-EXAMINATION

14 BY MS. BOONE: (Cont.d)

15 Q We were discussing the parity evaluation that KPMG
16 conducted of xDSL loops. Now, as we mentioned, the first
17 exception you noted was that CLECs did not have access to
18 LQS. And that was cured by providing us access to LQS; is
19 that right?

20 A (Witness Weeks) Well, I think it was two
21 different things.

22 A (Witness Frey) Yeah. You're referring to
23 Exception 107, and it goes beyond just access to LQS.

24 Q Okay. What the other solutions you noted?

25 A (Witness Frey) Well, fundamentally, the exception

1 deals with lack of parity in access to information on
2 processes that allow for the determination of availability
3 of ADSL capable loops.

4 Q Okay.

5 A (Witness Frey) LQS is one element of that.

6 Q And you concluded that BellSouth had given CLECs
7 access to LQS?

8 A (Witness Frey) Giving CLECs access to LQS was one
9 of the steps that BellSouth took in response to this
10 exception; yes.

11 Q And the second step was that it made an electronic
12 system of loop makeup available to -- to CLECs; is that
13 correct?

14 A (Witness Frey) That's correct; yes.

15 Q Okay. And that's also noted there?

16 A (Witness Frey) Yes.

17 Q Now, did you note the date on which that system
18 was made available, the electronic loop makeup system?

19 A (Witness Frey) November 18th, 2000.

20 Q Okay. And prior to that point, there was a lack
21 of parity with respect to access to information about
22 whether a loop was qualified for DSL?

23 A (Witness Frey) That was our opinion.

24 Q Now, several times in your report -- I'm looking
25 particularly at Roman numeral V-F-16. Several times in the

1 report you state loop makeup is not necessary for retail
2 ADSL. And I want to ask you about that statement.

3 A (Witness Weeks) Would you say that Roman numeral
4 again, please.

5 Q Yes. "F" -- I'm sorry. IV-F, as in "Frank," dash
6 16.

7 A (Witness Weeks) Are you referring to the comments
8 on 16-1-2 or on 16-1-3?

9 Q Correct. Correct. The very first comments on the
10 very -- yes, 16-1-2. You state loop makeup information is
11 not required for retail xDSL pre-ordering; is that a correct
12 representation of your statement?

13 A (Witness Weeks) That's what's written.

14 A (Witness Frey) Yes.

15 Q Okay. Now, that statement is not entirely
16 correct, because BellSouth does in fact do a loop makeup
17 through its LQS system; correct?

18 A (Witness Frey) That's correct, and I believe we
19 state that in the report.

20 Q Okay. I just want to be clear, though, that just
21 because CLECs have to use a separate system that draws data
22 from which they can evaluate whether a loop supports xDSL,
23 that doesn't mean that the BellSouth retail system, however
24 it's designed, is not doing that same process. It is doing
25 that same process. That's the question.

1 A (Witness Weeks) Is the question: Does the retail
2 operation obtain the loop makeup information before orders
3 are processed?

4 Q Yes.

5 A (Witness Weeks) It's our understanding that the
6 LQS request response pair has to have that information
7 before it returns a response to retail, so that the
8 information that would characterize the loop makeup, and
9 BellSouth's internal retail business rules for what
10 constitutes a qualified loop, all that is imbedded behind
11 the scenes in the request response set for retail.

12 Q Exactly. So BellSouth is -- has developed some
13 system that's creating this same type of loop makeup search
14 and analysis in its systems that CLECs are doing through the
15 electronic loop makeup system?

16 A (Witness Weeks) Yes, that's a true statement.
17 They've burned in, if you will, their specific product
18 definitions to their specific information they need to
19 gather about loop makeup so they can give the wrap-up sort
20 of a thumbs up-thumbs down.

21 Q Okay. So it's not -- it's not really accurate to
22 say that loop makeup is not used on the retail side. It's
23 just that it's a different process; right?

24 A (Witness Weeks) Okay, I think a fair
25 characterization -- and I believe this is your

1 characterization, which is correct -- is that from a
2 business process perspective, one must determine what the
3 makeup of a loop is, compare that to the requirements of the
4 type of service that you would like to provision, and to
5 have that comparison made and a decision made whether the
6 loop is qualified or not. That is taking place on both
7 retail and wholesale, and it happens in a different way.

8 Q Okay. Now, the next exception that you issued was
9 Exception 108 regarding electronic ordering. The existence
10 of electronic ordering for retail; the lack of electronic
11 ordering for wholesale; is that correct?

12 A (Witness Weeks) That's correct.

13 A (Witness Frey) Yes.

14 Q And in your closure report on that exception, you
15 noted that BellSouth had, as of February 12th, 2001, made
16 available an electronic ordering system for xDSL loops; is
17 that correct?

18 A (Witness Weeks) That's correct.

19 Q Now, the existence of that system alone is
20 sufficient for you to close this exception; is that -- is
21 that correct?

22 A (Witness Frey) The existence of the system with
23 the functionality as described in the documentation that we
24 reviewed sufficient for closure of that exception.

25 Q Okay. Because this is another one of the process

1 exceptions when you were just looking at how the process was
2 supposed to flow, not whether it actually did work; right?

3 A (Witness Frey) That's correct.

4 Q So you didn't submit any orders electronically?

5 A (Witness Frey) That's correct. It was outside
6 the scope.

7 Q And you didn't -- didn't get any jeopardy
8 responses electronically or FOC dates electronically; is
9 that correct?

10 A (Witness Frey) That's correct.

11 Q Now, you mentioned on page Roman numeral IV-F-24
12 that you conducted a series of, quote, "interviews,
13 observations, and review of documentation." Now, what --
14 who did you interview? F-24.

15 A (Witness Weeks) We're there. The answer is it
16 would be the BellSouth professionals that man the centers --
17 various centers doing xDSL processing for BellSouth.

18 Q And what was the nature of these interviews with
19 respect to the electronic ordering system that allowed you
20 to conclude that the process was sufficient?

21 (Brief pause)

22 A (Witness Frey) The evaluation criterion to which
23 you're referring is focused on examining the execution of
24 both retail and wholesale xDSL orders. And so the
25 interviews that were conducted, were conducted for the

1 process of -- or for the purpose of understanding the
2 processing of xDSL orders. So as Mike previously testified,
3 anyone who touched an order during the process would have
4 been interviewed, or their -- someone who was capable of
5 representing their functions would have been interviewed:

6 Q Okay. So these were not interviews specifically
7 on the newly available ordering functionality, electronic
8 ordering functionality? Perhaps this might be one of the
9 instances in which the subject matter expert could answer
10 the questions.

11 A (Witness Weeks) It includes the whole process,
12 not just the new procedures.

13 Q Okay. Did it actually -- were the interviews
14 targeted -- I mean, did they discuss the electronic ordering
15 system? That's really what I'm interested in.

16 A (Witness Weeks) Yes.

17 Q Okay. And who did you discuss the electronic
18 ordering system with?

19 A (Witness Weeks) People inside the work centers.

20 Q So people at the UNE center, people in the circuit
21 provisioning group, people in the LCSC, people in the CRSG?
22 Which people?

23 A (Witness Weeks) The Atlanta LCSC. Yes, Atlanta
24 LCSC group.

25 Q And how many -- and those took place after

1 February 12th but before March 20th; is that right?

2 A (Witness Weeks) Correct.

3 Q And how many CLEC orders, via the electronic
4 ordering system for xDSL, had those people witnessed at that
5 time?

6 A (Witness Weeks) Are you asking about our people
7 or the center people?

8 Q The people that you interviewed, from whom you
9 concluded that the system was sufficient.

10 A (Witness Weeks) Probably less than ten.

11 Q Probably less than ten?

12 A (Witness Weeks) Uh-huh.

13 Q But do you know how many?

14 A (Witness Weeks) No.

15 Q Now, work through this with me. If BellSouth for
16 the first time made available an electronic ordering system
17 on February 12th, 2001, it's your testimony, then, that
18 within the month and week -- the five weeks that followed
19 that period a CLEC built its interface, tested that system,
20 and submitted orders that these people were interviewed
21 about?

22 A (Witness Frey) Beta testing was in process.

23 Q Okay. But the final evolution of EDI and TAG that
24 was released on February 12th, 2001, had not been beta
25 processed -- beta tested prior to that time.

1 A (Witness Weeks) Is that a question?

2 Q Are you -- do you know?

3 A (Witness Weeks) It's our understanding that it --
4 that all that testing had been completed by February 12th.

5 Q All of the beta testing had been completed?

6 A (Witness Weeks) That's our understanding.

7 Q Okay. And do you know how many CLECs participated
8 in the beta testing of EDI and TAG and LENS?

9 A (Witness Weeks) No, we do not.

10 Q Do you know if any did?

11 A (Witness Weeks) The answer is yes, we believe
12 that there were more than one.

13 Q For xDSL orders, I mean.

14 A (Witness Weeks) Correct.

15 Q So in your discussion with these people about the
16 ten CLEC orders they witnessed flow through the electronic
17 ordering system for xDSL, what problems did they note with
18 the system?

19 (Brief pause)

20 A (Witness Weeks) If you'll turn to Page F-4 in the
21 report.

22 Q Okay.

23 A (Witness Weeks) The paragraph that starts, "The
24 Atlanta local service center..."

25 Q Uh-huh.

1 A (Witness Weeks) Describes the nature of the
2 activity that we're doing. We don't recall the specific
3 types of errors or problems that were encountered.

4 Q Okay, I'm reading through that paragraph now, and
5 that appears to me to be a brief recitation of the process.
6 Would that be an accurate statement?

7 A (Witness Weeks) It's the process we witnessed;
8 yes.

9 Q Okay. So, now, how many CLECs did you interview
10 about their experience in the electronic ordering for xDSL?

11 A (Witness Weeks) None.

12 Q Let's turn to provisioning now. Roman numeral IV-
13 C-7. Now, this section deals with your -- KPMG's review of
14 the -- I believe it was 27 orders that you watched
15 provisioned; is that correct?

16 A (Witness Weeks) The number 27 is correct, and
17 we're turning to the page that you're asking us to do.

18 Q Oh, certainly. I'm sorry.

19 A (Witness Frey) IV-C-7?

20 Q It's 4 -- yes, IV-C-7.

21 A (Witness Weeks) Okay, we're there.

22 Q Okay. And is it correct that you observed 27 CLEC
23 live orders installed?

24 A (Witness Weeks) Yes. Yes.

25 Q Now, what's curious here is that you -- it says,

1 quote, "25 installations at the UNE center in Birmingham."
2 Now, you watched them install 25 orders at the UNE center in
3 Birmingham?

4 A (Witness Weeks) This test is under coordinative
5 provisioning procedures, so we were observing the
6 coordination activities that take place.

7 Q What does that mean? I'm sorry.

8 A (Witness Weeks) There's a coordinated
9 provisioning process that this POP 13-2-1 references. So we
10 were observing on both sides the execution of this
11 coordinated process.

12 Q Okay. So this was not the test in which you
13 tested whether the ADSL loops were actually delivered by
14 BellSouth to the customer premise?

15 A (Witness Frey) This is not the evaluation
16 criterion specific to that evaluation.

17 Q Okay. Can you point me to the one that is?

18 (Brief pause)

19 COMMISSIONER BURGESS: Would you identify yourself
20 for the record, please.

21 WITNESS BUJAN: Michael Bujan.

22 A (Witness Bujan) What we did for this particular
23 criteria is, our team was at the UNEC center. And we
24 observed technicians at the UNEC center testing with
25 BellSouth plant technicians, as well as the UNEC technicians

1 working with the CLECs, where they would call the CLEC; the
2 CLEC would do some testing on the circuit; they would accept
3 the circuit; there would be the passing of DMOC information;
4 and the CLEC would give like a serial number and accept the
5 circuit as being a loop that they would -- that they would
6 accept.

7 Q Okay. Can I ask you what the -- the two times,
8 that means you were at -- you were actually at the customer
9 premise with Georgia outside field technicians; is that
10 correct?

11 A (Witness Bujan) That is correct.

12 Q Okay. And did you witness this same kind of
13 cooperative testing with those two instances?

14 A (Witness Bujan) That's correct.

15 Q Okay. And in all of those instances, I think
16 except for one, the loop was successfully delivered; is that
17 correct?

18 A (Witness Bujan) That's correct.

19 Q Okay. Now, how did you get to the 27 orders?

20 A (Witness Bujan) Our testers were in the UNEC
21 center and -- for the 25 orders. We just -- as the orders
22 would come in, as the technicians would call into the
23 BellSouth technicians working the center, our testers would
24 parallel with them as they went through the test and turnout
25 process.

1 Q Okay. So it was a random 25?

2 A (Witness Bujan) It was a random 25.

3 Q And the process with the cooperative testing, did
4 you experience any situations in which there were any
5 troubles to resolve on any of those lines?

6 A (Witness Bujan) Not to knowledge.

7 Q Now, one of the things that you noted was that you
8 watched to make sure that the technician followed the
9 BellSouth methods and procedures; is that correct?

10 A (Witness Bujan) That's correct.

11 Q Now, this is their internal process about, you
12 know, how to hook up a loop, how to tag a loop; is that
13 correct?

14 A (Witness Bujan) That's correct.

15 Q And you actually checked off whether they went
16 through all 289 steps?

17 A (Witness Bujan) 287 steps.

18 Q 87. And that's just with those two visits to the
19 outside technician?

20 A (Witness Bujan) That includes the 25 visits in
21 the center as well.

22 Q Okay. And how many steps were there in that
23 process?

24 A (Witness Bujan) I believe nine.

25 Q Nine steps in the UNE center? And so your

1 conclusion from this was that by observing these 27
2 instances, that 99 percent of the time BellSouth is going to
3 follow exactly the right procedures all the time?

4 A (Witness Bujan) Our experiences were for the
5 installations that we observed, that was the case.

6 Q Thank you.

7 Did you test the LENS, L-E-N-S GUI (phonetic)
8 interface?

9 A (Witness Frey) NO.

10 Q Why not?

11 A (Witness Frey) It was out of scope.

12 Q As determined by this Commission?

13 A (Witness Frey) That's correct.

14 Q Okay. Now, BellSouth had made that GUI available
15 prior to the supplemental test plan, though; isn't that
16 correct?

17 A (Witness Frey) I have no knowledge of that.

18 Q And CLECs, to your knowledge, do they use the LENS
19 GUI?

20 A (Witness Frey) I have heard CLECs talk about the
21 LENS GUIs, so I presume that they use it.

22 Q Okay. But it was not tested in any way in this
23 test?

24 A (Witness Frey) That's correct.

25 COMMISSIONER BURGESS: Ms. Boone, you must have

1 reloaded at lunchtime, didn't you?

2 MS. BOONE: I'm almost done.

3 COMMISSIONER BURGESS: You told me 30 minutes,
4 though, at 12:30.

5 MS. BOONE: Almost done.

6 COMMISSIONER BURGESS: I just note for the record.
7 Take your time.

8 MS. BOONE: I'm almost done, I promise.

9 COMMISSIONER BURGESS: Take your time. Take your
10 time.

MS. BOONE: Where's the love?

11 (Laughter.)

12 VICE CHAIRMAN WISE: It's not up here.

13 (Laughter)

14 BY MS. BOONE:

15 Q Did you test line sharing?

16 A (Witness Frey) No.

17 A (Witness Weeks) No.

18 Q Did you test IDSL loops?

19 A (Witness Frey) No.

20 Q Now, IDSL loops are one subset of the group of
21 xDSL loops that you were commissioned to test; is that
22 right?

23 A (Witness Weeks) We're going to have to refer to
24 the STP to see what the exact language was.

25 Q Okay.

1 (Brief pause)

2 A (Witness Weeks) Do you want the (inaudible)
3 placeholder.

4 Q Correct. For all subtypes of DSL lines; correct?
5 (Brief pause)

6 MS. BOONE: That shouldn't be taken out of my
7 time. They're conferring.

8 COMMISSIONER McDONALD: You asked a question.

9 BY MS. BOONE:

10 Q I'm ready to move on. That's okay.

11 A (Witness Weeks) Okay.

12 Q You didn't test IDSL lines specifically?

13 A (Witness Frey) That is correct.

14 A (Witness Weeks) That's correct.

15 Q Okay. Now, okay, so you didn't test IDSL lines,
16 you didn't test line sharing; correct?

17 A (Witness Frey) That's correct.

18 A (Witness Weeks) That's correct.

19 Q You don't test the electronic ordering system for
20 xDSL loops; right?

21 A (Witness Frey) Correct.

22 Q You didn't test the LENS GUI?

23 A (Witness Frey) Correct.

24 Q You were not able to reach a conclusion about
25 jeopardy notification timeliness; is that right? That's POP

1 12-3-6.

