


AFFIDAVIT

STATE OF GEORGIA

COUNTY OF FULTON

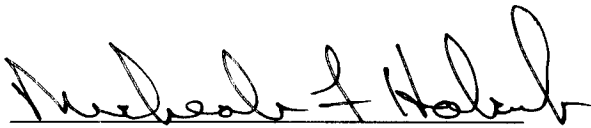
BEFORE ME, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Alphonso J. Varner, BellSouth Telecommunications, Inc., being by me first duly sworn deposed and said that:

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 148 pages and 12 exhibit(s).



Alphonso J. Varner

SWORN TO AND SUBSCRIBED BEFORE ME this
25th 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 ALPHONSO J. VARNER
3 BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION
4 CASE NO. 2001-105
5 FILED JULY 30, 2001
6
7

8 Q. PLEASE STATE YOUR NAME, YOUR POSITION WITH BELLSOUTH
9 TELECOMMUNICATIONS, INC. ("BELLSOUTH") AND YOUR BUSINESS
10 ADDRESS.

11
12 A. My name is Alphonso J. Varner. I am employed by BellSouth as Senior
13 Director in Interconnection Services. My business address is 675 West
14 Peachtree Street, Atlanta, Georgia 30375.

15
16 Q. ARE YOU THE SAME ALPHONSO J. VARNER WHO FILED DIRECT
17 TESTIMONY IN THIS PROCEEDING?

18
19 A. Yes I am.

20
21 Q WHAT IS THE PURPOSE OF YOUR TESTIMONY?

22
23 A. The purpose of my Rebuttal Testimony is to respond to Rebuttal
24 Testimony filed by certain Competitive Local Exchange Carrier (CLEC)
25 Witnesses in this proceeding relating to the adequacy of the Interim SQM,

1 the metrics portion of the KPMG Third Party Test and enforcement
2 mechanisms. Specifically, my testimony will address assertions made by
3 AT&T witnesses Sharon Norris, Jay Bradbury, Denise Berger and Cheryl
4 Bursh, as well as assertions by WorldCom witness Karen Kinard.

5

6 With regard to the CLECs performance and penalty plans, my testimony
7 establishes that:

- 8 • The CLECs propose an absurd number of performance
9 measurements and sub-metrics that go far beyond the most
10 extreme definition of what is necessary for this Commission to
11 satisfy itself that BellSouth is providing non-discriminatory
12 performance to the CLECs. Their plan contains about 380,000
13 measurements compared to 2200 for the Interim SQM.
- 14 • Concurrent with proposing an absurd number of measurements,
15 the CLECs' remedy plan imposes a penalty on each performance
16 measurement, rather than limiting penalties to those key
17 measurements that significantly affect customer service.
- 18 • The CLECs' plans base penalties on the number of measurements
19 missed, instead of the number of transactions missed, which can
20 only be explained by the fact that the CLECs propose so many
21 measures that there will be few transactions within any single
22 measurement category.
- 23 • The CLECs' proposals involve a level of complexity and volume of
24 sub-metrics that would make it virtually impossible to implement in
25 any reasonable timeframe. Of course they contend that interLATA

1 authority must be delayed until their plan is implemented.

- 2 • The CLECs' enforcement plan far exceeds any reasonable attempt
3 to provide additional incentives to perform. In fact, the CLECs' plan
4 is so excessive that the enforcement mechanism would become a
5 major new revenue stream for the CLECs even if BellSouth is
6 providing a non-discriminatory level of service to the CLECs. For
7 example, even if BellSouth met 90% of the performance standards,
8 it would still be required to pay \$760M to over \$7.6B in penalties in
9 a single month.
- 10 • Many of the CLECs' proposed standards, either retail analogs or
11 benchmarks, are arbitrary.
- 12 • The CLECs' plan proposes penalty thresholds that are
13 inappropriately low. For instance, where benchmarks are used,
14 parity is often defined as reaching 95% of identical performance,
15 while a complete and total failure of parity is defined as dropping
16 below 90%.
- 17 • The CLECs' proposal includes requirements for additional audits
18 that, as a practical matter, simply cannot be accomplished.
- 19 • The CLECs' proposal is inconsistent with their own statistician's
20 view of how penalties should be calculated.

21
22 Clearly the CLECs proposals should not be adopted.

23
24 **I. DATA INTEGRITY AND PERFORMANCE MEASUREMENTS**

1 Let's turn first to the specifics of Ms. Norris' data integrity testimony.

2

3 Q. MS. NORRIS ON PAGES 4 AND 5 OF HER TESTIMONY ALLEGES
4 THAT BELLSOUTH'S DATA IS UNRELIABLE. PLEASE RESPOND.

5

6 A. Ms. Norris' four criticisms on page 4 of her testimony fails to support her
7 claims, as I will illustrate in this testimony. Briefly, she claims that
8 BellSouth failed to capture some AT&T transactions, which has a minor
9 impact. Her claims of inconsistency are overstated, and her
10 characterizations of the third party test results are, at times, misleading.
11 As I will discuss more in a moment, her claims regarding raw data are
12 incorrect, as BellSouth is not obligated to provide this data, at least by her
13 definition. Ms. Norris uses these reasons to justify an unwarranted delay
14 in evaluating BellSouth's performance.

15

16 In assessing the relevance of her analysis, the Commission should bear in
17 mind that she has used data for Georgia from several months upon which
18 BellSouth is not relying in this proceeding.

19

20 Q. MS. NORRIS STATES ON PAGE 5 OF HER TESTIMONY THAT OUR
21 DATA IS PROCESSED BEFORE IT IS SENT TO STAGING, NODS AND
22 DDS SYSTEMS. IS THIS CORRECT?

23

24 A. No, this is incorrect. No processing is performed prior to Staging. Staging
25 is simply a copy of the SNAP database.

1

2 Q. IN MS. NORRIS' TESTIMONY SHE EXPLAINS HOW BELLSOUTH'S
3 DATA COLLECTION AND PERFORMANCE MEASURES REPORTING
4 SYSTEMS WORK. IS HER EXPLANATION ACCURATE?

5

6 A. No. Specifically, Ms. Norris inaccurately describes the relationship
7 between BellSouth's SNAP and PMAP Staging database. PMAP Staging
8 is simply a copy of SNAP. There are, in fact, no business rules or
9 exclusions that applied to the early stage data in the SNAP database
10 before it is sent to the PMAP Staging database.

11

12 Q. CAN YOU FURTHER DESCRIBE THE SYSTEMS AND PROCESSES BY
13 WHICH BELLSOUTH CALCULATES THE SQM DATA?

14

15 A. PMAP is the system in which the majority of the SQM values are
16 produced as shown in Exhibit AJV-7. The source data accumulated in the
17 legacy systems are transferred to the Interexchange Carrier Analysis and
18 Information System (ICAIS). These data transfers are initiated and
19 executed by automated scripts. Each month a "snapshot" of the ICAIS
20 data is extracted into the SNAP database and copied into PMAP Staging,
21 the database used to store the data that will be analyzed and processed
22 to generate the final SQM values. The combination of ICAIS and SNAP
23 constitutes BARNEY. This monthly "snapshot" of data is typically referred
24 to as "early stage data" and contains the records and data fields required
25 to calculate the SQM. From Staging, the data tables are transferred to the

1 Normalized Operational Data Store (NODS), which puts the data into a
2 normalized format. NODS then passes the data to the Dimensional Data
3 Store (DDS), which summarizes and aggregates the data. The final SQM
4 reports are generated by queries run against the DDS data. The data
5 from NODS are also used to generate the data files made available to the
6 CLECs and utilized by BellSouth to validate the final SQM reports. No
7 SQM exclusion or business logic is applied to the records prior to the
8 transfer of data into the NODS database.

9
10 The nature of several SQM reports requires that the bulk of the data
11 collection and processing requirements be executed manually using
12 spreadsheets and other simple database management tools. For these
13 reports, the process owner for each manually produced SQM is
14 responsible for collecting and formatting the legacy system source data
15 that is loaded directly into the PMAP DDS database. The final SQM
16 reports are then generated by queries run against the DDS data using the
17 same final process step employed for PMAP results reporting.

18
19 Q. ON PAGE 6, MS. NORRIS COMPLAINS ABOUT BELLSOUTH'S
20 FAILURE TO PROVIDE CLECS WITH ACCESS TO EARLY STAGE
21 DATA. PLEASE RESPOND.

22
23 A. AT&T has argued that it should receive "early stage" data, as opposed to
24 "raw data". AT&T refers to this early stage data as raw data. "Early
25 Stage" data is the data available in the SNAP database, prior to PMAP

1 processing, as noted in Exhibit AJV-7. Early stage data contains
2 unformatted and unlinked transaction data in a myriad of legacy systems
3 and tables that has not yet been normalized. For example, key data fields
4 pulled from different legacy source system tables may have disparate date
5 and time-stamp formats, unique product identifiers and system-specific
6 activity or status codes, all of which must be normalized in order to be
7 usable. Further, the legacy system “table-joins” necessary to aggregate
8 the transaction-level data required to support the calculations of a given
9 metric result are extremely complex and cumbersome. As a result, there
10 is data in the SNAP database that is neither relevant nor necessary to
11 validate Interim SQM reports.

12
13 In addition, some of the data Ms. Norris claims is not even in early stage
14 data (e.g. all data related to certain OSS transactions), is not maintained
15 even in early stage data. Thus, access can't be provided.

16
17 Q. WHY ARE CLECS NOT PROVIDED WITH EARLY STAGE DATA?

18
19 A. There are two main reasons why CLECs are not provided early stage
20 data. First and foremost, disclosure of early stage data may jeopardize the
21 confidentiality of each CLEC's data because at this stage, early stage data
22 is not filtered for CLEC-specific data. Therefore, PMAP and its raw data
23 files allow BellSouth to protect the proprietary data for each CLEC.
24 Second, it is nearly impossible for CLECs to use early stage data. The
25 size of the files would be so cumbersome, and the amount of data, which

1 includes a high volume of irrelevant data, so great, that CLECs would
2 have to build a PMAP of their own to perform the calculations, exclusions,
3 etc. required to reach the report results. Specifically, they would need to
4 take several gigabytes of data, perform all formatting and normalization
5 across legacy source systems, and generally reduce the total number of
6 CLEC records that must be processed according to the Interim SQM
7 business rules. The work effort would ultimately yield the same data
8 currently provided to CLECs, which then translates into the Interim SQM
9 reports. Briefly, they would have to do everything that PMAP does to turn
10 early stage data into raw data and measurement results.

11
12 BellSouth's raw data allows CLECs to verify the Interim SQM reports. The
13 raw data provided to the CLECs contains all transaction-level details that
14 aggregate to the values in the Interim SQM report. Thus, CLECs have all
15 the information required to replicate the Interim SQM reports from the raw
16 data. If a CLEC wishes to reconcile its transactions to the Interim SQM
17 values, it can compare its transactions to the raw data transactions.

18
19 Q. ON PAGES 7-8 OF HER TESTIMONY, MS. NORRIS TALKS ABOUT
20 MISSING LNP DATA. PLEASE RESPOND.

21
22 B. AT&T brought the missing LNP data for the December 2000 data
23 month to BellSouth's attention on February 12, 2001. BellSouth
24 researched the request and found that one of AT&T's Operating Company
25 Numbers (OCN) 7125 was missing its LNP data due to a coding error.

1 BellSouth responded to AT&T on March 27, 2001 with an explanation that
2 BellSouth would fix the code for the following months.

3

4 While BellSouth implemented the coding fix, BellSouth continued posting
5 LNP reports to the PMAP website for all AT&T OCNs, with the exception
6 of OCN 7125, for January, February, and March of 2001. Thus, Ms.
7 Norris is incorrect in her claim that BellSouth refused to provide data. In
8 addition, the programming error that BellSouth was able to identify has
9 been fixed for OCN 7125 and all of AT&T's May LNP reports are currently
10 available on the PMAP website.

11

12 Q. ACCORDING TO AT&T, IT HAS BEEN UNABLE TO VERIFY WHETHER
13 THE CORRECTION OF THE SYSTEM ERROR RESOLVED THE ISSUE
14 OF MISSING DATA FOR OCN 7125. HAS THE ERROR BEEN FIXED?

15

16 A. Yes. As stated in Carrier Notification Letter SN91082397 dated May 21,
17 2001, the LNP Flow Through data report modifications were effective May
18 7, 2001. Therefore, beginning with May 2001 data, which is run in June
19 2001, the error has been fixed and has had a significant impact on flow
20 through percentages. As for Ms. Norris' concern regarding differences
21 with the data in the LNP FOC and rejection reports for April 2001, the
22 reports were accurately posted to the website. If AT&T feels there are
23 discrepancies in April 2001, it would need to provide its ordering data to
24 BellSouth for further analysis.

25

1 Q. ON PAGE 9, MS. NORRIS CLAIMS THAT AT&T FOUND OTHER
2 INSTANCES OF MISSING DATA WHEN SHE COMPARED RESULTS
3 FROM THE PARTIES' UNE-P TEST TO NOVEMBER 2000 PMAP DATA.
4 PLEASE RESPOND.

5

6 A. With respect to the specific "discrepancies" identified by AT&T, many of
7 the reasons for the differences cited are attributable to AT&T. BellSouth is
8 continuing to investigate why differences exist and whether the problem is
9 caused by BellSouth or AT&T. The current results of BellSouth's
10 investigation are included as an exhibit in Ms. Norris' testimony.

11

12 Importantly, however, AT&T's analysis is irrelevant to the question before
13 this Commission. Its analysis was conducted on data for November 2000.
14 This data significantly predates implementation of the Interim SQM and
15 the attendant programming changes. The earliest month of data that
16 BellSouth relies upon in Kentucky is for May 2001.

17

18 Q. MS. NORRIS ALLEGES ON PAGE 10 OF HER TESTIMONY THAT
19 BELL SOUTH REFUSED TO CONDUCT ANY ROOT CAUSE ANALYSIS
20 OR PROVIDE DATA TO AT&T. PLEASE RESPOND.

21

22 A. Ms. Norris alleges that during a May 11th meeting, BellSouth refused to
23 analyze data discrepancies between the UNE-P test and PMAP found by
24 AT&T. To the contrary, BellSouth did not refuse to conduct a root cause
25 analysis of the data. BellSouth simply had not completed the review in

1 time for the meeting. In fact, BellSouth agreed to review this data despite
2 AT&T's failure to follow the procedures it agreed to in the Georgia 1000
3 trial covering such reviews. The agreement clearly sets forth the process
4 for analyzing metrics during the trial.

5
6 AT&T's claim that BellSouth refused to provide data is simply incorrect.

7
8 Q. ALSO ON PAGE 10 OF HER TESTIMONY, MS. NORRIS STATES THAT
9 AT&T CONTINUOUSLY ESCALATED TO GET AN INVESTIGATION
10 PERFORMED ON THE BELLSOUTH DATA. PLEASE RESPOND.

11
12 A. Ms. Norris' description of events is incorrect. BellSouth never indicated a
13 cavalier approach to PMAP data. What Ms. Norris fails to point out is that
14 BellSouth and AT&T had agreed upon the personnel who would work on
15 the trial, and the data that would be analyzed. AT&T disregarded the
16 agreement. Instead of sending this request to the designated people who
17 would know how to handle it, AT&T sent it to their account team who had
18 no role in this analysis. This is important because AT&T's unilateral action
19 introduced delay and confusion into the process. The people AT&T
20 elected to pass the requests had neither the knowledge nor the ability to
21 handle it or know who could handle their request.

22
23 Ms. Norris' misstatement of the situation continues to the letters in June.
24 AT&T did not provide the information requested by BellSouth, but instead
25 substituted different information. BellSouth agreed to try and work with to

1 save AT&T the work and expense to provide additional data. This results
2 in a greater workload for our people, but we were trying to be as helpful as
3 possible regarding AT&T's requested information. BellSouth will use the
4 information provided by AT&T to the extent that it can, but AT&T shouldn't
5 complain about lack of responsiveness when it is unwilling to cooperate.

6

7 Q. ON PAGE 10 OF HER TESTIMONY, MS. NORRIS DISCUSSES
8 EVENTS SURROUNDING THE GA 1000 TRIAL. SHE STATES THAT
9 AT&T HAD TO SUBMIT THE SAME INFORMATION TO BELLSOUTH
10 ON JUNE 12, 2001 AND AGAIN ON JUNE 18, 2001, THEREBY
11 PROVIDING IT TWICE. CAN YOU EXPLAIN?

12

13 A. This response is covered in the letter sent to Mr. Edward Gibbs of AT&T
14 on June 28, 2001 (Exhibit AJV-13). To summarize, the information that
15 AT&T sent on June 12 was agreed to during a meeting between BellSouth
16 and AT&T on June 8, 2001. The letter that AT&T received was simply a
17 follow-up to that conversation, and not a request to resubmit information.
18 The information originally provided by AT&T had incorrect version
19 numbers (see Exhibit AJV-14) that BellSouth dedicated resources to
20 correct rather than rejecting the data.

21

22 Q. SHE ALSO INDICATES ON PAGES 10-11 THAT 113 INSTANCES OF
23 "DUMMY" FOCS CONFIRMED SOME OF AT&T'S ISSUE. PLEASE
24 RESPOND.

25

1 A. Ms. Norris is incorrect. As Ms. Norris knows “Dummy FOCs” is a term of
2 art. These are not firm order confirmations. BellSouth returns “dummy”
3 FOCs in response to CLEC requests to cancel service requests before the
4 service order is issued. These are returned simply as an acknowledgment
5 to the CLEC that their request to cancel the order was received and are
6 not associated with either a firm order confirmation or the issuance of a
7 service order. FOCs are only issued for actual changes in the service.
8 Because “dummy” FOCs are not firm order confirmations, there is no
9 exclusion to apply, documented or otherwise, the FOC Timeliness metric.
10 In addition, if they were included, BellSouth’s measured performance
11 would actually increase.

12

13 Q. FINALLY, MS. NORRIS INDICATES ON PAGE 11 THAT THERE ARE
14 REJECTIONS EXCLUDED FROM THE REJECT INTERVAL REPORT
15 WHEN THE ISSUE DATE FALLS IN ONE MONTH AND THE REJECT
16 DATE FALLS IN THE NEXT, AND THAT THIS IS A SO-CALLED
17 “UNWARRANTED EXCLUSION.” PLEASE EXPLAIN.

18

19 A. It is true that LSRs received in a different month than the reject are not
20 counted. Because rejects are returned so quickly, there are very few
21 orders with rejects in different months. This is not an SQM exclusion, but
22 the nature of the process for calculating the measure. In this case, it was
23 only one reject out of 79 total rejects. There is no reason to believe that
24 the overall performance would vary for this subset of transactions that
25 span two months and there is no significant impact to the interval being

1 recorded. On the contrary, the programming required to handle this
2 inconsequential situation would be very complicated. However, a change
3 request to correct the problem is in the process of being worked by
4 BellSouth and an update should be made with the publication of August
5 results.

6
7 Q. ALSO ON PAGE 11 OF HER TESTIMONY, MS. NORRIS MENTIONS
8 MISSING PERFORMANCE DATA BASED ON DATA COLLECTED BY
9 AT&T IN THE GEORGIA 1000 TEST. PLEASE RESPOND.

10
11 A. Contrary to Ms. Norris' claim, BellSouth's analysis does not confirm that
12 the data is in fact missing. To the extent we have been able to analyze
13 the data, it shows that much of the problem is attributable to AT&T. For
14 example, 575 of the 577 orders AT&T consistently complains were
15 missing, in fact, had the wrong version number put on them by AT&T.
16 AT&T sent the orders as version "00", but AT&T was erroneously looking
17 for version "01". These different version numbers identify different orders.

18
19 Q. ON PAGE 12 OF THE NORRIS TESTIMONY, AT&T CONTENDS THAT
20 IN MAY 2001, 10% OF ITS LOCAL SERVICE REQUESTS (LSRS) DID
21 NOT RECEIVE A FIRM ORDER CONFIRMATION (FOC) OR REJECT.
22 PLEASE RESPOND.

23
24 A. The FOC and Reject Response Completeness metric is a new metric that
25 has only been available since the March 2001 data. BellSouth corrected

1 several problems in April 2001; however, further investigation and code
2 modifications are required to report the results more accurately.
3 Consequently, BellSouth does not rely on this measurement to evaluate
4 performance at this time. However, with May data the measure seems to
5 have any significant problems resolved.

6
7 The purpose of the measure is to indicate whether all orders have been
8 accounted for in processing. The key point in BellSouth's investigation,
9 however, is that BellSouth has not uncovered any evidence to indicate
10 that orders are being lost. Indeed, while Ms. Norris states that she is
11 "concerned", she does not allege (nor does BellSouth believe she can or
12 should) that AT&T orders are being lost. Thus, while the metric itself is
13 being refined, there is no evidence that BellSouth is losing orders.

14
15 Q. ON PAGES 12-13, MS. NORRIS ALSO MENTIONS THE IMPACT OF
16 BELL SOUTH'S ALLEGED FAILURE TO INCLUDE AT&T'S DATA IN THE
17 PERFORMANCE DATA AS A WHOLE. PLEASE RESPOND.

18
19 A. Ms. Norris draws an unwarranted and overbroad conclusion.
20 BellSouth acknowledges that the FOC and Reject Completeness metric is
21 incorrect. However, the Auto Clarifications which cause an issue in the
22 completeness measurement are in fact counted as Rejects, so the
23 problem is limited to the FOC and Reject Completeness measure. Ms.
24 Norris states no facts to support her sweeping conclusion that data is
25 missing for other measurements.

1

2 Q. ON PAGE 14 OF HER TESTIMONY, MS. NORRIS DISCUSSES A
3 RELATIONSHIP BETWEEN FLOW THROUGH AND REJECT DATA
4 WITH REGARD TO UNE-P NUMBERS. PLEASE RESPOND.

5

6 A. Ms. Norris' claim that Auto Clarification on the Flow Through Report
7 should match the Reject Report is incorrect. Ms. Norris uses as an
8 example of data in January 2001, for OCN 7680 and claims that UNE-P
9 numbers that should have been the same were different across the Reject
10 Interval and Flow-Through reports. There are several reasons for this
11 difference.

12

13 The first reason is that while the Reject Interval reports and the Flow-
14 Through reports use the same source data, different business rules are
15 used to process some of the results. In this case, 9 LSRs were included in
16 the Reject Interval report under Partially Mechanized rejects, but because
17 of classification differences related to the processing of the LSRs, these
18 orders appear in the Total Manual Fallout category of the Flow-Through
19 Report.

20

21 The second reason also has to do with differences in business rules. In
22 this case 12 LSRs were auto-clarified, then claimed (retrieved) by a LCSC
23 service representative for further processing, causing them to be classified
24 as partially mechanized and included in the count of Partially Mechanized
25 Rejects. In the Flow Through report, they are included in the Auto

1 Clarification category because they are auto-clarified, and do not appear
2 in the CLEC-Caused Fallout category.

3

4 The last reason for the difference is that 4 LSRs, supporting AT&T feature
5 testing, were submitted via the TAG interface. These were submitted by
6 BellSouth during production verification testing of a feature ("GENERATE
7 LCC FOR AT&T IN 5E SWITCH ATLNGAPPDS2") that AT&T requested
8 through the Change Control process. This feature was requested by
9 AT&T only, and therefore had to be tested with one of their OCNs since
10 BellSouth's systems will only perform these special functions for AT&T
11 orders. BellSouth canceled all orders so that AT&T would not be billed,
12 however, being in the production environment, the ordering measures
13 were still impacted. It was critical that the full functionality be tested so
14 that BellSouth could ensure that AT&T's request was correctly
15 implemented.

16

17 Q. PLEASE RESPOND TO MS. NORRIS' NEXT ALLEGED DISCREPANCY
18 ON PAGE 14.

19

20 A. There are 1,430 LSRs on the January 2001 Flow-Through report and only
21 1,427 LSRs on the % Rejected-Mechanized report in PMAP in the same
22 month as noted in Ms. Norris' testimony on page 11. However, they are
23 not supposed to match.

24

1 There are two valid reasons why these particular results do not match.
2 The first reason is that these measures reflect different types of orders.
3 The % Reject Report from PMAP does not include LSRs identified as
4 REQTYP 'JB' – Directory Listings orders in the % Rejected-Mechanized
5 measure. REQTYP 'JB' identifies a Directory Listing LSR. REQTYP 'JB'
6 was not included in the Interim SQM disaggregation according to the
7 Georgia Order, Docket No. 7892-U and BellSouth did not disaggregate
8 this data into a separate product which is required to reflect this data in %
9 Reject Reports. The LSRs are included, however, in the Flow-Through
10 report, because no product disaggregation exists in Flow-Through. There
11 were 24 such LSRs that appear in the Flow Through report but not in %
12 Rejects.

13
14 The second reason is that % Rejects included 21 LSRs submitted by
15 BellSouth through LENS and TAG on behalf of AT&T for a feature test.
16 The % Rejects measure aggregates all LENS, TAG, and EDI LSRs, while
17 the Flow Through Report separately lists TAG and LENS test LSRs, so
18 these 21 orders are included in the % Reject Total, and reflects two LENS
19 submissions and 19 TAG submissions, which are the test orders not
20 shown for AT&T in Flow Through.

