

BEFORE THE TENNESSEE REGULATORY AUTHORITY

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TRANSCRIPT OF DIRECTORS CONFERENCE

Tuesday, May 15, 2001

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APPEARANCES:

For the Knoxville News Sentinel (by telephone):	Ms. Laura Twilley
For BellSouth:	Mr. Guy Hicks
For ITC DeltaCom:	Mr. Don Baltimore
For TRA Staff:	Mr. David Waddell

Reported By:  
Christina Meza Rhodes, RPR, CCR

**AT&T's Motion for Clarification  
Attachment B  
May 17, 2001**

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1 MR. WADDELL: That's Docket  
 2 No. 01-00344.  
 3 DIRECTOR GREER: Move to approve vote.  
 4 CHAIRMAN KYLE: Vote yes.  
 5 DIRECTOR MALONE: Make it unanimous.  
 6 MR. WADDELL: The next item is number  
 7 eight. It's 01-00375, Quest Communications  
 8 Corporation, application by Quest, LCI International  
 9 Telecom Corp., Phoenix Network, Inc., and USLD  
 10 Communications, Inc., regarding a corporate  
 11 restructuring.  
 12 DIRECTOR MALONE: Move to approve.  
 13 CHAIRMAN KYLE: I vote to approve the  
 14 petition.  
 15 DIRECTOR GREER: Yes.  
 16 MR. WADDELL: 01-00394, BellSouth  
 17 Telecommunications, Inc., tariff filing for contract  
 18 service arrangement FL00-2362-00.  
 19 CHAIRMAN KYLE: Move to approve.  
 20 DIRECTOR GREER: Second.  
 21 DIRECTOR MALONE: Make it unanimous.  
 22 MR. WADDELL: 01-00395, BellSouth  
 23 Telecommunications, Inc., tariff filing for contract  
 24 service arrangements GA00-4551-00.  
 25 CHAIRMAN KYLE: Move for approval.

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1 DIRECTOR GREER: Second.  
 2 DIRECTOR MALONE: Second. If there's  
 3 no objections, we can take the remaining items as one.  
 4 CHAIRMAN KYLE: No objection. Take  
 5 them all together.  
 6 MR. WADDELL: That's Agenda Items 11  
 7 through 16. The docket numbers are 01-00396, 01-00397,  
 8 01-00398, 01-00399, 01-00400, and 01-00401.  
 9 CHAIRMAN KYLE: Move to approve.  
 10 DIRECTOR MALONE: Second.  
 11 DIRECTOR GREER: Make it unanimous.  
 12 MR. WADDELL: The next item on your  
 13 agenda are interconnection and resale agreements listed  
 14 for your consideration.  
 15 DIRECTOR MALONE: Move to approve.  
 16 CHAIRMAN KYLE: Vote yes.  
 17 DIRECTOR GREER: Yes.  
 18 MR. WADDELL: The next item are  
 19 applications for authority for service, and you have a  
 20 reseller and a cancellation listed on your agenda.  
 21 CHAIRMAN KYLE: Move to approve.  
 22 DIRECTOR MALONE: Second.  
 23 DIRECTOR GREER: Second.  
 24 CHAIRMAN KYLE: The next item.  
 25 MR. WADDELL: That's all the items on

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1 this agenda. Do you want to go to the separately  
 2 noticed items?  
 3 CHAIRMAN KYLE: Right. I announced at  
 4 the very first that we would take that up after the  
 5 rest.  
 6 MR. WADDELL: That is Docket  
 7 No. 01-00362. It's the docket to determine the  
 8 compliance of BellSouth Telecommunications, Inc's  
 9 Operations Support Systems with state and federal  
 10 regulations. This is to consider the first report and  
 11 recommendation of the prehearing officer.  
 12 CHAIRMAN KYLE: Which is Commissioner  
 13 Greer.  
 14 DIRECTOR GREER: I filed this on May  
 15 the 3rd. Let me make sure that everyone understands  
 16 this was not a result of a prehearing conference. This  
 17 was a result of some research and some filings that had  
 18 been filed here and some decisions that were made  
 19 in-house. They are also a result of some meetings I  
 20 had with staff and some outside people. This is not --  
 21 that's why it is titled "Report and Recommendation of  
 22 the Prehearing Officer." I think the report speaks for  
 23 itself.  
 24 Since then there have been two or  
 25 three filings, one by BellSouth, one by AT&T where they

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1 attached a white paper, and I believe Mr. Walker filed  
 2 one on behalf of SECCA and maybe some other clients as  
 3 well.  
 4 If there are any questions, I would be  
 5 happy to answer them. Our next step would be to move  
 6 forward with recommending -- if you approve this report  
 7 that I would recommend that we move forward with the  
 8 selection of the qualified consultant to prepare a  
 9 report that's described on page 5 of my report and  
 10 recommendation. I would be happy to answer any  
 11 questions that the directors may have.  
 12 CHAIRMAN KYLE: Yes, I have read the  
 13 report, and I was just reading in here a docket -- two  
 14 different dockets you have listed, and I just think  
 15 that -- and I do understand that upon completion of the  
 16 consultant's phase one report that you are recommending  
 17 that we convene a hearing for the purpose of receiving  
 18 testimony and documenting evidence from the consultant  
 19 and interested parties. In other words, BellSouth gets  
 20 to come in and support its case. Now I understand  
 21 you're saying after the consultant's report, but Bell  
 22 has the opportunity --  
 23 DIRECTOR GREER: Absolutely. And  
 24 BellSouth filed on May the 11th their comments on this  
 25 report, and I want to make sure that they understand we