2 A (Witness Weeks) That's correct.

3 A (Witness Frey) That's correct.

4 Q And you couldn't reach a conclusion on the
5 timeliness of missed appropriations, which is 12-3-7.

6 A (Witness Weeks) Missed appointments?

7 Q Sorry. Missed appointments.

8 A (Witness Weeks) That's correct.

9 Q And with respect to POP 12-4-8, you did not reach
10 a conclusion on the accuracy of missed appointment notices,
11 either.

12 A (Witness Frey) That's correct. We didn't receive
13 any, and therefore couldn't verify the accuracy of something
14 that we did not receive.

15 Q Okay. And jeopardies, missed appointments, all
16 those things flow from types of orders that you had in your
17 test bed; is that correct?

18 A (Witness Frey) There's...

19 A (Witness Weeks) Could.

20 A (Witness Frey) ...there's the potential for that;
21 yes.

22 Q And you're aware that CLECs actually experience
23 these things in their ordering with BellSouth; right?

24 A (Witness Weeks) Yes.

25 A (Witness Frey) Yes.

1 Q So some change in the test bed could have created
2 a situation in which you could actually get sufficient
3 numbers of these to test them; right?

4 A (Witness Weeks) Actually, we could have attempted
5 to design a test bed that might have led to that, but we
6 couldn't have guaranteed that, because missing an
7 appointment is under BellSouth's control, and not having the
8 right facilities is somewhat under BellSouth's control. So
9 we, as external, outside, independent testers, can't
10 unilaterally create the situation that would have allowed
11 those to be given to us.

12 Q Okay. But, for example, with facilities issues,
13 you could have solicited from CLECs orders that had been
14 rejected based on that basis, and submitted the order that
15 way and see what you got.

16 A (Witness Weeks) If you're asking if we could have
17 attempted to win the account away from the CLEC, I assume we
18 could have done that with the right cooperation.

19 Q No, my question was if a CLEC had had an order
20 that had been rejected on that basis, then you could have
21 used that same information to flow it through the BellSouth
22 systems, and you would have received a pending facility or
23 jeopardy notification; right?

24 A (Witness Weeks) If the -- I'll say yes.
25 There's -- it's a more complicated answer than that, but

1 I'll say yes, because it's materially correct.

2 Q Okay. And that would allow you to test what the
3 CLECs are experiencing; is that right?

4 A (Witness Weeks) It would have been a
5 demonstration of what we experienced as a tester.

6 Q Which you didn't get in this test as it stood?

7 A (Witness Weeks) We did not have, in these two
8 instances, a chance to make that observation; that's
9 correct.

10 Q I have no further questions. Thank you.

11 COMMISSIONER BURGESS: Thank you, Ms. Boone.

12 Mr. Atkinson?

13 MR. ATKINSON: Thank you, Mr. Chairman.

14 FURTHER CROSS-EXAMINATION

15 BY MR. ATKINSON:

16 Q Good afternoon, gentlemen.

17 A (Witness Weeks) Good afternoon.

18 A (Witness Frey) Good afternoon.

19 Q Bill Atkinson on behalf of Sprint Communications
20 Company, L.P.

21 Mr. Weeks, I'd like to begin with you, if I may.

22 I had a couple of follow-up questions from your testimony
23 this morning. You stated, I believe, just before lunch, in
24 connection with your discussion with counsel for Covad, that
25 the primary purpose of the Georgia OSS test was to evaluate

1 CLEC facing processes, not BellSouth internal processes; is
2 that what you said?

3 A (Witness Weeks) That's the primary purpose of an
4 OSS test.

5 Q It's true, isn't it, Mr. Weeks, that BellSouth
6 internal processes -- at least some of them -- have a direct
7 impact on CLEC facing processes; isn't that true?

8 A (Witness Weeks) That would be true.

9 Q And I also wanted to follow up briefly on your
10 conversation with counsel for AT&T, and then the questions
11 by Commissioner Durden.

12 I believe Commissioner Durden asked some questions
13 regarding the use of KPMG's professional judgment. And I
14 believe you stated that you employed a general decision-
15 making framework. And my question is: Is there anything in
16 writing regarding this professional judgment standard that
17 this Commission could use to verify or follow KPMG's
18 reasoning regarding its use of professional judgment in a
19 particular case?

20 A (Witness Weeks) No.

21 Q What would you point this Commission or any of the
22 interested parties in, in trying to follow KPMG's reasoning
23 as far as the use of professional judgment in a particular
24 case?

25 A (Witness Weeks) Well, I think the report

1 articulates the basic facts that were input into the
2 decision-making process that we had. With respect to the
3 discussions that were held during our decision-making
4 process, there's nothing that I could point any party to in
5 terms of a document or something that exists in the real
6 world, that's tangible, and that someone could inspect.

7 Q Okay. So what you're saying -- and you correct me
8 if I'm wrong, Mr. Weeks -- is that the -- the facts
9 underlying your professional judgment decision are outlined
10 in the report, but the application of those facts to make
11 the decision that you reached in a particular case would not
12 be available for this Commission or any other party to
13 verify? Is that what you're saying?

14 A (Witness Weeks) I think that's a fair
15 characterization, that -- that the facts -- and I'll use an
16 example, see if I can talk by reason of an example here.
17 That, you know, in the case of where we saw half a second
18 for retail, a second for wholesale, that -- those facts are
19 in the report. The fact that the Georgia PSC's standard at
20 that time was parity with retail is in the report. The fact
21 that we chose to issue a "satisfied" because, in our
22 opinion, that response time of one second that was delivered
23 to wholesale was commercially viable. That statement of
24 fact that that -- it was our opinion was there. The
25 thinking that went into that, if it's not in the report,

1 isn't discoverable by anyone.

2 Q Thank you.

3 Now, I believe, Mr. Weeks, I'd like to stick with
4 you for a few minutes. It's true, isn't it, that you were
5 in control over overall management with regards to the
6 Georgia OSS test; is that correct?

7 A (Witness Weeks) I had, as the engagement managing
8 director, ultimate responsibility, if that's what you meant
9 by control.

10 Q I'm sorry. Can you state that again.

11 A (Witness Weeks) I said I had overall
12 responsibility for the tests. I'm not sure what you meant
13 by "control." If -- if you meant responsibility to direct
14 the test and see that it was properly executed and those
15 sorts of things, the answer is yes.

16 Q Now, it's true, isn't it, that you did not
17 personally author any portions of the MTP or STP final
18 report?

19 A (Witness Weeks) I did not personally author any
20 of those; no.

21 Q And it's also true, isn't it, that you retained no
22 notes or work papers associated with your work on the
23 Georgia OSS test; is that correct?

24 A (Witness Weeks) I personally have not retained
25 anything that is not in our work papers.

1 COMMISSIONER BURGESS: Mr. Atkinson, I'm going to
2 be liberal, but I heard some of these questions answered --
3 asked and answered earlier this morning.

4 MR. ATKINSON: I understand, Mr. Chairman.

5 COMMISSIONER BURGESS: I just would ask everybody
6 to pay attention to what's been asked. It's not necessary
7 for this Commission to hear the same questions two or three
8 times, and those two specific questions I know were asked,
9 and asked in the same manner this morning. So I would just
10 ask that you do a little bit of auditing on your questions
11 as you go through, if they've been asked one time. Because
12 we're going to be here as late as you all want to be here,
13 I'll tell you that.

14 MR. ATKINSON: I understand, Mr. Chairman. Just
15 for Commission's planning purposes, I believe I have 30
16 minutes or less. The reason we asked those two questions is
17 to lay a foundation for the question I'm about to ask, and I
18 apologize.

19 COMMISSIONER BURGESS: Well, the foundation's
20 already been laid, Mr. Atkinson.

21 MR. ATKINSON: I understand. I'll -- I'll put
22 away my mortar.

23 COMMISSIONER BURGESS: Let's move on, please.
24 Let's move on.

25 BY MR. ATKINSON:

1 Q Let me ask you, Mr. Weeks, can you point or you --
2 let me withdraw that and phrase it another way.

3 You cannot point -- can you? -- to anything other
4 than the reports themselves to show that you exerted overall
5 management control over the reports? Is that correct?

6 A (Witness Weeks) I believe that would be correct.

7 Q Mr. Frey, I don't want to ignore you. I've got a
8 few questions for you this afternoon.

9 Now, it is true, isn't it, that KPMG has
10 previously done written comparisons of the Georgia third-
11 party OSS test versus third-party OSS tests in other
12 jurisdictions; is that true?

13 A (Witness Frey) That's true.

14 Q Now, to your knowledge, this Commission has not
15 asked you to do such a comparison in connection with this
16 proceeding?

17 A (Witness Frey) That's correct.

18 Q However, if this Commission did request KPMG to do
19 a comparison between now and I guess its determination in
20 this docket, would KPMG do such a comparison of the tests
21 that you conducted in this docket with the tests of another
22 specific jurisdiction, if asked?

23 A (Witness Frey) We're certainly willing to provide
24 any information that we can provide to the Commission to
25 help them in their consideration of this docket.

1 Q Is that a "yes"?

2 A (Witness Frey) That's a "yes."

3 Q Now, in general, Mr. Frey, does KPMG think it's
4 important to do a thorough assessment of BellSouth's
5 operational support systems to evaluate whether CLECs are
6 treated the same as BellSouth treats itself?

7 A (Witness Frey) We believe that it's necessary to
8 conduct the tests that have been outlined in the MTP and the
9 STP that have general objectives which are consistent with
10 the objective you just stated.

11 Q And you didn't make any determination whether
12 those objectives outlined in the MTP or STP constituted a
13 thorough assessment?

14 A (Witness Frey) The MTP was developed by another
15 party, and we executed the tests that were outlined in the
16 MTP. We then developed the STP based on the order issued by
17 the Commission specifying supplemental testing, and the test
18 that we developed is consistent with the objectives
19 identified in the PSC's orders.

20 Q Okay. So with regard to the MTP, it sounds like
21 you're saying no, you didn't make an independent
22 determination as to whether a thorough assessment would be
23 gathered from the MTP, is that -- is that a fair assessment
24 of what you said?

25 A (Witness Frey) Yes, that's a fair statement.

1 Q Okay. Let me ask you, how many measures of parity
2 -- and by "parity" I mean measures of the service provided
3 by BellSouth to CLECs versus measures of the service
4 provided by BellSouth to itself -- how many measures of
5 parity were included in the Georgia OSS test?

6 A (Witness Frey) I don't know.

7 Q You do not know?

8 A (Witness Frey) I do not know.

9 Q Would you accept, subject to check, that MNR-10 of
10 the MTP may be one of those? Do you have the MTP final
11 report in front of you? I'll wait till you get that in
12 front of you, Mr. Frey.

13 A (Witness Frey) Yes.

14 Q Are you with me now?

15 A (Witness Frey) Yes, I am.

16 Q And, based on the definition of "parity" I just --
17 I just gave you to work with, would you consider MNR-10 of
18 the MTP to be such a measure of parity?

19 A (Witness Frey) I don't recall your definition of
20 "parity," but MNR-10 -- the objective of MNR-10 is to
21 evaluate processes and procedures for retail and their
22 corresponding procedures for wholesale.

23 Q And in your opinion, does that involve the measure
24 of the service provided by BellSouth to CLECs versus
25 measures of the same service provided by BellSouth to

1 itself?

2 A (Witness Frey) The -- the test is actually a
3 process evaluation, so we're evaluating the processes in
4 place to support end-to-end maintenance and repair activity
5 for resale -- or, I'm sorry, for retail, and the processes
6 in place to support end-to-end maintenance and repair
7 activities for wholesale. It's a process test as opposed to
8 a performance-based test.

9 Q Using the definition I gave you a few minutes ago,
10 Mr. Frey -- well, let me back up a second. How would you
11 define a measure of parity in connection with a third-party
12 OSS test that KPMG was going to conduct? Can you define
13 that for me?

14 A (Witness Frey) The FCC defines "parity" as
15 substantially the same time and manner. So in the case of a
16 process test we would look for substantially the same manner
17 or processes that do not discriminate in the way retail
18 orders are treated vis-a-vis -- I'm sorry, wholesale orders
19 are treated vis-a-vis retail orders. For wholesale
20 business -- wholesale business activities are treated vis-a-
21 vis retail business activities.

22 Q Okay. So you -- you quoted the FCC definition of
23 "parity" a minute ago, and it sounds like, from what you're
24 saying, is that you would -- KPMG would use that FCC
25 guidance to conduct a measure of parity if it were starting

1 another third-party OSS test today.

2 A (Witness Frey) I think that's a fair
3 characterization; yes.

4 Q Do you know how many measures of parity were
5 included in the Florida OSS test, to your knowledge?

6 A (Witness Frey) I do not.

7 Q Mr. Frey, do you have an understanding of what
8 CLEC account teams, those teams that are provided by ILECs
9 to CLECs, do you understand what they do and what they are?

10 A (Witness Frey) Generally; yes.

11 Q Generally, does KPMG believe that those support
12 functions should be tested in some manner?

13 A (Witness Frey) Generally, we've -- yes.

14 Q Now, this particular support function was not
15 tested in Georgia; is that correct?

16 A (Witness Frey) That's correct. It was not within
17 the scope of either the MTP or the STP.

18 COMMISSIONER BURGESS: Mr. Atkinson, I hear you.
19 We're here to talk about the Georgia test today.

20 MR. ATKINSON: I understand, Mr. Chairman.

21 COMMISSIONER BURGESS: Now, if you want to go to
22 Florida and talk about the Florida test, you can do that.
23 But we're here to talk about...

24 MR. ATKINSON: They may need me to, Mr. Chairman.

25 COMMISSIONER BURGESS: ...the results of the

1 Georgia test. And I'm just trying to make sure everybody
2 understands the reason -- that's why we're here today. I'm
3 glad Florida's testing and going beyond what Georgia's done.
4 Georgia approved an order to test in May of 1999, almost
5 two years ago today. Florida came almost a year after
6 Georgia with a test. Yes, there are going to be some
7 differences. I mean, you've documented those. We've seen
8 those documents.

9 Now, we're not here today to talk about the
10 differences between the Florida test and the Georgia test.
11 Our focus today is to talk about this 1,700 page report that
12 KPMG has filed in connection with the Georgia test. Now,
13 I've been trying to be liberal and let you ask your
14 questions. I hear you. This Commission hears you.

15 But let's keep our questions focused on --
16 relative to this test. We know that there are differences.
17 That's been recorded before this Commission. But I just
18 want you to know that our purpose here today is to talk
19 about what's happened in Georgia, the Georgia Commission.

20 MR. ATKINSON: I understand, Mr. Chairman. And
21 let me see if I can focus, as I believe you're directing.
22 BY MR. ATKINSON:

23 Q Mr. Frey, let me -- let me focus you, if I can for
24 a few minutes, on -- I'm looking at Page IV-A-10 in
25 connection with PRE 1-1-1. Are you with me?

1 A (Witness Frey) Yes.

2 Q Now, before I do that, let me back up and ask you,
3 did KPMG recently submit any corrections of the test report
4 pages in connection with PRE 1-1-1?

5 A (Witness Frey) No.

6 Q And -- and let me just make sure I've -- for the
7 remainder of my cross, which really is not very long, I
8 don't believe, I received from counsel for KPMG corrected
9 pages for OP-1. And they're corrected Pages 12, 15, 32
10 through 34, and 40 through 42. To your knowledge, is that
11 all the corrected pages to the final report submitted by
12 KPMG yesterday?

13 A (Witness Frey) There's an additional section in
14 the same document you're holding, which are three
15 corrections, three struck words from the flow-through
16 evaluation.

17 Q And that has to do with corrected Pages 5, 8, and
18 10?

19 A (Witness Frey) And I'm being told there is also a
20 corrected Page 7 to POP-11.

21 Q Okay, and I don't have that. I'll have to catch
22 up with that.

23 A (Witness Frey) It's likely to be buried in...

24 A (Witness Weeks) In-between the other two that you
25 just referenced.

1 Q All right. But other than that, you're not aware
2 of any other changes?

3 A (Witness Frey) That's correct.

4 Q Okay. Now, focusing you back with PRE 1-1-1,
5 Footnote 6 on Roman -- page Roman numeral IV-8-10, says in
6 part that KCI could not conclusively determine the root
7 source for all recorded downtime. And then, parentheses, it
8 says BellSouth or HP; is that correct?

9 A (Witness Frey) That's correct.

10 Q But now, flipping you over to POP and page Roman
11 numeral V-A-6, Footnote 7. And I'll give you a second to
12 catch up with me. It says there that KCI could not
13 conclusively determine the root source, and then in
14 parentheses, BellSouth or CLEC, for all recorded downtime.