21
22 The difference of 3 LSRs between the January 2001 Flow Through report
23 and the % Rejected-Mechanized report is the net of these two reasons.
24 (Overstated by 24 additional Flow Through report LSRs due to the

1 inclusion of Directory Listings and understated by 21 separately listed test
2 LSRs on the Flow Through report)

3

4 Q. ACCORDING TO MS. NORRIS' TESTIMONY ON PAGE 14, THERE ARE
5 35 FULLY MECHANIZED REJECTS ON THE % REJECTED-
6 MECHANIZED REPORT AND 41 FULLY MECHANIZED REJECTS ON
7 THE AUTO CLARIFICATIONS – FLOW-THROUGH REPORT. PLEASE
8 ADDRESS.

9

10 Again, this is due to the net of two different occurrences. The first reason
11 is that, as mentioned earlier, the Rejected-Mechanized reports and the
12 Flow-Through reports use the same data but separate code and business
13 rules to process some of the results. In this case, 12 LSRs were included
14 in the % Rejects report under Partially Mechanized rejects instead of Fully
15 Mechanized rejects because they were auto clarified, and then claimed by
16 a service representative. The Flow Through report uses slightly different
17 business rules in the code, making these LSRs show up as Fully
18 Mechanized Rejects.

19

20 The second reason for the difference is that the % Reject report included
21 six test LSRs submitted through TAG. The reports require CLECs to have
22 'keys' assigned to them so that they can identify their records in the
23 reports. These keys are randomly generated each month to insure that
24 each CLEC's data is kept confidential. These LSRs showed up under a
25 different key in the Flow Through Report and were not included in the 41

1 Auto Clarification count as this key only includes EDI LSRs.

2

3 Q PLEASE RESPOND TO THE ALLEGED “DISCREPANCY” BETWEEN
4 MISSED INSTALLATION APPOINTMENTS (PMI) AND AVERAGE
5 COMPLETION NOTICE INTERVAL (ACNI_ THAT MS. NORRIS
6 DISCUSSES ON PAGE 14.

7

8 A. Ms. Norris describes a difference in the number of completed orders listed
9 in the PMI metric in January 2001 (1,154) as compared to the 877
10 completed orders in the ACNI raw data files. The ACNI calculation
11 includes the number of orders with a notice of completion in a given
12 reporting period. The PMI includes the total number of orders completed
13 in a given reporting period.

14

15 One major reason for the difference in the number of completed orders
16 listed in the January 2001 ACNI and PMI data files can be attributed to the
17 distinction between a ‘notice of completion’ and a ‘completed order’. In
18 ACNI, non-mechanized orders did not receive completion notices at that
19 time, and therefore were not counted as part of the metric. The PMI data
20 file count includes all completed orders: partially mechanized, fully
21 mechanized, and non-mechanized.

22

23 Q. ON PAGES 14-15 OF HER TESTIMONY, MS. NORRIS RAISES THE
24 CONCERN THAT “IN APRIL 2001, FOR OCN 7125 NON-LNP,
25 BELL SOUTH REPORTED 76 AS THE NUMBER OF LSRS SUBMITTED

1 IN THE PERCENT REJECTED LSR REPORT, BUT 460 IN THE FLOW-
2 THROUGH REPORT” STATING THAT THESE NUMBERS SHOULD
3 MATCH. CAN YOU EXPLAIN?
4

5 A. Yes. In April 2001, 384 of AT&T’s LSRs were excluded from the %
6 Rejects report because they were identified as project-managed service
7 requests. Clearly, projects should be generally be excluded from Reject
8 Interval because they would usually require special handling.
9 Consequently, it is logical to exclude projects from % Rejected LSR
10 measure as it creates a base of the same types of orders between O-7, %
11 Rejected LSR report and O-8, Reject Interval, which in turn facilitates
12 comparisons, calculations, and verifications for the CLECs.
13

14 Q. ON PAGE 15, MS. NORRIS STATES “IN APRIL, AS WELL, FOR OCN
15 7125 NON-LNP, NUMBERS OF COMPLETED ORDERS APPEAR TO BE
16 INCORRECT. THE NUMBER OF COMPLETED ORDERS IN THE
17 MISSED APPOINTMENT METRIC (PMI) WAS 1,288 WHEREAS
18 BELLSOUTH REPORTS 5 COMPLETED ORDERS IN THE AVERAGE
19 COMPLETION NOTICE INTERVAL (ACNI) RAW DATA FILES.” THIS
20 REPRESENTS A DISCREPANCY OF 1,283 ORDERS. CAN YOU
21 EXPLAIN?
22

23 A. Yes. In Kentucky for the month of April, there are no completed orders for
24 OCN 7125 in either the PMI or ACNI metric. None were reported in the
25 SQM reports and none exist in the Raw Data Files. In the ACNI file there

1 are 5 records that have the OCN 7125, but 3 are in Tennessee and 2 are
2 in Georgia. In the PMI file there are 1,288 records in the file across all
3 states for OCN 7125.

4
5 One major reason for the difference can be explained by the fact that the
6 programming required to report non-mechanized orders in the ACNI
7 metric was not completed until the May results production run so non-
8 mechanized orders were not included in the original SQM and therefore
9 were excluded from the reports. However, MIA includes all orders
10 whether mechanized or not. With these differences, as noted in the
11 published MSS, AT&T should not expect the ACNI and PMI denominators
12 to match.

13
14 Q. ON PAGE 15 OF HER TESTIMONY, MS. NORRIS STATES THAT THE
15 APRIL 2001 FLOW-THROUGH REPORTS DISAGREE WITH EACH
16 OTHER. CAN YOU EXPLAIN WHY THE PERCENT FLOW THROUGH
17 SERVICE REQUESTS DETAIL REPORT LISTS A BELLSOUTH
18 CAUSED FALLOUT VOLUME OF 22,142 LSRS WHILE THE FLOW
19 THROUGH ERROR ANALYSIS REPORT ONLY IDENTIFIES 14,243
20 ERRORS IN APRIL 2001?

21
22 A. Yes. The purpose of the Flow Through Error Analysis Report is
23 to provide CLECs with examples of the most common reasons why orders
24 fall out so that they can eliminate or minimize errors going forward. The
25 analysis report is meant to reflect a significant percentage of relevant error

1 codes, but does not provide a full accounting of BellSouth-caused errors.
2 The report is truncated to make the report more useful by evaluating some
3 very low volume error conditions. The Flow-Through report reflects all
4 mechanized order.

5
6 Q. ON PAGE 16, MS. NORRIS DISPUTES THE FACT THAT IN JANUARY
7 2001, ACCORDING TO THE % UNE FLOWTHROUGH DETAIL
8 SECTION OF THE FLOW THROUGH REPORT, AT&T WAS SHOWN TO
9 HAVE 19 LSRS SUBMITTED THROUGH TAG. SHE ARGUES THAT
10 THIS CANNOT BE CORRECT SINCE AT&T DOES NOT OPERATE A
11 TAG INTERFACE WITH BELLSOUTH. CAN YOU EXPLAIN THESE
12 ORDERS?

13
14 A. Yes. The January TAG orders were submitted by BellSouth during
15 production verification testing of a feature ("GENERATE LCC FOR AT&T
16 IN 5E SWITCH ATLNGAPPDS2") that AT&T requested through the
17 Change Control process. This feature was requested by AT&T only, and
18 therefore had to be tested with one of their OCNs since BellSouth's
19 systems will only perform these special functions for AT&T orders.
20 BellSouth canceled all orders so that AT&T would not be billed, however,
21 being in the production environment, the ordering measures were still
22 impacted. It was critical that the full functionality be tested so that
23 BellSouth could ensure that AT&T's request was correctly implemented. It
24 should also be noted, that BellSouth has done even further investigation
25 into the source of these orders, and while 17 were attributed directly to our

1 internal testing of AT&T's requested feature, the last two submitted orders
2 came from AT&T as a test for UNE-P orders on January 9, 2001. The
3 "hundreds of orders" that Ms. Norris is speaking of in May 2001 data are
4 orders sent by AT&T through their LENS interface. The systems work
5 such that the orders, in this case loop/port combos, are sent through and
6 acknowledged by TAG when sent using a LENS interface. We have
7 confirmed that the data in the May 2001 PMAP Acknowledgment
8 Message Timeliness report is accurate.

9
10 Q. CAN YOU ALSO EXPLAIN WHY IN APRIL 2001, 3 ORDERS WERE
11 ATTRIBUTED TO AT&T THROUGH TAG?

12
13 A. In April 2001, the three orders of which Ms. Norris is speaking were
14 submitted by KPMG in Florida, for the Florida Third Party test, in relation
15 to collaborative testing. KPMG obtained AT&T's consent along with the
16 information required to place the orders in production, including the active
17 OCN 7680.

18
19 Q. ON PAGE 17 OF HER TESTIMONY, MS. NORRIS STATES THAT
20 BELLSOUTH HAS NOT PROVIDED ADEQUATE RAW DATA TO
21 CLECS. PLEASE RESPOND TO HER TESTIMONY.

22
23 A. BellSouth had already agreed and begun the process to provide raw data
24 required by the Georgia Commission's order before the order was issued.
25 Consequently, there was no reason for BellSouth to refuse to provide raw

1 data. Ms. Norris' assertion is wrong.

2

3 Q. ON PAGE 18 OF HER TESTIMONY, MS. NORRIS SAYS THAT
4 BELLSOUTH HAS BEEN EXCLUDING PARTIALLY MECHANIZED
5 ORDERS FROM THE AVERAGE COMPLETION NOTICE INTERVAL
6 MEASURE AND FROM PMAP RAW DATA. WHY IS THIS?

7

8 A. Prior to May data, ACNI was for Fully Mechanized orders only, consistent
9 with prior SQMs because completion notices were only returned on
10 mechanized orders. This was because until May, the C-SOTS completion
11 notices used for non-mechanized (including partially mechanized orders)
12 were faxed to the CLECs. That process was too labor intensive to
13 measure. The Georgia Commission ordered BellSouth to remove the
14 exclusion for Non-Mechanized orders, which also included Partially
15 Mechanized orders. With the May data we began to report ACNI
16 separately for both Mechanized and Non-Mechanized orders.

17

18 Ms. Norris claims that they can't tell whether transactions not found in raw
19 data have been excluded is not understandable. Obviously, if the
20 transaction is not in the Raw Data, it has been excluded. AT&T's concern
21 about this issue seems irrelevant.

22

23 Q. ON PAGE 19 OF HER TESTIMONY, MS. NORRIS CITES ALLEGED
24 INCONSISTENCIES IN AT&T'S IDENTIFICATION OF WHAT DATA IS
25 EXCLUDED FROM PMAP, IMPLYING THAT THERE IS SOME

1 UNSTATED PROBLEM WITH BELLSOUTH'S DATA. PLEASE
2 RESPOND.

3

4 A. Specifically, Ms. Norris points to BellSouth's responses to Interrogatories
5 12 and 57 from the North Carolina Utilities Commission Docket No. P-100,
6 Sub 133k and suggests that they are inconsistent. Actually, the two
7 responses are not inconsistent because the interrogatories are asking
8 different questions. In Interrogatory 12 (SEN-15), BellSouth's response
9 identified the exclusions listed in the Interim SQM. This interrogatory is
10 asking for the exclusions that must be applied to the associated raw data
11 file for the CLEC to recreate the report. The response provides a chart
12 that lists the Raw Data files that BellSouth provides and the transactions
13 that must be excluded, as stated in the Interim SQM, from the calculations
14 to replicate the measurement.

15

16 Interrogatory 57 requests BellSouth to provide a listing of any Interim
17 SQM exclusion where the associated transactional data would not be
18 stored in the raw data files. The only such data identified was cancelled
19 orders for the Average Order Completion Interval (OCI) reports and the
20 ACNI reports. The remaining raw data files will contain all pertinent data
21 for each measurement and must have the exclusions performed manually
22 to recreate the report. The Raw Data User Guide located within the Help
23 selection on the PMAP website provides detailed instructions for the
24 CLEC to replicate the monthly reports utilizing the raw data. Temporarily,
25 due to the increase in number of measures, some of these exclusion

1 transactions are not reflected to improve the response time for PMAP.
2 However, the records are planned to be reflected later. Contrary to Ms.
3 Norris' assertion, there is no inconsistency between the answers to
4 interrogatories 12 and 57.

5

6 Q. ON PAGE 19 OF HER TESTIMONY, MS. NORRIS CLAIMS THAT
7 DATA MAY BE UNINTENTIONALLY EXCLUDED FROM PMAP IN
8 ADDITION TO THE EXCLUSIONS LISTED IN THE INTERIM SQM AND
9 THE RAW DATA USERS MANUAL.

10

11 A. As I have already discussed, BellSouth has extensive validation
12 procedures, both in its systems themselves and manual procedures, to
13 ensure that any anomalies in the data production process are identified
14 and remedied. Thus, while BellSouth certainly cannot promise that
15 computer errors will never occur, BellSouth has taken extensive measures
16 to minimize such errors and they typically have no impact on the
17 Commission's ability to evaluate BellSouth's performance. When errors
18 do occur, the BellSouth processes are designed to identify and resolve
19 them quickly.

20

21 Q. PLEASE ADDRESS MS. NORRIS' ASSERTIONS REGARDING
22 FINDINGS BY KPMG ON PAGE 19.

23

24 Ms. Norris attempts to use a KPMG finding that certain data had been
25 excluded from PMAP due to server capacity constraints as a basis for

1 claiming that BellSouth improperly excludes other data. The KPMG
2 finding does not support her conclusion. This issue concerned the lack of
3 response data for several days in the raw data file rather than the
4 exclusion of data. In the Georgia third-party OSS test, KPMG issued
5 Exception 92, concerning the lack of response data from the TAG system
6 for several days. Specifically, the raw data file used to calculate the
7 *Average OSS Response Time and Response Interval* did not contain
8 response data from the TAG system for 10/06/1999, 10/24/1999,
9 10/25/1999, 10/28/1999, 01/16/2000, and 1/31/2000.

10

11 In response to the Exception, BellSouth found that two of the dates listed
12 above (10/24/1999 and 01/16/2000) were Sundays. On these weekend
13 days, no activity occurred on the TAG server, and thus there is no OSS
14 Response data to report. On the other dates (10/06/1999, 10/25/1999,
15 10/28/1999, and 01/31/2000) the TAG server failed to send a data file. All
16 data feeds generated by the TAG server are placed in a temporary
17 directory. On these dates the directory filled up, and the data feeds failed
18 since there was no room to write the data files. By the time the situation
19 was discovered it was too late to regenerate the previous day's data.

20

21 As a corrective measure, the controller of the TAG data feed moved
22 processing of the data to a new directory, which contained over 4
23 gigabytes of free space, eliminating the issue of capacity on the TAG
24 server. As you can see, the issue Ms. Norris refers to was resolved
25 almost a year ago as part of the KPMG test.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BellSouth's corrective measure satisfied KPMG's concern that the raw data used in the calculation of the measurement (*Average OSS Response Time and Response Interval*) is now accurately supported by the component early stage data.

Q. PLEASE ADDRESS AT&T'S ALLEGATION, FROM PAGES 19-20, THAT BELLSOUTH REFUSED TO PROVIDE LNP RAW DATA.

A. BellSouth did not refuse to provide the LNP raw data. BellSouth publicly disclosed that it would not have the ability to provide LNP raw data until May 2001. As AT&T already knows, the LNP measures were not originally developed in PMAP. They were developed from the LNP Gateway to expedite production of the measures as the CLECS requested. Until the LNP measures were moved to PMAP in May 2001, there was no way to provide the raw data. LNP raw data is now provided. Despite AT&T's awareness of this fact, they continue to make this same mischaracterization.

Q. ON PAGE 20 OF MS. NORRIS' TESTIMONY, AT&T CLAIMS THAT IT CANNOT VALIDATE BILLING MEASURES. IS THIS CORRECT?

A. No. Billing measures are derived from the CLEC's bills that are sent to CLEC's monthly, not from PMAP. Thus CLECs have access to the underlying data right now. Again, this was not done to expedite

1 measurement production for the CLECs. The data used in calculating the
2 performance measurements is the data from those monthly statements
3 and was not initially planned to be in PMAP. Like the issue with LNP,
4 AT&T has been advised that the raw billing data would be in PMAP by the
5 end of the year. However, the raw data for the billing metrics is now
6 planned to be available with publication of June 2001 results.

7

8 Q. MS. NORRIS DISCUSSES KPMG'S AUDITS PERFORMED ON
9 BELLSOUTH'S PERFORMANCE DATA. HOW DO YOU RESPOND?

10

11 A. First, the audit Ms. Norris refers to is a second audit to be performed in
12 Georgia, not the first audit where BellSouth has, to date, passed 409 of
13 420 completed metrics criteria with 10 still not complete. Regarding the
14 totality of the Interim SQM, it is technically correct that each of those
15 specific measurements was not audited since they had not yet been
16 implemented. However, Ms. Norris is being somewhat incomplete on her
17 assertion, because the processes that produce the current measurements
18 as well as some of the measures themselves were audited by KPMG in
19 their first audit.

20

21 Q. ON PAGE 21 OF HER TESTIMONY, MS. NORRIS CLAIMS THAT KPMG
22 RAISED THE SAME CONCERNS ABOUT BELLSOUTH'S DATA TO
23 THOSE RAISED BY AT&T. PLEASE RESPOND.

24

25 A. In Exception 79, KPMG reported concerns with the extent of data that

1 BellSouth would retain to support a prior month's historical Interim SQM
2 report. This is a data retention issue, not a data integrity issue. KPMG
3 suggested that the raw data, early-stage data, and the Interim SQM
4 reports be retained for a sufficient length of time to support any audits that
5 might be required by the GPSC. It was not suggested that this is
6 indicative of problems within the data. BellSouth provided KPMG with the
7 following data retention policy, which currently is on target for full
8 implementation by the end of September 2001.

9
10 It is the policy of BellSouth Performance Measurements to retain
11 the early-stage data for a period of eighteen months to facilitate
12 detailed audits of PMAP reports. 'Early-stage data' is defined as
13 that which is extracted from source systems (CABS, CRIS, EXACT,
14 WFA, SOCS, LMOS, etc.) and maintained as ASCII flat files for the
15 purpose of generating Interim SQM reports. 'Early-stage' data is
16 further defined as source system data that is transmitted manually
17 for said purpose. The mechanical flat files and the manual files of
18 early-stage data will be retained for a period of eighteen months.
19

20 BellSouth will retain PMAP raw data for a minimum of three years.
21 'PMAP raw data' is defined as that which is available for download
22 for the current month from the BellSouth website. Further,
23 BellSouth will retain for three years the monthly aggregate
24 database, i.e., which has been processed and normalized from raw
25 data, and the resources necessary to re-create the Interim SQM
26 reports from that database.
27

28 Full implementation of the above-stated data retention policy is
29 tentatively scheduled for 3Q01.
30

31 KPMG confirmed that BellSouth's response is satisfactory but will not
32 close Exception 79 until it verifies implementation of the data retention
33 policy.
34

1 In GA Exception 89, two issues (out of 11) remain open and the status is
2 provided below. The other nine issues that were closed in Exception 89
3 had a minimal impact on performance data and were closed before April
4 2001 data was produced.

5
6 In the first open issue, Exception 89.3, KPMG states that "raw data used
7 in the calculation of BellSouth Interim SQM reports are not accurately
8 derived from or supported by their component early-stage data" for OSS
9 Response Interval – Pre-Ordering. BellSouth provided an amended
10 response to this exception on February 23, 2001. It was determined that
11 the discrepancies were due to invalid negative numbers generated by
12 middleware (Middleware is the messaging and data transfer platform
13 between the front-end ordering OSS and legacy pre-ordering databases.
14 The middleware between ROS, RNS, TAG, and LENS is called Navigator,
15 and it connects to the legacy pre-ordering databases.) used by LENS,
16 TAG, RNS, and ROS to produce the measure. Source system project
17 teams are currently working to correct or eliminate the generation of these
18 invalid values. BellSouth estimates that implementation of the required
19 changes will be completed by 3Q01.

20
21 Although BellSouth does not dispute these discrepancies, the magnitude
22 of the differences is minute, as demonstrated in the table below.

23

Discrepancy Grouping	<i>Difference</i>
Total Number of Accesses	0.021%

Total Access Time in Milliseconds	0.060%
Total Number of Access > Six Seconds	0.068%

1

2 The small differences reflected in the above table could not have a
3 material impact on competition, nor the results being reported by
4 BellSouth for this metric

5

6 In the second open issue, 89.9, the remaining open question concerns the
7 measurement Percent Provisioning Troubles within 30 Days of a Service
8 Order. Initially, KPMG did not perform early stage data integrity testing for
9 this measurement because they were waiting on an issue regarding data
10 replication to be resolved. In April 2001, BellSouth and KPMG agreed to
11 proceed with early stage data testing for March 2001 data. KPMG's early
12 stage data test for this measure resulted in three questions,
13 communicated by email. Two of these questions were immediately
14 resolved. The remaining question resulted in BellSouth corrective action
15 within the PMAP system. A re-test of BellSouth's correction for the
16 Provisioning Troubles within 30 Days of a Service Order measure is
17 planned for July data in August with a target of October validation.

18

19 The impact of the change will only affect records where the 30-day period
20 ends during the trouble ticket lifecycle. This would result from a trouble
21 ticket that is received before the 30-day period ends and closed after the
22 30-day period ends. For March 2001 data for the state of Georgia, the
23 actual change numerator before the change is 23,801 trouble tickets.

1 After the change is implemented this number would be 24,354 trouble
 2 tickets. I use Georgia data because the Georgia data was reported for
 3 use in the Georgia Third Party Test. The percent of troubles within 30
 4 days would change from 4.31% before the change to 4.41% after the
 5 change.

6
 7 The following tables show a disaggregation of the new trouble tickets by
 8 product and customer. This disaggregation demonstrates the impact of
 9 fixing the trouble date field in the Percent Provisioning Trouble within 30
 10 days measure.

11
 12 The disaggregation of the new records by product is as follows:

13

Product	Original Trouble Ticket Count	Amount to be Added	% Change
1.Residence	21,231	527	2.48%
2.Business	1,933	17	0.88%
3.Design	100	2	2.0%
4.UNE Design	86	1	1.16%
5.UNE Non-Design	451	6	1.33%

14
 15 The disaggregation of records by wholesale and retail is as follows:

16
 17

	Original Trouble Ticket Count	Amount to be Added	% Change
BELLSOUTH	21,922		2.41%
Aggregate		529	

CLEC Aggregate	1,879	24	1.28%
----------------	-------	----	-------

1

2 As you can see, these two remaining conditions (89.3 and 89.9) where
3 KPMG has not completed their work would have no significant impact on
4 performance data.

5

6 Q. ON PAGE 22 OF HER TESTIMONY, MS. NORRIS ALSO REFERS TO
7 EXCEPTION 137 WHICH SHE ALLEGES RAISES CONCERNS
8 REGARDING KPMG'S INABILITY TO RECONCILE DATA IT
9 GENERATED ABOUT BELLSOUTH'S PERFORMANCE WITH
10 BELLSOUTH'S OWN DATA. PLEASE RESPOND.

11

12 A. Once again, Ms. Norris is overstating the implications of KPMG's findings.
13 GA Exception 137, based on October 2000 and November 2000 data,
14 identified a total of 19 discrepancies for the EDI and TAG interfaces.
15 BellSouth responded to the exception on March 23, 2001:

16

- 17 o Ten discrepancies were due to incorrect test procedures on the part
18 of KPMG.
- 19 o Four discrepancies were due to errors in BellSouth data.
20 Corrective measures were implemented in January 2001.
- 21 o Five discrepancies were unresolved, as information identifying the
22 causes of the delays was no longer available. BellSouth requested
23 KPMG to test on the most recent month's data.

24

1 On April 18, 2001, KPMG issued an amendment to Exception 137 based
2 on January and February 2001 data that identified an additional 102
3 discrepancies for the EDI and TAG interfaces. BellSouth responded to the
4 exception on April 30, 2001:

- 5 o Seventy-six discrepancies were due to incorrect test procedures on
6 the part of KPMG.
- 7 o Eight discrepancies were due to delays in the batch, translator,
8 and/or UNIX processes. By mid-year 2001, timestamps for these
9 ordering measurements will be selected from the interface
10 gateways thereby eliminating these delays. This time stamp was
11 already being captured, but it is not yet being reported.
- 12 o Three discrepancies were due to a planned system upgrade.
- 13 o One discrepancy was due to BellSouth Service Representative
14 error.
- 15 o Fourteen discrepancies were unresolved, as information identifying
16 the causes of the delays was no longer available.

17
18 Based on BellSouth's response to amended Exception 137, KPMG asked
19 (via email) five clarification questions. BellSouth is currently developing a
20 response to these questions. None of the questions impact data upon
21 which BellSouth relies in this proceeding. Upon the resolution of these
22 five issues through the testing of June TAG data, it is expected that
23 Georgia exception 137 will be closed. These findings will not impact the
24 overall integrity of the data. Therefore, Ms. Norris' conclusions are simply
25 not correct.

