

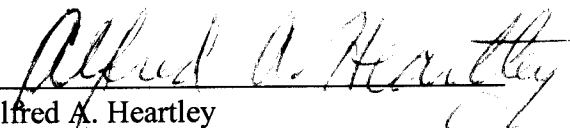
AFFIDAVIT

STATE OF GEORGIA

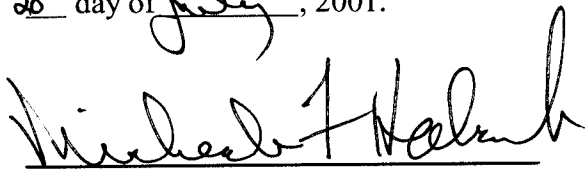
COUNTY OF FULTON

BEFORE ME, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Alfred A. Heartley, BellSouth Telecommunications, Inc., being by me first duly sworn deposed and said that:

He is appearing as a witness before the Kentucky Public Service Commission in "Investigation Concerning the Propriety of InterLATA Services by BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996," KY PSC Case No. 2001-105, and if present before the Commission and duly sworn, his testimony would be set forth in the annexed transcript consisting of 6 pages and 0 exhibit(s).


Alfred A. Heartley

SWORN TO AND SUBSCRIBED BEFORE ME this
20th day of July, 2001.


NOTARY PUBLIC

MICHEALE F. HOLCOMB
Notary Public, Douglas County, Georgia
My Commission Expires November 3, 2001

1 BELLSOUTH TELECOMMUNICATIONS, INC.

2 REBUTTAL TESTIMONY OF ALFRED HEARTLEY

3 BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

4 DOCKET NO. 2001-105

5 July 30, 2001

6
7 Q. PLEASE STATE YOUR NAME FOR THE RECORD.

8
9 A. My name is Alfred Heartley. I am the same Alfred Heartley who previously filed a direct
10 testimony in this proceeding on May 18, 2001.

11
12 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

13
14 A. The purpose of my testimony is to respond to incorrect statements that AT&T's witness
15 Jay Bradbury has made about the regionality of BellSouth's OSS.

16
17 Q. WHAT HAS THE FCC SAID ABOUT THE REGIONALITY OF AN ILEC'S
18 NETWORK OPERATIONS?

19
20 A. In its review of the Kansas/Oklahoma Application, the Department of Justice ("DOJ")
21 said, and the FCC agreed, that the approach taken by Southwestern Bell in its reliance on
22 the regionality of its OSS was a "sensible and efficient approach that can avoid the delay
23 and expense of redundant testing." Department of Justice Evaluation at 28, Joint

1 Application by SBC Communications Inc., Southwestern Bell Telephone Company, and
2 Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance
3 for Provision of In-Region, InterLATA Services in Kansas and Oklahoma, CC Docket No.
4 00-217 (FCC filed Nov. 25, 2000); Kansas/Oklahoma Order ¶ 118; see also BellSouth
5 Br. at 35. BellSouth urges this Commission to employ the same kind of sensible and
6 efficient approach. By contrast, Mr. Bradbury, AT&T's witness, argues that the
7 Commission should ignore directly relevant evidence from other states. That argument,
8 however, rests on a series of unsubstantiated and incorrect allegations regarding the
9 regionality of BellSouth's network operations. The majority of those allegations were
10 already addressed in my initial testimony. The other assertions are addressed below.

11
12 Q. PLEASE ADDRESS MR. BRADBURY'S ARGUMENT THAT DIFFERENCES IN
13 PERFORMANCE MUST INDICATE DIFFERENCES IN PROCESSES.

14
15 A. Mr. Bradbury's primary argument appears to be that BellSouth's processes cannot be the
16 same across its region unless it produces the same results. Mr. Bradbury then speculates
17 that actual OSS performance "may" not be identical from state to state, and indeed
18 "could" be "wildly divergent." Mr. Bradbury provides no evidence supporting these
19 assertions.

20
21 In any event, the fact that results may not be identical between states does not
22 demonstrate that BellSouth's OSS is not the same across its region. As I explained in my
23 initial affidavit, because of variables beyond a company's control (including such things

1 as weather, topology, local regulations governing such processes as excavation, and
2 differences in order volumes), performance results will generally not be identical in any
3 interstate comparison. The FCC has never suggested that such inevitable differences
4 beyond a BOC's control undermine a sameness showing. To the contrary, in the
5 Kansas/Oklahoma matter, SBC did not contend that its performance in those states was
6 identical to that in Texas. Rather, it explained there, as I have here, that variations across
7 Southwestern Bell's territory were due to "variables beyond SWBT's control," and the
8 FCC found that regionality existed. See Reply Affidavit of Larry K. Mah ¶ 31, Joint
9 Application by SBC Communications Inc., Southwestern Bell Telephone Company, and
10 Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance
11 for Provision of In-Region, InterLATA Services in Kansas and Oklahoma, CC Docket No.
12 00-217 (FCC filed Dec. 11, 2000) ("KS/OK Mah Reply Aff."); see id. ¶¶ 31-37. AT&T's
13 attempt to impose an unattainable standard of identical results should be rejected.