15 A (Witness Frey) Yes.

16 Q Okay. Now, PRE 1-1-1 that we discussed first,
17 now, that was marked as a "satisfied"; is that correct?

18 A (Witness Frey) That's correct.

19 Q And OP 1-1-1 was marked "no determination made."

20 A (Witness Frey) That's correct.

21 Q So in both PRE 1-1-1 and OP 1-1-1, it's fair to
22 say that KPMG couldn't determine the root source for
23 recorded downtime, yet PRE 1-1-1 was marked as "satisfied,"
24 while the -- the latter measure was marked as "no
25 determination made"; is that fair to say?

1 A (Witness Frey) Well, that is fair to say. It's
2 important to point out that the performance for PRE 1-1-1
3 met the established standard, so the time that was being --
4 the downtime performance that could not be attributed to one
5 or the other systems was not relevant in the case of PRE 1-
6 1-1.

7 Q That sort of begs the question, Mr. Frey, if it
8 was completely irrelevant to the consideration of PRE 1-1-1,
9 why did you attach Footnote 7 to the report?

10 A (Witness Weeks) You're right, it's superfluous.

11 A (Witness Frey) I think you're right.

12 Q I'm sorry?

13 A (Witness Weeks) It is superfluous. It could have
14 been eliminated without affecting the results of the report.

15 Q Let me direct your attention to page Roman numeral
16 IV-A-13, and this is in connection with timeliness of
17 response. I'll give you a second to catch up, Mr. Frey.

18 A (Witness Frey) I'm there.

19 Q Now, I'm looking specifically at Footnote 10 on
20 that page. And I believe Footnote 10 says that KPMG omitted
21 transmission -- transaction transmission time from the test
22 CLEC to BellSouth, and vice-versa. Is that what that
23 footnote basically says?

24 A (Witness Frey) No.

25 Q Would you please explain what it says.

1 A (Witness Frey) Yes. The transmission time from
2 the test CLEC interface to the BellSouth interface is
3 included in the transaction intervals that we recorded.
4 However, if you looked on the retail side, those transaction
5 intervals would be either non-existent or much smaller,
6 depending on the system architecture.

7 And the point of this footnote is to say that the
8 standard that was specified was a direct retail comparison
9 that did not include any allowance for transmission time.
10 Frequently you'll hear this referred to as parity plus two,
11 parity plus four, and those intervals are not included. We
12 carried out a direct parity comparison, without making any
13 allowances for difference in the architecture that would
14 contribute to transmission time intervals.

15 Q I'm going to move you again, Mr. Frey, if I can
16 direct your attention to page Roman numeral V-A-8, and the
17 next page, Roman numeral V-A-9, in connection with OP 1-2-2.

18 A (Witness Frey) Okay.

19 Q And I'm going to give myself a second to get there
20 as well, Mr. Frey.

21 Now, specifically I'm looking at Footnote 17,
22 which actually is on Roman numeral V-A-9. And there is
23 says, in part, toward the end of the footnote, that, "KCI
24 believes that the additional effort required of CLECs to
25 develop two distinct service requests and to coordinate

1 their due dates is not a significant impediment to timely
2 execution of these order types."

3 Now, I'd like to ask you, Mr. Frey, what factors
4 KPMG considered in reaching this particular determination
5 that I just read to you that's in Footnote 17?

6 A (Witness Frey) We looked at the presence of the
7 functionality for both transactions that would be required
8 in order to carry out the business objective, and made an
9 assessment of the impact on operational activities that
10 would be required to carry out two steps instead of one, and
11 determined, based on our professional judgment, that this
12 would not be a significant impact to the business
13 operations.

14 Q All right. So this is another case that involved
15 the use of professional judgment on the page of KPMG?

16 A (Witness Frey) That's correct.

17 MR. ATKINSON: One moment, Mr. Chairman.

18 Q Two last questions, Mr. Frey, I believe.

19 A (Witness Frey) Okay.

20 Q Do you recall when KPMG began testing in Georgia
21 in connection with the MTP which you inherited?

22 A (Witness Frey) With the MTP that we inherited, we
23 became test manager on September 9th, 1999.

24 Q And do you recall when KPMG instituted the weekly
25 CLEC conference calls in connection with the Georgia test?

1 A (Witness Frey) To my recollection, those were
2 instituted at approximately the time the STP or the order
3 authorizing STP testing was instituted, which was -- which
4 was -- and perhaps someone at the Commission recalls, but I
5 don't recall. It was sometime in 2000.

6 Q Would you -- can you give me a ballpark? Was it
7 early 2000, to your recollection?

8 A (Witness Frey) To my recollection, it was mid-
9 2000.

10 MR. ATKINSON: Thank you, Mr. Frey. Thank you,
11 gentlemen. No further questions.

12 COMMISSIONER BURGESS: Thank you, Mr. Atkinson.
13 There's no further cross-examination of this panel? Mr.
14 Hill, you have anything?

15 MR. HILL: No, sir.

16 COMMISSIONER BURGESS: This group is excused, and
17 we'll move on to the metrics and flow-through evaluation
18 panel. Thank you all.

19 COMMISSIONER BURGESS: AT&T?

20 MS. AZORSKY: Thank you, Commissioner Burgess.

21 FURTHER CROSS-EXAMINATION

22 BY MS. AZORSKY:

23 Q Good afternoon, gentlemen.

24 A (Witness Frey) Good afternoon.

25 Q Focusing on the topic of metrics, we talked about

1 at the very beginning of the day today the four different
2 kinds of results you could get on a test: satisfied, not
3 satisfied, no result determination made, not complete. A
4 number of the tests in the metrics portion of this review
5 are not yet complete; is that correct?

6 A (Witness Weeks) That's correct.

7 Q Could you please hold the microphone...

8 A (Witness Weeks) I'm sorry. That's correct.

9 Q Thank you. In fact, there are still about nine
10 exceptions open; is that correct?

11 A (Witness Weeks) We believe the number is more
12 like four or five, but...

13 Q All right. But one of those exceptions is
14 Exception 79; correct?

15 A (Witness Weeks) Yes.

16 Q And Exception 79 refers to BellSouth's data
17 retention policy for raw data that is used in the
18 calculation of -- of several of the SQM reports; is that
19 correct?

20 A (Witness Weeks) That's one of the issues raised
21 in that exception.

22 Q And what are the other issues raised in that
23 exception?

24 A (Witness Weeks) I'll have to read it just a
25 moment. Have to read it just a moment.

1 (Brief pause)

2 A (Witness Weeks) That is the issue.

3 Q Okay. And KCI has expressed its opinion that
4 BellSouth should retain such data -- well, strike that. In
5 investigating Exception 79, KCI realized that BellSouth did
6 not have a written policy regarding retention for an
7 adequate period of early stage data, the computer programs
8 used to process that early stage data, the raw data, or the
9 SQM generating computer programs; is that correct?

10 A (Witness Weeks) Well, there were inconsistencies
11 in the retention policies of those; yes.

12 Q They were inconsistent?

13 A (Witness Weeks) There were different time frames
14 used for different portions of all of what you just
15 articulated.

16 Q And KCI expressed its opinion, didn't it, that
17 they should have a consistent retention program to
18 facilitate thorough audits of the data; is that correct?

19 A (Witness Weeks) I think that's a fair
20 characterization.

21 Q And a retention program with some -- that KCI
22 recommended was somewhere between 18 months and three years?

23 A (Witness Weeks) Yes.

24 Q Now, Mr. Freundlich, who is sitting behind you, is
25 your team leader for metrics; is that correct?

1 A (Witness Weeks) That's correct.

2 Q Okay. Mr. Freundlich, I believe, has stated that
3 Exception 79 will not be closed until BellSouth has
4 implemented its data retention policies; is that true?

5 A (Witness Weeks) Yes.

6 Q And Mr. Freundlich, I believe, also has stated
7 that the schedule for implementation of those data retention
8 policies is the third quarter of 2001; is that correct?

9 A (Witness Weeks) Yes.

10 Q Okay. So is it fair to say that the metrics
11 portion of the third-party test won't be completed at least
12 until the third quarter of 2001?

13 A (Witness Weeks) Well, this exception wouldn't be
14 able to be pursued or retested or evaluated until then.

15 Q So this exception that KCI concluded would
16 facilitate thorough audits won't be completed until the
17 third quarter of 2001?

18 A (Witness Weeks) I'm drawing the distinction
19 between the metrics testing and this particular exception
20 itself. Sometimes those work on different schedules.

21 Q But what is necessary to do the audit won't be
22 complete until...

23 A (Witness Weeks) What is necessary to evaluate
24 BellSouth's compliance with its response to this exception
25 can't be executed until those procedures are in fact in

1 place.

2 Q Now, and didn't Mr. Freundlich also state that he
3 does not believe that Exception 89, an exception related to
4 data collection, will be closed before the third quarter of
5 2001?

6 A (Witness Weeks) Yes.

7 Q Okay. And am I correct that Exception 89 relates
8 to whether the raw data used in the calculation of
9 BellSouth's SQMs is supported by the early stage data?

10 A (Witness Weeks) I believe it says that the raw
11 data used in the calculations are not currently accurately
12 derived or supported by the early stage data.

13 Q Okay. So they're not quite the same; is that
14 correct?

15 A (Witness Weeks) It's difficult to get from one to
16 the other.

17 Q And KCI just recently issued a new public
18 exception on performance metrics; is that correct?

19 A (Witness Weeks) Which -- which one are you
20 referencing?

21 Q Exception 137.

22 A (Witness Weeks) Okay. It's our most recent.

23 Q Okay. And is it accurate to say that Exception
24 137 focuses on the issue of whether KCI could compare the
25 test CLEC data that it created, and whether that accurately

1 compared with the data that BellSouth had for KCI as a test
2 CLEC?

3 A (Witness Weeks) Yes.

4 Q Okay. And that exception is not yet resolved; is
5 that correct?

6 A (Witness Weeks) That's correct.

7 Q All right. And then finally, this Commission has
8 asked you to complete an audit of three months of data
9 generated by BellSouth based on its January 21, 2001 order;
10 is that correct?

11 A (Witness Weeks) I believe that's correct.

12 Q Is that audit complete?

13 A (Witness Weeks) No, it is not.

14 Q Okay. Is there an expectation of when that audit
15 will be complete?

16 A (Witness Weeks) It's not clear, as we sit here
17 today, exactly when that will be completed.

18 Q All right. I'd like to talk for a minute about
19 held orders. PMR 2-7-22 evaluated the mean held order
20 intervals, I believe; is that correct?

21 A (Witness Weeks) If you'll give us a chance to
22 turn there.

23 Q Sure.

24 A (Witness Weeks) That's in the STP you're
25 referring to?

1 Q Yes. PMR 2-7-2.

2 A (Witness Weeks) Yes, mean held order interval and
3 distribution intervals. PMR 2-7-2 talks about the stated
4 calculation is complete, logical, and consistent with the
5 definition.

6 Q Okay. And what is a held order?

7 A (Witness Weeks) It's an order that's in a state
8 somewhere between it has been received by BellSouth and it
9 has not yet been executed or acted upon by BellSouth.

10 Q And KCI came up with a -- an exception report on
11 this interval; did they not?

12 A (Witness Weeks) Yes.

13 Q And that exception report was resolved when
14 BellSouth changed its documentation for what the held order
15 interval -- how the held order interval would be reported;
16 is that correct?

17 A (Witness Weeks) Let's look at the closure
18 statement here.

19 Q Well, it's not really necessary that you look at
20 the closure statement. Let me restate the question so we
21 can try and move this along a little bit.

22 Am I correct that the conclusion that the stated
23 calculation is complete, logical, and consistent with the
24 definition, is based on a definition which says that
25 BellSouth will report held order intervals only if they are

1 open at the end of the month?

2 A (Witness Weeks) That's our understanding.

3 Q Okay. So if I'm a CLEC and I submit an order
4 today and it's closed on May 29th, so it's been open for
5 about three weeks, that would not be reported as a held
6 order interval in BellSouth's reporting?

7 A (Witness Weeks) That's our understanding.

8 Q Okay. Did you consider, in closing this
9 exception, whether you should recommend to BellSouth that
10 they might want to change the way they calculated it, rather
11 than simply change their documentation?

12 A (Witness Weeks) The answer is that we did not
13 consider that the definition that was given needed to be
14 modified as a result of learning that fact.

15 Q Okay. Did you consider, in reviewing the
16 performance metrics generally, what impact any given metric
17 might have on a CLEC when you made your recommendations to
18 BellSouth?

19 A (Witness Weeks) The metrics definitions were
20 given to us, orders by the Commission and so on. What we
21 were attempting to demonstrate is whether the company had
22 implemented the order -- or the metrics in the definitions
23 that they were given, not to call to question whether the
24 definitions were accurate or correct or not from a
25 regulatory perspective.

1 Q So, if I understand you correctly, you didn't --
2 in doing the metrics analysis, you didn't consider -- you
3 didn't differentiate between metrics based on what impact it
4 might have on CLECs?

5 A (Witness Weeks) No. We were trying to
6 fundamentally answer the question: Were the reports that
7 come out accurate?

8 Q Okay. And finally, we've talked about some
9 specific metrics in the Georgia test. But overall, did you
10 take steps to assure that the interfaces that the CLECs must
11 use are at parity with the interfaces that BellSouth used
12 with it -- uses with its own retail customers?

13 A (Witness Weeks) I don't believe there's anything
14 in our tests, MTP or STP, that would have addressed that
15 particular topic.

16 Q Thank you. I have no further questions.

17 MR. LEMMER: Good afternoon, Commissioners. Tom
18 Lemmer for AT&T.

19 FURTHER CROSS-EXAMINATION

20 BY MR. LEMMER:

21 Q Good afternoon, gentlemen. Few questions
22 regarding flow-through. And to aid the Commission, we'll
23 hand out some excerpts from the flow-through report which is
24 part of the -- the large report that you received. And I
25 would ask that you all have in front of you the flow-through

1 report.

2 A (Witness Weeks) We have that.

3 Q Would you define for me what the term "flow-
4 through" means in the context of what was analyzed in this
5 report that you're looking at.

6 A (Witness Weeks) In general, flow-through refers
7 to orders that are submitted electronically, that flow
8 through, back to the service order processing system without
9 human intervention. And if they do that, then the order is
10 considered to flow through. If they do not, if they are
11 submitted electronically and at some point in the process
12 they kick out or fall out for manual processing by a rep of
13 BellSouth in the center, then that is an order that would be
14 characterized as not having flowed through.

15 Q Now, if you'd turn to Page 4 of the flow-through
16 report, and if you look at the third paragraph that's on
17 that page, and it says, "A key aspect." Do you see that
18 paragraph that begins with those words? Says, "A key..."

19 A (Witness Weeks) I see that paragraph; yes.

20 Q It says, "A key aspect of BellSouth's readiness o
21 support CLEC entry into the local telecommunications market
22 is the ability of the CLEC's local service request to flow
23 through BellSouth's OSS." Why is flow-through a key aspect
24 of BellSouth's readiness to support CLEC entry?

25 A (Witness Weeks) I think it's generally agreed in

1 the industry that the more orders -- order types that can be
2 eligible for flow-through, the more readily the bonding --
3 electronic bonding that takes place between the parties can
4 take place and facilitate larger volumes of order processing
5 because fewer human beings need to get involved, and the
6 overall flow of business will be facilitated.

7 Q In preparing this report, did KCI review
8 BellSouth's systems for flow-through of BellSouth orders
9 placed with BellSouth?

10 A (Witness Weeks) Yeah, I think I'm struggling with
11 the question. Could you rephrase it?

12 Q Okay, let me rephrase. In doing work to develop
13 this report, did KCI review the electronic systems through
14 which orders placed with BellSouth would flow through?

15 A (Witness Weeks) We didn't review the systems, per
16 se. If by that you mean performing extensive reviews and
17 evaluations of the software code and so on on the BellSouth
18 side, we did look at BellSouth documentation, the things
19 that would be commercially available to a CLEC, those sorts
20 of things. So I'm not quite sure the level at which you
21 meant "review the systems."

22 Q Did you do a -- did KCI did a comparison between
23 the flow-through achieved with orders placed with BellSouth
24 versus the flow-through that would be available to CLEC
25 orders?

1 A (Witness Weeks) It's our understanding -- we're
2 not aware of a retail electronic bonding interface. So the
3 notion of flow-through on electronic bonded interface, we
4 wouldn't believe there was a retail analog for that, so we
5 wouldn't have made that analysis.

6 Q Now, the Commission requested that an audit be
7 performed of flow-through performance data; do you recall
8 that?

9 A (Witness Weeks) Yes.

10 Q And did KCI perform an audit of BellSouth's flow-
11 through performance data?

12 A (Witness Weeks) Yes. That is the report that you
13 referenced earlier.

14 Q Well, let me ask you to turn to the second and
15 third page of that report, if you would, please. And I'm
16 looking down at the bottom of Page 2 and onto the top of
17 Page 3. At the bottom of Page 2 it says KCI, quote, "has
18 not independently verified to the accuracy or completeness
19 of the information provided. Accordingly, KCI expresses no
20 opinion on such data." Do you see that language?