1

2 Q. ON PAGE 22 OF HER TESTIMONY, MS. NORRIS NOTES ELEVEN
3 OPEN EXCEPTIONS IN KPMG'S FLORIDA TESTING RELATED TO
4 PERFORMANCE MEASURES OF WHICH "MANY RELATE TO THE
5 INTEGRITY OF THE REPORTS OR THE UNDERLYING DATA." WHAT
6 IS THE STATUS OF THESE EXCEPTIONS?

7

8 A. Although Ms. Norris states that there are nine metrics-related exceptions
9 currently open in the Florida Third Party Test, she does not specifically
10 identify the open exceptions. Exceptions and Observations in no way
11 indicate that a problem exists simply that KPMG can't resolve a potential
12 discrepancy. Third Party testing will uncover many exceptions and
13 observations, new metrics exceptions and observations will continue to be
14 opened and ultimately closed throughout the testing process. Overall, the
15 currently open exceptions are not material and will have no impact on the
16 validity of the Commission's evaluation of whether BellSouth meets its
17 obligations under Section 271 of the Act. Without Ms. Norris' clear
18 identification of the exceptions she is referring to, we cannot respond any
19 further.

20

21 Q. ON PAGE 22 OF HER TESTIMONY, MS. NORRIS INCORRECTLY
22 STATES THE POTENTIAL IMPACT OF OBSERVATION 72. PLEASE
23 RESPOND.

24

25 A. BellSouth concurs that CLEC LENS data was unavailable from December

1 2000 - March 2001 following the retirement of the TCIF7 (old LENS)
2 system. As stated in the observation, BellSouth informed CLECs of the
3 issue on the reports on the Current Month Site Updates link on the PMAP
4 web page. OSS Average Response Time and Response Interval data
5 was available following implementation of the LENS metrics database
6 enhancement on April 7, 2001. The GA team had finished their analysis
7 of this measurement for PMR-5 when TCIF 7 was turned off and BellSouth
8 was not reporting TCIF 9 data. The problem was not missed in Georgia
9 because it didn't exist when the Georgia Audit was conducted.

10

11 **II. THIRD PARTY TESTING**

12

13 Q. ON PAGE 6 OF HER TESTIMONY, MS. NORRIS MADE A
14 GENERALIZED STATEMENT CRITICIZING THE THIRD PARTY TEST
15 BECAUSE OBSERVATIONS AND EXCEPTIONS THAT WERE
16 SATISFIED IN THE GEORGIA TEST WERE ALSO OPENED IN THE
17 FLORIDA TEST. MS. NORRIS ALSO REFERS TO HER EXHIBIT SEN-1
18 FOR SPECIFIC INSTANCES. HOW DO YOU RESPOND?

19

20 A. There were some observations opened in the Florida test that were
21 exceptions that were also satisfied in the Georgia Test. However, this
22 sequence of events does not suggest a recurrence of exceptions that
23 were previously cleared. For example in some cases, it merely represents
24 that KPMG conducted the Florida test using code that pre-dated changes
25 that were made in the Georgia test. In other words, the test was not

1 satisfied in Georgia before the Observation or Exception was opened in
2 Florida as Ms. Norris implies. KPMG used May 2000 data and Raw Data
3 Users Manual (RDUM) for replication purposes for the first month of
4 replication in Florida. The Georgia test was conducted on data from
5 October 1999 to the present. A coding change made to close an
6 exception in the Georgia test after May 2000, would not be reflected in the
7 May 2000 data used by KPMG in Florida. Between February 2000 and
8 January 2001 BellSouth made changes due to the Georgia Audit. So in
9 effect KPMG Florida was sometimes auditing old code and old
10 documentation. When KPMG opened an Observation or Exception in
11 Florida, based on this older data, BellSouth generally asked KPMG to turn
12 to a more current month to capture any changes that have taken place
13 due to the GA test. Refer to Exhibit AJV-15 for responses to Ms. Norris'
14 specific issues.

15

16 Q. SIMILARLY, ON PAGE 6, MS. NORRIS REFERS TO OBSERVATIONS
17 AND EXCEPTIONS THAT WERE FOUND IN FLORIDA, BUT HAD NOT
18 BEEN FOUND IN GEORGIA. MS. NORRIS AGAIN REFERS TO HER
19 EXHIBIT SEN-1 FOR SPECIFIC INSTANCES. PLEASE COMMENT.

20

21 A. There are two issues that Ms. Norris is raising in her testimony based on
22 her Exhibit SEN-1. One issue is that test points in Florida were out of
23 scope in Georgia, and therefore, no exception or observation could be
24 found. Ms. Norris is using such instances to mischaracterize the Georgia
25 test as being deficient, which is simply not true. In some of these cases,

1 the issues raised by KPMG in Florida are state-specific, and therefore,
2 would not be reviewed or raised in Georgia. And, in some other
3 examples, these metrics did not exist when KPMG executed the Georgia
4 test, but the processes to produce them were audited. Any metrics not
5 specifically audited in connection with the Georgia Test Plan are being
6 reviewed by KPMG as requested by the Georgia Commission (refer to
7 Georgia Exception #129). Please refer to Exhibit AJV-16 for a specific
8 response.

9
10 Secondly, Ms. Norris is questioning how KPMG could find an observation
11 or exception in Florida, and yet, not find the same observation or
12 exception in Georgia. First, for several of Ms. Norris instances, which she
13 cites in her Exhibit SEN-1, KPMG did issue an exception in Georgia. In
14 other instances, the issues identified by KPMG in Florida are state-specific
15 or related to manually calculated metrics. None of the discrepancies
16 noted by Ms. Norris challenge the adequacy of the Georgia test. Please
17 refer to Exhibit AJV-17.

18
19 Q. ON PAGE 13 OF HER THIRD PARTY TEST (3PT) TESTIMONY, MS.
20 NORRIS STATES THAT THERE ARE LNP METRICS DEFICIENCIES
21 THAT KPMG HAS IDENTIFIED IN FLORIDA. SPECIFICALLY, SHE
22 REFERENCES EXCEPTIONS 10, 11, 14, 21, 22, AND 24 THAT RELATE
23 TO THESE DEFICIENCIES. CAN YOU COMMENT?

24

1 A. Yes. KPMG is in the process of auditing all of the LNP measures in the
2 Florida test. To date, KPMG has issued six Exceptions related to metrics
3 reports for LNP-based product disaggregation (Exceptions 10, 11, 14, 21
4 22 and 24. The discrepancies identified for Exceptions 10 and 11
5 involved the incorrect calculation of interval distributions for Reject Interval
6 and FOC Timeliness BellSouth has made changes to both the SQM and
7 the code addressing the reported intervals and has provided KPMG with
8 May 2001 data to retest the calculations.

9
10 Exception 14 concerns data retention, not data accuracy. BellSouth has
11 provided the same policy given to KPMG in Georgia to KPMG in Florida.
12 In Georgia, this exception has entered the closure process, as BellSouth
13 and KPMG have agreed to the policy language. The closure of the
14 Georgia exception is simply awaiting the implementation of the new policy
15 in the third quarter of 2001 by BellSouth. Once the policy is implemented,
16 this exception in Georgia and Florida should be closed "satisfied."

17
18 Exception 21, which is closed, addressed issues regarding documentation
19 in the Exception Report, not data accuracy. Updated documentation was
20 provided for this exception. In Exception 22, KPMG raised an issue
21 regarding LNP Disconnect Timeliness. To resolve the issue, BellSouth
22 made a coding change to correctly exclude negative intervals from our
23 calculation, instead of making them zero and including them. KPMG will
24 retest using May 2001 data. As will be discussed later in my testimony,
25 irrespective of the KPMG exception, LNP Disconnect Timeliness, as it

1 exists currently, does not provide a relevant view of BellSouth
2 performance. This measurement is not useful and should be replaced.

3
4 In Exception 24, BellSouth implemented a coding change to more
5 accurately define the values. The Informix 4GL program was truncating
6 the values to the minute level. BellSouth changed the code to truncate at
7 the hundredth of a second level. KPMG closed this exception.

8
9 Q. ON PAGE 33 OF HER TESTIMONY, MS. NORRIS IDENTIFIES A
10 CONCERN THAT CENTERS ON ALLEGED KPMG COMMENTS THAT
11 UNSATISFIED RESULTS DID NOT MATTER BECAUSE THE
12 PERFORMANCE MEASURES AND PENALTY PLANS IN GEORGIA
13 WOULD ENSURE THAT BELL SOUTH CORRECTED THE PROBLEM.
14 IS HER CHARACTERIZATION CORRECT?

15
16 A. No. While she does not provide a reference or citation, Ms. Norris seems
17 to be referring to KPMG's opinion letter provided to the Georgia Public
18 Service Commission on March 20, 2001 along with its Final Report, which
19 is attached to Mr. Pate's Direct Testimony. Ms. Norris mischaracterizes
20 the letter by saying that KPMG "told the Commission that the unsatisfied
21 result(s) did not matter..." Of course, KPMG never said that the
22 unsatisfied results "did not matter." What KPMG did say was that the
23 Commission could continue to monitor the performance in those areas
24 through the performance data submitted by BellSouth and/or the penalty
25 plans. Likewise, BellSouth has proposed a set of measures (the SQM),

1 with accompanying data, which will allow this Commission to monitor
2 BellSouth's performance for CLECs. The SQM will provide this
3 Commission with a full opportunity to determine whether or not BellSouth
4 is providing nondiscriminatory access to its OSS. In addition, BellSouth
5 has proposed the adoption of a penalty plan that will further ensure that no
6 backsliding occurs after BellSouth's entry into the long distance market in
7 Kentucky. Given these steps, this Commission, as suggested by KPMG,
8 will be in a position to monitor and ensure that the performance delivered
9 by BellSouth to CLECs does, and will continue to, meet the applicable
10 performance standards.

11
12 Q. ON PAGE 33, MS. NORRIS ALSO CLAIMS THAT KPMG DID NOT
13 REALLY CONDUCT 1175 TESTS, BUT STATES THAT SEVERAL
14 DIFFERENT TEST POINTS WERE DEVELOPED FROM A SINGLE SET
15 OF TEST DATA. PLEASE ADDRESS.

16
17 A. Ms Norris' assertion is incorrect. Ms. Norris prefers to use the phrase "test
18 points" vs. tests at this point in her testimony, which is a distinction without
19 a difference. At other places, for example pages 37 and 46, Ms. Norris
20 refers to each of these test points as tests herself. According to the GA
21 OSS Testing Final Report, BellSouth did pass over 1100 tests as satisfied.
22 The test scope of the Pre-Order, POP, Billing, M & R, Change
23 Management and Performance Metrics discuss the analysis of each test
24 cycle, in which the test target, the interface under test, the primary test
25 objective(s), the BellSouth product offering, and the test technique(s) to be

1 employed are identified. Now, whether the tests involved a review of
2 documentation or any other analysis, which in Ms. Norris' opinion may be
3 subjective, it does not change the fact that these tests were conducted
4 and satisfied.

5

6 Q. MS. NORRIS ALLEGES, ON PAGE 41, THAT KPMG DID NOT
7 APPROPRIATELY EVALUATE BACK-END SYSTEM RESPONSE
8 TIMELINESS BECAUSE IT MEASURED REJECTIONS AT THE
9 GATEWAY, WHICH WOULD LEAD TO AN INCORRECT SHORTER
10 AVERAGE TIME INTERVAL. PLEASE COMMENT.

11

12 A. Ms. Norris is incorrect in her statement that measuring the rejection at the
13 gateway is inappropriate. The Georgia Order specifically states that the
14 rejection should be measured at the gateway. Ms. Norris is stating the
15 BellSouth process and KPMG's testing methodology.

16

17 Q. ON PAGE 48 OF HER TESTIMONY, MS. NORRIS AGAIN ASSERTS
18 HER CONCERNS REGARDING KPMG'S CONCLUSIONS OF THE
19 THIRD PARTY TEST. CAN YOU ADDRESS HER CONCERNS?

20

21 A. Yes, on page 48, Ms. Norris attempts to refute the assertion regarding
22 KPMG's inaccurate classification of seven non-flow through LSRs as flow-
23 through orders in connection with the TAG UNE Flow-Through FOC
24 Timeliness evaluation in the Georgia Third Party test.

25

1 While BellSouth continues to believe that these non flow-through orders
2 were incorrectly included in this particular test, what is even more
3 important is how BellSouth is currently performing in these particular
4 areas. That performance is outstanding. The May 2001 Kentucky MSS
5 shows that BellSouth met the FOC Timeliness—Fully Mechanized
6 benchmark (95% within 3 hours) established for the high visibility UNE
7 product categories of Loop/Port Combinations (May – 98% within 3
8 hours), xDSL (May – 100% within 3 hours) and 2W Analog Loop Design
9 (May 100% within 3 hours). As you can readily see, BellSouth exceeded
10 the benchmark in each of these product categories in May 2001.

11

12 Also, on page 48 of Ms Norris' comments, AT&T again attempts to refute
13 the assertion that KPMG improperly included partially mechanized LSRs
14 in its evaluation of BellSouth's EDI UNE Flow-Through Reject/Clarification
15 response timeliness, thereby skewing the results of the final interval
16 calculation. Ms. Norris says that the Commission cannot analyze
17 BellSouth's compliance "based on future untested improvements." To
18 make it very clear, BellSouth is asking this Commission to review the
19 actual commercial data on these items, which clearly demonstrates that
20 BellSouth is providing a very high level of service to CLECs. For the
21 measures Ms. Norris is addressing here, in May 2001, BellSouth far
22 exceeded the Reject Interval – Mechanized benchmark for the product
23 categories of xDSL (100% vs. 97%), and 2W Analog Loop Design (100%
24 vs. 97%), but missed the Port/Loop Combo (60.44% vs. 97%) and
25 narrowly missed the LNP Standalone (96.43% vs. 97%). Incidentally, we

1 missed the Port/Loop Combo benchmark due to a time stamp change.
2 Please refer to my Performance Measures testimony (AJV-6, page 21,
3 line 10). Also in May, the benchmark changed from 85% in 24 hours to
4 85% in 18 hours. Even with this benchmark change, BellSouth met or
5 exceeded the benchmark for each of these product categories for Reject
6 Interval – Partially Mechanized. There were no partially mechanized
7 xDSL LSRs, however, BellSouth exceeded the benchmark for 2 wire
8 analog loop – design (100% vs. 85%, and LNP standalone. (98.33% vs.
9 97%).

10
11 Q. HOW WOULD YOU RESPOND TO MS. NORRIS' VIEW THAT
12 BELL SOUTH DISMISSES KPMG'S FINDING BASED ON UNTESTED
13 PLANNED ACTION?

14
15 A. Ms. Norris apparently misunderstood my testimony. For the issues
16 addressed, I pointed out that the Commission could use Invoice Accuracy
17 (B-1) as a means to monitor BellSouth's accuracy of partially mechanized
18 orders and, of course, FOC Timeliness (O-9) monitors timeliness
19 performance. BellSouth performs very well on both of these
20 measurements.

21
22 As information, I simply described some of the processes BellSouth
23 planned to put back into place when the test was done. Performance
24 results indicate that those efforts have been successful. Strangely, in this

1 instance, Ms. Norris prefers to ignore actual commercial data and utilize
2 the test which she discredits as the basis for her conclusions.

3

4 Q. PLEASE ADDRESS MS. NORRIS' ASSERTION ON PAGE 50 THAT THE
5 SEEM DOES NOT ADDRESS ACCURACY OF SERVICE ORDERS.

6

7 A. BellSouth does address these issues in SEEM. The two principal issues
8 that could affect a CLEC's customer if BellSouth did not accurately
9 complete an order are:

10 1) the customer could be billed incorrectly, and/or

11 2) the service could not work properly.

12

13 Regarding billing, the measure "Invoice Accuracy" monitors whether
14 BellSouth is providing accurate billing. The measurement "% Provisioning
15 Troubles in 30 Days" monitors the quality of installation. Both of these
16 measurements have penalties associated with them.

17

18 Q. WOULD YOU COMMENT ON MS. NORRIS' OBJECTION TO NOT
19 HAVING A REJECT AND CLARIFICATION ACCURACY
20 MEASUREMENT IN SEEM?

21

22 A. Yes. Her objection is somewhat surprising as there is no such direct
23 measurement in the CLECs' proposal either. The CLECs have proposed
24 over 380,000 sub-metrics, but evidently this specific area was not

1 important enough for them to measure. Consequently, there is no penalty
2 under their plan either that uniquely addresses this issue.

3

4 Q. PLEASE ADDRESS MS. NORRIS' COMMENTS REGARDING
5 COMPLETENESS OF KPMG'S AUDIT.

6

7 A. BellSouth has passed 409 out of 420 metric tests. Most of the difference
8 is uncompleted tests. The KPMG metrics evaluation is much closer to
9 completion than Ms. Norris' comments imply.

10

11 Q. NEXT, LET'S DISCUSS MS. BERGER'S TESTIMONY. DO YOU HAVE
12 ANY COMMENT ON HER ASSERTION REGARDING THE FOC
13 TIMELINESS BENCHMARK ON PAGES 14-15?

14

15 A. Yes. Ms. Berger is repeating a claim that she knows to be incorrect. As
16 BellSouth has made clear in previous proceedings, the Interim SQM,
17 which states a 24-hour benchmark, is incorrect. The Georgia Order
18 established this benchmark initially at 36 hours for partially mechanized
19 FOCs. The 36-hour benchmark is correctly reflected on the Monthly State
20 Summary. In any event, beginning in May 2001, her assertion is
21 pointless. Starting in May, the benchmark becomes 18 hours as reflected
22 in the SQM and on the MSS.

23

24 Ms. Berger also complains that BellSouth does not meet the 18-hour
25 benchmark. However, her claim can't be verified because she provided

1 neither the month nor state for which the alleged data applies. If her claim
2 is based on any month prior to May 2001, her claim is meaningless
3 because even Ms. Berger acknowledges that the benchmark was not 18
4 hours prior to May. Also, a regional average of 11 hours and 36 minutes
5 could easily be indicative of BellSouth meeting the benchmark.

6
7 Q. ON PAGE 25 OF MS. BERGER'S TESTIMONY, SHE COMMENTS
8 ABOUT THE LEVEL OF SERVICE PROVIDED TO CLECS BY THE
9 LCSC. WOULD YOU LIKE TO COMMENT ON HER STATEMENT?

10
11 A. I would like to refer to the answer I provided to Mr. Bradbury and Ms.
12 Norris on this same subject.

13
14 Q. ON PAGES 27-28 OF MS. BERGER'S TESTIMONY CONCERNING HOT
15 CUT MEASUREMENTS, SHE STATES "THESE MEASUREMENTS
16 (BELLSOUTH'S) IGNORE CRITICAL HOT CUT ISSUES". ALSO ON
17 PAGE 29 OF HER TESTIMONY CONCERNING HOT CUT
18 MEASUREMENTS, SHE STATES "BELLSOUTH LACKS A
19 MEASUREMENT TO ACCURATELY DETERMINE WHETHER IT IS
20 PERFORMING TIME SPECIFIC HOT CUTS AT THE TIME SPECIFIED
21 AND PAID FOR BY THE CLEC." PLEASE RESPOND.

22
23 A. Ms. Berger is incorrect. BellSouth measures several key aspects of the
24 hot cut process. The first measurement, P-7, measures the duration of
25 the actual time taken to perform the physical wiring changes needed to

1 move the end user from the BellSouth switch to the CLEC switch. The
2 benchmark for this measurement is to complete 95% of hot cuts within 15
3 minutes per line. BellSouth is currently meeting this benchmark. From
4 her comments, Ms. Berger apparently does not understand that this
5 measurement assesses if the hot cut was completed in a timely manner.

6
7 The next measure, P-7A, measures the accuracy of the starting time of
8 the hot cut. The benchmark for this measurement is to begin 95% of hot
9 cuts within 15 minutes (+/-) of the scheduled start time for the hot cut.
10 BellSouth also is meeting this benchmark in Kentucky.

11
12 BellSouth has other measures addressing hot cuts. Measure P-7B
13 describes the average recovery time. It measures the amount of time,
14 during the provisioning process, between notification from a CLEC of a
15 problem associated with a hot cut and the time that BellSouth rectifies the
16 problem. This assumes that the problem is found to be in the BellSouth
17 network. Per the Interim SQM, measurement P-7B is currently a
18 diagnostic measure that BellSouth began reporting for the month of May.

19
20 Measure, P-7C, measures the percentage of troubles within 7 days of a
21 hot cut. Per the Interim SQM, the benchmark for this measurement is no
22 more than 5% of lines have such troubles. BellSouth currently is meeting
23 this benchmark.

24

1 In addition to the above measurements where a 'hot cut' is a specific and
2 unique product with its own result, there are also nine relevant
3 measurements that capture process results for product groupings,
4 including Number Porting, associated with hot cuts. Said another way, hot
5 cuts are included in these measurements, but their results are not
6 separately identified as a disaggregated product. These measurements
7 are as follows:

8

9 P-1 – Held Orders.

10 P-2 - % Jeopardies and Jeopardy Notification Interval

11 P-3 % Missed Installation Appointments

12 P-4 Order Completion Interval

13 P-5 Average Completion Notice Interval

14 P-9 % Provisioning Troubles within 30 days of Service Order

15 Completion

16 P-10 Total Service Order Cycle Time

17 P-12 LNP % Missed Installation Appointments

18 P-14 LNP Total Service Order Cycle Time

19

20 In summary, BellSouth has 13 measurements that capture performance
21 on hot cuts as a separate, unique product or as a part of a larger group of
22 similar UNE products. These measurements are more than sufficient for
23 the Public Service Commission of Kentucky to monitor every key aspect of
24 hot cut performance. BellSouth's performance on hot cuts is excellent;

1 this is, no doubt, why AT&T feels compelled to tell this Commission that
2 the measures are not right.

3

4 Q. PLEASE ADDRESS MS. BERGER'S ASSERTIONS ON PAGE 28-29
5 REGARDING THE NEW YORK HOT CUT MEASUREMENTS.

6

7 A. Also on page 30 of Ms. Berger's rebuttal testimony, she states that
8 BellSouth is not performing at an acceptable level when measured by the
9 Bell Atlantic New York Order. The Bell Atlantic measurements are not
10 relevant in BellSouth territory. What is relevant is what has been debated
11 and decided in BellSouth territory. As I mentioned above, these
12 measurements have been a topic of discussion and debate in Georgia
13 and Louisiana. These Commissions heard the opinions of all parties,
14 including AT&T, and issued an order on hot cut measurements.
15 BellSouth's measurements reflect these orders.

16

17 Also, this Commission cannot rely on Ms. Berger's calculations. The
18 measurement in New York is different from BellSouth's. The start and end
19 of each line on an order is different. The New York measure begins with
20 the first line on an order and ends with the completion of the last line on
21 an order. Because BellSouth does not provide the data to calculate the
22 measures used in New York, it is unclear how Ms. Berger calculates her
23 numbers, let alone whether they are correct. To use an analogy, Ms.
24 Berger is simply attempting to use centimeters to measure something that

1 several Commissions in BellSouth's territory have decreed should be
2 measured in inches.

3

4

5 Q. MOVING TO PAGE 48. IS THERE ANY BASIS TO MS. BERGER'S
6 CLAIM THAT BELLSOUTH'S DATA FOR LNP IS UNRELIABLE?

7

8 A. No. Her claim on page 48 is apparently based on her dependence on
9 other witness' testimonies, which, as I have shown in this rebuttal, is
10 inaccurate.

11

12 Q. PLEASE COMMENT ON MS. BERGER ASSERTION AROUND THE
13 LNP-REJECT INTERVAL MEASURE ON PAGES 48-49 OF HER
14 TESTIMONY.

15

16 A. Ms. Berger is correctly stating parts of the SQM for Reject-Interval (O-8/O-
17 14). She does not encounter any issue with the metric or BellSouth's
18 performance. To complete her assertion I would like to say that the Reject
19 Interval is also now being reported for non-mechanized orders and that
20 the current benchmarks for all order types are:

21

- Mechanized: 97% < 1hr

22

- Partially Mechanized: 85% < 18 hrs

23

- Non-Mechanized: 85% < 24 hrs.

24

25 Q. PLEASE COMMENT ON MS. BERGER'S CONCLUSIONS REGARDING

1 BELL SOUTH'S MEASUREMENTS ON PAGES 49 & 50.

2

3 A. Ms. Berger contradicts her own testimony so I can't tell what she is trying
4 to assert. On page 49, Ms. Berger says that BellSouth is meeting the LNP
5 measures, but on page 50 complains that they don't reflect AT&T's
6 experience. She then speculates with no rational basis that BellSouth
7 must be missing a high number of appointments that are not reflected in
8 the data. AT&T is not comparing CLEC aggregate data to BellSouth's.
9 Also, Ms. Berger misses the point on installation appointments. Retail
10 Analogs, not benchmarks apply, so there is no absolute numeric standard.
11 BellSouth's MSS, in conjunction with the supporting testimony, provides
12 this Commission with the evidence it needs to assess BellSouth's
13 performance.