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1 believe that this is the quickest way to move, because  
 2 should we go through the process of receiving the  
 3 Georgia report or wait till we receive the Georgia and  
 4 Florida report and then decide we hire a third-party  
 5 verifier because there are things missing or not  
 6 covered, then we are in the position of making it a  
 7 longer process than we would be if we move forward now.  
 8 And I stated on page 5 of my report  
 9 this reading -- BellSouth's comments kind of reminded  
 10 me of some of our arbitrations where I hear somebody on  
 11 the witness stand and a lawyer asking the questions,  
 12 and I find out they're saying the same thing. I stated  
 13 very clearly on page 5 of my report, "Consistent with  
 14 previous decisions by the Authority, such decisions  
 15 shall take into consideration the testing of OSS in  
 16 other BellSouth states and the extent that the TRA can  
 17 rely on such tests for Tennessee operations."  
 18 Nothing in my report should indicate  
 19 that we are going to negate or ignore the testing in  
 20 Florida or Georgia, that we would accept them or ignore  
 21 them, but we will take them in and consider them for  
 22 what they're worth. And we are simply recommending  
 23 that we hire the third-party verifier to relate them to  
 24 the Tennessee systems, and one of the main reasons I'm  
 25 recommending that is on January the 29th BellSouth

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1 filed a response to us contending that its software  
 2 infrastructure, including electronic interfaces and  
 3 databases, is either the same or is designed to operate  
 4 in an indistinguishable manner across all states.  
 5 Nevertheless, its response revealed  
 6 that some Legacy systems serve only a subset of the  
 7 region and some serve only Tennessee. Some OSS  
 8 processes that serve Tennessee customers are different  
 9 from those that serve Georgia and Florida. Also we  
 10 have found that -- in our studies that the testing in  
 11 Georgia and the testing in Florida is not necessarily  
 12 consistent.  
 13 So we are simply wanting to expedite  
 14 the process, put us in a position where we can move as  
 15 quickly as we can when whatever tests are put on our  
 16 desk so that we can move forward and we will have our  
 17 third-party verifier in place to move forward as  
 18 expeditiously as possible.  
 19 DIRECTOR MALONE: Director Greer, I  
 20 think the question I have is implied both in the report  
 21 submitted and in your comments, but that sentence you  
 22 read, "...such decisions shall take into consideration  
 23 the testing of OSS in other BellSouth states and the  
 24 extent that the TRA can rely on such tests for  
 25 Tennessee operations," I assume that implied in that is

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1 not that whatever testing comes out is taken and  
 2 adopted, but that also in the review and the  
 3 examination would be -- it would be incumbent to verify  
 4 the appropriateness, the independence, and the accuracy  
 5 of the testing so done?  
 6 DIRECTOR GREER: Yes.  
 7 DIRECTOR MALONE: I don't have any  
 8 additional questions.  
 9 CHAIRMAN KYLE: Yes, I accept your  
 10 report. Thank you.  
 11 DIRECTOR GREER: Then I would like to  
 12 make a motion that we move to authorize the executive  
 13 secretary to select and engage a qualified consultant  
 14 to prepare the report that's described on page 5 of my  
 15 report and recommendation.  
 16 CHAIRMAN KYLE: In other words, he  
 17 would keep us informed, and then we would make the  
 18 approval of that consultant?  
 19 DIRECTOR GREER: Knowing Mr. Waddell,  
 20 I doubt if he would make this decision in a vacuum.  
 21 CHAIRMAN KYLE: I'm in agreement.  
 22 DIRECTOR GREER: I think it's clearly  
 23 implied that the directors have final say-so.  
 24 DIRECTOR MALONE: I would agree.  
 25 Chairman Kyle, I have a miscellaneous

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1 item, if this is the appropriate --  
 2 CHAIRMAN KYLE: This is the  
 3 appropriate time. Certainly.  
 4 DIRECTOR MALONE: I would like to  
 5 request that the parties in the BellSouth-DeltaCom  
 6 arbitration -- the representatives from those  
 7 companies -- I have a question or two.  
 8 Please identify yourselves for the  
 9 record.  
 10 MR. HICKS: Guy Hicks on behalf of  
 11 BellSouth Telecommunications.  
 12 MR. BALTIMORE: Don Baltimore  
 13 representing ITC DeltaCom.  
 14 DIRECTOR MALONE: The Agency has  
 15 received the interconnection agreement that the parties  
 16 filed; is that correct? You have submitted an  
 17 interconnect agreement?  
 18 MR. HICKS: Yes, that's correct.  
 19 DIRECTOR MALONE: And there is  
 20 language in that agreement that BellSouth and DeltaCom  
 21 cannot agree as to the definition of "currently  
 22 combined"; is that correct?  
 23 MR. BALTIMORE: That's my  
 24 understanding, yes.  
 25 MR. HICKS: Yes, I think that's