21 A (Witness Weeks) That's correct.

22 Q So is it a fair interpretation of that language
23 that KCI did not independently verify information received
24 from BellSouth for purposes of performing this flow-through
25 analysis?

1 A (Witness Weeks) I think it's a more accurate
2 characterization to say that we did in many cases verify
3 information in the flow-through reports by comparing and
4 tracing and tracking information from the pseudo-CLEC and
5 its transactions, and so there would be cases where we in
6 fact did do validation; there would be other cases where
7 representations were made to us by the company which we did
8 not subject to any kind of validation.

9 Q And would you give the Commission an example of
10 the type of information that was not validated.

11 A (Witness Weeks) Yes. There would have been
12 certain MNPs in the LCSC, for example, that we took at face
13 value, the company's representation of how they operated.
14 And we would just have examined the result that came out of
15 that process, without actually verifying the company's
16 statements about how those MNPs worked.

17 Q Now, if you turn over to the third page, it says,
18 "KCI has no conducted an audit or review of the historical
19 data provided to us in accordance with generally accepted
20 auditing procedures and/or standards promulgated by the
21 American Institute of Certified Public Accountants." Do you
22 see that?

23 A (Witness Weeks) Yes, I do.

24 Q Is it fair to say that this statement that I just
25 read from Page 3 of the report states that KCI did not

1 perform an audit of the historical data?

2 A (Witness Weeks) It's our understanding of the
3 order that it asks for a thorough evaluation as opposed to
4 an audit, because at the time this work was undertaken, KPMG
5 Consulting was a portion of KPMG, LLP. We felt that we
6 needed to make clear disclaimer that this was not an audit
7 in the AICPA sense of an audit, because the worked "audit"
8 is used rather loosely sometimes. And so we felt it
9 necessary to distinguish the kind of activity we were doing,
10 which was a thorough evaluation, from an audit conducted for
11 financial statement purposes.

12 Q Now, the order from this Commission talks about
13 the performance of a, quote, "full audit of the percent
14 flow-through service requests," unquote. Given the language
15 on the bottom of Page 2 of the report and the top of Page 3
16 of the report that we've been talking about, is it your
17 opinion that KCI performed a, quote, "full audit," unquote?

18 A (Witness Weeks) We believe so; yes.

19 MR. LEMMER: Mr. Burgess, I'm handing out a
20 document that I'd like to be identified as Exhibit 1 for
21 this hearing.

(The documents referred to
were marked for identification
as AT&T Exhibit #1.)

22
23
24
25 BY MR. LEMMER:

1 Q And I would ask, do you -- do you have a copy in
2 front of you of what has been identified as Exhibit 1?

3 A (Witness Weeks) Yes, we do.

4 Q And do you recognize this document?

5 A (Witness Frey) Yes.

6 A (Witness Weeks) Yes.

7 Q And there is a -- it says, "Prepared by Mr. Steve
8 Strickland." Is Mr. Strickland...

9 A (Witness Weeks) Yeah. We're going to ask Mr.
10 Strickland to step to the microphone so that he can
11 facilitate the answers to your question.

12 Q And, Mr. Strickland, is it a fair generalization
13 of what's in front of you, identified as Exhibit #1, that
14 this is a step that you performed to evaluate the accuracy
15 of BellSouth data relating to flow-through?

16 A (Witness Strickland) Yes.

17 Q And if you look on -- and I'm looking at the first
18 page, and the very first line of numbers, says, quote, "From
19 raw data," unquote. Do you see that?

20 A (Witness Strickland) Yes.

21 Q What does that line represent?

22 A (Witness Strickland) What that represents is the
23 results that we obtained when we created calculations and
24 ran our own calculations based on the business rules that we
25 understood for flow-through, against data captured by

1 BellSouth at the very earliest stages in their process.

2 Q And the raw data that's reflected in that first
3 line, is that the information that you see beginning on
4 what's labeled Page 2 on the bottom, that runs for several
5 pages?

6 A (Witness Strickland) No.

7 Q What's represented on those pages?

8 A (Witness Strickland) What you see there is an
9 actual subset of the flow-through report as published for
10 October 1999.

11 Q Now, the second line on the first page has the
12 word "reported." Do you see that?

13 A (Witness Strickland) Yes.

14 Q The data that's labeled "reported," is that the
15 information that's found on the page that's identified 8 on
16 the bottom, that's probably 12 pages into this exhibit?

17 A (Witness Strickland) Yes.

18 Q And so the purpose of the report that we're
19 looking at is to compare the data that BellSouth was
20 generating, as shown on Page 8, versus KCI's analysis based
21 on the raw data that was received from BellSouth; fair
22 statement?

23 A (Witness Strickland) Yes, in general.

24 Q And the purpose of this was to evaluate the
25 accuracy of BellSouth's data?

1 A (Witness Strickland) Yes.

2 Q Now, let me show you another document, if I could.

3 MR. LEMMER: Okay, Mr. Burgess, I would ask that
4 this document be identified as Exhibit #2 for this hearing.

5 COMMISSIONER BURGESS: Identified as AT&T 2.

6 (The documents referred to
7 were marked for identification
8 as AT&T Exhibit #2.)

9 BY MR. LEMMER:

10 Q And, Mr. Strickland, do you recognize what's been
11 identified as AT&T Exhibit 2?

12 A (Witness Strickland) Yes.

13 Q Is this a document that you prepared?

14 A (Witness Strickland) Yes.

15 Q And is the reason for preparing this document
16 similar to why you've prepared what's by identified as
17 Exhibit #1?

18 A (Witness Strickland) Yes.

19 Q And is the -- the bottom line or the basic intent
20 of this document to again compare the results of raw data
21 provided to you versus information BellSouth was providing
22 on its flow-through statistics?

23 A (Witness Strickland) Yes.

24 Q The statistics that are on the very first page of
25 Exhibit #2, can you tell me the source of that data? And

1 I'm looking specifically at the line that's in bold.

2 A (Witness Strickland) Page 2?

3 Q No, first page.

4 A (Witness Strickland) Okay. That would be a flow-
5 through report provided by BellSouth.

6 Q And if you would turn to Page #9, that has
7 numbered Page 9 on the bottom. And if you look at --
8 there's a line of information called "total interfaces,"
9 on -- on that page. Do you see that?

10 A (Witness Strickland) Yes.

11 Q Should then the numbers that are on Page 9 under
12 the "total interface" line, should that equal the numbers
13 that are on Page 1 in bold?

14 A (Witness Strickland) They should; in this
15 instance they don't.

16 Q And do you know why they don't?

17 A (Witness Strickland) No. I don't believe I
18 recognize the second document.

19 Q Do you recognize any part of Exhibit 2, other than
20 the first page?

21 A (Witness Strickland) It resembles a flow-through
22 document for October, but I don't know if it's the specific
23 one that I used in my examination.

24 Q Now, you look at this Exhibit 2, there is a number
25 of pages labeled, "Detail." And then, if you go further

1 into the report -- for example, I just turned to Page 15 --
2 it says "Residence Detail."

3 A (Witness Strickland) That's correct.

4 Q Do you see that? What is the difference between a
5 page containing detail and a page containing residence
6 detail?

7 A (Witness Strickland) To the best of my
8 understanding, the residence detail is a disaggregate or a
9 further breakdown of the flow-through calculation.

10 Q Was there any -- did you perform any analysis of
11 the disaggregated flow-through information to verify the
12 accuracy of BellSouth's disaggregated flow-through data?

13 A (Witness Strickland) No.

14 Q That's all I have. Thank you.

15 COMMISSIONER BURGESS: Thank you.

16 MR. HILL: Mr. Burgess, since the witness has
17 testified he only recognizes the first page of this
18 document, I'd ask that AT&T's Exhibit #2 be amended, and it
19 be a one-page document consisting only of the first page.

20 COMMISSIONER BURGESS: Response, Mr. Lemmer?

21 MR. LEMMER: If I can ask one question, I believe
22 I can solve the problem.

23 BY MR. LEMMER:

24 Q If -- Mr. Strickland would correct me if I'm
25 wrong, but I believe you indicated that the documents or the

1 pages attached to the first page of Exhibit #2 were familiar
2 to you because you had seen reports like this?

3 A (Witness Strickland) That's correct.

4 MR. LEMMER: On that basis, Mr. Burgess, I would
5 submit that it's a valid exhibit.

6 COMMISSIONER BURGESS: Mr. Hill, one more time.

7 MR. HILL: Your Honor, he can only identify what
8 he can identify. He identifies Page 1. I have no idea
9 where these other pages came from. Neither does Mr.
10 Strickland. And if AT&T wants to have it in evidence, they
11 should have someone vouch for it.

12 COMMISSIONER BURGESS: Let me ask you, Mr.
13 Strickland, did you utilize these other pages in any of your
14 analysis in coming up with the summary sheet on the front of
15 this document?

16 WITNESS STRICKLAND: I used similar pages. But
17 one thing I know for a fact is that the total mechanized
18 LSRs on the document I used were 341,108.

19 COMMISSIONER BURGESS: So these specific pages
20 that are attached to this document you did not use in your
21 analysis in coming up with the summary sheet?

22 WITNESS STRICKLAND: No, sir. No, sir.

23 COMMISSIONER BURGESS: Well, I'm going to, in that
24 case, then, sustain Mr. Hill's objection, and the parts of
25 this document that will be allowed in the record will be the

1 summary pages which the witness himself directly was
2 familiar with and used in his analysis.

3 MR. HILL: Thank you, Mr. Commissioner.

4 MR. LEMMER: Commissioner Burgess; I would notify
5 you that this document was part of the flow-through report
6 made to this Commission.

7 COMMISSIONER BURGESS: Yeah, I recognize the
8 document as being that.

9 BellSouth?

10 MR. ROSS: Thank you, Mr. Chairman.

11 FURTHER CROSS-EXAMINATION

12 BY MR. ROSS:

13 Q Just a few questions about metrics, Mr. Weeks.
14 There was some discussion at the deposition of Mr.
15 Freundlich about exclusions that were omitted from
16 BellSouth's SQMs, and whether it was within the scope of the
17 third-party audit to bring those issues to BellSouth's
18 attention. Do you recall those issues?

19 A (Witness Weeks) I do.

20 Q Do you happen to have in front of you a copy of
21 Closure Exhibit 87?

22 A (Witness Weeks) I can obtain that.

23 (Brief pause)

24 A (Witness Weeks) Okay, we have that.

25 Q And what specifically, just for the record, did

1 this exception deal with?

2 A (Witness Weeks) The explanation that's included
3 in the report says that the computation instructions
4 provided by BellSouth for 13 PMAP service quality measures
5 were not consistent with the information provided in the SQM
6 reports.

7 Q And if I understand the exception, KPMG had
8 difficulty replicating, using the instructions that were
9 given to them in user's manual and the SQMs, to get the same
10 result; is that a layman's explanation for the issue?

11 A (Witness Weeks) We'll ask Mr. Freundlich to give
12 the answer. It's too long for me to repeat.

13 A (Witness Freundlich) This exception dealt with a
14 comparison, for the metrics definition test, of the
15 computation instructions and the -- and the SQM manual
16 calculation description.

17 Q And why was that important, Mr. Freundlich?

18 A (Witness Freundlich) That was important -- well,
19 first, it was part of the metrics definition test PMR 2
20 scope. And it was important to -- as one of our aspects of
21 insuring that the computation instructions included the
22 information that was in the SQM, basically that -- that the
23 various calculations that were actually being performed were
24 consistent with the calculation descriptions in the SQM
25 document itself.

1 Q And that was within the scope of the third-party
2 test in Georgia, was it not?

3 A (Witness Freundlich) Yes, it was.

4 Q And there were any number of instances where KPMG
5 identified exclusions that were being applied, but that were
6 omitted from BellSouth's SQMs, and brought that to
7 BellSouth's attention; is that correct?

8 A (Witness Freundlich) That's correct.

9 Q And, in fact, in -- we don't have to go through
10 the whole document, but there were several instances,
11 specifically in relation to Exception 87, for example, if
12 you would turn over to Page 2 of Exception 87, where -- at
13 the bottom of the page we're talking about provisioning,
14 percent provisioning troubles within 30 days of service
15 order activity. Do you see that?

16 A (Witness Freundlich) Yes, I do.

17 Q KPMG identified an inconsistency, in that customer
18 provided equipment, or CPE, was being excluded, but it
19 wasn't identified as an exclusion in the SQM; correct?

20 A (Witness Freundlich) I believe that's correct.

21 Q And KPMG brought that to BellSouth's attention,
22 and BellSouth identified that exclusion in order to close
23 this exception; is that correct?

24 A (Witness Freundlich) That's right.

25 Q Do you happen to have Exception 105 in front of

1 you, Mr. Freundlich?

2 A (Witness Freundlich) Yes, I do.

3 Q Is it fair to say this is another instance where
4 an exclusion was being applied that was not listed in the
5 SQM reports, and it was brought to BellSouth's attention?

6 A (Witness Freundlich) That's correct.

7 Q And in this case, the exception is talking about
8 provisioning mean held order interval and distribution
9 interval where held order duration of greater than 120 days
10 were being excluded, but that was not specifically listed in
11 the SQMs; correct?

12 A (Witness Freundlich) That's correct.

13 Q To your knowledge, is Exception 105 open or
14 closed?

15 A (Witness Freundlich) I believe it is closed.

16 Q And to your knowledge, is it closed because
17 BellSouth has modified its SQMs to specifically identify
18 this exclusion?

19 A (Witness Freundlich) I'm sorry, could you repeat
20 the question, please.

21 Q Yes. To your knowledge, was this exception closed
22 because BellSouth has modified its SQMs to identify the
23 exclusion that was listed in Exception 105?

24 A (Witness Freundlich) BellSouth has modified the
25 calculation code.

1 Q Okay. Meaning what? The exclusion is being
2 applied or it's not being applied?

3 A (Witness Freundlich) They have deleted the
4 exclusion from the code itself, so it is no longer being
5 applied.

6 Q All right. Would it be accurate for anyone to
7 suggest that KPMG routinely ignored exclusions that were
8 being applied by BellSouth, but that were omitted from
9 BellSouth's SQMs?

10 A (Witness Freundlich) That would not be an
11 accurate characterization.

12 Q Thank you. No further question, Mr. Chairman.

13 COMMISSIONER BURGESS: CTAG? No response.

14 Ms. Boone?

15 FURTHER CROSS-EXAMINATION

16 BY MS. BOONE:

17 Q Hi. Cathy Boone with Covad Communications. Did
18 KPMG evaluate the local number portability measures in flow-
19 through?

20 A (Witness Weeks) No.

21 Q Why not?

22 A (Witness Weeks) It's out of the scope.

23 Q I'm sorry?

24 COMMISSIONER BURGESS: You got to use that mic,
25 Mr. Frey, please.

1 pages are removed from the exhibit.

2 COMMISSIONER BURGESS: In accordance with my
3 ruling, it'll be included as a part of the record. Thank
4 you.

5 MR. LEMMER: Thank you, Commissioner.

6 (The documents, heretofore marked
7 as AT&T Exhibits #1 & #2, were
8 received in evidence.)

9 FURTHER CROSS EXAMINATION

10 BY MR. LEMMER:

11 Q Good afternoon, gentlemen, once again. The
12 subject we're going to talk about for a bit is billing. And
13 when we're talking about billing, would it be fair to say
14 that we're talking about the providing of information to a
15 CLEC by BellSouth that relates to usage and type of service
16 used?

17 A (Witness Weeks) Yes, that's part of it.

18 Q What would be the rest of it?

19 A (Witness Weeks) Well, the actual bills that get
20 rendered to the CLEC from the ILEC.

21 Q So it's the information, plus the electronic or
22 paper format that transmits that information that
23 constitutes billing; fair statement?

24 A (Witness Weeks) I think that's fair.

25 Q And with billing, would you agree that accuracy of

1 the information is important to the -- to the CLEC, from the
2 standpoint that the CLEC has to have accurate bills sent to
3 the consumer?

4 A (Witness Weeks) I would think accurate
5 information from the ILEC would greatly contribute to the
6 accuracy of the bills sent to the consumer.

7 Q And timeliness of the billing information from the
8 ILEC to the CLEC, would you agree that that would be very
9 helpful for the CLEC being able to bill its customers on a
10 timely basis?

11 A (Witness Weeks) Yes.

12 Q And would you agree, based on your experience in
13 this area, that billing accuracy and timeliness is a --
14 something of great interest to the consumer?

15 A (Witness Weeks) I would think a consumer would
16 like the bills to be late and inaccurate in their favor.

17 Q Okay. But conversely, consumers get very upset
18 when bills are inaccurate not in their favor?

19 A (Witness Weeks) That's a fair characterization.

20 Q And consumers also get upset when bills come in a
21 year later and they have to pay for a year's worth of
22 service that they haven't previously paid for?