14

15 Q. DO YOU AGREE WITH MS. BERGER'S ASSERTION ON PAGE 49-50
16 AROUND THE LNP-MISSED INSTALLATION APPOINTMENT METRIC?

17

18 A. Again Ms. Berger's comments are confusing. On page 49, she provides
19 anecdotal references on how AT&T experience with LNP cutovers (which
20 cannot be verified or analyzed) contradicts BellSouth's performance, when
21 she indicates just in the prior paragraph that BellSouth is achieving parity
22 for the metric. Nonetheless, I agree with her assertion on page 50 that
23 denotes the importance of the missed installation appointment metric (P-
24 3/P-12). BellSouth shows its commitment to service its CLEC customers
25 in Kentucky by consistently achieving parity in the Missed Installation

1 Appointment metric for LNP in March, April and May. If AT&T wants to
2 challenge our performance we will gladly review the information they
3 believe contradicts it. BellSouth stands by its published results.

4
5 Q. ON PAGE 50 OF MS. BERGER'S TESTIMONY, AT&T ADDRESSES
6 THE LNP DISCONNECT TIMELINESS MEASURE. PLEASE
7 COMMENT.

8
9 A. The P-13 measurement is flawed. The current measure: (1) does not
10 accurately capture the customer's experience when the customer's
11 telephone number is ported; and (2) includes activities in the porting
12 process over which BellSouth has no control. This measure represents a
13 standard that cannot be reasonably met, which presumably was not the
14 Commission's intent.

15
16 As the Commission is aware, LNP allows a customer to keep his or her
17 telephone number when telephone service is transferred from one local
18 exchange company to another within the same calling area. The number
19 portability feature works by utilizing a centralized database that houses all
20 ported numbers and provides proper routing of calls to and from these
21 numbers. When an order involving LNP is being worked to port a
22 telephone number from BellSouth to the CLEC, both BellSouth and the
23 CLEC must take certain actions in order to enable the CLEC's new end
24 user to make and receive calls using the ported number.

25

1 On a great majority of LNP orders, BellSouth creates what is referred to
2 as a “trigger” in conjunction with the order. This trigger gives the end user
3 customer the ability to make and receive calls from other customers who
4 are served by the customer’s host switch at the time of the LNP activation.
5 This ability is not dependent upon BellSouth working a disconnect order.
6 In other words, when a trigger is involved, an end user customer can
7 receive calls from other customers served by the same host switch before
8 the disconnect order is ever worked.

9
10 On trigger orders, end user customers also can make and receive calls
11 from customers not served by the same host switch before BellSouth
12 works the disconnect order. This is because all the switches in the
13 BellSouth network other than the host switch are updated via routing data
14 that is delivered to each of BellSouth's Service Control Point (“SCP”)
15 databases. These routing messages are delivered by a system known as
16 LSMS, which is operated by and under the control of BellSouth. Thus, the
17 end user has the full ability to make and receive telephone calls on ported
18 numbers involving a trigger as soon as the LSMS message is sent to all
19 SCPs, even though BellSouth has not yet disconnected the customer from
20 its translations in the BellSouth host switch.

21
22 Because of these issues BellSouth has filed with the Georgia PSC, on
23 June 27th, 2001, a motion to modify the SQM as it pertains to P-13 LNP-
24 Disconnect Timeliness. This motion is included as Exhibit AJV-18.
25 BellSouth has proposed 3 alternatives to address this problem and

1 expects to have it resolved in the near future.

2

3 Q. TURNING NOW TO THE TESTIMONY OF AT&T WITNESS, JAY
4 BRADBURY. ON PAGE 22 OF HIS TESTIMONY, HE STATED THAT
5 KPMG'S REVIEW OF BELLSOUTH'S COMPLIANCE WITH THE
6 GEORGIA COMMISSION'S JANUARY 2001 PERFORMANCE
7 MEASUREMENTS ORDER IS NOT YET COMPLETE. WHAT IS YOUR
8 RESPONSE TO THIS?

9

10 A. KPMG conducted a metrics evaluation in connection with the Georgia
11 Third Party Test. Although in some cases the measures that KPMG
12 evaluated were different than the measures in the Interim SQM, the
13 systems that were audited are the same as those from which the Interim
14 SQM data is reported. For the data integrity test criteria, BellSouth
15 satisfied 409 out of 420 test criteria. Ten of the other criteria are not
16 complete, meaning that KPMG has more work to do.

17

18 Additionally, KPMG currently is conducting a second audit of BellSouth's
19 performance metrics to address those measures that have been added or
20 changed since the first audit. This audit will complement the audit that
21 KPMG has already conducted. In addition, the Interim SQM provides for a
22 yearly audit of BellSouth's performance data conducted by an
23 independent audit firm. These audits will continue to insure the integrity of
24 BellSouth's performance data. In its Massachusetts Order, the Federal
25 Communications Commission (FCC) recognized the value of such audits

1 in maintaining data integrity. See Verizon-MA Order CC Docket 01-9
2 dated April 16, 2001, para 247. As I discussed earlier in my testimony,
3 performance measures are evolving and there will always be reviews and
4 audits of the data. The fact that the metrics audits are not complete
5 should not keep the Commission from relying on BellSouth's data.
6 BellSouth's internal data verification processes are rigorous and effective.
7

8 Q. DESCRIBE THE CONTROLS IN THE SYSTEMS.

9
10 A. BellSouth's systems execute a number of validation checks to ensure that
11 no records are lost between databases from the legacy systems to PMAP
12 staging. In addition, raw data validation scripts are used to insure that raw
13 data that is made available to CLECs on the Web can be used to produce
14 the PMAP reports posted to the Web.

15
16 Q. ON PAGE 46 OF HIS TESTIMONY, MR. BRADBURY CLAIMS THAT
17 BELL SOUTH DOES NOT MEASURE THE PROPER INTERVAL FOR
18 PRE-ORDERING OSS RESPONSE TIME. IS THIS TRUE?

19 A. No. The Interim SQM defined pre-ordering response time exactly as
20 described by Mr. Bradbury. BellSouth is in the process of implementing
21 changes ordered in Georgia; however, the impact can be easily assessed
22 from the performance data. The definitions of the interval were
23 lengthened concurrent with adding two seconds to the benchmark. To
24 evaluate BellSouth's performance before the new interval measurement
25 point is implemented, simply subtract two seconds from BellSouth's data

1 before comparing it to CLECs. Making this adjustment does not change a
2 decision regarding the adequacy of BellSouth's performance.

3
4 Q. ON PAGE 46 OF HIS TESTIMONY, MR. BRADBURY ALLEGES THAT
5 BELLSOUTH'S RESPONSE TIMES FOR PRE-ORDERING IS
6 INCOMPLETE. PLEASE ADDRESS.

7
8 A. Mr. Bradbury's claim has no impact on data relied upon in this proceeding.
9 In fact, data was filed for April 2001 in my testimony filed on June 18,
10 2001. BellSouth has, however, completed the LENS metrics database
11 enhancement and the complete month of data for April was posted to the
12 PMAP website in May.

13
14 Q. ON PAGES 46-47 OF HIS TESTIMONY, MR. BRADBURY STATES
15 THAT THE INTEGRITY OF BELLSOUTH DATA IS QUESTIONABLE. HE
16 STATES THAT THE LENS TO DSAP, TAG TO DSAP, AND EDI TO
17 DSAP FIGURES DO NOT CORRELATE. CAN YOU EXPLAIN THE
18 DISCREPANCIES?

19
20 A. Yes. All pre-ordering queries are not performed for each LSR. The
21 required queries will vary for a number of reasons, such as different pre-
22 ordering validation rules by REQ TYP in LENS. Therefore, the CLECs
23 should not expect these queries and applications to have equal ratios.

1 However, the LENS-DSAP example that Mr. Bradbury raises deals with
2 how the measurement points for OSS-1 are structured and not to varying
3 query requirements for LSRs. For DSAP, the LENS numbers reflect the
4 number of queries where the LENS application directly queries the DSAP
5 application. This DSAP query is used to view the calendar for a specific
6 central office, which in this case occurred 8,616 times in March. For LSRs
7 submitted via LENS, the DSAP queries are performed by TAG during due
8 date calculation. Therefore, the 443,965 queries in TAG represent the
9 TAG and LENS numbers.

10
11 Q. ON PAGE 47 OF HIS TESTIMONY, MR. BRADBURY CLAIMS THAT
12 BELLSOUTH'S PRE-ORDERING RESPONSE TIMES ARE AND WILL
13 CONTINUE TO BE EXCESSIVE. DO YOU AGREE WITH THIS?

14
15 A. No. The LENS-HAL/CRIS measure is based on LENS pulling CSRs from
16 CRIS via HAL. HAL originally pulls the information from BOCRIS and
17 returns the information to LENS. There is a planned July 27th change in
18 the process that will allow LENS to query CRIS directly, cutting out HAL
19 and BOCRIS, which will improve the response times.

20
21 The TAG-CRSEINT OSS Response time measure has historically had
22 fast response times with the exception of an issue that occurred in April
23 that increased the response time. It appears that BellSouth had a flaw in
24 how this response time was being measured, which is currently under
25 investigation. BellSouth expects that this measure will move into parity as

1 soon as the measurement can be updated to more accurately reflect
2 CRSEINIT performance.

3
4 Q. ON PAGE 47 OF HIS TESTIMONY, MR. BRADBURY CLAIMS THAT
5 THE SPEED TO ANSWER IN ORDER CENTERS WAS AT LEAST
6 THREE TIMES LONGER THAN WHAT BELLSOUTH PROVIDES ITS
7 RETAIL BUSINESS CUSTOMERS FROM JANUARY 2001 TO APRIL
8 2001. PLEASE ADDRESS.

9
10 A. As an initial matter, this should be a diagnostic measure, so no standard
11 should apply. If a retail analog is used, the only reasonable analog for this
12 measure is the BellSouth retail units, which consists of the Business and
13 Residence Business Centers. Thus, Mr. Bradbury's reliance solely on the
14 Business Service Answer Times is not correct. In addition, while the
15 LCSC has experienced problems in the past with hold times that were
16 longer than desirable, the April 2001 Monthly State Summary reflects that
17 the Average Speed of Answer for the LCSC is better than the Retail
18 comparison. The average answer time in the LCSC was 95.63 seconds
19 as compared to 118.91 seconds in BellSouth's Retail Units. This
20 continued in May 2001 with the Average Speed of Answer for the LCSC at
21 49.77 seconds as compared to 121.54 seconds in BellSouth's Retail
22 Units. This improvement is largely due to the creation of the Fleming
23 Island LCSC that was placed on line in late January 2001. Operating
24 solely as a call center, the Fleming Island LCSC has been able to handle
25 calls faster and more effectively. Additionally, this allows the Birmingham

1 and Atlanta LCSCs to concentrate on processing orders, thus creating
2 efficiencies. Further, Mr. Bradbury's assertion that we are providing
3 second-class service to CLECs because they are our competition is totally
4 non-sensical when you consider that for a BellSouth retail customer to
5 place orders or obtain status information, they must call the appropriate
6 service center. While for a CLEC, no call is required if they utilize the
7 electronic options or the web-based reports. Finally, Mr. Bradbury's
8 complaint that the appropriate retail analogue should be the BellSouth
9 business center alone makes no sense. The LCSC handles both
10 residential and business orders – thus, it makes perfect sense to assess
11 its performance against a combination of performance of the BellSouth
12 residential and business centers.

13
14 Q. ON PAGES 58-60 OF HIS TESTIMONY, MR. BRADBURY CLAIMS THAT
15 KPMG'S EVALUATION DOES NOT PROVIDE A REASONABLE BASIS
16 FOR DETERMINING WHETHER BELLSOUTH ACCURATELY
17 REPORTS ITS RESALE AND RETAIL FLOW-THROUGH
18 PERFORMANCE, AND CAN PROVIDE NO SUPPORT FOR
19 BELLSOUTH'S 271 PETITION. WHAT IS YOUR POSITION ON THIS?

20
21 A. At the time of the KPMG Audit a benchmark did not exist. Therefore this
22 is not a valid argument.

23
24 Q. ON PAGES 61-62 OF HIS TESTIMONY, MR. BRADBURY CLAIMS THAT
25 BELLSOUTH'S REPORTED FLOW THROUGH DATA FOR APRIL 2001

1 DEMONSTRATED THAT 19% OF CLEC LSRS FALL OUT TO MANUAL
2 PROCESSING BY DESIGN OR AS THE RESULT OF BELL SOUTH
3 SYSTEM ERRORS. MR. BRADBURY STATED THAT THE FALL OUT
4 RATE IS HIGHER (24% AND 21%) FOR LSRS SUBMITTED VIA TAG &
5 EDI. ADDITIONALLY THE FALL OUT RATE IS 76% FOR TAG AND 37%
6 EDI WHEN THE CLEC SUBMITS LSRS FOR LNP. DO YOU AGREE
7 WITH THIS STATEMENT?

8
9 A. No. Mr. Bradbury's calculations of flow-through are wrong. BellSouth
10 calculates flow-through consistent with the way the FCC and the Interim
11 SQM define flow-through. AT&T calculates their flow-through as the
12 number of LSRS that receive FOC divided by total the number submitted,
13 and do not take out their own errors. Those AT&T generated errors
14 should be excluded as defined in the Interim SQM.

15
16 Q. ON PAGES 74-75 OF HIS TESTIMONY, MR. BRADBURY CLAIMS THAT
17 BELL SOUTH MEASURES THE INTERVALS FOR PROVIDING FOCS,
18 REJECTION NOTICES, JEOPARDY NOTICES, AND COMPLETION
19 NOTICES, BUT HAS NOT PROVEN THAT ITS REPORTED
20 PERFORMANCE DATA IS RELIABLE. WHAT ARE YOUR COMMENTS
21 REGARDING MR. BRADBURY'S CLAIM?

22
23 A. Mr. Bradbury is merely relying on claims made by Ms. Norris. I have
24 shown in response to Ms. Norris' testimony that her claims that this data is
25 unreliable and unsupported.

1

2 Q. ON PAGE 75 OF HIS TESTIMONY, MR. BRADBURY CLAIMS THAT
3 BELLSOUTH UNILATERALLY APPROVED EXCLUSIONS TO THE
4 BELLSOUTH SQM AND THEREFORE CHANGED THE BUSINESS
5 RULES. SPECIFICALLY, HE CLAIMS THAT BELLSOUTH
6 UNILATERALLY EXCLUDED NON-BUSINESS HOURS FROM REJECT
7 AND FOC TIMELINESS. CAN YOU COMMENT ON HIS ASSERTIONS?

8

9 A. Yes. The exclusion of non-business hours from the calculation of Reject
10 and FOC intervals is neither new nor, in BellSouth's view, particularly
11 controversial. The May 2000 SQM filed with the GPSC in Docket 7892-U
12 made clear that LSRs received outside of non-business hours would be
13 excluded from the Reject and FOC timeliness measures. The GPSC
14 adopted BellSouth's measures, including the non-business hours
15 exclusion, as modified in its January 12, 2001 Order in Docket 7892-U.
16 The GPSC did not alter the non-business hours exclusion in its January
17 12, 2001 Order.

18

19 This non-business hours exclusion for Reject and FOC Timeliness also
20 was the subject of KPMG Exception 87. In relevant part, Exception 87
21 noted a discrepancy in the calculation of FOC timeliness with respect to
22 LSRs received or processed outside of normal business hours. In
23 response, BellSouth made changes in the SQM and Raw Data
24 documentation that reflect the exclusion of LSRs received outside of

1 business hours. Exception 87 was closed by KPMG, with the subsequent
2 consent of the GPSC.

3
4 BellSouth's policy of not accepting faxed LSRs outside of business hours
5 is not new. In fact, on December 22, 1999, BellSouth issued Carrier
6 Notification letter SN91081623 which notified CLECs that, effective
7 February 1, 2000, the LCSC would no longer accept LSRs outside of
8 business hours and that "[t]he fax machines will only be on during
9 business hours." Thus, BellSouth has not been accepting LSRs outside of
10 business hours for more than sixteen (16) months.

11
12 Also, from a common sense standpoint, it would be nearly impossible for
13 BellSouth to meet the GPSC's benchmarks for Reject and FOC timeliness
14 if non-business hours were included in the interval calculations. For
15 example, assume AT&T faxed an LSR to the LCSC on Sunday at
16 7:00a.m. Under the GPSC's 24-hour benchmark for manual orders,
17 BellSouth would be expected to return a reject or a FOC by 7:00am the
18 following day, which would be Monday. Since the LCSC is closed on
19 Sundays and does not open until 7:00a.m. on Monday, it would be
20 practically impossible for BellSouth to meet the GPSC's expectations in
21 responding to such an LSR from AT&T.

22
23 Q. ON PAGES 77 to 79 OF HIS TESTIMONY, MR. BRADBURY STATES
24 THAT BELLSOUTH'S MONTHLY PERFORMANCE DATA INDICATES
25 THAT IT IS NOT PROVIDING TIMELY FOC NOTIFICATIONS OR

1 REJECTION NOTIFICATIONS FOR ELECTRONIC LSRS THAT FALL
2 OUT FOR MANUAL HANDLING. IS THIS CORRECT?

3
4 A. No. First of all, Mr. Bradbury is not arguing that BellSouth is providing
5 notifications late, but that they do not like the duration of the benchmark.
6 Partially Mechanized LSRS, as defined in the Interim SQM, have a
7 benchmark of $\geq 85\%$ of LSRS FOC'd w/ in 36 hours and $\geq 85\%$ of
8 rejection notices received within 24 hours. Therefore, the fact that the
9 partially mechanized orders have a longer duration than mechanized
10 orders does not indicate that BellSouth is not providing timely FOC's or
11 rejection notifications. Additionally, based on the Kentucky MSS for May
12 for Partially Mechanized orders, all products were in Parity for FOC
13 timeliness and all in parity for rejection notices except Local Interoffice
14 Transport & Other UNES Non-Design for May. For these out of parity
15 products there were only 6 LSRS for each, so missing the interval on 1
16 LSR only resulted in the measure being out of parity. BellSouth's
17 performance, as published on the MSS, for these two measures is
18 exceptional and Mr. Bradbury's assertion cannot challenge this fact.

19
20 Q. MR. BRADBURY CLAIMS ON PAGES 79-80 OF HIS TESTIMONY THAT
21 BELLSOUTH'S AVERAGE JEOPARDY INTERVALS ARE SUSPECT
22 AND THAT BELLSOUTH PROVIDES DISPARATE TREATMENT TO
23 CLECS. ARE THESE TRUE STATEMENTS?

1 A. Mr. Bradbury is actually correct on his first statement. There is an error in
2 the way the Jeopardy Notification Interval currently is being calculated.
3 Today the Jeopardy Notification Interval is calculated as the Date and
4 Time of Jeopardy Notice until the Date and Time of the Order Completion.
5 The correct calculation of the jeopardy is date and time of jeopardy notice
6 until the date and time of scheduled due date on service order. In basic
7 terms, the interval should be based on the due date, not on the completion
8 date. Today, however, it is based on the completion date. BellSouth is
9 implementing programming changes to correct this calculation later in
10 2001.

11

12 As for his second statement, suffice it to say, the approved benchmark for
13 average jeopardy interval is > than 48 hours, not retail parity as described
14 by Mr. Bradbury.

15

16 Q. MR. BRADBURY CLAIMS ON PAGES 83-85 OF HIS TESTIMONY THAT
17 BELL SOUTH GENERALLY COMPLETES ITS OWN ELECTRONIC
18 ORDERS IN ABOUT HALF THE TIME IT TAKES TO COMPLETE CLEC
19 ELECTRONIC ORDERS. IS THIS A TRUE STATEMENT?

20

21 A. Mr. Bradbury is comparing apples to oranges. He compares Total Service
22 Order Cycle Time (TSOCT) for CLECs and BellSouth. However, TSOCT
23 includes the ordering function that only applies to CLECs. Also, Mr.
24 Bradbury ignores the adjustments to the order completion interval portion
25 of TSOCT that need to be made to accurately assess the meaning of the

1 results, as discussed in Mr. Bamberger's testimony.

2

3 Q. MR.VARNER, COULD YOU COMMENT ON MR. BRADBURY'S
4 ASSERTION, ON PAGES 124-125 OF HIS TESTIMONY, ABOUT THE
5 ADEQUATE EVALUATION CRITERIA OF THE CHANGE
6 MANAGEMENT PERFORMANCE MEASURES?

7

8 A. Sure. Mr. Bradbury forgets that the current performance measures for
9 change management were approved by the Georgia PSC and included
10 the evaluation of these measurements against established benchmarks.

11

12 **III. GENERAL SQM AND SEEM**

13

14 Q. LET'S SHIFT FOR A MOMENT TO A GENERAL DISCUSSION OF
15 OBJECTIONS TO BELL SOUTH'S SQM AND SEEM PROPOSALS, YOU
16 ASSERT THAT THE CLEC'S PLAN CONTAINS TOO MANY
17 MEASUREMENTS AND WOULD BE IMPOSSIBLE TO IMPLEMENT
18 WITHIN A REASONABLE TIME FRAME. WHAT SHOULD AN
19 EFFECTIVE PLAN ACCOMPLISH?

20

21 A. Effective performance and enforcement plans, which is what the
22 Commission should strive to adopt, will provide performance monitoring in
23 the first instance and will have an associated enforcement plan that will be
24 sufficient to prevent backsliding when BellSouth obtains InterLATA relief in
25 Kentucky. Performance monitoring examines an ILEC's performance to

1 determine whether an ILEC is meeting the 3 performance standards as
2 defined by the FCC. These standards are set forth in the Act and in the
3 pertinent FCC Orders. Those performance standards are:

- 4
5 1. BellSouth will provide access to the CLECs in “**substantially the**
6 **same time and manner**” that it provides similar services to itself.
7 (FCC 96-325, First Report and Order, Adopted August 1, 1996,
8 Section V.5, ¶ 518). This is the “parity” standard that relates to
9 measurements and processes in situations in which the wholesale
10 function provided to the CLEC has an equivalent BellSouth retail
11 function.
- 12 2. BellSouth will provide access to the CLECs that “**provides an**
13 **efficient competitor a meaningful opportunity to compete.**” (FCC
14 96-325, Second Order for Reconsideration, Adopted December 13,
15 1996, Section I., ¶ 9). This standard applies in situations in which the
16 wholesale function has no equivalent BellSouth retail function.
- 17 3. BellSouth will provide interconnection to the CLECs that is “**equal in**
18 **quality**” to what BellSouth provides to itself. (FCC 96-325, First Report
19 and Order, Adopted August 1, 1996, Section IV.H, ¶ 224), This
20 standard applies specifically to interconnection trunking.

21
22 Q. COMPARED TO THE CLECS, HOW DOES BELLSOUTH ADDRESS
23 PERFORMANCE MONITORING?

24
25 A. The BellSouth plan for addressing performance monitoring in this

1 proceeding is the permanent SQM attached to my direct testimony as
2 Exhibit AJV-18. That SQM contains 72 measurements. While it is not
3 perfectly clear, the CLECs seem to propose 93 measurements. BellSouth
4 disaggregates its 72 measurements based on criteria such as (1) method
5 of submission, e.g., mechanized, partially mechanized and non-
6 mechanized; (2) products, e.g. residence and business; (3) activity type,
7 e.g., design and non-design; and (4) volume, e.g., less than 10 circuits
8 and greater than or equal to 10 circuits. The end result is approximately
9 2200 sub-metrics.

10

11 CLECs use the term sub-measure to mean the equivalent structure of a
12 sub-metric in BellSouth's SQM. However, the CLECs disaggregate each
13 of their measurements into finer detail than the SQM. For instance, they
14 disaggregate the measures into more products, plus they add geographic
15 disaggregation. Although BellSouth has tried to determine the actual
16 number of sub-measures that the CLECs are proposing, both by
17 examining the plan and by asking the CLECs, there is no telling how many
18 sub-measures, each of which will have an associated penalty, that the
19 CLECs are proposing. A conservative estimate leads to the conclusion
20 that there are more than 380,000 sub-measures in the CLEC plan.

21

22 Q. HOW HAVE YOU ARRIVED AT YOUR ESTIMATE OF HOW MANY
23 MEASURES ARE INCLUDED IN THE CLECS' PLAN?

24

25 A. I used the levels of disaggregation proposed by Ms. Kinard in her Exhibit

1 KK-D plus her Exhibits KK-A and KK-B, attached to her testimony and the
2 list of measurements, contained in her Exhibit KK-E. The attached
3 Exhibit AJV-10 details the number of sub-metrics for each measurement
4 based on Ms. Kinard's proposed levels of disaggregation. As you can
5 see, on page 4 of that exhibit, the grand total for the CLEC aggregate sub-
6 metrics exceeds 380,000 and could potentially be even larger. For
7 example, there are 165 trouble types under the maintenance & repair
8 measurements. The CLECs have not stated conclusively how many of
9 these trouble types they will want so I have used only 3 in my analysis. If
10 greater than 3 trouble types are necessary, then the total sub-metrics
11 compounds substantially.