14
15 Q. WHAT IS THE RELEVANT QUESTION FOR THIS COMMISSION TO ANSWER?

16
17 A. For all the reasons set forth above, contrary to Mr. Bradbury's contentions, the relevant
18 question here is not whether the results across states are identical, but whether
19 BellSouth's *processes* and *systems* are the same. The FCC has determined that, as to
20 electronic OSS processes, a BOC may demonstrate "sameness" by showing that CLECs
21 either use the identical system across different states or that CLECs use separate systems
22 that "reasonably can be expected to behave the same way." Kansas/Oklahoma Order ¶
23 111. As to manual processes, the FCC has emphasized evidence showing that those

1 components operate pursuant to a common organizational structure, common methods
2 and procedures, and common training. See id. ¶ 113.

3
4 Q. DESCRIBE THE REGIONALITY OF BELLSOUTH'S ELECTRONIC SYSTEMS
5 USED FOR PROVISIONING, MAINTENANCE AND REPAIR.

6
7 A. BellSouth has made precisely those showings in its affidavits. As to electronic
8 processes, my initial affidavit demonstrates that, as to the legacy systems for
9 provisioning, maintenance, and repair addressed there, BellSouth uses a "single version
10 of each application, which handled CLEC and BellSouth service orders on a
11 nondiscriminatory basis throughout the nine states" in BellSouth's region. While this
12 single version of each legacy application is loaded onto two separate mainframes that are
13 at different locations and serve different areas, those mainframes run the same software
14 systems, and updates of both systems are made within days of each other. Mr. Pate and
15 Mr. Ainsworth address the regionality of BellSouth's ordering and preordering processes.

16
17 Q. DESCRIBE THE REGIONALITY OF BELLSOUTH'S MANUAL PROCESSES FOR
18 PROVISIONING AND MAINTENANCE AND REPAIR.

19
20 A. As to manual processes, my initial affidavit demonstrates that BellSouth has a single
21 management structure for those tasks, a centralized BellSouth Training organization that
22 gives identical training to all BellSouth personnel (including the same tools and tests),
23 and common methods and procedures that apply to all personnel across BellSouth's

1 region, and regardless of whether they are serving BellSouth retail customers or CLECs.
2 They are thus the same across the region as defined by the FCC.

3
4 Q. DOES THE FACT THAT BELLSOUTH'S WORK GROUPS FOR MANUAL
5 PROCESSES ARE ORGANIZED ON A GEOGRAPHIC BASIS IMPACT A FINDING
6 OF REGIONALITY?

7
8 A. No. Mr. Bradbury argues that because the work groups for manual processes are
9 organized on a geographic basis, BellSouth's sameness showing is somehow deficient.
10 That claim is without merit. As I previously demonstrated, these work groups are all part
11 of the same organizational structure, all report back to the same corporate officer, are
12 managed under the same guidelines, and undergo the same training. Those facts are
13 sufficient to show that BellSouth employees "would do their jobs in the same manner" in
14 Kentucky as in Georgia, which is the relevant question here. See Kansas/Oklahoma
15 Order ¶ 113. The fact that some work groups reside in various physical locations is based
16 solely on the need to provide service to customers across BellSouth's region, not because
17 they perform their jobs any differently.

18
19 Q. IS THE NETWORK PORTION OF BELLSOUTH'S OSS THE SAME PURSUANT TO
20 THE FCC'S DEFINITION?

21
22 A. Absolutely. In short, the FCC has defined "same" to mean that "... competing carriers in
23 [multiple states] share the use of a single OSS ...: a common set of processes, business

1 rules, interfaces, systems, and in many instances, even personnel.” Kansas/Oklahoma
2 Order ¶ 111. With respect to provisioning and maintenance and repair, BellSouth must
3 demonstrate “that its OSS reasonably can be expected to behave the same way” in
4 different states. Id. As I have demonstrated, BellSouth’s processes and procedures are
5 designed for the network operations to behave in the same way. Mr. Bradbury’s
6 allegation that differences in performance equate to different OSS is unsupported by
7 either the facts or FCC decisions.

8
9 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

10
11 A. Yes, it does.

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