23 A (Witness Weeks) I think that would depend on
24 their cash flow model, but...

25 Q The bills that a CLEC renders to consumers

1 generate revenue for the CLEC for its -- its services that
2 it's providing in the local service market; fair statement?

3 A (Witness Weeks) Yes, the consumer's bill is the
4 mechanism that the CLEC uses to communicate to the customer
5 what they owe, and that triggers a payment process. So I
6 think that's a fair characterization.

7 Q And it's that revenue flow to CLECs that generate,
8 hopefully for the CLEC, a profit for its local services?

9 A (Witness Weeks) Well, the component that -- talks
10 about the revenue, it doesn't talk about the cost.

11 Q Well, without the revenue you don't have a profit;
12 right?

13 A (Witness Weeks) Yes, it's very difficult to have
14 profit without revenue.

15 COURT REPORTER: Excuse me, Mr. Weeks. Would you
16 please use the microphone.

17 WITNESS WEEKS: I'm trying to. I apologize.

18 BY MR. LEMMER:

19 Q If you would turn to -- and I -- in Section 6, and
20 Commissioners, I distributed excerpts from Section 6 to you
21 that will relate to the pages that we will be taking a look
22 at. But, gentlemen, if you will turn to Section 6 of the
23 Master Test Report which relates to billing.

24 A (Witness Weeks) We're there.

25 Q And if you would turn specifically to page Roman

1 VI-D-9. And I'm looking -- we'll be looking at Test IV-1-2.

2 Do you have that?

3 A (Witness Weeks) IV-1-2; yes.

4 Q And that runs over onto the next page, Roman VI-D-

5 10. Do you have that?

6 A (Witness Weeks) Yes, we do.

7 Q Now, looking at page Roman VI-D-10, if you look
8 down probably the lower half of the comment column on that
9 page, there was a -- an issue or a problem that was revealed
10 in the performance of this test. Would you -- is that a
11 fair general statement?

12 A (Witness Weeks) I believe you're referring to the
13 paragraph that starts, "Initially KCI was unable to match"?

14 Q Yes.

15 A (Witness Weeks) I see that paragraph.

16 Q And is it a fair description of the issue that is
17 discussed there that the credits on a bill were being
18 formatted with negative signs, and the system was reading
19 the amounts within those parentheses as a zero; is that a
20 fair statement?

21 A (Witness Weeks) Yes, that's fair.

22 Q And so, because of this problem, a bill would be
23 overstated because what should have been recognized as a
24 credit was simply being recognized as a zero amount; fair
25 statement?

1 A (Witness Weeks) I believe that's correct.

2 Q Now, this -- this particular test resulted in a
3 "satisfied" result; is that accurate?

4 A (Witness Weeks) Yes.

5 Q And is it also accurate to say that the
6 "satisfied" that was given to this test resulted from a
7 determination that BellSouth, quote, "will," unquote update
8 its procedures to accurately reflect credits; is that a fair
9 statement?

10 A (Witness Frey) Just for the record, we want to
11 point out that this is actually a metrics test, so we've
12 asked Mr. Freundlich to join us up here again. It's a
13 metrics test that was conducted based on the organization of
14 the MTP within the billing domain.

15 Q Okay. Let me -- let me repeat my question so
16 whoever's appropriate can answer it.

17 Is it accurate to say that the "satisfied" result
18 that was given on this test came about because of a KCI
19 determination that BellSouth, quote, "will," unquote, update
20 its procedures to eliminate the problem that's discussed?
21 Is that a fair statement?

22 A (Witness Weeks) That's not completely accurate.
23 That's only partially accurate.

24 Q Will you please make it accurate for me.

25 COMMISSIONER BURGESS: Identify yourself for the

1 record, please.

2 WITNESS FREUNDLICH: Yes. This is Lawrence
3 Freundlich.

4 A (Witness Freundlich) BellSouth reran their SUM
5 report for January 2001 and the values that were in this
6 rerun report matched our calculations. I believe -- well,
7 BellSouth also -- I'm sorry. KCI has also reviewed
8 BellSouth's report for February 2001, and the values there
9 matched as well. BellSouth -- BellSouth had a manual fix in
10 place, essentially, monitoring the raw values, particularly
11 the revenues for this metric and -- to determine that
12 parentheses were not used until or -- basically until the
13 electronic fix and PMAP was in place.

14 Q And to your knowledge, is that electronic fix in
15 place today?

16 A (Witness Freundlich) I don't know the answer to
17 that question. I don't know.

18 Q So then is it fair to say that the closure -- or
19 not the closure, but the determination of "satisfied" was
20 based on the determination that BellSouth will make this
21 electronic fix at some point in the future?

22 A (Witness Weeks) No, I think the "satisfied" was
23 based upon the fact that BellSouth instituted procedures in
24 their metrics reporting that would catch and trap and
25 correct this error. And then, on top of that, they've

1 chosen to automate that process instead of having that
2 process be a manual one.

3 Q Has that automated process been tested by KCI?

4 A (Witness Weeks) As we've just stated, no.

5 Q Let me ask you to turn over to page Roman VI-E-1.

6 A (Witness Weeks) Okay.

7 Q And this test deals with certain types of billing
8 information that's being generated, known as -- in the
9 acronyms CRIS and CABS. Is that -- is that accurate?

10 A (Witness Weeks) Yes, that's a documentation test.

11 Q And the purpose of the CRIS and CRABS -- CABS...

12 (Laughter)

13 Q Knew I was going to say that.

14 The purpose of the CRIS and the CABS invoices is
15 to send billing information to the CLEC regarding the usage
16 and the services that have been provided to the CLEC; fair
17 statement?

18 A (Witness Weeks) I think that's fair; yes.

19 Q And the usage that we're talking about is the
20 daily usage of a particular service by a -- by a user; fair
21 statement?

22 A (Witness Weeks) If by "usage" you're referring to
23 daily usage fees, that would be a characterization of the
24 DUF files.

25 Q Okay. Describe for me the information, then, that

1 appears on these types of bills.

2 A (Witness Weeks) Well, the billing elements --
3 there are a variety of different types of billing elements.

4 Some have to do with usage, some do not. Some are
5 recurring types of charges that one would see from period to
6 period; other types of charges are non-recurring, one-time
7 events, like installation charges and so on.

8 Q You mentioned the DUF file, the D-U-F.

9 A (Witness Weeks) Correct.

10 Q Is that what you were talking about?

11 A (Witness Weeks) Yes.

12 Q And the information that appears on a DUF, is that
13 a basis for what ultimately gets placed onto a CRIS or a
14 CABS bill?

15 A (Witness Weeks) Does not directly feed the bill.

16 Q Does information that appears on the DUF file --
17 is it a component in determining information that appears on
18 a CRIS or a CABS bill?

19 A (Witness Weeks) So the answer is yes. Through
20 certain internal processes at BellSouth, calls are made.
21 Those calls get logged, put onto the DUF files and sent to
22 the CLECs. They also find their way -- that same
23 information finds its way into usage based charges on the
24 bills.

25 Q Now, there were -- and referring specifically to

1 Test 5-1-1 on page Roman VI-E-5. And if you look at that
2 test and then the following several tests, V-2 -- excuse me,
3 V-1-2, V-1-3, and several of the tests in V-2, fair general
4 statement that those tests relate to the ability of a CLEC
5 to use a CRIS and a CABS bill from the standpoint that they
6 can understand what they're receiving?

7 A (Witness Weeks) Yes.

8 Q So it's essentially looking at documentation, and
9 seeing if that documentation conveys information that allows
10 the understanding of these bills?

11 A (Witness Weeks) Correct.

12 Q That's a fair statement?

13 Now, if you look, for example, at Test V-1-1 --
14 and I'm over on page Roman VI-E-6 -- you will see on that
15 page that in discussing the results of that test, that there
16 are certain qualifications that are set forth on that page
17 that relate to what KCI found when they reviewed
18 documentation. Fair statement of what's on page Roman VI-E-
19 6?

20 A (Witness Weeks) These are items that we noted
21 during the course of our document review that we chose to
22 share with the readers of this report.

23 Q And the report calls them "qualifications," does
24 it not?

25 A (Witness Weeks) Yes, it does.

1 Q Then if you turn over to -- or look at the next
2 page, Roman VI-E-7, the end result of that test is that the
3 qualifications regarding references in the BOS provided
4 documentation do not prevent CLECs from utilizing the
5 documentation in an acceptably efficient manner, do you see
6 that language?

7 A (Witness Weeks) Yes, that's how that paragraph
8 reads.

9 Q And is that -- is that language another example of
10 KCI's professional judgment?

11 A (Witness Weeks) Yes, it is.

12 Q And that professional judgment on this particular
13 test resulted in a "satisfied"; is that correct?

14 A (Witness Weeks) Yes, it did.

15 Q And that same process of identifying certain
16 qualifications and concluding that those qualifications did
17 not merit a result other than "satisfied" shows up in the
18 following test of V-1-3; is that correct?

19 A (Witness Weeks) That's correct.

20 Q And it shows up again in V-2-1?

21 A (Witness Weeks) That's correct.

22 Q And in V-2-2?

23 A (Witness Weeks) That's correct.

24 Q And in V-2-4?

25 A (Witness Weeks) That is correct.

1 Q In reaching the conclusion in each one of those
2 tests that we just looked at, that the qualifications noted
3 did not merit a result other than "satisfied," was there any
4 consultation with CLECs in Georgia?

5 A (Witness Weeks) No. We used our experienced
6 folks that have actually worked for ILECs and CLECs on our
7 teams, and our actual experience in trying to use this same
8 documentation to validate the bills and so on that were part
9 of the billing validation tests with which we gained enough
10 experience to form an opinion.

11 Q Let me ask you to turn back to Page VI-B-14.
12 Roman VI-B-14.

13 A (Witness Weeks) That's "B, bravo"?

14 Q That's correct. And if you need to, you can refer
15 back to the first page of this section. But this -- the
16 tests that are being run in this particular section that
17 we're looking at in 6-B relate to the DUF file that you were
18 referring to earlier?

19 A (Witness Weeks) Okay.

20 Q Would you -- is that a fair statement?

21 A (Witness Weeks) Yes.

22 Q Now, if you look at the first -- well, excuse me,
23 if you look at several of the tests that were conducted
24 regarding DUF files, and specifically we can start with II-
25 1-2 on page Roman VI-B-14.

1 A (Witness Weeks) I see II-1-2 on B-14; yes.

2 Q And the -- one of the purposes of this test was to
3 insure that the DUF files were reflecting all of the usage
4 that had occurred during a period of time; is that a fair
5 statement?

6 A (Witness Weeks) Yes. We made test calls, and
7 this was an attempt to determine whether the DUF files
8 properly reflected the files as we believe we had made them.

9 Q And if you look at II-1-10, it begins over on page
10 Roman VI-B-16.

11 A (Witness Weeks) Yes.

12 Q Similar test -- type of test to assess the proper
13 accumulation of usage data?

14 A (Witness Weeks) Yes. This is the process test as
15 opposed to the daily usage file test.

16 Q But it relates to -- it relates to usage data;
17 fair statement?

18 A (Witness Weeks) Yes, it does.

19 Q Then if you look at the very next test, II-1-11,
20 that once again relates to usage data?

21 A (Witness Weeks) Yes.

22 Q Now, if you go back to the first of these tests
23 that we were looking at, II-1-2, and I'm on page Roman VI-B-
24 15.

25 A (Witness Weeks) Yes.

1 Q If you look down there -- if you look at the
2 second to last paragraph in that -- in the "Comments"
3 section on Test II-1-2, it states that there were issues
4 regarding the accumulation of all of the usage data, and
5 that there were some inaccuracies, is that a fair general
6 statement?

7 A (Witness Weeks) What's the beginning of the
8 paragraph you're referencing?

9 Q "BLS updated its billing documentation."

10 A (Witness Weeks) I see that.

11 Q Would you agree a fair generalization is that
12 there were -- there were problems found in the accumulation
13 of all usage data.

14 A (Witness Weeks) I think this is characterizing a
15 problem with documentation, not a problem with behavior.

16 Q Okay. Would it be fair to say, though, that the
17 comment here has to do with whether all of the usage has
18 been gathered so that it can be transferred to the CLEC for
19 billing purposes?

20 A (Witness Weeks) Our recollection on this is that
21 the business issues related here were that service orders
22 were hung up in the system, preventing usage from being
23 delivered in the DUF files.

24 Q And, despite that finding, this particular test
25 resulted in a "satisfied" categorization; correct?

1 A (Witness Weeks) This characterize -- II-1-2 is
2 satisfied; correct.

3 Q And it would be fair to say that the basis for why
4 this particular test resulted in a -- in a "satisfied"
5 conclusion is that, as stated near the bottom of the test or
6 the comments on the test, that KCI understands that the CLEC
7 will not be billed for any usage not delivered during this
8 period of time; do you see that?

9 A (Witness Weeks) I don't think that's the basis
10 for our "satisfied." That's just a piece of information
11 that, had we been a real CLEC operating, we would not have
12 been billed for the usage during this period.

13 Q Well, what was the basis, then, for determining
14 "satisfied" with the existence of the -- of the problem that
15 you just described?

16 A (Witness Weeks) Yeah. The standard that we used
17 in this test was such that 94 percent compliance was
18 sufficient to merit a "satisfied."

19 Q The comment about the usage that is not -- has not
20 been accumulated will not be billed to the CLEC, in your
21 opinion, would that have any negative impact on the CLEC?

22 A (Witness Weeks) Not that I can think of.

23 Q The CLEC doesn't get the usage, the CLEC can't
24 bill the customer and obtain revenue; isn't that correct?

25 A (Witness Weeks) So the question you're asking, if

1 I understand it, is had the usage not been delivered, which
2 it was not in this case, what would have been the impact on
3 the CLEC? And the answer is: The CLEC would not have been
4 able, in turn, to bill the customer for that usage, so
5 there's lost revenue. And they also would not have been
6 billed by the ILEC for that, so there would have been lost
7 costs. So the net effect would be whatever margin there was
8 on the difference between what they billed the customer, if
9 they billed for usage, and what they were billed for that
10 usage by the company.

11 Q And when you use the term "margin," you would
12 include, in the term "margin," profit?

13 A (Witness Weeks) Yes.

14 Q And this concept of the -- of the BellSouth not
15 billing the CLEC for usage is also found in the -- in the
16 two other tests that we looked at in this section, and
17 specifically II-1-10?

18 A (Witness Weeks) I think that's fair; yes. And
19 as -- and as it points out in 10, this is not an absolute
20 missing set of records, this is a delayed set of records.
21 In other words, the files -- the DUF files weren't in the
22 files that we expected them to be in. They appeared
23 subsequently in later DUF files.

24 Q And do you have any experience in consumer
25 reaction to receiving bills for late -- receiving bills for

1 services that should have been billed previously?

2 A (Witness Weeks) Yes.

3 Q And what is that reaction?

4 A (Witness Weeks) Usually they're not very happy.

5 Q Now, if you turn to page Roman VI-A-24. Roman VI-

6 A-24. And at the top of that page you should see Test I-1-

7 20. Do you see that?

8 A (Witness Weeks) Yes.

9 Q And this -- this test addresses timeliness of
10 bills; fair statement?

11 A (Witness Weeks) Yes.

12 Q And if you look in the comment column, there is a
13 standard that is used or discussed in that comment column of
14 six business days or in eight calendar days; do you see
15 that?

16 A (Witness Weeks) Yes, I see that reference.

17 Q And do you know what the basis for using those
18 standards was?

19 A (Witness Weeks) It's the September 2000 SQM
20 standard by the Georgia PSC.

21 Q Now, was there any assessment made as to whether
22 that SQM represented a figure that would demonstrate parity
23 with retail?

24 A (Witness Weeks) Okay, there was no retail analog
25 specified in the SQMs for UNE. So there was not a retail

1 parity issue in this particular one.

2 Q And when you say there was not a retail parity
3 issue, what do you mean by that?

4 A (Witness Weeks) The standard did not articulate
5 parity with retail for UNE as being part of the definition
6 of the standard.

7 Q But assessing parity between what BellSouth's
8 customers experience and what a CLEC's customers experience
9 is -- would you agree that that's a definition of "parity"?

10 A (Witness Weeks) UNE products are not available
11 through the BellSouth retail distribution channel.

12 Q Okay. Do you know what the Commission's order
13 specified as the benchmark for billing?

14 A (Witness Weeks) It's the numbers included here in
15 this comment report.

16 Q For purposes of the billing tests, a test bed was
17 used; is that correct?

18 A (Witness Weeks) For portions of it; yes.

19 Q And for what portions was a test bed not used?

20 A (Witness Weeks) Documentation tests, for example.

21 Q But when you ran tests, a test bed was used; is
22 that a fair statement?

23 A (Witness Weeks) When we did ordering to get
24 accounts into a certain state, there were transactions run.
25 When we made calls, there was daily usage generated. We

1 looked at whether or not the bills reflected properly the
2 billing elements that should be there, given the order
3 activity and the usage and the other types of charges that
4 were appropriate.