12

13 Q. HOW DOES BELLSOUTH ADDRESS ENFORCEMENT?

14

15 A. BellSouth addresses enforcement through a separate plan designed for
16 enforcement called Self Effectuating Enforcement Mechanism (SEEM.)
17 Under SEEM, penalties are assessed for failures to meet performance
18 standards for key customer impacting functions. That is, SEEM includes
19 relevant measures that affect customers, not every measurement
20 somebody could think of. The purpose of a self-effectuating penalty plan is
21 to assess automatic penalties when key outcomes, such as repair
22 appointments, are missed. These outcomes should be limited to those
23 situations that would likely affect a customer's choice of carriers.
24 BellSouth has identified 57 such measures and sub-measures for Tier I

1 and 75 for Tier II. While substantially fewer than the number of sub-
2 metrics we began with, that should not be surprising.

3

4 Q. CAN YOU EXPLAIN THIS CONCLUSION IN MORE DETAIL?

5

6 A. Certainly. Basically, there at least seven reasons why the 1200 Interim
7 SQM sub-metrics should be reduced in the penalty plan. I will discuss
8 each one separately:

9 (1) Aggregation of Measures— Contrary to the views of both Ms.
10 Kinard and Ms. Bursh, BellSouth does not believe it is either
11 productive or appropriate to disaggregate to the same level for
12 both compliance reporting and remedy reporting. Consider for
13 example, xDSL services. HDSL, ADSL and UCL are all
14 provided on a pair of copper wires. The services are
15 distinguishable based on the electronics installed on the
16 customer end by the CLEC, and perhaps by the maximum
17 length of the loop used for each service. Therefore, BellSouth's
18 aggregate performance in ordering, provisioning and
19 maintaining all three of these loops is appropriate for
20 determining any degree of disparate treatment for the purpose
21 of assessing remedies. Such aggregation is also useful
22 because it impacts the volumes of the transactions that can be
23 measured. Using the same example, volumes for HDSL, ADSL
24 and UCL individually may be too small to accurately measure
25 disparate performance but when viewed under the aggregated

1 category of xDSL there is sufficient activity to make a
2 determination of disparate performance.

3 (2) Diagnostic Measures – These are measurements that identify a
4 portion of an overall process that does not have an impact on
5 the end user or they can simply be a different way of displaying
6 information associated with a measurement. For example,
7 consider the measurements O-7, Percent Rejected Service
8 Requests and O-8, Reject Interval (see Exhibit AJV-1 attached
9 to my direct testimony). Both measurements are included in the
10 BellSouth Interim SQM. However, only Reject Interval is
11 included in SEEM because it is the interval that impacts the
12 outcome in terms of the perception of the CLEC's end user
13 because it impacts the overall delivery of the requested service.
14 The Percent Rejected Service Requests is a valuable
15 diagnostic tool for the CLEC, particularly in evaluating the
16 effectiveness of the CLEC's service representatives' ability to
17 issue complete and accurate Local Service Requests.
18 However, it is not a true representation of BellSouth's
19 performance and therefore excluded as a SEEM measure.

20 (3) Method of Submission – Using the previous example of Reject
21 Interval, the BellSouth Interim SQM disaggregates this
22 measurement by 3 methods of submission, fully mechanized,
23 partially mechanized and non-mechanized (manual). In the
24 SEEM plan, the measurement is only disaggregated by fully
25 mechanized since this is the method of submission where the

1 preponderance of CLEC activity occurs. Also, partially
2 mechanized and non-mechanized methods of submission are
3 subject to gaming by the CLECs. LSRs can effectively be
4 submitted with known errors in such a way as to guarantee a
5 penalty payment.

6 (4) Parity by Design Measures – Certain measures, i.e. E911 (E-1
7 to E-3 in Exhibit AJV-1) and Operator Services & Directory
8 Assistance (OS-1 and OS-2 in Exhibit AJV-1) are considered
9 parity by design. This means that the processes that are
10 addressed by these measures are such that it is physically
11 impossible for BellSouth to distinguish between CLEC orders
12 and orders for BellSouth retail. BellSouth does provide data for
13 these measures in its Interim SQM but since there is no
14 distinguishable difference in this data between retail and
15 wholesale, there is no opportunity for disparate treatment and
16 therefore no reason for remedies.

17 (5) Correlated Measures – As I testified in my direct testimony,
18 generally remedies should not apply to performance measures
19 that are shown to be duplicative of or “correlated” with other
20 measures. It would be inappropriately punitive to require
21 BellSouth to pay (at minimum) twice for the same act or
22 inaction. Attached to my direct testimony, as Exhibit AJV-4, is a
23 matrix which shows measurements in the BellSouth Interim
24 SQM that BellSouth feels are duplicative or are correlated with
25 other measures. While the overlap is not always absolute, the

1 measures are clearly related and to avoid an inappropriate
2 duplication only one of each class of interdependent measures
3 should be used. To do otherwise would subject BellSouth to
4 the possibility of making multiple payments for the same failure.
5

6 (6) Regional Measures – Some of BellSouth’s Interim SQM

7 measures are regional only in scope, meaning that data is only
8 produced at the region level. For example, BellSouth’s OSS’s
9 are regional systems; therefore measurements such as OSS
10 Average Response Time and Response Interval and OSS
11 Interface Availability would only be relevant to the CLEC
12 industry in the aggregate. As such, there is no basis to assess
13 penalties for these sub-metrics as part of Tier 1 in SEEM since
14 Tier 1 is CLEC specific and OSS performance is the same for
15 all CLECs.

16 (7) Volume categories – SEEM addresses systemic functions so
17 volume categories are not needed.

18
19 Q. HOW DOES THE CLEC PLAN COMPARE IN THIS REGARD?
20

21 A. I have already touched on the number of measurements that the CLEC
22 plan has. The CLECs’ penalty plan is excessive and punitive. If you miss
23 one of their more than 380,000 measurements, you pay a penalty. While
24 the CLECs’ plan does have three levels of penalties, the “miss” necessary
25 to move the penalty from \$2500 per measurement to \$25,000 per
26 measurement is miniscule.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

They make no attempt to determine whether a sub-measure is likely to directly affect a customer’s choice of carrier. The CLECs simply apply the same penalty to each measurement with the only variable being their assessment of relative severity. CLECs can hardly claim that each sub-measure monitors a “key” area of activity. Any such claim is easily contradicted by the fact that the CLECs’ plan would define more than 380,000 “key areas” of activity. This is absurd, especially given the fact that five years after the 1996 Act, many of these so-called “key” areas have no transactions for any CLEC in the state.

Moreover, while I have already mentioned the fact that the BellSouth plan attempts to account for the fact that measures can be “correlated,” the CLECs’ plan makes no such effort. They have noted that correlation may be a problem, but suggest that it would have to be addressed later, since no studies or analysis have been done to determine which of their measures are correlated to other of their measures. What they are really saying is that it is okay for BellSouth to pay multiple penalties for the same transaction while these studies proceed. That isn’t even fair on its face, much less in application.

Yet, another problem is that the CLECs’ plan assesses penalties in more cases where performance results are inconclusive. One consequence of having hundreds of thousands of sub-metrics is that a much larger number of sub-metrics are evaluated based on a small number of transactions. As the statisticians discuss, small numbers of transactions are less reliable

1 indicators of performance. In fact, where the number of transactions is too
2 small, the results are actually inconclusive. Nonetheless, if these low
3 volume sub-metrics indicate, however erroneously, that performance is
4 deficient, a penalty is assessed.

5

6 Q. HOW DO PENALTIES IN CLECS' PLAN RELATED TO THE LEVEL OF
7 PERFORMANCE?

8

9 A. There is no rational relationship between the level of penalties that the
10 CLECs' plan would generate and the level of performance. The best way
11 to illustrate the irrational nature of their plan is through an example.

12

13 For the example, assume that BellSouth meets 90% of the standards
14 required by the CLECs 380,000 measurements. Also, assume that
15 BellSouth just barely misses the standard so that the lowest possible
16 penalty would apply. Under these circumstances, BellSouth would pay a
17 penalty on 38,000 measurements. The lowest penalty per measurement
18 would normally be \$2500. However, because of the level of CLEC market
19 share in Kentucky (which potentially could be controlled by the CLECs),
20 the penalty per measure is multiplied by 8. Thus, the penalty for each
21 measurement missed is \$20,000. In one month, the penalty assessed to
22 BellSouth would be 38,000 x \$20,000, or \$760M. Somehow, the CLECs
23 believe that a penalty of \$760M should be assessed each month even
24 though BellSouth meets 90% of the standards. This is unconscionable.

25

1 Further, the CLECs do not stop there. The \$760M would only be for the
2 statewide aggregate. Additional penalties would be paid to individual
3 CLECs. Even worse, their so-called severity level criteria make the
4 penalties skyrocket even further.

5
6 Under the CLEC plan, the penalty varies according to “severity” criteria.
7 For example, if a 98% benchmark applies and BellSouth’s performance is
8 at a 96% level, the penalty per measure is multiplied by 10. The same
9 multiplier would apply to a 95% benchmark if BellSouth’s performance
10 was a 90%. Under these conditions, the penalty per measure in Kentucky
11 becomes \$200,000. So, if BellSouth met 90% of the measures, in this
12 case, CLECs would require a penalty of \$7.6B in a single month just for
13 the statewide aggregate. Clearly, the CLECs plan has no basis in reality.

14
15 Q. HAS THE FCC DETERMINED THAT IT IS NECESSARY TO HAVE
16 PENALTIES ASSOCIATED WITH EVERY ONE OF THE
17 MEASUREMENTS PROPOSED IN A PENALTY PLAN?

18
19 A. No. The FCC has determined exactly the opposite. Performance
20 reporting allows the Commission to determine whether BellSouth is
21 meeting its commitments under Sections 251 and 252 of the
22 Telecommunications Act of 1996. The purpose of the enforcement plan is
23 to provide additional assurance that BellSouth will not “backslide” once it
24 obtains interLATA relief. It is the automatic nature of these penalties that
25 makes the plan unique and gives the FCC and DOJ comfort in the plan’s

1 effectiveness as a further deterrent against backsliding. The FCC has
2 clearly recognized that, in the latter case, only a limited number of key
3 measures need be examined. For instance, in its order granting 271
4 authority to Bell Atlantic – New York, the FCC specifically stated:

5
6 We also believe that the scope of performance covered by the
7 Carrier-to-Carrier metrics is sufficiently comprehensive, and that
8 the New York Commission reasonably selected key
9 competition-affecting metrics from this list for inclusion in the
10 enforcement plan. We disagree with commenters who suggest
11 that additional metrics must be added to the plan in order to
12 ensure its effectiveness, and note that the New York
13 Commission has considered and rejected similar arguments.
14 (footnotes omitted) NY, Para 439, FCC 99-404, 12/22/99.

15
16 Q. CAN YOU COMPARE HOW THE BELLSOUTH PLAN CALCULATES
17 THE PENALTIES THAT WILL BE DUE, COMPARED TO THE CLEC
18 PLAN?

19
20 A. Yes. After selecting a set of measurements for which penalties should
21 apply, the next step is to calculate the amount of the penalty if
22 performance does not meet the standard. The method for calculating the
23 penalty is different dependent upon whether the performance standard is
24 expressed as a benchmark or as a retail analog.

25

1 The simplest case is where a benchmark applies. In that case, we first
2 determine how far actual performance differs from the benchmark. A
3 penalty is paid for the number of transactions for which we were below the
4 benchmark. For example, if in a given month the benchmark for missed
5 collocation due date is 90% and we met 87% of the dates, we would pay a
6 penalty on 3% of the total collocations scheduled to be completed in that
7 month. The actual penalty amount is simply the number of transactions
8 times the fee per transaction that is contained in the fee schedule that is a
9 part of the SEEM. The CLEC plan, in contrast, is a function of whether
10 BellSouth meets the individual measurements the CLECs propose and not
11 the number of transactions. Under the CLEC plan, BellSouth either
12 makes every measurement and doesn't pay a penalty or fails the
13 measurement and pays a penalty. With regard to the size of the penalty,
14 that is determined, in the case of the CLECs' benchmarks, by whether the
15 miss leaves you at a point less than or greater than a 90% benchmark,
16 which appears to be the threshold where the CLECs will always apply the
17 most severe penalty.

18

19 Q. HOW IS THE PENALTY AMOUNT CALCULATED WHERE A RETAIL
20 ANALOG APPLIES?
21

22 A. Where a retail analog applies, the process of determining the volume of
23 transactions for which penalties apply under either the BellSouth or CLEC
24 plan is more complicated. The complication is introduced by the need to
25 determine whether a difference between the BellSouth performance for
26 the CLECs versus its own retail operation indicates a material impact on

1 the CLEC's ability to provide service to its customers. The CLECs agree
2 on the necessity of this activity; their plan however, ignores it.

3

4 The first step in this process is to break down the performance for a SEEM
5 measurement so that comparisons can be made on a like-to-like basis.

6 For SEEM, like-to-like comparisons are established by comparing
7 performance at a cell level. A cell is a grouping of transactions that are
8 sufficiently similar that they can be directly compared. The criteria for like-
9 to-like comparisons (cells) were established by a collaborative study effort
10 on the application of statistical analysis to performance measurement
11 data. This study was conducted at the request of the Louisiana Public
12 Service Commission (LPSC), which resulted in the filing of a "statisticians'
13 report" with the LPSC in September 1999 (revised February 2000). The
14 CLECs' statistician, Dr. Colin Mallows participated in this study. According
15 to Dr. Mallows, and the study participants, a cell, as used in SEEM, is the
16 appropriate basis for like-to-like comparison. In fact, it is stated that
17 "[w]hen possible, data should be compared at an appropriate level, e.g.,
18 wire center, time of month, dispatched, residential, new orders."

19

20 Under SEEM, for each cell, a modified z-statistic is calculated. This
21 process is necessary to minimize the impact of extraneous environmental
22 factors on the performance comparisons. The modified z-statistics for
23 each cell are aggregated for the state into a truncated z-statistic. The
24 truncated z-statistic simply ensures that the aggregation process does not
25 allow good performance in one cell to mask poor performance in another

1 cell. If the truncated z-statistic indicates that materially deficient
2 performance was provided to a CLEC, a penalty is paid for transactions in
3 each cell where a CLEC's performance was below BellSouth's retail
4 performance. The percent of transactions for which a penalty is paid
5 depends on the degree of certainty that the truncated z-statistic is
6 indicating a material performance difference. Having determined the
7 number of transactions for which penalties apply, the penalty amount is
8 determined by simply multiplying the number of transactions by the
9 penalty fee, taken from the fee schedule. This last step is the same
10 regardless of whether the performance standard is expressed as a retail
11 analog or a benchmark.

12

13 Q. COMPARED TO SEEM, HOW DOES THE CLECS' PLAN CALCULATE
14 PENALTIES FOR MEASUREMENTS FOR WHICH THERE ARE
15 ANALOGS?

16

17 A. The CLECs' plan just uses that portion of its more than 380,000
18 measurements for which there are retail analogs. It measures BellSouth's
19 performance in each of these areas, as well as the service that BellSouth
20 provided to the CLEC, performs a modified z statistical test on the
21 numbers, and compares the modified z statistical test result to a
22 benchmark. If the modified z test statistic is worse than the benchmark, a
23 penalty is paid. The magnitude of the penalty is determined by how far
24 the modified z statistic score is from the critical value that was adopted.

1 While it make look simpler, no attempt is made to make like-to-like
2 comparisons, as their statistician would require.

3

4 Q. ONE OF THE REASONS THAT YOU SUGGEST THAT THE
5 COMMISSION SHOULD REJECT THE CLECS' PERFORMANCE PLAN
6 INVOLVES THE PROBLEMS WITH IMPLEMENTING IT. CAN YOU
7 COMMENT FURTHER ON THAT POINT?

8

9 A. If there is no other single reason for rejecting what the CLECs have
10 proposed, the simple fact that their plan cannot be implemented should be
11 sufficient basis for rejecting the CLECs' plan out of hand. Indeed, under
12 Ms. Kinard's proposal, the Commission or BellSouth or the CLECs
13 themselves would be faced with the daunting proposition of sifting through
14 over 380,000 sub-metrics each month to assess BellSouth's performance,
15 just for the aggregate CLEC industry. Adding the sub-metrics for
16 individual CLECs would make this number even more astounding and
17 even more unworkable, if that were possible. One has to wonder what the
18 Commission would do with this volume of data if it were filed with the
19 Commission each month.

20

21 Q. WHY DID YOU SAY THAT THE CLECS PLAN CAN'T BE
22 IMPLEMENTED?

23

24 A. First, just plain common sense leads me to that conclusion. However, it is
25 not necessary to rely exclusively on common sense in this case. Indeed,

1 the CLECs gave testimony recently in Florida that supports this conclusion
2 as well.

3
4 Specifically, on pages 216 - 219, volume 2 of the transcript of the hearing
5 in Florida Docket No. 000121-TP, held April 25, 2001, Ms. Kinard stated
6 that she was not sure whether their proposal could be implemented. In
7 response to Commissioner Jaber, Ms. Kinard stated that no one had
8 adopted their plan. And in response to Mr. Carver, Ms. Kinard stated that
9 she didn't know whether the plan could be implemented.

10
11 The only logical conclusion that can be drawn from Ms. Kinard's testimony
12 in Florida is that the CLEC proposed plan is untried and overly expansive
13 to the point of being confusing and non-workable. Even Ms. Kinard
14 admitted that she didn't know if it could be implemented. Sub-measures
15 totaling from the hundreds of thousands to millions would not only be
16 impossible to implement, but more importantly, would be impossible to use
17 to evaluate BellSouth's performance.

18
19 Further, if this Commission were to order the performance plan proposed
20 by Ms. Kinard, the development time necessary for BellSouth to attempt to
21 implement the plan, compounded with the confusion associated with the
22 excessive granularity of the plan, would exclude BellSouth from receiving
23 Section 271 approval in Kentucky.

24
25 I have suggested that the sheer size of the metrics called for in the CLECs'

1 plan makes it unworkable. Consider this in the context of what I said in
2 my direct testimony. It takes a massive database just to support the plan
3 BellSouth proposes. The database already approaches the size of the
4 Internet in 1999. Now, the CLECs would multiply that database by a
5 factor of about 25. Neither the CLECs nor BellSouth has identified a way
6 to implement and maintain a database of that magnitude.
7
8

9 Q. MOVING NOW TO AT&T WITNESS, CHERYL BURSH, ON PAGE 3 OF
10 HER TESTIMONY MS. BURSH, DISPARAGES BELLSOUTH'S
11 PROPOSED INTERIM SQM IN KENTUCKY CLAIMING IT IS NOT
12 COMPLIANT WITH THE GEORGIA ORDER. HOW DO YOU
13 RESPOND?
14

15 A. On page 3 of her testimony, Ms. Bursh gives four reasons as to why she
16 alleges BellSouth's proposed interim SQM is not compliant with the
17 Georgia Order. I will address each of these four alleged deficiencies
18 individually below.
19

20 Q. FIRST, ON PAGE 4 OF HER TESTIMONY, MS. BURSH PROVIDES A
21 QUOTE FROM THE FCC THAT SPECIFICALLY RECOGNIZES "THAT
22 METRIC DEFINITIONS WILL LIKELY VARY AMONG STATES". HOW
23 DOES THAT QUOTE APPLY TO THIS PROCEEDING?
24

1 A. BellSouth has actively participated in generic performance measurement
2 dockets in Louisiana, Georgia, Florida and North Carolina with resulting
3 Commission orders in Louisiana and Georgia and expected orders in
4 Florida and North Carolina later this year. While the BellSouth SQM has
5 differed slightly amongst those states, the SQM ordered by the Georgia
6 Commission is the most comprehensive and includes the most stringent
7 standards. As I stated in my direct testimony, in determining BellSouth's
8 compliance with the Act, BellSouth's recommendation is that this
9 Commission use the FCC approved format for reports based on the
10 Georgia SQM populated with Kentucky specific data for all non-regional
11 reports. Regardless of any final set of measurements and standards that
12 this Commission orders in Kentucky, the Georgia SQM and reports will
13 provide this Commission with more than sufficient data to make a § 271
14 recommendation, contrary to Ms. Bursh's assertion, on page 8 of her
15 testimony, that BellSouth is attempting to dupe this Commission.

16

17 Q. BEGINNING ON PAGE 9 OF HER TESTIMONY, MS. BURSH ALLEGES
18 THAT WITHOUT THE APPROVAL OF THE GEORGIA COMMISSION,
19 BELLSOUTH HAS MODIFIED WHAT IT MEASURES AND WHAT IT
20 REPORTS. HOW DO YOU RESPOND?

21

22 A. BellSouth made no modifications in the calculations of any measures, only
23 wording changes to further clarify the SQM describing the measurements.
24 The first example she expounds (page 11) is BellSouth's exclusion of
25 directory listings from % Missed Installation Appointments and Average

1 Completion Interval. Ms. Bursh knows full well that BellSouth sends all
2 directory listing orders to BAPCO for processing whether CLEC or
3 BellSouth retail directory changes. The process by which BellSouth
4 Telecommunications sends these orders to BAPCO is identical for
5 wholesale and retail and therefore, by definition, parity by design.
6 BellSouth Telecommunications has no control over BAPCO's performance
7 in processing directory listing orders and should therefore not be held
8 accountable for BAPCO's missed appointments or completion intervals.
9 These measurements, if appropriate, would be a function of the contract
10 between individual CLECs and BAPCO.

11

12 On page 12, beginning at line 4, Ms. Bursh offers another example to
13 attempt to justify her claim that BellSouth modified measures without
14 CLEC input or Commission approval. She propounds that BellSouth has
15 modified its Missed Appointments measure to include only the original
16 missed appointments, which she contends allows BellSouth to miss all
17 appointments set after the original missed appointment without a
18 consequence. Again, BellSouth has not modified the calculation of this
19 measurement. BellSouth has always measured only the first appointment
20 on the order for itself as well as CLECs. This was not a coding change,
21 merely a further wording clarification to the SQM. To measure more than
22 one appointment would give an inaccurate percentage of missed
23 appointments for both the CLEC and BellSouth. Even if BellSouth misses
24 the first appointment, and all subsequent missed appointments are caused
25 by the CLEC/end user; we only measure the BellSouth miss and do not

1 assign any subsequent misses to the CLEC. The end result of the delays
2 is further captured in Order Completion Interval, which measures the total
3 interval of the order, which in Georgia is charged against BellSouth,
4 whether the missed appointments are caused by the CLEC or BellSouth.

5

6 Q. HAS MS. BURSH CITED ANY OTHER EXAMPLES OF EXCLUSIONS
7 SHE ALLEGES WERE INAPPROPRIATELY MADE BY BELL SOUTH?

8

9 A. Yes. Beginning on page 12, line 23, she alleges that BellSouth added
10 additional exclusions to the Jeopardy Notice Interval measure by
11 excluding non-dispatch orders. Once again, Ms. Bursh is wrong.
12 BellSouth has always excluded non-dispatch orders from this measure. It
13 makes no sense to include non-dispatch orders in a measurement that
14 deals almost exclusively with orders that result in a “pending facilities”
15 (“PF’d”) status due to lack of facilities. These orders, by definition, are
16 always dispatched orders. However, contrary to Ms. Bursh’s example, in
17 the event that a non-dispatch order is held for facility reasons, the order
18 would be given a dispatch code and a jeopardy notice would be sent to
19 the CLEC.

20

21 Also, on page 13, lines 16-22, Ms. Bursh offers the example that
22 “BellSouth unilaterally decided to modify its May 2000 SQM to exclude
23 rural orders from the Held Order Interval measures”. BellSouth has
24 always excluded rural orders involving “special construction” from this
25 measurement and only added wording to the SQM stating this obviously

1 appropriate practice. Special Construction involves the necessity of
2 implementing extraordinary construction activity in order to provision
3 service to a customer. Whether that customer is a retail customer or a
4 CLEC is irrelevant. The fact that the construction work is beyond the
5 scope of that required under normal circumstances is the determinate
6 factor in excluding these orders from this measurement.

7

8 Q. ON PAGE 14, BEGINNING ON LINE 14, MS. BURSH ALLEGES THAT
9 “PERFORMANCE REPORTING THAT IS NOT BASED ON THE ENTIRE
10 SET OF DATA IS INACCURATE AND IS NOT USEFUL TO THIS
11 COMMISSION IN MONITORING BELLSOUTH’S PERFORMANCE”. DO
12 YOU AGREE?

13

14 A. Yes. However, I disagree with Ms. Bursh that it was necessary for the
15 CLECs and the Georgia Commission to approve every single type of
16 record that is excluded from a measurement. As you can readily see from
17 the examples above, which Ms. Bursh takes issue with, some exclusions
18 are based on just good old common sense. These types of records are
19 not always listed as an exclusion because there should be no question
20 that these records are excluded. The presence or absence of such
21 exclusions in the SQM does not reflect any unilateral action by BellSouth
22 or inconsistency with the Commission’s Order. Surely, the Kentucky
23 Commission would not deem it necessary to engage in a regulatory
24 process to make decisions on exclusions that simply make good sense.