5 Q Now, when the test bed was used for billing
6 purposes, that test bed was constructed specifically for the
7 billing test; is that a fair statement?

8 A (Witness Weeks) I think that's fair.

9 Q And it was not the test bed that was used for pre-
10 ordering, ordering, and provisioning; is that a fair
11 statement?

12 A (Witness Weeks) That would be true for UNEs.

13 Q Okay. And in that situation where you're using a
14 separate test bed for billing versus the -- strike that.
15 Let me rephrase it.

16 In the world that a customer would experience,
17 that customer would place an order, and it would be
18 provisioned, and that customer would be ordered, and it
19 would flow through one system; fair statement?

20 A (Witness Weeks) No, there would be many systems
21 that those orders would flow through.

22 Q Okay. But it would be within BellSouth's systems
23 for taking an order, getting it into its system,
24 establishing a customer, and then billing that customer?

25 A (Witness Weeks) Yeah. I guess I'm struggling a

1 little bit with the question. Yes, BellSouth's systems
2 would need to be used by a CLEC to do all of the electronic
3 types of things surrounding pre-ordering, ordering,
4 provisioning, billing, maintenance and repair, and so on.

5 Q And the information that is in BellSouth's systems
6 because of the pre-ordering and ordering and provisioning
7 process, there are aspects of that information that are used
8 for billing purposes, such as address; fair statement?

9 A (Witness Weeks) There are multiple systems at
10 BellSouth that contain address information. Some of those
11 systems are used by ordering, some of them are used by
12 billing. There's more than one database with addresses over
13 there.

14 Q Well, the information that you used to do billing
15 testing -- and I'm talking about the billing testing now --
16 was not the information -- not the test accounts that were
17 used for testing, pre-ordering, ordering, and provisioning;
18 is that a fair statement?

19 A (Witness Weeks) For UNES, that's a true
20 statement.

21 Q That's all I have. Thank you.

22 MR. ROSS: No questions, Mr. Chairman.

23 COMMISSIONER BURGESS: Ms. Boone?

24 MS. BOONE: No, sir.

25 COMMISSIONER BURGESS: Mr. Atkinson?

1 MR. ATKINSON: No questions.

2 COMMISSIONER BURGESS: Mr. Hill, any redirect?

3 MR. HILL: No, sir.

4 COMMISSIONER BURGESS: This panel is excused.

5 We're moving on. Ready for the change management panel.

6 (Panel excused.)

7 COMMISSIONER BURGESS: Mr. Lemmer, are you ready
8 to proceed?

9 MR. LEMMER: I'm ready.

10 WITNESS WEEKS: Is it permitted, according to
11 procedure, to correct an answer?

12 COMMISSIONER BURGESS: A question hasn't been
13 asked.

14 (Laughter.)

15 COMMISSIONER BURGESS: Relative to what?

16 WITNESS WEEKS: We were asked whether or not the
17 same test bed was used for billing and for pre-ordering and
18 ordering, and the testimony that we gave is not 100
19 accurate. On the retest that we did -- not the initial
20 test, but on the retest we did, there were test-bed accounts
21 in common between the pre-ordering and ordering activities
22 and the billing activities.

23 COMMISSIONER BURGESS: Let me ask, Mr. Lemmer, is
24 there some follow-up questions that you would like to ask
25 based on that response?

1 MR. LEMMER: Thank you, Commissioner, no.

2 COMMISSIONER BURGESS: Okay. Thank you. With
3 that we will proceed.

4 FURTHER CROSS EXAMINATION

5 BY MR. LEMMER:

6 Q Gentlemen, change management. So we're on Section
7 8 of the report. Describe briefly for me what -- when we
8 talk about change management in the context of Section 8,
9 what are we talking about?

10 A (Witness Weeks) I think you could characterize
11 change management as a process test as opposed to some sort
12 of transaction test. It is attempting to determine whether
13 or not the practices in place by the company that govern how
14 it does change management changes of its interfaces visa a
15 via the interface specifications and what the capabilities
16 of those systems are get noticed out to parties and the
17 process surrounding defining what those would be, when they
18 will take place, how the -- the form of providing
19 documentation about those changes to the interface and those
20 sorts of things.

21 Q What is the -- in your opinion, what is the
22 importance of providing documentation to CLECs about
23 changes?

24 A (Witness Weeks) If CLECs are going to -- if the
25 ILEC is going to change its interface and the CLECs are to

1 take advantage of those changes or somehow be subjected to
2 those changes, then they need to be made aware of those
3 changes in advance if they're going to have time to react to
4 those changes on their side of the wall and do whatever
5 changes to business practices, software or anything else
6 they need to do so that as the interface itself changes on
7 the ILEC side, the CLEC is prepared to start doing business
8 with that new interface.

9 Q So if I understand what you told me, one important
10 aspect of change management is for the CLEC to have a clear
11 understanding of the changes that the ILEC -- in this case
12 BellSouth -- is intending to make. Is that a fair
13 statement?

14 A (Witness Weeks) I think that's fair.

15 Q And that clear understanding has to be available
16 within sufficient time for the CLEC to be able to do
17 whatever modifications it might have to do internally to
18 accommodate the changes; is that a fair statement?

19 A (Witness Weeks) I think that's fair.

20 Q Now at the point in time that KCI finished its
21 testing or its review of change management, what was the
22 state of BellSouth's change management procedures?

23 A (Witness Weeks) At the end of the test, the
24 company was just coming out of a year long period of
25 revision to its change control processes and procedures,

1 wherein it had taken input from the CLECs and was making
2 selective changes to the historical definition of that
3 process.

4 Q So it would be fair to say that the -- that
5 BellSouth's change management system was still evolving at
6 the point in time that your review concluded?

7 A (Witness Weeks) And continues through today to do
8 so.

9 MR. LEMMER: That's all I have. Thank you.

10 COMMISSIONER BURGESS: BellSouth.

11 MR. MCCALLUM: No questions.

12 COMMISSIONER BURGESS: Covad.

13 MS. BOONE: No questions.

14 COMMISSIONER BURGESS: Sprint.

15 MR. ATKINSON: No questions, Mr. Chairman.

16 COMMISSIONER BURGESS: Mr. Hill.

17 MR. HILL: No, sir.

18 COMMISSIONER BURGESS: This panel is dismissed.

19 We're moving right along.

20 (Panel excused.)

21 COMMISSIONER BURGESS: RSIMMS and Encore Systems
22 review and Systems Capacity Management is next. Mr. Barber,
23 are you ready to proceed?

24 MR. BARBER: Thank you, sir.

25 FURTHER CROSS EXAMINATION

1 BY MR. BARBER:

2 Q Good afternoon.

3 A (Witness Weeks) Good afternoon.

4 A (Witness Frey) Good afternoon.

5 Q One category of tests ordered by the Commission
6 were volume tests, correct?

7

8 A (Witness Frey) That's correct.

9 Q Can you explain what a regular volume test is in
10 our context?

11 A (Witness Weeks) It's an attempt to run volumes
12 through BellSouth interfaces at a level projected at some
13 date in the future to determine whether or not it appears
14 that those systems are capable of handling those volumes.

15 Q Could you explain what a peak volume test is?

16 A (Witness Weeks) A peak volume extends that
17 concept to recognize that not every day in the normal course
18 of business is in fact a normal day. That there are times
19 when the system will be subjected to much higher workloads
20 and that the peak volume test is an attempt to see how the
21 system behaves in the face of that higher volume.

22 Q All right. Finally, can you explain what a stress
23 volume test is, or a stress test?

24 A (Witness Weeks) A stress test historically would
25 have been an attempt to continuously escalate the volumes

1 you were placing through an interface, and if you were doing
2 it in the classic way, push it until it broke.

3 Q Did you run regular volume and peak-volume tests
4 on the OSS in this state?

5 A (Witness Weeks) We ran normal and peak volume
6 tests against the RSIMMS environment in this state.

7 Q I'm going to come back to RSIMMS. Did you run
8 stress tests?

9 A (Witness Weeks) No.

10 Q Did you do so in other states?

11 A (Witness Weeks) Yes, we have.

12 Q Why not in Georgia?

13 A (Witness Weeks) It was not in the scope of the
14 tests.

15 Q During the volume test that you did process, you
16 tested orders that were processed electronically, correct?

17 A (Witness Weeks) That's correct. A volume test is
18 electronically orderable flow-through orders.

19 Q So you performed no volume tests on the manually-
20 handled orders, correct?

21 A (Witness Weeks) By agreement in all of the
22 jurisdictions there's been limited stressing, if you will,
23 through volume at some future projected date of manual
24 processes at work centers and so on.

25 Q When electronically submitted orders enter

1 BellSouth's system, they are processed by computers, are
2 they not?

3 A (Witness Weeks) If they are designed to be flow-
4 through, they are sent electronically and if there are no
5 errors, then they would flow through in a fully mechanized
6 way back to the service order processor.

7 Q And this production system of BellSouth is called
8 the Encore System, is that correct?

9 A (Witness Weeks) I believe that's their acronym
10 for the production system environment.

11 Q You're going to have to bear with very bad
12 handwriting. The Encore System essentially is the
13 production system that CLECs would have to use to take
14 advantage of BellSouth's OSS, correct?

15 A (Witness Weeks) That's correct.

16 Q So can we agree that that's their production
17 system?

18 A (Witness Weeks) Yes.

19 Q Is one purpose of volume tests to make sure that
20 that system can handle reasonably foreseeable heavy traffic?

21 A (Witness Weeks) I think that's a fair assessment
22 of a volume test.

23 Q So, for instance, to determine whether or not
24 BellSouth's system wouldn't crash when consumers were
25 responding to a promotion, there was some other cause for

1 unusually heavy volume in the system?

2 A (Witness Weeks) No, I would characterize it as
3 the normal-day test, and the peak-day test would be designed
4 more for normal circumstances that are reasonably
5 anticipated, such as the regular flow of business or a busy
6 day. Say in a community where there's a large student
7 population and, you know, predictably all right the
8 beginning of a semester students would be placing a lot of
9 orders. So normal and peak would be targeted at reasonably
10 foreseeable events. if someone -- if there was an
11 extraordinary event, such as some sort of mass promotion,
12 that might not necessarily fit within the headroom that you
13 would expect to be able to demonstrate in a normal or a
14 peak-volume test.

15 Q And what you did here was to conduct normal and
16 peak-volume tests?

17 A (Witness Weeks) That's correct.

18 Q The volume tests you actually performed here
19 were not actually on BellSouth's Encore system, is that
20 correct?

21 A (Witness Weeks) The normal and peak were
22 RTSILMMS, as I talked about. There was a production system
23 volume test of lesser magnitude.

24 Q And sticking with the normal and peak tests,
25 rather than test the computers that the CLECs would have to

1 use, the ones they would have to rely on from BellSouth,
2 BellSouth set up an entirely separate system called RSIMMS,
3 isn't that right?

4 A (Witness Weeks) Well RSIMMS existed prior to the
5 notion of a volume test. It was actually used by BellSouth,
6 as I understand it, to do certain other testing of their
7 own, and the decision was made to execute the normal and
8 peak tests in the RSIMMS environment as opposed to the
9 Encore environment.

10 Q So when you say that, the normal and peak volume
11 tests were run in RSIMMS and not in the regular production
12 system, Encore?

13 A (Witness Weeks) That's a correct statement.

14 Q Can we agree that this will be called a test
15 system as opposed to a production system?

16 A (Witness Weeks) That's fine.

17 Q Who designed RSIMMS?

18 A (Witness Weeks) BellSouth -- I assume. BellSouth
19 or their contractors.

20 Q Do you know why BellSouth wanted the volume test
21 runs in RSIMMS instead of in Encore?

22 A (Witness Weeks) It was the representation
23 BellSouth made to us that they did not have the computing
24 capacity in the production environment to sustain the
25 workloads 18 months to two years hence.

1 Q Well, in fact, BellSouth knew its actual system,
2 Encore, couldn't pass the volume test, correct?

3 A (Witness Weeks) I wouldn't be able to say yes or
4 no to that.

5 Q You would agree that BellSouth indicated to you
6 that it's production system could not handle the volume
7 anticipated in these volume tests?

8 A (Witness Weeks) They represented to us that they
9 did not believe that their production system would be able
10 to support those volumes, but I don't know that that was
11 based on empirical evidence. I don't know. You would have
12 to ask BellSouth.

13 Q Do you know any reason why BellSouth couldn't
14 simply have improved their production system to handle the
15 volume tests?

16 A (Witness Weeks) They could have done so. The
17 reasons they gave for doing that were mostly based upon
18 cost.

19 Q They did not want to spend the money it would take
20 to bring their system up to level it would need to be to
21 pass the volume test?

22 A (Witness Weeks) That was the representation that
23 was made to us.

24 Q Now in setting up RSIMMS, BellSouth didn't simply
25 duplicate the Encore system, did it?

1 A (Witness Weeks) By duplicate, you're asking -- if
2 you're asking me if the RSIMMS environment and the Encore
3 environment are a mirror image of one another, the answer is
4 they are not.

5 Q In fact, the computers in the two systems are
6 different, are they not?

7 A (Witness Weeks) By design.

8 Q Because you needed one to handle the heavier
9 workload than the other could handle?

10 A (Witness Weeks) In part.

11 Q You would agree that with light workloads RSIMMS
12 has more computing power than does Encore?

13 A (Witness Weeks) Actually there are machines in
14 the Encore environment that are more powerful than the
15 machines in RSIMMS environment. But if you compare
16 workloads that are actually the subject of the volume tests,
17 and you compare the machines that those workloads run on,
18 then it's fair to characterize the RSIMMS environment as
19 being more powerful than Encore.

20 Q Would you agree that with the light workloads
21 RSIMMS has the more powerful computing process?

22 A (Witness Weeks) Yes.

23 Q Let's look at the two systems. Three applications
24 were tested during the volume test, correct? TAG, LESOG and
25 LNP, is that correct?

1 A (Witness Weeks) Well we're mixing apples and
2 oranges here. TAG is an interface that's used by CLECs, as
3 is the EDI interface, so we were testing the interfaces from
4 our perspective. There are a number of pieces of software
5 systems that exist on the BellSouth side that get involved
6 in processing pre-order queries and orders submitted by us
7 as the test CLEC.

8 Q On the UNIX server applications were the three
9 main application groups evaluated TAG, LESOG and LNP?

10 A (Witness Weeks) That's fair.

11 Q All right. Let's look at the computers in each
12 one of those. For your reference, I will point you to --
13 everything I'm going to ask you comes from the RSIMMS
14 report, pages 6 through 8, or pages 29 through 33.

15 A (Witness Weeks) Okay.

16 Q And if you look at page 7 of the RSIMMS report --

17 A (Witness Weeks) Yes.

18 Q -- the TAG servers, they used two HP K570
19 computers, is that correct?

20 A (Witness Weeks) Yes.

21 Q And in RSIMMS they used three HP K580 computers.

22 A (Witness Weeks) That's correct.

23 Q These computers had four CPUs and two gigabits of
24 memory, is that accurate?

25 A (Witness Weeks) Yes.

1 Q Whereas the computers used in RSIMMS had four CPUs
2 and four gigabits of memory?

3 A (Witness Weeks) That's correct.

4 Q One difference -- another difference between the
5 two was for this server there was a backup and there was not
6 on here. Do you agree with that?

7 A (Witness Weeks) Yes.

8 Q Now as your report indicated, the computing power
9 of the RSIMMS versus the Encore in this situation was 20
10 percent greater?

11 A (Witness Weeks) Yes.

12 Q If you will go and look at page 20 -- I didn't
13 bring it over here with me, but it's around 28 or 29. There
14 is a statement that states there's a backup in one system
15 and not in the other. I'm looking at page 30.

16 A (Witness Weeks) Yes, there was a backup server, a
17 K570 in RSIMMS environment.

18 Q And, in fact, if you take the backup server out of
19 the calculation, RSIMMS in this instance has a 60 percent
20 greater computing capacity than does Encore, is that
21 accurate?

22 A (Witness Weeks) Forty percent, not 60 percent.
23 Twenty and 20 would be 40.

24 Q Well it doesn't say, quote, on page 30 excluding
25 the backup system. A comparison of the two machines in the

1 RSIMMS environment and Encore production system using
2 published performance data by HP shows that a 60 percent
3 increase in relative compute performance existed in the
4 RSIMMS environment.