1 Ms. Bursh is attempting to create an issue, which even if it did exist, would
2 have no substantive impact.

3

4 Q. PLEASE ADDRESS THE REMAINDER OF MS. BURSH'S
5 ALLEGATIONS REGARDING ALLEGED "CHANGES" TO THE SQM?

6

7 Please refer to my response to Mr. Bradbury on this issue.

8

9 Q. ARE THERE ANY ADDITIONAL ALLEGATIONS?

10

11 A. Yes. On page 17, Ms. Bursh's testimony discusses an exclusion of non-
12 mechanized orders from the FOC and Reject Response Completeness
13 measure and how FOCs and Rejects are so critical to the CLECs
14 relationship with their customers. What Ms. Bursh fails to mention is that
15 data for non-mechanized orders is reported in the FOC Timeliness and
16 Reject Completeness measures.

17

18 Then, on pages 17-18, Ms. Bursh's testimony complains about BellSouth's
19 exclusion of expedited orders from the Percent NXXs and LRNs Loaded
20 by the LERG Effective Date. Expedites are, by their very nature, an
21 attempt by BellSouth to meet a date that is far shorter than the normal
22 process. BellSouth voluntarily agreed (not required by the Telecom Act)
23 to expedite orders where feasible. While BellSouth makes every effort to
24 meet these expedited dates, it should certainly not be held accountable for

1 them as part of the normal process. Such action would be a disincentive
2 for BellSouth to expedite orders.

3

4 Finally, on page 18, beginning at line 11, Ms. Bursh argues that BellSouth
5 should not be allowed to exclude changes that occur that are not
6 controlled by BellSouth from the Timeliness of Change Management
7 Notices measure. Her whole argument is based on her apparent belief
8 that BellSouth can't tell when changes are outside of its control, and
9 therefore the industry as a whole should be consulted to make these
10 determinations. All her proposal does is add unnecessary discussion and
11 delay to the process. There shouldn't be any realistic dispute about this
12 exclusion. In the event a CLEC wants to dispute BellSouth's
13 determinations, it can still do so and have any decision reflected in the
14 measurement. It simply makes no sense to burden the process with the
15 "before the fact" determination Ms. Bursh requests. I am sure this is not
16 what the Commission had in mind when they ordered this measurement.

17

18 Q. ON PAGE 19 OF MS. BURSH'S TESTIMONY, SHE ALLEGES
19 BELLSOUTH FAILED TO COMPLY WITH SPECIFIC DIRECTIONS OF
20 THE GEORGIA COMMISSION REGARDING PROJECTS. DO YOU
21 AGREE?

22

23 A. No. Beginning on line 23, Ms. Bursh regards BellSouth's exclusion of
24 "projects" from certain measures as failure to comply with specific
25 directions of the Georgia Commission's order. "Projects" by definition are

1 orders that fall outside of the normal process because they require
2 assignment of a BellSouth project manager and negotiations with
3 BellSouth field operations to determine a projected due date. It would be
4 incorrect to include these in a measurement designed to evaluate
5 BellSouth's performance under normal operating conditions.

6
7 In addition, contrary to her allegation on page 20, lines 4-8 that BellSouth
8 altered the disaggregation for the Cooperative Acceptance Testing
9 measure, Ms. Bursh is likewise incorrect. BellSouth has not altered the
10 disaggregation of this measure.

11

12 Q. FINALLY, MS. BURSH SPENDS SEVERAL PAGES ALLEGING THE
13 INADEQUACY OF BELLSOUTH'S RAW DATA. HOW DO YOU
14 RESPOND?

15

16 A. The issues regarding raw data do not affect performance results. Ms.
17 Bursh's objection has no impact on the question of whether the Kentucky
18 specific data, contained in the FCC approved report format using the
19 interim SQM measurements and standards, is sufficient for this
20 Commission to determine BellSouth's compliance with the standards in
21 the 1996 Act. The answer is an overwhelming yes.

22

23 Q. HOW DO YOU RESPOND TO MS. BURSH'S ASSERTION, ON PAGE
24 23, THAT BELLSOUTH'S PERMANENT SQM IS INFERIOR TO ITS
25 INTERIM SQM?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A. Once again, Ms. Bursh attempts to make much ado about nothing. In my direct testimony I explained in detail why the proposed permanent SQM contained slightly fewer measurements than the interim SQM. In a nutshell, the additional measurements in the interim SQM, which resulted specifically from the Georgia order, are already a part of other measurements in the proposed permanent SQM. For Percent Completion Attempts without Notice or < 24 Hour Notice, I have addressed this measurement in detail later in my testimony in response to Worldcom witness, Karen Kinard.

Ms. Bursh also purports that BellSouth inappropriately aggregates 2 wire analog loops with another unlike product. On pages 58-59 of my direct testimony, I explain why this aggregation is appropriate.

Lastly, Ms. Bursh suggests that the benchmark for reject interval should be 97% in one hour as opposed to the 95% in one hour proposed in the permanent SQM. Ms. Bursh ignores the fact that the purpose of the benchmark is to define the minimum point at which BellSouth is no longer providing CLECs with an equal opportunity to compete. The 97% in one-hour benchmark in the interim SQM is so close to perfection that it certainly cannot be defined as a point at which CLECs no longer have an equal opportunity to compete.

1 Q. TURNING NOW TO A DIFFERENT SUBJECT, ON PAGE 24 OF HER
2 TESTIMONY, MS. BURSH PROPOUNDS THAT “CLECS BELIEVE THAT
3 SELF-EXECUTING REMEDIES ARE NEEDED TO ENFORCE THE
4 SECTION 251 MARKET OPENING PROVISIONS OF THE ACT AND
5 ARE NOT SOLELY DESIGNED TO PREVENT SECTION 271
6 BACKSLIDING”. HOW DO YOU RESPOND?

7
8 A. The Commission should adopt BellSouth’s penalty plan in this proceeding
9 and it should be effective upon the exercise of interLATA relief. The FCC
10 has made it clear that the primary, if not sole, purpose of a voluntary self-
11 effectuating enforcement mechanism is to guard against RBOC
12 “backsliding” after the RBOC begins to provide interLATA services. That
13 is, the mechanism provides additional incentives to ensure that the RBOC
14 continues to provide nondiscriminatory performance after it has received
15 the so-called “carrot” of long distance approval. Prior to interLATA relief,
16 pursuit of the relief is clearly sufficient motivation for BellSouth to comply.
17 After relief, the FCC wanted an automatic mechanism to provide further
18 assurance of continued compliance.

19
20 Nothing in the 1996 Act requires a self-effectuating enforcement plan.
21 The FCC has acknowledged as much in its orders. In its August 1996
22 Local Competition Order, the FCC notes that several carriers advocated
23 performance penalties. *See Local Competition Order, 11 FCC Rcd at*
24 *15658 [¶ 305]*. The FCC did not adopt such performance penalties in the
25 Local Competition Order. Instead, the FCC acknowledged the wide

1 variety of remedies available to a CLEC when it believes it has received
2 discriminatory performance in violation of the 1996 Act; see *FCC's Local*
3 *Competition Order* ¶ 129, 11 *FCC Rcd.* at 15565 (*emphasizing the*
4 *existence of sections 207 and 208 FCC complaints for damages, as well*
5 *as actions under other laws and common law*). The FCC “encourage[d]”
6 the States only to adopt reporting requirements for ILECs. *Id.*

7
8 Furthermore, in its October 13, 1998 Order regarding BellSouth’s Section
9 271 application for Louisiana, the FCC reiterated that the existence of
10 such an enforcement plan is not a pre-requisite to compliance with the
11 competitive checklist, but rather is a factor that the FCC will consider in
12 assessing whether the RBOC’s entrance into the interLATA market would
13 serve the “public interest.” See *FCC’s Louisiana II Order*, at ¶363 and
14 n.1136. The FCC stated that “evidence that a BOC has agreed in its
15 interconnection agreements to performance monitoring” (including
16 performance standards, reporting requirements, and appropriate self-
17 executing enforcement mechanisms) “would be probative evidence that a
18 BOC will continue to cooperate with new entrants, even after it is
19 authorized to provide in-region, interLATA services.” *Id.* at ¶¶363-64.

20
21 More recently, in its order approving Bell Atlantic’s entry into long distance
22 in New York, the FCC analyzed Bell Atlantic’s performance plan “solely for
23 the purpose of determining whether the risk of post-approval non-
24 compliance is sufficiently great that approval of its section 271 application
25 would not be in the public interest.” *Bell Atlantic Order*, at ¶433 n.1326

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q. ON PAGE 25, BEGINNING AT LINE 16, MS. BURSH CONCLUDES THAT “A REMEDY PLAN MUST BE ESTABLISHED THAT CREATES AN ECONOMIC INCENTIVE FOR BELL SOUTH TO COOPERATE AND PROVIDE QUALITY SERVICE, RATHER THAN TO DISCRIMINATE AGAINST COMPETING PROVIDERS”. CAN YOU COMMENT ON THIS?

A. Yes. Even without a penalty plan, BellSouth has numerous economic incentives to cooperate. For example, BellSouth can be fined, be subject to court decisions or lose interLATA authority without a remedy plan. In any event, BellSouth is proposing a plan sufficient to satisfy Ms. Bursh’s criteria, attached to my direct testimony as AJV-3, so the issue is moot. Contrary to the implications by Ms. Bursh (page 26, lines 3-4) that local competition will not be realized absent an enforcement plan, local competition is here.

It is obvious that local competition in Kentucky or other states is not being deterred by the absence to-date of a Commission-approved enforcement plan. She first claims incorrectly that anecdotal testimony provides a basis for concluding that BellSouth is capable of seriously hampering a CLECs’ ability to compete. With all of the safeguards against BellSouth doing this, such a claim is groundless. Next, she opines falsely that BellSouth has much to gain by providing poor service to CLECs. There is no basis for this opinion and it completely ignores the fact that BellSouth has far more to lose if it is discriminating against CLECs than it could possibly gain. It

1 also ignores the extent of local competition that exists. She then uses
2 these two faulty premises as the basis for concluding that a penalty is
3 necessary to incent BellSouth to perform. Neither the rationale for her
4 conclusions nor the conclusions themselves have any support and should
5 be ignored.

6

7 Q. SHOULD THIS COMMISSION ADOPT THE CLEC PROPOSED
8 PERFORMANCE INCENTIVE PLAN, VERSION 2.0, AS PROPOSED BY
9 MS. BURSH ON PAGE 27 OF HER TESTIMONY?

10

11 A. No. BellSouth's proposed plan is the appropriate plan for this Commission
12 to adopt for at least the following reasons:

- 13 • It is a comprehensive plan crafted on sound principles that meets the
14 FCCs criteria.
- 15 • The Two-Tiered Structure and escalating fee schedule serve to insure
16 that BellSouth will continue to provide service parity by escalating
17 penalties for continued violations.
- 18 • The plan recognizes that not all metrics are equal, and that all metrics
19 are not equally important to CLECs, by offering greater remedies for
20 certain measurements than for others.
- 21 • Remedies escalate with increased disparity and the increased certainty
22 of disparity.
- 23 • Statistical methodology adopted by BellSouth is very sensitive to
24 identifying systemic disparate treatment, thereby insuring that
25 BellSouth will provide nondiscriminatory performance.

- 1 • Adoption of the balancing critical value methodology makes remedies
2 more available in emerging markets thereby insuring that BellSouth will
3 not ignore new entrants.

4
5 The CLECs' proposal, on the other hand, has some glaring problems. For
6 example:

- 7 • Inclusion of all measures carrying equal weight despite the fact that all
8 measures do not have the same impact on customers. Again, as an
9 example, the CLECs apparently believe missing a few seconds on the
10 Average Response Interval – OSS is as important as missing the
11 Installation Appointment for a UNE Loop by several days.
- 12 • Basing a decision about penalty assessment on a basis that does not
13 compare 'like-to-like", contrary to their own statistician's position.
- 14 • Building a remedy plan based solely on the flawed use of a statistical
15 methodology as discussed further in Dr. Mulrow's Surrebuttal
16 Testimony.
- 17 • Fixed "consequence" dollars or a flat dollar amount per measurement
18 missed. Once the measurement is missed for a given month, the
19 consequences do not increase if performance worsens. This could
20 render the plan less effective.
- 21 • Irrational level of penalties. As explained in more detail in my general
22 discussion earlier, BellSouth could be subject to \$760M to \$7.6B in
23 penalties in a single month even if it meets the standards for 90% of
24 the measurements.

25

1 Last, and most importantly, BellSouth's remedy plan was designed
2 specifically to work in conjunction with BellSouth's mechanized SQM
3 platform to mechanically deliver remedies based on identified disparate
4 treatment. BellSouth's remedy plan can be implemented, but the CLECs'
5 plan cannot, for a long time, if ever. To implement a new remedy plan
6 now would nullify the years of effort and costs entailed by BellSouth to
7 deliver a self-effectuating enforcement plan and would therefore delay
8 significantly BellSouth's ability to deliver performance remedies.

9

10 Q. PLEASE COMMENT ON MS. BURSH'S PROPOSAL TO ASSESS
11 PENALTIES ON THE MANUAL ORDERING PROCESS ON PAGE 31 OF
12 HER TESTIMONY.

13

14 A. Ms. Bursh's proposal should not be adopted. There are two types of
15 orders at issue here, manual orders and partially mechanized orders.
16 Both types of orders are processed manually. However, partially
17 mechanized orders are orders submitted electronically that require manual
18 intervention while manual orders are submitted via fax machine. Note that
19 penalties applicable for other operations, such as repair and provisioning,
20 apply to all types of orders. The dispute here concerns penalties
21 associated with ordering measurements only.

22

23 BellSouth proposes to have automatic penalties apply to fully mechanized
24 orders. Fully mechanized orders account for about 75% of the total orders
25 processed, so the dispute here is over the remaining 25% of orders.

1 Automatic penalties should not apply to partially mechanized and manual
2 orders because it is too likely that penalties could be triggered through no
3 fault of BellSouth. Unlike fully mechanized orders, which are limited to
4 those orders that have been designed to flow through the entire process,
5 virtually anything can be ordered manually. By design, partially
6 mechanized orders are more complicated requests that have been
7 submitted electronically but fall out of the process for manual intervention
8 by a BellSouth representative.

9
10 Since the complexity of manual and partially mechanized orders
11 could vary widely from month-to-month, the time and effort required
12 to fulfill them will vary widely. With such wide potential variations in
13 performance simply due to the complexities of orders that happen
14 to be submitted that month, automatic penalties should not apply.
15 These types of orders are subject to all other available remedies if
16 a problem exists with them. Penalties simply should not be
17 assessed automatically.

18
19 Q. IT IS ALSO CLEAR THAT THE LEVELS OF DISAGGREGATION AND
20 AGGREGATION INCLUDED IN BELL SOUTH'S AND THE AT&T PLAN
21 ARE CONTROVERSIAL. PLEASE ADDRESS MS. BURSH'S CLAIM ON
22 PAGE 32 THAT THERE ARE ANALYTICAL PROCEDURES THAT
23 ALLOW FACTUAL CONCLUSIONS TO BE MADE REGARDING HOW
24 MUCH DISAGGREGATION IS SUFFICIENT.

25

1 A. To my knowledge, CLECs have never provided any such procedures.
2 Certainly none are present in their testimony. Nor am I aware of any such
3 procedures. In fact, the degree of disaggregation is a judgement that
4 balances the desire to view specific types of performance with the need to
5 keep the size of the plan manageable.

6

7 Q. ANOTHER AREA OF DIFFERENCE BETWEEN THE AT&T PLAN AND
8 THE BELL SOUTH PLAN IS THE USE OF AN ABSOLUTE CAP. ON
9 PAGE 39, LINE 3, OF HER TESTIMONY, MS. BURSH STATES THAT
10 "AT&T DOES NOT SUPPORT AN ABSOLUTE CAP ON REMEDY
11 PAYMENTS." DOES AT&T PROPOSE ANY CAP?

12

13 A. No. The AT&T plan appears to include a provision that would allow
14 BellSouth to seek regulatory relief from excessive penalties, but does not
15 propose a cap and therefore implies that penalties should be imposed
16 without limit. This is absurd. A voluntary enforcement plan should not be
17 so onerous as to potentially cripple the ILEC economically. AT&T would
18 have BellSouth pay billions of dollars, which can be easily generated
19 under their plan, into escrow while the Commission decided whether
20 BellSouth could keep the money. This would result in a detrimental effect,
21 not only on BellSouth's performance to the CLECs, but also on
22 BellSouth's retail operations. In the final analysis, Kentucky consumers
23 would surely suffer.

24

1 BellSouth's remedy plan includes an absolute cap on penalties. Any
2 voluntary, self-executing remedy plan adopted by the Commission should
3 contain an absolute monetary cap. In agreeing to a voluntary enforcement
4 plan, BellSouth or any ILEC has to balance its responsibilities to its
5 shareholders and its customers. In this case, BellSouth's customers
6 include CLECs, IXCs, retail customers and others. BellSouth cannot be
7 required to jeopardize its ability to fulfill its responsibilities to all of these
8 groups solely for the benefit of one group, but that is what an un-capped
9 plan would do. Beyond this, it should be recalled that the purpose of this
10 voluntary enforcement plan is to prevent "backsliding" when BellSouth
11 obtains interLATA relief in Kentucky.

12

13 Q. IS THERE ANY PRECEDENT FOR BELL SOUTH'S PROPOSAL TO USE
14 AN ABSOLUTE CAP?

15

16 A. Yes. The FCC has now approved enforcement plans for five states and in
17 each instance an absolute cap, such as the one proposed here, was
18 imposed.

19

20 It is important to remember that no matter what the cap, CLECs will retain
21 the right to pursue other legal remedies under the Act, before state and
22 federal agencies and before state and federal courts of law. As the FCC
23 has repeatedly stated, a self-executing enforcement plan is not intended
24 to be "the only means of ensuring that [the RBOC] continues to provide
25 nondiscriminatory service to competing carriers. In addition to the

1 [financial dollars] at stake ... [the RBOC] faces other consequences if it
2 fails to sustain a high level of service to competing carriers, including:
3 federal enforcement action pursuant to section 271(d)(6); ... and remedies
4 associated with antitrust and other legal actions.” See Bell Atlantic Order,
5 at ¶435.

6

7 Q. SHOULD BELLSOUTH BE AUTOMATICALLY PENALIZED WHEN
8 BELLSOUTH FAILS TO POST THE PERFORMANCE DATA AND
9 REPORTS TO THE WEB SITE BY THE DUE DATE AS SUGGESTED BY
10 MS. BURSH ON PAGE 40?

11

12 A. No. BellSouth should not be subjected to an automatic penalty for the late
13 posting of reports. While BellSouth will make every reasonable effort to
14 make every deadline imposed upon it, with the volume of data and reports
15 that I discussed above, it would be irresponsible to assume that there will
16 never be a problem posting a report. However, there is little evidence that
17 late reporting is so harmful to the CLECs or to the Commission that an
18 automatic penalty should apply. Furthermore the increasing complexity of
19 the measurements and sub-metrics, the volume of data processed and the
20 validation of reports prior to posting imposes additional burdens on
21 BellSouth that should not be subjected to a penalty. Although BellSouth
22 will make every effort to complete this substantial undertaking by the due
23 date each month, BellSouth should not be automatically penalized every
24 time it fails in this effort. Certainly, if there was some systemic failure in
25 posting reports there could be some need for Commission overview until

1 the problem is resolved, but merely missing a filing date by a day or two
2 should not be cause for concern.

3

4 Q. IF THE COMMISSION DECIDES TO IMPOSE A PENALTY FOR
5 POSTING RESULTS LATE, WHAT WOULD BE AN APPROPRIATE
6 PENALTY AMOUNT?

7

8 A. BellSouth would expect that its comments regarding the posting of reports
9 mentioned above would put this issue in proper perspective and obviate
10 the need for any penalty for simply missing a posting date. However, if
11 the Commission does decide to impose a penalty on BellSouth for failure
12 to post the performance data and reports to the web site by the due date,
13 then an amount of \$2,000 per day, paid to the Kentucky Public Service
14 Commission is acceptable to BellSouth, provided that the \$2,000 per day
15 applies to the aggregate of all reports and is not based on each individual
16 report. I must reiterate, however, that I do not believe the CLECs are
17 monetarily harmed because reports are posted late, nor should the
18 Commission be concerned provided the late filing was not evidence of a
19 systemic failure. This is apparent given that this data is available for every
20 CLEC certificated in the BellSouth region but very few CLECs choose to
21 access this data.

22

23 Q. SHOULD BELLSOUTH BE PENALIZED IF PERFORMANCE DATA AND
24 REPORTS PUBLISHED ON THE BELLSOUTH WEB SITE ARE

1 INCOMPLETE OR INACCURATE AS SUGGESTED BY MS. BURSH ON
2 PAGE 40?

3

4 A. No. As I discussed above, BellSouth should not be subjected to
5 involuntary, automatic penalties for incomplete or inaccurate reports. The
6 definitions of 'incomplete' or 'inaccurate' are so imprecise that there would
7 likely be an ongoing administrative burden each month to determine what
8 is incomplete or inaccurate. As a precedent for incomplete or inaccurate
9 performance measurement reporting, it is instructional to consider some
10 principles governing accounting. Accounting principles have long
11 recognized that financial statements are prone to adjustment and
12 correction. There are procedures for handling adjustments, but to my
13 knowledge, none contain an automatic dollar penalty. From a
14 performance measurement reporting viewpoint, the primary objective
15 should be to provide complete and accurate reporting, identify omissions
16 and errors should they occur, and correct them expeditiously. Applying a
17 penalty, once an error has been corrected or a report has been completed
18 would seem to discourage such corrections, even if they were appropriate
19 and imposes an unreasonable requirement to have perfect reports each
20 time.

21

22 Q. IF PENALTIES ARE TO BE APPLIED FOR INACCURATE REPORTS,
23 WHAT WOULD BE AN APPROPRIATE PENALTY AMOUNT?

24

1 A. If the Commission can impose a penalty on BellSouth for incomplete or
2 inaccurate reports posted to the web site, then an amount of \$400 per
3 day, paid to the Kentucky Public Service Commission, is acceptable to
4 BellSouth, provided that the \$400 per day applies to the aggregate of all
5 reports and not each incomplete or inaccurate report incrementally. As
6 stated above, I do not believe the CLECs are monetarily harmed because
7 portions of the reports are incomplete or inaccurate.

8

9 Q. PLEASE COMMENT ON MS. BURSH ASSERTION ON PAGE 43 THAT
10 THE AT&T PROPOSAL MEETS THE FCC STANDARDS BUT
11 BELLSOUTH'S SEEM PROPOSAL DOES NOT?

12

13 A. Ms. Bursh is wrong in both cases.

14

15 Standard 1) BellSouth's plan contains key performance measurements as
16 the FCC has already recognized as the appropriate structure for a penalty
17 plan. On the contrary, the AT&T plan, which assigns penalties to
18 hundreds of thousands of measurements and generates huge penalties
19 for relatively small performance differences, can hardly be called
20 reasonable.

21

22 Standard 2) BellSouth's plan, which provides penalties up to the level of
23 36% of net revenues, is clearly meaningful and significant. The AT&T
24 plan produces penalty amounts that are so inconsistent with the degree of
25 performance that little incentive is provided.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Standard 3) BellSouth’s plan clearly articulates the measurements and standards in the SEEM document.

Standard 4) BellSouth’s plan is self-executing and does not require litigation to assess penalties. While the AT&T plan is also self-executing, it would most certainly prompt litigation before implementation because of the extreme degree of penalties.

Standard 5) The audit requirements of both the SQM and SEEM provide reasonable assurances that the data is accurate. The CLECs plan proposes an unreasonable number of audits.

Q. WITH REGARD TO STANDARD 1, PLEASE RESPOND TO THE SPECIFIC ISSUES MS. BURSH RAISES ON PAGE 44?

A. Ms. Bursh’s claim that SEEM can allow non-compliant performance to be masked is unsupported. She objects to the transaction basis of SEEM which I have previously explained is more appropriate than the per measure basis Ms. Bursh proposes. Her claim that the number of SEEM measurements is inadequate is contrary to FCC guidance. The FCC has disagreed with her view that all measurements must be in a penalty plan. In fact, her approach causes penalties to be paid multiple times for the same deficiency. Finally, she offers no basis for her claim that the level of disaggregation is insufficient or that the retail analogs are inappropriate.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q. PLEASE COMMENT ON MS. BURSH'S COMPLAINT ABOUT TRANSACTION VOLUMES ON PAGE 44?

A. In a nutshell, the FCC disagrees with Ms. Bursh. She claims that a transaction volume based plan such as BellSouth's can not meet the FCC standard to produce meaningful penalties. However, the FCC has granted interLATA Authority in Texas, Kansas and Oklahoma based on SBC's transaction volume based penalty plan.

Further, Ms. Bursh's attempt to justify a measures based plan is simply illogical. Ms. Bursh is proposing that a CLEC for whom BellSouth erred on three orders would get the same penalty payment as a CLEC for whom BellSouth erred on up to ten times as many orders. She attempts to justify this illogical position by claiming that it is somehow appropriate in a nascent market. First, she incorrectly claims that BellSouth acknowledged that transaction volumes would be small. Even if that were the case, a CLEC with a small number of deficiencies would certainly be damaged less than a CLEC with a large number of deficiencies. Finally, she attempts to refute a couple of my statements by making claims that are not even related to my assertions. In no way has she even begun to show that SEEM does not produce significant penalties.

Q. PLEASE ADDRESS MS. BURSH'S CLAIMS REGARDING THE AFFECTED VOLUME IN SEEM BEGINNING ON PAGE 46?

1

2 A. Ms. Bursh uses an incorrect standard here. The issue Ms. Bursh
3 addresses is limited to performance measurements with retail analogs.
4 BellSouth is not obligated to provide perfect performance to CLECs nor
5 would it be practical to have such a requirement. Where a retail analog
6 applies, BellSouth is only required to give comparable performance to
7 CLEC to performance provided to its own retail customers. If BellSouth
8 does not meet the standard, the penalty payment should only apply to the
9 number of transactions required to reach parity, not perfection. To
10 achieve the parity objective, obviously BellSouth should not pay a penalty
11 on all missed transactions. The $\frac{1}{4}$ slope utilized for affected volume is a
12 practical approach to resolving this parity vs. perfection problem. Both
13 Commissions, Louisiana and Georgia, that have implemented a penalty
14 plan for BellSouth have adopted this approach.

15

16 BellSouth is not benefited by the affected volume approach as Ms. Bursh
17 claims. In Louisiana, the collaborative determined the actual number of
18 transactions upon which payments would be required to achieve parity.
19 The process necessary to do this is complicated and impractical to use in
20 a production mode. However, when it was compared to the affected
21 volume method BellSouth uses, the statisticians showed that BellSouth
22 was paying on twice as many transactions as it should. For AT&T, being
23 paid twice what they should be is apparently insufficient; instead, they
24 request to be paid 8 times what they should receive.

25

1 Finally, Ms. Bursh is criticizing the methodology that their own statistician
2 developed. The statistical method addressed on page 45 of her testimony
3 was developed with AT&T's statistician's endorsement in Louisiana. Ms.
4 Bursh doesn't claim that BellSouth is improperly using the methodology.
5 She simply attempts to discredit AT&T's own work.

6

7 Q. PLEASE ADDRESS MS. BURSH'S ASSERTIONS REGARDING THE
8 BENCHMARK ADJUSTMENT TABLE ON PAGE 46?

9

10 A. Ms. Bursh's only objection is that the BellSouth Table doesn't provide as
11 much money as the CLEC Table. BellSouth's table is based on a sound
12 statistical approach. AT&T's table is simply a set of arbitrary numbers.
13 Her only basis for objection is an example that shows her arbitrary
14 numbers would produce more penalties. The objective here is not to
15 maximize the level of penalty payments, but to make a reasonable
16 adjustment for small volumes.

17

18 Also, the suggestion that Ms. Bursh attributes to me is incorrect.
19 BellSouth's plan does provide escalating penalties based on the degree of
20 discrimination. That is precisely what a transaction based plan does.

21

22 Q. WHAT COMMENTS DO YOU HAVE REGARDING MS. BURSH'S
23 DISAGREEMENT THAT SEEM IS COMPREHENSIVE BEGINNING ON
24 PAGE 50?

25

1 A. Contrary to Ms. Bursh's claim, SEEM addresses every critical area of
2 BellSouth's relationship with CLECs. As the FCC has agreed, that is all
3 that a penalty plan needs to do.

4
5 Ms. Bursh's example, on page 51, regarding "Speed of Answer in the
6 Ordering Center" is misleading. She does not indicate that the situation
7 she describes would only occur on a fraction of a small percent of orders.
8 Calling the CLEC ordering center (the LCSC) is not a means of placing
9 orders like the residence and business ordering centers are for BellSouth
10 retail customers. Instead, the electronic and manual interfaces are the
11 ordering vehicles for CLECs. Thus, calls to the LCSC are on an ad hoc
12 basis. The situation Ms. Bursh describes would only occur if there were
13 long holding times on an order that BellSouth rejected in error and
14 BellSouth did not know that it rejected the order in error.

15
16 Regardless of the likelihood of such an occurrence, AT&T believes that a
17 per measure penalty should apply. Clearly, such an approach has nothing
18 to do with incenting performance, but simply generates more penalty
19 dollars.

20
21 Finally, her claims regarding the way BellSouth's measurements were
22 selected compared to New York and Texas are simply arguments over
23 process, not results. What Ms. Bursh ignores is that SEEM covers the
24 same customer impacting functions as the New York and Texas plans do.

25

1 Q. WHAT RESPONSE, IF ANY, DO YOU HAVE TO MS. BURSH'S
2 ASSERTION ON PAGES 53-56 REGARDING MEASUREMENTS
3 EXCLUDED FROM SEEM?
4

5 A. Ms. Bursh's comments must be viewed in light of her stated belief that
6 each and every measurement, no matter how inconsequential, should
7 have a penalty associated with it. With that view, it is not surprising that
8 she objects to any measures being excluded. The fact is that measures
9 she objects to excluding are correlated with other measurements,
10 infrequent occurrences, not directly customer impacting, or have no
11 performance standards. Also, in a couple of cases, such as her claim that
12 LNP FOC Timeliness and Reject Interval are not included, she is incorrect.
13

14 Q. PLEASE COMMENT ON MS. BURSH'S VIEWS REGARDING THE
15 CORRELATION ANALYSIS IN EXHIBIT AJV-4 ATTACHED TO YOUR
16 DIRECT TESTIMONY?
17

18 A. Ms. Bursh offers no viable substitute for AJV-4. In fact, she doesn't claim
19 that AJV-4 is incorrect. She simply believes that some undefined data
20 investigation must occur before any correlated measures should be
21 excluded. Even though she agrees that penalties should not apply to
22 highly correlated measures, she nonetheless wants to be paid penalties
23 until this undefined investigation is completed.
24

1 It doesn't take an expensive, drawn-out analysis to conclude that certain
2 measures are highly correlated. For example, to be a "Held Order", the
3 installation appointment for that order had to have been missed.
4 Consequently, each Held Order is already reflected in Missed Installation
5 Appointments. No data analysis is necessary to conclude that there is a
6 high degree of correlation between those measures.

7

8 Q. IS MS. BURSH'S CHARACTERIZATION OF "PARITY BY DESIGN"
9 CORRECT?

10

11 A. No. Once again, Ms. Bursh objects to process. She does not object to
12 any specific determination of parity by design. BellSouth did not make the
13 parity by design determination alone. Our view incorporates consultation
14 with the FCC staff and Department of Justice, as well as reflecting the
15 views of state commissions. Again, if the process is clearly designed such
16 that discrimination can't occur, there is no basis for including the process
17 in a penalty plan. Ms. Bursh is making much ado about nothing.

18

19 Q. PLEASE ADDRESS MS. BURSH'S COMMENTS REGARDING SEEM
20 DISAGGREGATION AND RETAIL ANALOGS ON PAGES 56-59?

21

22 A. Her comments seem to be disingenuous. The criteria for like-to-like
23 comparisons were developed by AT&T's statistician in workshops in
24 Louisiana. Ms. Bursh participated in those workshops and is well aware
25 that like-to-like comparisons are made by comparing products in individual

1 cells, not at the state aggregate level. At the cell level, the product
2 disaggregation is not the seven levels of disaggregation in the SEEM plan.
3 On the contrary, the products are disaggregated to the point where the
4 same products are reflected for BellSouth and the CLEC. The seven
5 levels of disaggregation Ms. Bursh refers to are the state aggregate levels
6 of disaggregation. These levels of disaggregation are irrelevant to making
7 like-to-like comparison. Once again, even though she participated in the
8 process where AT&T's own statisticians developed this method, Ms.
9 Bursh makes her incorrect claim.

10

11 Q. HOW WOULD YOU RESPOND TO MS. BURSH'S CLAIM THAT SEEM
12 FAILS TO SANCTION POOR PERFORMANCE ON PAGES 59-60?

13

14 A. AT&T's proposal here clearly illustrates how their view causes excessive
15 penalties. Ms. Bursh is proposing that BellSouth pay penalties to AT&T
16 for deficiencies caused by AT&T or for performance problems over which
17 BellSouth had no control. This notion can, at best, be described as
18 unwarranted.

19

20 Q. ARE MS. BURSH'S CONCERNS ABOUT SEEM AUDITS LEGITIMATE?

21

22 A. No. Again, Ms. Bursh elects to tell only a part of the story. She is correct
23 that SEEM does not require a performance measurement audit. However,
24 she neglects to point out that the BellSouth SQM requires such an audit.

1 In fact, she acknowledges the existence of this audit in her very next
2 answer.

3

4 Q. PLEASE COMMENT ON MS. BURSH'S REQUEST FOR CLEC
5 SPECIFIC AUDITS (MINI-AUDITS) OF PERFORMANCE DATA?

6

7 A. Ms. Bursh proposes, on page 61 of her testimony, that "there is a need for
8 CLECs to have the right to audit or request a review by BellSouth for
9 one or more selected measures when it has reason to believe the data
10 collected for a measure is flawed". Consider, for a moment, the true
11 implications of Ms. Bursh's proposal. There are approximately 78 CLECs
12 operating in Kentucky. If each of these CLECs were allowed 3 mini-audits
13 per year, that would equate to 234 audits per year in Kentucky alone. If
14 the annual comprehensive audit takes 6 months to complete (a
15 conservative estimate based on comprehensive audits in Georgia and
16 Florida), there are only 6 months left for mini-audits. This means 39 mini-
17 audits a month or approximately 2 per workday. Once again, I am only
18 talking about audits associated with the CLECs in Kentucky. If expanded
19 to include the 800+ CLECs certified in BellSouth's region, this would
20 equate to 400+ mini-audits per month during the 6-month mini-audit
21 period, or 20 audits per day. This proposal is entirely unreasonable.

22

23 Q. HOW DO YOU RESPOND TO MS. BURSH'S COMPROMISE ON PAGE
24 58?

25

1 A. Ms. Bursh's proposed compromise is not a compromise at all, but a
2 capitulation. AT&T is requesting that BellSouth provide all of the
3 disaggregation that AT&T requests. That is, BellSouth must do all of the
4 programming, purchase the hardware and put all of the systems in place
5 to give AT&T everything it requests. AT&T will then review the data and
6 decide whether BellSouth can stop providing some of it. This is closing
7 the barn door after the horse is gone because BellSouth would first have
8 to do everything that it objects to doing. Such an approach can hardly be
9 called a compromise.

10

11 Q. HAS MS. BURSH PROVIDED ANY REASONS FOR THE COMMISSION
12 NOT TO ADOPT SEEM?

13

14 A. No. SEEM meets the standards established by the FCC and is a far more
15 reasonable plan than AT&T proposes. Ms. Bursh has provided no basis
16 for this Commission to be wary of implementing SEEM. On the contrary,
17 she has illustrated how AT&T proposes to generate penalty payments
18 without regard to the degree of discrimination.

19

20 Q. TURNING NOW TO ADDITIONAL REBUTTAL TO WORLDCOM
21 WITNESS, KAREN KINARD, HOW WOULD YOU ADDRESS MS.
22 KINARD'S COMMENTS REGARDING THE PERMANENT SQM ON
23 PAGE 5?

24

25 A. The Commission decided on the issues that would be addressed in these

1 proceedings. So, Ms. Kinard's objection is apparently to the
2 Commission's decision. Nonetheless, she provides no significant reason
3 why a permanent SQM can't be addressed in conjunction with an
4 interLATA proceeding. The Commission has decided to do so here and
5 no apparent issue has arisen that negates the Commission's ability to
6 establish a permanent SQM.

7

8 Also, her characterization that BellSouth intends to backslide via a
9 permanent SQM is inconsequential. While BellSouth believes that
10 effective monitoring can be performed with fewer measurements than the
11 interim SQM contains, the Commission will determine the content of the
12 permanent SQM.

13

14 Q. WOULD YOU RESPOND TO MS. KINARD'S VIEW, ON PAGES 12-14,
15 THAT PERMANENT METRICS MUST BE ADOPTED BEFORE
16 INTERLATA APPROVAL?

17

18 A. Yes. Ms. Kinard is mischaracterizing the requirements. The FCC simply
19 requires that the state should adopt a set of measurements and standards
20 and evaluate performance relative to them. This requirement can easily
21 be met by utilizing an Interim SQM with 2200 measurements that both
22 Commissions who have addressed the issue have found it to be
23 adequate.

24

25 Her implication of some linkage between permanent performance metrics

1 and interLATA relief in Georgia and Louisiana is unfounded. The fact that
2 the states listed in her testimony have a permanent plan in place is simply
3 a matter of procedural timing. In no way does such existence support Ms.
4 Kinard's claim. Likewise, her assertion that the Commission has not
5 specified audits is moot. BellSouth has already agreed to an annual
6 performance measures audit for the next five years. Also, her emphasis
7 on collaborative processes is moot. Nowhere does the FCC require a
8 collaborative process. In any event, Ms. Kinard acknowledges that
9 BellSouth has participated in collaboratives in at least two states. The
10 systems used by BellSouth are regional so it is unnecessary to engage in
11 more collaboratives. Finally, her claim that BellSouth has mostly
12 "negotiated" with the FCC and DOJ is wrong. Ms. Kinard ignores the over
13 two years of workshops in Louisiana and the three-year process of
14 measurement review in Georgia in which the CLECs participated.

15

16 Q. PLEASE ADDRESS MS. KINARD'S CLAIM THAT BELLSOUTH IS
17 UNRESPONSIVE TO CLECS REPORTING REQUESTS.

18

19 A. The facts and history of this process contradict Ms. Kinard's claim.
20 BellSouth's measurement plan has evolved from just a handful of
21 measurements to the 1200 currently proposed to respond to CLECs.
22 1200 measurements is no small number. You only need to compare
23 BellSouth's number of measures to the number of measurements other
24 companies produce. BellSouth has actively participated in every
25 workshop or other informal process to respond to CLECs. Also, the

1 massive PMAP system, as well as over 200 people dedicated to
2 producing measurements is no small commitment.

3

4 Q. WOULD YOU COMMENT ON THE SPECIFIC DEFICIENCIES THAT MS.
5 KINARD ALLEGES ON PAGES 14-16?

6

7 A. Yes. Ms. Kinard's first claim that CLECs did not see these measurements
8 until 271 proceedings is incorrect. BellSouth proposed an almost identical
9 permanent SQM in the Florida and North Carolina generic performance
10 measurement proceedings. Regarding the need for more forums, this is
11 simply unnecessary. The permanent SQM has been discussed ad
12 nauseum in Georgia, Louisiana, North Carolina and Florida. We
13 understand the CLECs position and the CLECs understand ours. We
14 simply disagree in some cases and, by all indications, more forums or
15 collaboratives would not accomplish more closure.

16

17 There is no need to address benchmark changes for the LNP Disconnect
18 Timeliness measure. As I testified previously, the measurement is not
19 useful and BellSouth proposes to replace it. In fact, the proposed SQM
20 pages describing the replacement measurement are attached to my direct
21 testimony as Exhibit AJV-2. The proposal to change the benchmark was
22 a fruitless attempt by BellSouth to salvage this measurement before we
23 realized that it had to be replaced.

24

25 Ms. Kinard has not properly described the role of the CLEC "Ordering"

1 center relative to retail ordering centers. Retail ordering centers are true
2 ordering centers, i.e., these centers are the principal way for retail
3 customers to place orders. CLECs don't place orders by calling the CLEC
4 ordering center. It is an additional resource that BellSouth provides to
5 answer questions from CLECs, regardless of their validity. Consequently,
6 no performance standard should be applied.

7
8 I have already addressed hot cut measurements. There is nothing to "fix"
9 about the hot cut interval window, as Ms. Kinard claims. Also, her
10 statement that the IDLC interval is unspecified is contradicted by the SQM.
11 The interval is specified as 4 hours when IDLC is involved.

12
13 Regarding the parity plus 4 second benchmark that BellSouth requested
14 for pre-order response time, this is the same proposal made to the
15 Georgia Commission. Our Information Technology professionals maintain
16 that 4 seconds are needed in some cases. The need for 4 seconds is
17 unaffected by the fact that the Georgia PSC only allowed an additional 2
18 seconds.

19
20 Q. ARE THERE FURTHER ALLEGED DEFICIENCIES ON PAGES 16-18?

21
22 A. Yes. The reason for excluding the "Percent Completions Without
23 Notice..." Measure was addressed in my direct testimony. Basically, the
24 hot cut measurements already address this issue. Ms. Kinard simply
25 doesn't acknowledge what the SQM states for the hot cut measures (P-7

1 to P-7C).

2

3 Likewise, I addressed the Bona Fide Request measures in my direct
4 testimony. The volumes of these non-standard requests is just too small
5 to justify this elaborate manual measurement.

6

7 Although I disagree with Ms. Kinard's characterization of the importance of
8 the Order Accuracy measurement, Ms. Kinard's objection is moot.

9 BellSouth will implement a regional Order Accuracy measurement. Until
10 the regional measurement is implemented, BellSouth will report results as
11 the average for the three states where this manual, labor intensive
12 measurement is calculated.

13

14 In conclusion, none of Ms. Kinard's assertions of deficiencies are valid.

15

16 Q. ON PAGE 10 BEGINNING AT LINE 10 OF HER TESTIMONY, MS.
17 KINARD ALLEGES THAT "MEASUREMENTS SHOULD COVER ALL
18 PROBLEMS THAT CAN AND HAVE ARISEN THROUGH REAL MARKET
19 EXPERIENCE." HOW DO YOU RESPOND?

20

21 A. Ms. Kinard overstates the role of performance measurements.
22 Nonetheless, if this truly was all the CLECs wanted, they should have no
23 objections to BellSouth's proposal. Our sub-metrics do just that. The
24 difference between their plan and ours is the granularity. The CLECs
25 want to measure each step in the process, whether they need to or not,

1 and breakdown each measurement far more finely than necessary. Also,
2 the facts belie her claim that CLECs are only interested in addressing
3 problem areas. No CLEC in the state has activity in a third of the sub-
4 metrics already reported in the BellSouth SQM. Despite this current lack
5 of activity, the CLECs continue to want even more measurements and
6 sub-metrics.

7
8 Q. IN HER EXHIBITS KK-A AND KK-B, ATTACHED TO HER TESTIMONY,
9 MS. KINARD ADDRESSES CHANGES TO BUSINESS RULES,
10 EXCLUSIONS, CALCULATIONS AND STANDARDS THAT SHE
11 ALLEGES SHOULD BE AFFECTED IMMEDIATELY. HOW DO YOU
12 RESPOND?

13
14 A. Ms. Kinard's analysis in her exhibit KK-A is based on an older SQM and
15 the revisions we have in our proposed SQM address a number of her
16 concerns. For instance, in connection with the measurement identified as
17 OSS-1, Average Response Time and Response Interval, BellSouth
18 defines this measurement in the manner that Ms. Kinard defines it.

19
20 In some cases we disagree, such as with Business Rule D in OSS-1.
21 Business Rule 2 in OSS-1, however, is not a rule at all, but instead are
22 editorial comments by Ms. Kinard. As for her other comments, to the
23 extent that they are still relevant to the SQM, BellSouth's existing business
24 rules are clear, concise, and appropriate. They also largely reflect the
25 decision of other Commissions that have addressed an SQM for

1 BellSouth.

2

3 The permanent SQM attached to my direct testimony, has been modified
4 to incorporate changes proposed by KPMG, as part of the Performance
5 Metrics Audit conducted in Georgia, as well as the Georgia and Louisiana
6 Commission orders. Further, in my Exhibit AJV-11, attached to this
7 testimony, I have addressed each change proposed by Ms. Kinard in her
8 Exhibit KK-A. In my Exhibit AJV-12, attached to this testimony, I also
9 address the changes proposed by Ms. Kinard in her Exhibit KK-B.

10

11 Also, numerous changes advocated by Ms. Kinard are simply the same
12 changes that the CLECs have attempted to get adopted in Louisiana and
13 Georgia for the past 2 years. Many of the CLECs participating in those
14 dockets are the same CLECs involved in this proceeding in Kentucky.

15 These changes weren't adopted over the past two years and the passage
16 of time has not made them any more valid. Ms. Kinard is mostly re-
17 hashing old issues and offers no substantive reason why BellSouth's
18 business rules should be changed.

19

20 Q. LET'S TURN TO SPECIFIC ADDITIONAL MEASURES THAT THE
21 CLECS EVIDENTLY WANT INCLUDED, BEGINNING ON PAGE 6 OF
22 HER TESTIMONY. CAN YOU ADDRESS THESE ADDITIONAL
23 MEASURES?

24

25 A. Yes. Beginning on page 19, Ms. Kinard lists 17 interim measurements

1 that the CLECs claim should be added to the BellSouth SQM. For the
2 most part, these are measures that BellSouth simply disagrees should be
3 included among the performance measures. In some instances,
4 BellSouth disagrees because the item Ms. Kinard wants to include
5 measures something that BellSouth's existing measures already touch
6 upon. In other cases, the proposed measurement is simply inappropriate
7 or unnecessary. On the following several pages of my testimony I will
8 discuss these 17 measurements that have been proposed by Ms. Kinard,
9 but which should not be included.

10

11 Measurements:

- 12 1. Mean Time to Provide Response to Request for BellSouth-to-CLEC
13 Trunks
- 14 2. Percent Responses to Request for BellSouth-to-CLEC Trunks
15 Provided within 7 Days
- 16 3. Percent Negative Responses to Requests for BellSouth-to-CLEC
17 Trunks

18 BellSouth's response: These measurements are unnecessary.

19 BellSouth's proposed Interim SQM has two measurements for trunk
20 blocking, TGP-1 and TGP-2, that adequately address trunk blocking and
21 capture whether BellSouth provides sufficient trunks. In addition, trunks
22 performance is separately reported for numerous ordering and
23 provisioning measurements. The measurements proposed by Ms. Kinard
24 are designed to investigate reasons why a problem exists. However,
25 CLECs want them implemented even if no problem exists.

26

1 The primary focus of these proposed measurements appears to be to
2 determine whether there was sufficient trunking capacity from the
3 BellSouth network to the CLEC switch when traffic is increased
4 substantially, such as might occur when an Internet Service Provider is
5 switched to the CLEC. Each of these measurements purports to measure
6 responses to requests made by the CLECs for trunking. Since BellSouth
7 has no way of knowing when this increased demand is going to occur, it
8 hardly seems reasonable to have a measurement related to BellSouth's
9 success in meeting an unanticipated demand that CLECs failed to
10 forecast. The solution is not to have another set of measurements, but to
11 require an accurate forecast by the CLEC of traffic requirements – well
12 before the CLEC begins to serve the Internet Service Provider.

13
14 In connection with this proposed measurement, Ms. Kinard discusses
15 requiring trunking relief levels at 50%. To propose that BellSouth build a
16 trunk arrangement that would provide every CLEC with 50% spare
17 capacity in the trunk group is not efficient nor is it in the best interest of the
18 Kentucky consumers. This additional capacity carries a cost. Of course,
19 CLECs have not proposed to pay that cost. At 50% spare capacity, twice
20 as many terminations and facilities would be occupied as would actually
21 be utilized. This means that there will be instances when additional trunks
22 that are really needed can't be provided because there are no spare
23 facilities. Moreover, this issue has nothing to do with performance
24 measurements or enforcement. No measurement is proposed to address

1 it. This is an operational issue that is best suited for an arbitration or
2 operations generic docket.

3
4 4. Percent of Hot Cuts Not Working as Initially Provisioned

5 BellSouth's response: This measurement is duplicative. BellSouth's SQM
6 has a "hot cut" measurement to address this issue. That measurement is
7 % provisioning troubles within 7 days of a completed service order,
8 measurement P-6C in the permanent SQM. A CLEC can report a trouble
9 as soon as the service order is completed. In most instances, services
10 that do not work should be identified and resolved during the cutover
11 process before the order is completed in the system. If it is not, it is
12 captured in the measurement that BellSouth has already proposed. Thus,
13 the measurement proposed by the CLECs is simply a duplication of what
14 is already available.

15
16 5. Mean Time to Restore a Customer to the ILEC

17 6. Percent of Customers Restored to the ILEC

18 BellSouth's response: These proposed measures relate to customers who
19 were going to be switched to a CLEC but who were not switched because
20 of a problem in the porting process. The measures would record the time
21 that lapses before the customer is returned to service with BellSouth and
22 the percent of customers that are returned. It is impossible to draw any
23 meaningful conclusions from these two measurements.