5 A (Witness Weeks) Correct.

6 Q Now let's look at LESOG. Now in LESOG and Encore,
7 you had two HP K520s, right?

8 A (Witness Weeks) What page are you on, just to
9 make it easier for us to follow you?

10 Q I'm going back to page --

11 A (Witness Weeks) Were you on 8?

12 Q Look at page 8 --

13 A (Witness Weeks) Okay.

14 Q -- where it talks about the LESOG servers.

15 A (Witness Weeks) Yeah. In the RSIMMS or Encore?

16 Q We'll do Encore first.

17 A (Witness Weeks) Okay.

18 Q So under LESOG in the Encore environment, you have
19 two HP T-520s, is that correct?

20 A (Witness Weeks) That's correct.

21 Q Where as RSIMMS, you had three HP K-580s.

22 A (Witness Weeks) That's correct.

23 Q These have four CPU's and two gigabits of memory.

24 These have four CPU's and four gigabits of memory, correct?

25 A (Witness Weeks) That's correct.

1 Q And the statement contained there on page 8 says
2 the total relative compute performance -- does it state what
3 the greater computing performance is?

4 A (Witness Weeks) Yes. It would be in the RSIMMS
5 environment.

6 Q In RSIMMS, I believe it states far greater than
7 Encore, is that right?

8 A (Witness Weeks) Yeah. It actually says because
9 there were three servers in the RSIMMS environment, each of
10 which had a compute performance four to six times that of
11 the compute performance of the two servers in the Encore
12 production environment.

13 Q Now the last part again states that each of the
14 computers here has four to six times the computing power of
15 the computers used in BellSouth's actual production system?

16 A (Witness Weeks) That's correct.

17 Q Now the last one is LNP. For LNP and Encore, you
18 use Hewlett Packard K-460 computers, correct?

19 A (Witness Weeks) Let's see, Encore was 460s --

20 Q And RSIMMS again were K-580s, different computers.

21 A (Witness Weeks) Yeah, two 580s.

22 Q And one -- I didn't bother to write all of this
23 down, but there were different servers. One had -- Encore
24 had four CPU's and three gigabits. One had four CPU's and
25 two gigabits and one had two CPUs and one gigabit --

1 A (Witness Weeks) Right.

2 Q -- do you agree with that?

3 A (Witness Weeks) I agree.

4 Q Corresponding machines in RSIMMS had -- one had
5 four CPU's and four gigabits and one had two CPUs and one
6 gigabit, correct?

7 A (Witness Weeks) That's correct.

8 Q And when they're discussing the relative computing
9 power of RSIMMS versus BellSouth's actual production system,
10 it states that RSIMMS, in this application, has an almost
11 100 percent greater computing power, is that correct?

12 A (Witness Weeks) Correct.

13 Q Now did you agree with BellSouth's decision to run
14 the volume test in RSIMMS as opposed to Encore -- opposed to
15 its production system?

16 A (Witness Weeks) Well I pointed out that running
17 the production tests -- excuse me, running the volume tests
18 in something other than the production environment was not a
19 strong a record as running that same test in the production
20 environment, and that's what gave rise to the production
21 volume tests.

22 Q Well, in fact, did you put language in the RSIMMS'
23 portion of the report that essentially distanced KPMG from
24 much of what was contained in that report talking about the
25 two different systems?

1 A (Witness Weeks) I wouldn't characterize what we
2 said in the RSIMMS report as distancing ourselves from
3 anything.

4 Q I'm going to show you several statements that are
5 contained in the RSIMMS report and ask why you felt it was
6 necessary to include these. I've got the section. These
7 are portions of -- these are not complete sections of the
8 report, but I've got underneath them sited to where they can
9 be found in the report. 5.0, it might result in lesser
10 system performance with the production environment. It is
11 possible performance data will not scale to Encore
12 production systems. KCI would not validate data provided by
13 BellSouth about RSIMMS tests and Encore production. And
14 finally, BellSouth had stated the difference noted in the
15 TAG server files would not impact the performance of the
16 systems. Do you see those statements?

17 A (Witness Weeks) I see each of those statements,
18 yes.

19 Q The very last one down here says KCI was unable to
20 verify the accuracy of this statement. Did you, in fact,
21 put an assumption in the RSIMMS report that you did not
22 independently verify information given to you by BellSouth?

23 A (Witness Weeks) There were certain
24 representations made to us by BellSouth that we did not
25 subject to independent validations .

1 Q And are those examples of some of those?

2 A (Witness Weeks) No, actually I think some of
3 those are findings and some of those are statements of
4 limitation.

5 Q The deal was the differences between the Encore
6 system and the RSIMMS environment?

7 A (Witness Weeks) The first one represents a
8 difference in the two environments. The second one
9 represents a potential impact of the difference in the two
10 environments.

11 The third one is a statement of limitations. The
12 fourth one is just a recitation of a representation made to
13 us by BellSouth.

14 Q And again, you took no steps to verify the
15 accuracy of that statement?

16 A (Witness Weeks) We did not do any work to verify
17 independently that those types of resurgents referred to in
18 that fourth bullet were true.

19 Q I don't believe you answered my earlier question.
20 Did you agree with BellSouth's decision to run the volume
21 testing in the RSIMMS environment as opposed to the Encore?

22 A (Witness Weeks) It wasn't my place to agree or
23 disagree. I merely noted to the company that running the
24 volume test in the production environment would be a
25 stronger record than running it in the RSIMMS environment.

1 Q And by that, you mean that you warned BellSouth
2 that by running it in an artificial environment, that could
3 weaken their position before the FCC?

4 A (Witness Weeks) I wouldn't have stated it that
5 way. I would say that -- I would restate what I just said.

6 Q Did you tell BellSouth that if they were going to
7 do their volume test in the RSIMMS environment that that was
8 not as powerful a record to take to Washington as if they
9 executed that same test in their production environment?

10 A (Witness Weeks) I said that same thing earlier.

11 Q Did you also suggest to BellSouth that if they
12 were going to do so, they should try to make the two systems
13 as comparable as possible?

14 A (Witness Weeks) No. In fact, the reason for
15 RSIMMS was because the company did not have the desire to
16 make the two systems comparable.

17 Q BellSouth would not do that, correct?

18 A (Witness Weeks) They chose at the time we
19 executed the volume test not to upgrade their production
20 environment to the level required to meet the volume test.

21 COMMISSIONER DURDEN: Let me ask you this then:
22 To what extent -- if you can answer this -- should we, as a
23 Commission, rely on the results of the RSIMMS testing, if
24 I'm understanding correctly the actual system that BellSouth
25 uses -- and I presume would be using -- was not tested?

1 WITNESS WEEKS: As we say in our RSIMMS report, it
2 is our belief that one could make the same upgrades to
3 hardware, the same upgrades to operating environment, make
4 the necessary performance and configuration changes that
5 were made to make the RSIMMS environment robust enough to
6 handle the volume test. We know of no technical reason why
7 those same changes cannot be made to the production
8 environment. So even though the test did not in fact run in
9 production, we know of no technical reason why the test --
10 why the system wouldn't be able to support that workload in
11 the production environment. It's largely a matter of just
12 upgrading the machines and upgrading the networks and so on.
13 There's not, as you point out, a record of having run that
14 test in production, but we don't know of any reason, in all
15 of the work we saw in RSIMMS, why the production requirement
16 couldn't be scaled similarly to RSIMMS.

17 COMMISSIONER DURDEN: If I asked you a question
18 that you don't feel qualified to answer, just let me know.
19 Do you have any idea how long it would take BellSouth to do
20 that upgrade, assuming that you're right?

21 WITNESS WEEKS: I believe that upgrade could be
22 done in a matter of several months. In fact, there is an
23 upgrade of that ilk that is planned to support the volume
24 testing in Florida.

25 COMMISSIONER DURDEN: Well I just -- for the

1 record, it troubles me -- it seems to me that -- and this is
2 a question for BellSouth, but we don't have a BellSouth
3 witness. It seems to me that if BellSouth wants to have
4 this certified, and they're going to go to trouble to create
5 an RSIMMS system for purposes of testing, and if they plan
6 to upgrade their Encore system to be compatible and to give
7 the same performance as the RSIMMS did in the testing, why
8 they didn't just go ahead and do it. I'm not asking you
9 because you don't work for BellSouth and you can't speak for
10 them. I'm just saying to BellSouth and to others here, this
11 is very troubling. There may be a good reason for it, but
12 I'm reluctant -- I have reservations about -- and you've
13 addressed some of those. I have reservations about buying
14 the results of the RSIMMS testing when it was -- when that
15 system was put together, as I understand it, just for the
16 purpose of testing and is not a functional part of the
17 BellSouth system, at least at present. I don't know how we
18 address that if other members of the Commission come to the
19 same conclusion. If we were to approve it -- I don't know,
20 maybe subject to an upgrade that would make it compatible.
21 It seems to me our job would have been a lot simpler if they
22 had just built out the production system to start with. Of
23 course, that's just thinking out loud. If you have any
24 comments that you feel qualified to make, you're free to.
25 I'm not saying you can't comment. I'm just saying I don't

1 expect you to because you can't speak for BellSouth.

2 WITNESS WEEKS: I appreciate that. If I can
3 summarize our thinking on the this issue?

4 COMMISSIONER DURDEN: Okay.

5 WITNESS WEEKS: I think it's that we believe,
6 based on the work that we did, that the production
7 environment could be scaled in a way that RSIMMS was -- to a
8 level that is consistent with what was in RSIMMS. We
9 believe the application testing that was done against RSIMMS
10 is representative of the behavior of the system as it would
11 have existed in the production environment. So while it is
12 absolutely the case that there was no explicit overt
13 demonstration, that the production environment does support
14 those volumes. We believe that there's been a sufficient
15 demonstration that that could have done -- been done, and
16 had it been done that the tests would have had the same
17 results as the RSIMMS test.

18 COMMISSIONER DURDEN: Okay.

19 COMMISSIONER BURGESS: I want to follow up on
20 Commissioner Durden's questions. I think earlier you said
21 something about spending the money and that was a reason
22 that BellSouth told you -- one reason that they didn't do
23 the test in a production environment was because of the cost
24 of building the actual upgrades to the Encore system. How
25 much did it cost to build a test environment? I mean, you

1 could have took that money and enhanced the production
2 environment and tested it instead.

3 COMMISSIONER DURDEN: And now they've got to spend
4 that money to upgrade again.

5 WITNESS WEEKS: It's my understanding that the
6 RSIMMS environment already existed. Now whether it existed
7 in its exact form, I couldn't comment on. But it wasn't
8 created solely for the purposes of passing the volume test.
9 There's also one other concern that all ILECs express when
10 you talk about running the volume test in production, and
11 that is if it fails and there's significant problems, real
12 customers, real CLECs, real orders, real consumers in the
13 state of Georgia would have been impacted, and the company
14 was concerned about that as well.

15 MR BARBER: May I follow up on a couple of those
16 questions, sir?

17 COMMISSIONER BURGESS: Go ahead.

18 BY MR. BARBER:

19 Q In fact, you can tell us of no other state in
20 which you performed these tests in an artificial environment
21 instead of the production system, is that correct?

22 A (Witness Weeks) There are none To my knowledge.

23 Q Let me follow up on Commissioner Durden's
24 questions to you. Would you agree that the volume tests
25 that you perform do not prove that BellSouth's regular

1 production system, the ones that the CLECs will have to use,
2 can currently pass the volume tests ordered by this
3 Commission?

4 A (Witness Weeks) The work that we did would not
5 demonstrate either way whether they could or couldn't.

6 Q And would you agree that you have performed no
7 test that assures that BellSouth could increase the capacity
8 of Encore to a level necessary to pass the volume test?

9 A (Witness Weeks) We have done no demonstration
10 that that's true.

11 Q Have you done any tests to prove that during the
12 process of upgrading Encore CLEC's operations would not be
13 impacted?

14 A (Witness Weeks) We've done no work on that at
15 all.

16 Q And have you done any tests that would show that
17 the increased capacity of Encore can accommodate the real
18 world transaction mix that'll be presented to it?

19 A (Witness Weeks) Because we didn't do any work --

20 COMMISSIONER BURGESS: Now you just asked a good
21 question. When will it be presented to them? That's what
22 we've been trying to get a handle on -- this Commission.
23 It's one thing to build it and they come, it's another thing
24 to build it and they don't come. We've been in that -- you
25 hit right on the head, when we get to it. I want to know --

1 that's what I've been asking for the last six years. When
2 are we going to get to it? I've heard so many promises and
3 so many commitments made in this hearing room about when
4 we're going to get there. That's why I'm in betwixt and
5 between on this volume testing sometimes. The commitment
6 has been made on when we're going to get there. You just
7 hit it on the head. You said it again, when we get there.
8 When is that, 2010, 2020? We're sitting here trying to use
9 our professional judgment to determine was that test good
10 enough that was done in this RSIMMS environment because we
11 don't see that we're going to get to a production
12 environment where we'll see the volume of orders being
13 produced that would potentially crash these systems. So it
14 puts us in a difficult position as a Commission to make that
15 call. How much testing is enough versus real world -- the
16 numbers that we're seeing? The numbers of orders that are
17 being provided. That's a personal dilemma that I know I
18 struggle with as a Commissioner trying to figure out when do
19 we get there. That's just a comment, not a question to
20 anybody.

21 (Laughter.)

22 COMMISSIONER BURGESS: That's directed to
23 everybody in this audience, because from day one that's been
24 my thrust as a Commissioner. All these tariffs, all these
25 dockets that we've had before us, my concern is ensuring

1 that consumers in Georgia get the benefits of having an open
2 market. I keep that before me. You can lose sight some of
3 the times of that goal with all of the other stuff that's
4 put before you. That's where I'm at, at that's my bottom
5 line. Out of all of this that we go through, I want
6 consumers in the state of Georgia to be in a position where
7 they can receive the benefits of an AT&T, or an MCI, or
8 Sprint or Covad providing us service in this state.

9 MR. BARBER: I can certainly understand that. I
10 can certainly understand your frustration because you have a
11 far greater scope of responsibility than I do. The point of
12 these questions is that with regard to the volume testing
13 they're not there. Those are all of the questions I have.

14 COMMISSIONER DURDEN: Well let me just -- let me
15 just add that the major concern I have is that I'm
16 concerned, as Commissioner Burgess is, for those things.
17 But I'm also concerned that if we get there, and when we get
18 there, that we not have a mess on our hands. I would rather
19 have it and not need it than need it and not have it. So
20 that's a major -- on the other hand, don't get your hopes
21 up. I'm also as impatient as Commissioner Burgess and some
22 others to get this process on down the road, but I think
23 we've got to make sure that we're ready when it does happen.

24 MR. McCALLUM: Yes, sir, Mr. Chairman. Thank you
25 very much.

FURTHER CROSS-EXAMINATION

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BY MR. McCALLUM:

Q Mr. Weeks, Mr. Frey, my name is Fred McCallum. I represent BellSouth. I have just a few questions, to follow up on this issue about RSIMMS.

Do you all happen to have a copy of the Master Test Plan with you? Which version do you have?

A (Witness Weeks) I believe it's March 16th, 2001. Oh, this -- these are the appendices.

Q Do you happen to have the December 1999 version of the Master Test Plan?

A (Witness Weeks) Hold on a second. I thought we had it, and we don't. If you have a copy, it might facilitate.

Okay, we have it. I'm sorry. I apologize. Bad label. And...

Q What version?

A (Witness Weeks) ...version 4.2. Well, it's a mixture of 4.2, 4.1. Different pages have different version numbers on them.

Q Do you happen to have Version 4.0, by any chance?

A (Witness Weeks) I don't believe we do.

Q Okay.

A (Witness Weeks) Well, actually there are pages that are labeled 4.0 imbedded in here as well. What page

1 would you like to...

2 Q I've got Version 4.0. Let me direct you to page
3 Roman numeral II-3.

4 A (Witness Weeks) Middle of the paragraph says "B
5 scope"?

6 Q Yes, sir. And right above that do you have a
7 paragraph entitled, "Volume Testing Environment"?

8 A (Witness Weeks) Yes, we do.

9 Q Could you read that.

10 A (Witness Weeks) Says...

11 Q Well, let me back up just a minute. What is the
12 date of the Master Test Plan you've got there?

13 A (Witness Weeks) On this page is labeled December
14 15th, 1999, and it is annotated as Version 4.0.

15 Q Okay. So this would be as of December 15th, 1999,
16 the Master Test Plan; correct?

17 A (Witness Weeks) That's correct.

18 Q And this version was filed by KPMG, I believe;
19 correct?

20 A (Witness Weeks) Yes.

21 Q I've got the cover letter. It was.

22 A (Witness Weeks) Yes.

23 Q Can you read that paragraph to us, please, about
24 what it said about a test environment in December of 1999.

25 A (Witness Weeks) "Normal and peak volume tests

1 will be run against a volume test environment RSIMMS
2 developed by BellSouth to support the transaction volume
3 specified in the test. KPMG will evaluate this environment
4 to determine if the hardware and software configurations
5 mirror those of BellSouth's production systems, except where
6 additional hardware or software resources have been created
7 to support the specified test volume. The entire volume
8 test bed, except CRIS, is a duplicate of their production
9 systems. RSIMMS does not access production CRIS."

10 Q All right, sir.

11 A (Witness Weeks) I mean to say it does. I read
12 "did." "Does not."

13 Q All right, sir. And so this -- as of December of
14 1999, the Master Test Plan that had been filed included a
15 description of how the volume test was going to be done, and
16 how the volume test environment was going to be set up;
17 correct?

18 A (Witness Weeks) That's correct.

19 Q And it basically described what you have described
20 here today, the fact that it would be done in RSIMMS, and
21 that there would be an evaluation done by KPMG of that
22 RSIMMS environment against the production environment to
23 satisfy yourselves that it either mirrored it, or if it
24 didn't mirror it exactly, it could be expected to mirror it
25 in the production environment; is that correct?

1 A (Witness Weeks) I believe that's correct.

2 Q Now, did that evaluation take place by KPMG?

3 A (Witness Weeks) Yes, it did. That's the RSIMMS
4 report.

5 Q Now I'm in the Master Test Plan that we've been
6 looking at, and I'm in Paragraph 5.0, and I'm right above
7 the quotes Mr. Barber has on the chart here. Now, right
8 above those quotes it says -- and I'm on Page 5 of the
9 report. Basically says, "Based upon KCI's evaluation, it is
10 our opinion that, except for specific pre-authorized changes
11 made in RSIMMS to support the requirements of the volume
12 test, the applications implemented in the RSIMMS environment
13 mirrored those of BellSouth's Encore production system"; is
14 that correct?

15 A (Witness Weeks) That's correct.

16 Q Okay. So you made an evaluation of the system,
17 the RSIMMS system, against the production system, and
18 rendered an opinion about whether those two mirrored each
19 other; correct?

20 A (Witness Weeks) We compared hardware to hardware
21 and application software to application software.

22 Q Okay. Now, to be fair, you've said except for
23 specific pre-authorized changes in that -- in that opinion?

24 A (Witness Weeks) That's correct.

25 Q And those are addressed down in the next

1 paragraph; correct?

2 A (Witness Weeks) Yes, they are.

3 Q Okay. Now, you also looked at those changes, a
4 number of which I assume are what we just went through with
5 Mr. Barber here earlier about the differences in the
6 hardware and -- and the like?

7 A (Witness Weeks) No, actually these would be
8 differences that -- changes that were actually made to the
9 application software. All the previous discussions were
10 about hardware.

11 Q Okay. So you made -- in this section you looked
12 at -- you said specific changes were made to the RSIMMS
13 environment to support the business volumes required to
14 accomplish KCI's volume test; correct?

15 A (Witness Weeks) That's correct.

16 Q And so you satisfied yourself there that any --
17 you said basically KCI is satisfied that these same changes
18 could be made to the production environment such that it
19 could support the same volumes as were tested in KCI's
20 volume evaluation; is that correct?

21 A (Witness Weeks) Yes.

22 Q Okay. Now, you mentioned that there was a
23 production volume test run on TAG and EDI; correct?

24 A (Witness Weeks) That's correct.

25 Q And I believe that appears at -- is it page Roman

1 numeral V-J-1, and subsequent pages? And that's of the
2 master test -- the final report, Master Test Plan. I'm on
3 page Roman numeral V-J-1 of the final report, Master Test
4 Plan.

5 A (Witness Weeks) Yes, the production volume test
6 information is contained starting at that page.

7 Q So there was a production volume test run for EDI
8 and TAG as a part of this test; is that correct?

9 A (Witness Weeks) That's correct.

10 Q Okay. If I understand it, it was a little bit
11 different than the production test we were describing
12 earlier in the RSIMMS environment; correct?

13 A (Witness Weeks) It was somewhat different. The
14 same type of test, but different parameters.

15 Q Now, if I read through this section, I believe I
16 find that all of the test criteria in this section were
17 satisfied; is that correct?

18 A (Witness Weeks) That's accurate.

19 Q Now, you had -- you had conference calls on --
20 what? --a weekly basis that KPMG had conference calls
21 starting, you said, mid-2000? I think it was early --
22 probably January 2000. But sometime in 2000 you started
23 having weekly conference calls to the CLECs; correct?

24 A (Witness Weeks) I believe that was our testimony;
25 yes.

1 Q Can you recall during any one of those calls any
2 party or CLEC raising any of the concerns about the RSIMMS
3 test environment?

4 A (Witness Frey) I can recall questions about the
5 RSIMMS test environment in general, but I don't recall any
6 specific concerns. Nor do -- but I'm not sure I would
7 recall them sitting here today.

8 Q Okay. But just sitting here today, you don't
9 recall any specific concerns, as we've seen mentioned here
10 today, in any of those weekly conference calls?

11 A (Witness Frey) No.

12 Q Okay. That's all I have. Thank you.

13 COMMISSIONER BURGESS: Covad?

14 MS. BOONE: I just have a few.

15 FURTHER CROSS-EXAMINATION

16 BY MS. BOONE:

17 Q I just want to finish touching on something you
18 were just discussing with Mr. McCallum. Now, you said that
19 you looked at RSIMMS and Encore, and determined that they
20 mirrored each other in some ways; is that right?

21 A (Witness Weeks) We compared hardware to hardware.
22 They did then mirror one another. We compared application
23 software to application software, and except for the changes
24 that were identified in our report, they in fact mirrored
25 one another.

1 Q Okay. Did you ever run a test stack of the same
2 transactions, both in RSIMMS and in Encore, and compare the
3 results?

4 A (Witness Weeks) Yes, we did.

5 Q You did? And is that reported in the report?

6 A (Witness Weeks) No. The independent sections of
7 the report would indicate that difference.

8 Q Okay. Now, for volume testing you did that?

9 A (Witness Weeks) We ran a volume test in RSIMMS.
10 We ran a volume test in the production environment. One
11 could compare the results from those two tests. We did not
12 have an explicit activity to compare the performance of
13 those two.

14 Q Okay. Was it the same test stack or not? Was it
15 the same transactions or not?

16 A (Witness Weeks) Yes, same order types, same
17 pretty much everything.

18 Q Same volumes?

19 A (Witness Weeks) No, of course not. It was by
20 design not the same volumes.

21 Q I think earlier -- I just want to be clear, now.
22 You didn't do any volume testing on xDSL electronic
23 ordering, because you didn't do any testing on xDSL
24 electronic ordering; correct?

25 A (Witness Weeks) That's correct.

1 Q And you said early in your discussions with Mr.
2 Barber that there was no volume testing of manual processes;
3 is that right?

4 A (Witness Weeks) That's correct.

5 Q So all of the processes that we discussed this
6 morning with respect to xDSL pre-ordering and ordering, all
7 of those manual processes, they were not subjected to volume
8 tests; correct?

9 A (Witness Weeks) That was not part of the scope of
10 the test; correct.

11 Q Thank you.

12 COMMISSIONER BURGESS: Mr. Atkinson?

13 MR. ATKINSON: Thank you, Mr. Chairman.

14 FURTHER CROSS-EXAMINATION

15 BY MR. ATKINSON:

16 Q Good afternoon again, gentlemen. Have just a
17 few questions for you. Like to direct your attention to
18 Pages 4 and 5 of the RSIMMS section, and there under Section
19 3.0, I believe, is listed a series of seven assumptions.

20 A (Witness Weeks) We see those.

21 Q Okay. Who authored these assumptions?

22 A (Witness Weeks) Sudhir. The gentleman sitting...

23 Q Mr. Ullal?

24 A (Witness Weeks) Yes.

25 Q And the section is entitled, "Assumptions in

1 Advance..." excuse me. "Assumptions Made in Advance of
2 Evaluation." Could you tell us -- or Mr. Ullal, whoever,
3 feel free -- how far in advance these assumptions were
4 authored?

5 A (Witness Weeks) We don't recall.

6 Q Were these assumptions distributed to BellSouth
7 prior to the beginning of the test in question?

8 A (Witness Weeks) The answer is no.

9 Q These are internal assumptions only that KPMG
10 members had?

11 A (Witness Weeks) That's correct.

12 Q And did these assumptions change during the course
13 of the test, or did they remain constant?

14 A (Witness Weeks) No, they were constant during the
15 test.

16 Q Like to go back to your discussion earlier with
17 counsel regarding the volumes in RSIMMS. Could you tell us
18 what the -- what the volume run in the Encore production
19 test was, relative to the volume run in RSIMMS?

20 A (Witness Weeks) Give us a minute. That's a
21 question of fact, and we'll need to look it up.

22 Q Sure.

23 (Brief pause)

24 A (Witness Weeks) Okay, Roman V, J-8 lists the
25 volumes for the production volume test.

1 Q Give me a second to catch up with you, Mr. Weeks.

2 A (Witness Weeks) Okay. Actually, I believe the
3 table starts one page earlier than that, Roman V-J-7.

4 Q V-J-7. Could you give us a percentage of the
5 volume run in Encore production, volume tests relative to
6 the volume run in RSIMMS? Because I don't believe...

7 A (Witness Weeks) We're going to reference both and
8 try to tell you that.

9 Q Okay.

10 (Brief pause)

11 A (Witness Frey) The production volume test pre-
12 order volumes were 24,594; the order volumes were 7,429.

13 Q And this is in Encore?

14 A (Witness Frey) That's correct.

15 A (Witness Weeks) Yes.

16 A (Witness Frey) For the normal volume test in
17 RSIMMS there were 118,000 pre-orders, and 35,000 orders.

18 A (Witness Weeks) Roughly five times, just real
19 round numbers.

20 Q Thank you very much, Mr. Weeks. I was doing some
21 quick calculating in my head.

22 Let me go back to the assumptions briefly. Let me ask
23 Mr. Ullal -- or Mr. Weeks, you can answer this if you know -
24 - how did he derive the assumptions that we discussed a few
25 minutes earlier?

1 A (Witness Frey) And I apologize. There's an
2 important clarification there. Those were the -- the
3 production volume test that I -- numbers that I just gave
4 you, those are the KPMG submitted production volumes. Those
5 were submitted on top of the normal CLEC production volume
6 orders and pre-orders that were being processed by the
7 systems as a result of normal business. We don't have a
8 total figure for the order volumes that flowed through the
9 systems that day.

10 The methodology for calculating the number of
11 production orders and pre-orders that KPMG was to submit was
12 based on BellSouth's stated production capacity, subtracting
13 normal CLEC business volumes, and then arriving at the delta
14 that was the numbers I stated earlier.

15 Q You say you don't have the number with you. Would
16 you have the number in your work papers, or you -- or you
17 don't have that number at all?

18 A (Witness Frey) We don't have that information,
19 but that information would be obtainable, to our knowledge,
20 from BellSouth.

21 Q All right. And getting back to my question I
22 stated a minute ago, and I'll let whoever...-

23 A (Witness Weeks) The question, I believe, was what
24 was the method or process that we used to create the
25 assumptions. The answer is, is internal communications with

1 subject matter experts and folks within the KPMG team.

2 Q And that was the entire source of the
3 establishment of the assumptions, were internal
4 communications?

5 A (Witness Weeks) Yes.

6 Q You didn't derive these from any other written
7 source?

8 A (Witness Weeks) Correct.

9 Q Thank you, gentlemen. No further questions.

10 COMMISSIONER BURGESS: Thank you, Mr. Atkinson.
11 Anything, Mr. Hill?

12 MR. HILL: No, sir.

13 COMMISSIONER BURGESS: This panel is excused.
14 We're going to take a ten minute break, and come back and
15 take up our last panel.

16 (Panel excused.)

17 (A short recess was taken.)

18 COMMISSIONER BURGESS: All right, we're back on
19 the record in Docket 8354-U. Presentation of our last
20 panel, and this is the panel on maintenance and repair.
21 AT&T have any cross-examination for this panel?

22 MS. AZORSKY: No cross-examination.

23 COMMISSIONER BURGESS: BellSouth?

24 MR. ROSS: No questions.

25 COMMISSIONER BURGESS: Any other party wish to

1 cross this panel? You all got off easy today. You all can
2 be excused. Do you have some cross?

3 MR. ATKINSON: I don't have any cross-examination,
4 Mr. Chairman. I do have a housekeeping matter when we get
5 to -- to that.

6 COMMISSIONER BURGESS: Let's go ahead on right now
7 and do it.

8 (Panel
9 excused.)

10 MR. ATKINSON: I believe the -- the Commission's
11 procedural order in this docket established comments, and I
12 guess post-hearing briefs for May 18th. As Commission
13 knows, we rolled back the original hearing date from April
14 30th to May 8th, and I was wondering if we could make a
15 similar accommodation for the filing of post-hearing
16 comments or briefs?

17 COMMISSIONER BURGESS: Well, extend that period by
18 one week. So that would be on the 25th of May.

19 MR. ATKINSON: 25th of May.

20 COMMISSIONER BURGESS: 4:00. Briefs and/or
21 proposed orders would be due.

22 MR. ATKINSON: Thank you, Mr. Chairman.

23 COMMISSIONER BURGESS: Let me ask one last time,
24 are there any public witnesses here today that have any
25 comments to make on the record? Any public witnesses?

1 MR. McCALLUM: While he's coming up, can I just
2 take care of a housekeeping matter as well?

3 I -- there's a plan dated -- I mentioned a Master
4 Test Plan that was filed with this Commission in December of
5 1999. I would like to include, for purposes of the record,
6 Page 2-3 of that particular Master Test Plan. I don't think
7 I need to include the whole Master Test Plan, but I would
8 like to have the Commission please take notice of that
9 particular page.

10 COMMISSIONER BURGESS: We'll do so. Any objection
11 by any party to that? Hearing none, we will.

12 If you'll identify yourself for the record.

13 MR. PERRY: Yes. I'm William Perry of Georgians
14 Calling for Competition. Two questions I was interested in,
15 in particular, in trying to understand, in the hearing
16 process, and specifically about these tests that I was
17 trying to interpret and hope to understand is, one, can
18 consumers, as -- can we tell from the results of the test,
19 one, if consumers can switch local phone service providers
20 as easily as they can their long distance carrier. I think
21 that's something that's extremely important.

22 Number two, in terms of the testing that was done,
23 and I understand that the systems can be upgraded in some of
24 the questions that Commissioner Durden asked. But is there
25 a guarantee within the testing that was done that those

1 upgrades will be able to be available to all CLECs, and will
2 they I guess -- excuse me. If they're available to all
3 companies, and that they will work in the real world
4 situations that are developed once the tests have been
5 completed. And I hope you'll just consider that throughout
6 the process. I was very encouraged by your words about the
7 consumer experience, and that's something that I hope to
8 represent well and to speak to you about in terms of making
9 sure that the consumers are considered throughout the
10 process. I appreciate it.

11 COMMISSIONER BURGESS: Well, thank you, Mr. Perry.

12 And let me say, first of all to Mr. Frey and Mr. Weeks and
13 all the people from KPMG. I know this has been a long day.

14 It's been a long odyssey that we've been working. I want
15 to thank you for assisting this Georgia Public Service
16 Commission in its efforts to continue to open the local
17 markets in Georgia. And you and all of those subject matter
18 experts that have been here today, thank you for the effort
19 that you've put forth in here. And really thank you all.

20 Because I can tell you this one Commissioner -- if
21 there's one thing I keep in front of me -- and I repeat
22 this, not just to say -- I will not be satisfied until
23 consumers in this state can have the opportunity to benefit
24 from local competition. And whatever it takes to drag along
25 CLECs, drag along BellSouth, to get these systems right, up

1 and running and ready, it will happen in Georgia.

2 This is not a game. We don't just convene here to
3 have hearing after hearing and docket after docket. The
4 consumer loses every day when we show up in this room and
5 fuss about remaining issues in this case. And this
6 Commissioner is going to stay on point, and going to
7 continue to prod and pull along everybody until we are
8 assured that consumers in this state can fully benefit from
9 local competition. And that's a message that -- I can tell
10 you, you can put that on my grave stone, "He tried to make
11 it happen." And I'm going to work with the funeral home
12 director over here...

13 (Laughter)

14 COMMISSIONER BURGESS: ...and we'll work that out.
15 But I really do thank you for your patience, and thank you
16 for your effort for being here today.

17 With that, we're adjourned. Thank you.

18 (Whereupon, the hearing was concluded at 4:57
19 p.m.)

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C E R T I F I C A T E

I, William L. Warren, do hereby certify that the foregoing pages represent a true and accurate transcription of the events which transpired at the time and place set out in the caption, to the best of my ability.

William L. Warren

William L. Warren