24
25 BellSouth already provides a measurement, P-7B, Average Recovery
26 Time, that is the same as Ms. Kinard's Mean Time to Restore a Customer
27 to the ILEC. The next measure, Percent of Customers Restored to the

1 ILEC, may provide a clear opportunity for the CLECs to generate revenue
2 through penalty payments even though BellSouth performed perfectly.
3 Percent of Customers Restored to the ILEC is not defined by Ms. Kinard.
4 However, if it is the same as previously proposed, there are several
5 problems with this measurement. The porting of the customer may have
6 failed because of something the CLEC did or failed to do. The CLEC is in
7 complete control of determining when a problem exists in the CLEC's
8 network that requires their end user to be restored back to BellSouth.
9 Since the benchmark is that less than 1 tenth of one percent be restored,
10 all the CLEC need do is simply state that their network is faulty on a single
11 cutover in a thousand, and the CLEC is guaranteed a payment from
12 BellSouth, even though BellSouth had absolutely nothing to do with the
13 alleged problem.

14
15 To the extent that these measurements were intended to quantify
16 problems in the "hot cut" process, there are already measures that relate
17 to this topic. As discussed later, in addition to the four measures solely
18 related to hot cuts, there are 9 other measurements that address this
19 activity. Examples of these include % Provisioning Troubles, Customer
20 Trouble Report Rate, % Missed Installation Appointments, Coordinated
21 Customer Conversion, Average Order Completion Interval and
22 Maintenance Average Duration.

- 23
24 7. Call Abandonment Rate – Ordering and Provisioning
25 8. Call Abandonment Rate – Maintenance

1 BellSouth's response: BellSouth's measurements, Speed of Answering in
2 the Ordering Center and Average Answer Time – Repair Center, already
3 capture abandoned calls. BellSouth's measurements include the time in
4 queue for abandoned calls in the numerator but exclude the abandoned
5 calls from the denominator. Thus, abandoned calls inflate these
6 measurements to BellSouth's detriment.

7
8 Ms. Kinard's assertion that there is a need for an abandonment
9 measurement to capture where the CLEC gives up in frustration is
10 incorrect. As the previous discussion illustrates, such situations are
11 already captured in BellSouth's measurements.

12
13 Additionally, BellSouth would have absolutely no way of knowing why a
14 call was abandoned. It could be a wrong number, a customer hanging up
15 to take another call, or simply a customer deciding to wait till later. To
16 assume that all abandoned calls are from CLECs who give up in
17 frustration, as Ms. Kinard suggests, is clearly an invalid assumption.
18 Consequently, the measurement is unnecessary.

19
20 These two measurements provide significant financial opportunities for the
21 CLECs. Both of these measurements are included in Exhibit KK-C. The
22 calculation for both of these measurements is basically Calls Abandoned
23 before answer divided by the Total Calls. An abandoned call is nothing
24 more than the calling party hanging up the phone before it is answered.
25 Both of these measurements have as a benchmark "< 1% of calls

1 abandoned from queue.” There are no exclusions. A CLEC could
2 generate significant penalty payments simply by making several calls to
3 BellSouth’s ordering and maintenance centers and hanging up before the
4 call was answered. While the CLECs attempt to justify the need for these
5 duplicative measurements as necessary to monitor compliance with the
6 Telecom Act, in the final analysis, it is all about money.

7
8 9. Percent Successful xDSL Service Testing

9 This measurement is duplicative of BellSouth’s proposed SQM
10 measurement, P-8, Cooperative Acceptance Testing. Consequently, Ms.
11 Kinard is not proposing a new measurement in this case.
12

13 10. (disaggregation or new metric) – Percent Completion of Timely
14 Loop Modification/Conditioning on xDSL Loops

15 BellSouth has DSL-level disaggregation in its Interim SQM. This
16 measurement addresses issues already measured by BellSouth’s
17 provisioning measurements, such as order completion interval and
18 percent missed installation appointments. Consequently, it is
19 unnecessary.
20

21 11. Percent Billing Errors Correct in X Days

22 BellSouth response: BellSouth currently provides measurements that
23 address this issue. They are B-1, Invoice Accuracy and B-2, Mean Time
24 to Deliver Invoices. In addition to these measurements, BellSouth’s Billing
25 Verification Group conducts monthly audits wherein samples of bills are
26 evaluated to check accuracy, completeness, etc. BellSouth believes that

1 these measures provide adequate information to assess BellSouth's billing
2 processes.

3
4 12. Percent Response Commitments Met On Time

5 BellSouth's response: Evidently this proposed metric is intended to
6 measure the time between when a question is posed to a BellSouth "help
7 desk" and when the answer is received by the CLEC. On page 18 of her
8 testimony, Ms. Kinard alleges "CLECs should not have to wait days for
9 BellSouth to respond to a problem that has totally stalled production of
10 orders for the CLEC." Her claim is overly dramatic. Each CLEC has an
11 account manager that provides individual attention. In the unlikely event
12 the situation that she described occurs, the account manager, not a "help
13 desk", would be utilized. Also, the presumption here is that BellSouth
14 causes all of the problems. Experience shows that this presumption is
15 unwarranted.

16
17 Further, the proposed measurement does not account for requests that
18 BellSouth is not obligated to fulfill. As an example, the CLECs may
19 properly be concerned about the time BellSouth takes to respond to a
20 question, if BellSouth has been unclear about something. However, this
21 particular measure does not distinguish between lack of clarity by
22 BellSouth and the failure of the CLEC to use documentation previously
23 provided by BellSouth. Finally, this measurement depends on a
24 completely manual process of tracking the responsiveness of BellSouth
25 service representatives. Who would record when the question was
26 asked? How would disputes about what the question was, or when it was

1 asked and answered be resolved? This issue would be better worked
2 through contract negotiations on an individual basis rather than by
3 attempting to develop measures applicable to all CLECs.

4
5 13. Average Time Allotted To Proof Listing Upgrades Before
6 Publication

7 BellSouth's response: This proposed measure is neither needed nor
8 practical. If the CLEC is under contract with BAPCO (BellSouth's directory
9 publishing affiliate), the CLEC may request its listing updates from BAPCO
10 up to six weeks prior to the close of a directory. This is the same
11 opportunity provided to BellSouth retail, which also has a contract with
12 BAPCO. Whether the CLEC allows themselves the full six weeks to
13 review the listings or just one day is a function of when the CLEC requests
14 the listings for review. Regardless, this is a function of the CLECs'
15 contract with BAPCO and not an appropriate performance measurement
16 from BellSouth Telecommunications.

17
18 14. Percent ILEC vs. CLEC Changes Made

19 BellSouth's response: This proposed measurement would compare the
20 percentage of BellSouth proposed changes that are accepted to the
21 percentage of CLEC proposed changes. No useful information can be
22 obtained through this measurement. The change control process has a
23 method of escalating any disputes about whether a proposed change was
24 properly rejected. This measurement would tell nothing about the relative
25 merits or shortcomings of any proposal. Suppose the CLECs submitted a
26 number of change requests that are technically infeasible to accomplish.
27 This measurement would show a low percentage of CLEC requests

1 implemented, but no problem is indicated. The purpose of change
2 management is to work together as a team and prioritize the requirements
3 for the good of all participants. With that in mind, measuring anything
4 other than the process is unnecessary and would likely be
5 counterproductive. For example, CLECs would be incented to make
6 requests if this measure was adopted. The BellSouth measurements
7 included with this filing are results focused and are the only ones
8 necessary to provide a parity comparison of the change management
9 process.

10

- 11 15. Percent Software Certification Failures
- 12 16. Software Problem Resolution Timeliness
- 13 17. Software Problem Resolution Average Delay Days

14 BellSouth's response: The testing arrangements BellSouth makes
15 available with any software update are adequate to resolve these issues
16 before the software is loaded. Further, the change management process
17 is more suitable to establish methods and procedures for software
18 updates. Participating in that process would eliminate the need for these
19 proposed measures.

20

21 There are additional measurements listed in Ms. Kinard's Exhibit KK-C
22 that are not addressed in her testimony. It would appear that Ms. Kinard
23 is not proposing them, so I have not addressed them. If she still is
24 proposing them, then BellSouth responds as follows:

25

26 Percent Order Accuracy - This metric is supposed to capture whether
27 BellSouth has improperly changed a CLEC order as a result of its manual

1 handling of the order. BellSouth's existing measurements, Percent
2 Provisioning Troubles within 30 Days of Service Order Activity and Invoice
3 Accuracy are both reflective of the accuracy of BellSouth's order
4 completions. That is, if BellSouth makes an error on an order through its
5 manual handling of the order, that fact will be captured and reported in
6 these other measures. The FCC agreed with this position in FCC 98-72, ¶
7 68, in stating "We believe, therefore, that this measurement (Percentage
8 of Troubles in 30 Days for New Orders) will provide information about
9 whether the incumbent LEC processed the order accurately. Accordingly,
10 we propose that incumbent LECs measure the Percentage of Troubles in
11 Thirty Days for New Orders as a substitute for LCUG's proposed
12 measurement of Percentage Orders Processed Accurately. We believe
13 that the Percentage of Troubles in Thirty Days for New Orders will provide
14 the information sought by LCUG, but will be a less burdensome
15 measurement than measuring order accuracy". In other words, the FCC
16 found that the other measures more accurately addressed the concern
17 expressed by the CLECs. Nonetheless, BellSouth is developing a
18 regional measurement to address this area directly.

19

20 Percent Completions/Attempts without Notice or with Less than 24 Hours

21 Notice - This measure is not necessary because it would duplicate areas
22 of performance already addressed in BellSouth's provisioning
23 measurements that deal with order completion, intervals, held orders and
24 completion notices. The proposed measurement would capture a piece-

1 part of those measures already in place and thus would add complexity
2 without adding meaning or substance.

3

4 Moreover, this measure, as proposed by the CLECs, is overly broad. The
5 only exclusion the CLECs propose for this measure is that it applies only
6 to completions or attempts that the CLECs “specifically requested.” What
7 this means is that if a CLEC requests a due date of 36 hours for an order
8 and the FOC is delivered to the CLEC in 23 hours and 59 minutes, it
9 would count as a miss against BellSouth even though the miss was driven
10 exclusively by the date on which the CLEC requested the order to be
11 completed. Such a broad measure is hardly a fair or meaningful
12 assessment of BellSouth’s performance.

13

14 Percent of Orders Cancelled or Supplemented at the Request of the ILEC

15 - The focus of BST activities is on complying with meeting the due date on
16 the original order, not asking the CLEC to supplement or cancel the order.
17 The CLECs seem to suggest that BellSouth will ask a CLEC to
18 supplement or cancel an order just so that a due date won’t be missed. It
19 is not obvious what would be ascertained from this particular
20 measurement, since BellSouth could, and no doubt would, have a bona
21 fide reason for asking for a supplementary order that would not be
22 captured or revealed by this statistic. Therefore, this measurement is not
23 necessary.

24

25 Percent On Time Hot Cut Performance and Average Recovery Time –

1 BellSouth has proposed measurements that capture each of these two
2 areas directly in P-7, P-7A and P-7C.

3

4 Q. TURNING TO A NEW SUBJECT, ON PAGE 26 OF HER TESTIMONY,
5 MS. KINARD DISCUSSES THE CLECs' PROPOSED LEVELS OF
6 DISAGGREGATION FOR THEIR PERFORMANCE MEASUREMENTS.
7 HOW DO YOU RESPOND TO THE DISAGGREGATION LEVELS
8 PROPOSED BY MS. KINARD?

9

10 A. The term disaggregation refers to the breakdown, for reporting purposes,
11 of measurements into specific sub-metrics, such as products, activity
12 types, and volumes. Achieving an appropriate level of disaggregation is
13 important because performance reporting usually occurs only at this level.
14 However, it is also important that the disaggregation not be so granular
15 and so detailed that the data is not usable to assess the overall quality of
16 performance. Using an analogy, one would not view an artist's painting
17 by focusing only on the individual brush strokes. Yet the CLECs' proposal
18 does just that by taking to extremes the comparison points at which
19 BellSouth's performance is evaluated.

20

21 Ms. Kinard spends several pages of testimony attempting to convince this
22 Commission of the need for expanded levels of disaggregation without
23 providing any substantive evidence to support her proposal. As I
24 previously testified, this Commission must decide if it truly needs or can
25 even use over 380,000 sub-metrics each month, as proposed by Ms.

1 Kinard, in order to identify disparate treatment or does this degree of
2 granularity inhibit the Commission's ability to evaluate performance.

3
4 As I stated previously, the CLEC plan includes over 380,000 sub-metrics,
5 compared to approximately 2200 sub-metrics in the interim SQM. The
6 level of disaggregation in the two plans principally accounts for this
7 difference. By any reasoned analysis, the CLECs' proposed
8 disaggregation has to be viewed as extremely excessive. Simply
9 proposing a plan with 380,000 measures is unreasonable.

10
11 Q. PLEASE GIVE AN EXAMPLE TO ILLUSTRATE THE EFFECT OF MS.
12 KINARD'S PROPOSED LEVEL OF DISAGGREGATION.

13
14 A. Trying to reconstruct the measurements proposed by Ms. Kinard is a
15 complex and laborious process. It requires references to several
16 documents and representations in her testimony, and finally to her
17 testimony in the generic Performance Measurements Docket (Docket #
18 000121) in Florida.

19
20 On page 11 of her testimony, Ms. Kinard refers to her exhibits KK-D and
21 KK-E, as containing the levels of disaggregation proposed by the CLECs.
22 However, she proposes additional levels of disaggregation in Exhibit KK-A

23
24 As an example, please refer to page 6 of Exhibit KK-E. The first
25 provisioning measurement listed is measure P-1, Mean Held Order

1 Interval & Distribution Intervals. This is the first in a series of
2 measurements of the provisioning process. In this exhibit, Ms. Kinard
3 claims that there are 96 separate sub-metrics for measurement P-1.
4 However, Exhibit KK-D requires that the Mean Held Order measurement
5 category be broken down according to:

- 6 • 33 types of products. (Per section G)
- 7 • 11 levels of geography (per Section D, item 4). To clarify,
8 BellSouth operates in 5 MSAs in Kentucky. In addition there is one
9 'non-MSA' for all areas of Kentucky not in an MSA and a final
10 geographic level for the aggregate total of the areas in Kentucky
11 where BellSouth operates.
- 12 • 3 additional categories, Facility, Load and Other per KK-A
- 13 • 3 levels of volumes (per Section D, Item 3) for 1-5 lines, 6-14 lines
14 and 15+ lines.
- 15 • Some additional disaggregation for Service Order Activity. Service
16 order activity is not defined in Ms. Kinard's direct testimony or in
17 the attached exhibits. However, in Exhibit C, Appendix B, of the
18 Task Force Final Report in North Carolina, which Ms. Kinard refers
19 to in other parts of her testimony, Ms. Kinard specified 14 types of
20 service order activity, such as New Service Installations, Inside
21 Moves with Changes, and Service Disconnects. For the Held
22 Orders, there would be approximately 5 types of service order
23 activity.
- 24 • 3 levels of Dispatch Status

25

1 This means there are 33 times 6 times 3 times 3 times 5 times 3 = 26,730
2 sub-metrics for the single measurement of Mean Held Order Interval &
3 Distribution Interval. This is absurd.

4
5 Q. IN THE EXAMPLE ABOVE, YOU USE JUST ONE MEASUREMENT,
6 MEAN HELD ORDER INTERVAL & DISTRIBUTION INTERVAL, TO
7 DEMONSTRATE THE EFFECT OF DISAGGREGATION. USING A
8 SIMILAR ANALYSIS FOR ALL MEASUREMENT CATEGORIES, DOES
9 THE CLECS PLAN CONTAIN FEWER THAN 5000 SUB-METRICS, AS
10 MS. KINARD ASSERTS?

11
12 A. No, the CLECs' measurement plan evidently consists of more than
13 380,000 sub-metrics, although no one seems to know for sure, as shown
14 in Exhibit AJV-10, attached to this testimony. And that is just for the
15 CLEC aggregate each month. Ms. Kinard's assertion that her plan
16 contains less than 5000 sub-metrics is incorrect, as my exhibit shows.
17 Each of these 380,000 sub-metrics must then be compared against a
18 standard, either a retail analog or a benchmark. Essentially, the
19 Commission is faced with the monthly comparison of hundreds of
20 thousands of numbers to evaluate BellSouth's performance just for the
21 CLEC industry as a whole. If the Commission is interested in
22 performance for one or more CLECs individually, the comparisons run into
23 the millions.

24
25 Q. HOW SHOULD LEVELS OF DISAGGREGATION BE DETERMINED?

1

2 A. The fact is that determining the appropriate level of disaggregation
3 involves balancing the need to address relevant performance masking
4 with the ability to produce meaningful results and provide a report of
5 manageable size. Performance masking occurs when poor performance
6 in one area is masked by good performance in another area. Such
7 masking does not occur just because multiple products are grouped
8 together as Ms. Kinard implies. Ms. Kinard agrees that a performance
9 plan should produce meaningful results; yet, she proposes a plan with
10 380,000 sub-metrics without attempting to reconcile these two conflicting
11 positions.

12

13 Q. PLEASE ADDRESS MS. KINARD'S CONTENTION ON PAGE 26 THAT
14 MSA LEVEL REPORTING IS IMPORTANT.

15

16 A. I disagree with her contention and she provides no valid rationale for it.
17 First she claims that MSA level disaggregation is needed for CLECs, who
18 operate in only certain areas of the state, to compare performance.
19 However, MSA disaggregation is unnecessary for that purpose. For
20 performance compared to a benchmark, it is irrelevant whether the CLEC
21 operates in the entire state or just certain parts. The same comparison
22 can be made in either case. Where a retail analog applies, Ms. Kinard is
23 attempting to address a hypothetical problem, for which there is no basis
24 to conclude that it exists. BellSouth manages its operations through
25 systems and processes developed regionally. Consequently, systemic

1 performance issues that affect one area of a state and not another area
2 are unlikely. Nevertheless, Ms. Kinard asks this Commission to assume
3 that such differences exist without any basis for that conclusion.

4
5 Further, like Ms. Bursh, Ms. Kinard attempts to shift the burden to
6 BellSouth to prove that MSA level reporting is not needed. BellSouth
7 cannot prove a negative. So, as I discussed for Ms. Bursh, Ms. Kinard
8 proposes that BellSouth first agree to their demands then the CLECs will
9 later decide whether they want to have it. It is incumbent upon the CLECs
10 to prove that multiplying the number of sub-metrics by 6 is a reasonable
11 reaction to a hypothetical problem. They haven't done so and their claims
12 should be rejected.

13
14 Q. WHAT OTHER RELEVANT DATA CAN THE COMMISSION EXAMINE
15 TO ASSESS THE REASONABLENESS OF PROPOSED LEVELS OF
16 DISAGGREGATION?

17
18 A. One fairly simple, yet telling, analysis would be to assess the extent to
19 which transactions occur in existing sub-metrics. Overall, about a third of
20 the sub-metrics in BellSouth's plan do not have any transactions for any
21 CLEC in a state. Despite the fact that so many of the current sub-metrics
22 have no activity, the CLECs want even more finely disaggregated sub-
23 metrics. In many cases, the CLECs are requesting BellSouth to simply
24 produce even more sub-metrics with no activity. There is no way to
25 conclude that producing reports with more zeroes on them provides any

1 useful performance evaluation data. Producing such reports could take
2 months, perhaps years, of additional programming time just to ensure that
3 the data would be captured should any activity occur at some future time.
4

5 Q. PLEASE ADDRESS MS. KINARD'S ADDITIONAL REMARKS
6 REGARDING MSA LEVEL DISAGGREGATION.

7
8 A. Ms. Kinard implies that BellSouth should want MSA level disaggregation
9 to "protect" BellSouth from wrongful accusations. This claim is based on a
10 supposed experience with the Verizon Application in New York. First,
11 BellSouth will pass on her offer of protection. The insurance premium is
12 simply too high. Second, the FCC did not view her alleged problems with
13 analyzing data in the Verizon Application as serious. The FCC approved
14 the application despite these claims of inadequacy by Ms. Kinard.

15
16 Finally, I would like to explain again why her comparisons of computer
17 processing capacity for SEEM versus the CLEC performance plan are
18 invalid. Under either the CLECs plan or SEEM, like-to-like comparisons
19 must be made wherever retail analogs exist in the penalty plan. The
20 criteria for these comparisons, such as wire center and time of month,
21 were established by the CLEC's statistician in Louisiana. Neither the
22 BellSouth nor the CLECs' performance plan is sufficiently broken down to
23 permit like-to-like comparisons for penalties. BellSouth must perform
24 these breakdowns for 75 SEEM measurements. CLECs simply ignore
25 their own statistician's advice, for now, and don't make like-to-like

1 comparisons. If CLECs decided to follow their own statistician's advice
2 either now or later, BellSouth would have to perform the same
3 breakdowns performed by SEEM on each of the hundreds of thousands of
4 sub-metrics in the CLECs plan instead of the 75 measurements in SEEM.
5 The CLECs performance disaggregation is not a way to make like-to-like
6 comparisons. The same breakdowns performed for SEEM would need to
7 be performed for each of the CLECs measurements.

8
9 Q. HOW WOULD YOU ADDRESS MS. KINARD'S CRITICISMS OF THE
10 PMAP WEBSITE ON PAGE 29?

11
12 A. Ms. Kinard's complaints do not reflect a shortcoming in the PMAP
13 website. The PMAP website is gigantic. The way reports are generated
14 is the only practical way to generate up to 2200 sub-metrics for every
15 CLEC each month. Ms. Kinard ignores the magnitude of this undertaking
16 and complains because it takes 1-2 minutes sometimes to perform it.
17 However, she concurrently recommends that hundreds of thousands of
18 measurements must be produced. Surely, Ms. Kinard must expect that
19 the time to produce 20 times as many sub-metrics would be longer.
20 Nonetheless, speed of the website doesn't deter CLECs from proposing
21 all of these sub-metrics. Also, Ms. Kinard ignores the fact that speed of
22 the website is affected by a number of factors, some of which are
23 attributed to the CLEC.

24
25 Q. WOULD YOU COMMENT ON MS. KINARD'S REMARKS ABOUT

1 DIFFERENCES IN BUSINESS RULES AMONG ILECS ON PAGE 30?

2

3 A. Yes. First, Ms. Kinard criticizes BellSouth for supposedly not having a
4 measurement that measures an order from receipt to completion. In fact,
5 BellSouth does have such a measurement, Total Service Order Cycle
6 Time (TSOCT), in addition to the OCI measurement that Ms. Kinard wants
7 revised to look like TSOCT. It is unnecessary to have two identical
8 measurements. Compounding this confusion is the fact that Ms. Kinard
9 claims a need for the TSOCT measurement in her testimony, but then
10 states that CLECs are not requesting it in her exhibit. However, CLECs
11 had previously requested this measurement, which is why BellSouth
12 implemented it.

13

14 We have described in detail the appropriateness of BellSouth Hot Cut
15 Measurement in my response to Ms. Berger's testimony.

16

17 Finally, Ms. Kinard's benchmark differences are simply arbitrary ad hoc
18 comparisons of BellSouth to other states. There is no practical way to
19 respond with regard to whether the measurements are the same, nor does
20 Ms. Kinard provide any information to assess the validity of her claim that
21 BellSouth is out of line.

22

23 Q. ON PAGES 30-35 OF HER TESTIMONY, MS. KINARD DISCUSSES
24 ANALOGS AND BENCHMARKS ASSOCIATED WITH THE CLECS
25 PERFORMANCE PLAN. CAN YOU COMMENT ON HER REMARKS?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. Initially, I would note that her comments deal with the CLECs' plan, not the SQM. Since BellSouth has asked the Commission to adopt its plan rather than the CLECs' plan, discussing the benchmarks and analogs proposed in CLECs' plan isn't particularly appropriate. However, BellSouth would note that Ms. Kinard simply presents her analogs and benchmarks without any critical analysis to support the conclusions she has reached. Anticipating that the CLECs might try to make the same claim with regard to BellSouth's analogs and benchmarks, BellSouth would note that its recommendations are the result of several years work and have been conformed to the results reached in Georgia and Florida. BellSouth agrees, as stated earlier, with the principle that simply having another state approve something does not necessarily mean it is appropriate for Kentucky. However, some consideration should be given to the fact that Georgia has approved most of these analogs and benchmarks. Further, if a comparison is to be made with another jurisdiction, then it is only reasonable that such a comparison should be made with jurisdictions that share the same systems and processes, such as Georgia, and not jurisdictions such as Texas that may have different systems and processes in many cases.

Q. CAN YOU SUMMARIZE, IN BASIC TERMS, WHAT THE REAL IMPACT WOULD BE IN ORDERING ALL OF THE ADDITIONAL MODIFICATIONS MS. KINARD PROPOSES TO THE BELL SOUTH PERMANENT SQM?

1 A. Yes. As I explained in detail in my direct testimony, changes to the SQM
2 are not effected simply by throwing a switch or adding a line of code to a
3 program. If this Commission decides to order any of the additional new
4 measures or changes to existing measurements, i.e. levels of
5 disaggregation, changes to business rules, changes to analogs or
6 benchmarks, proposed by Ms. Kinard, the time and resources required by
7 BellSouth to incorporate these changes will be significant.

8
9 I do not want to suggest that BellSouth is unwilling to do what this
10 Commission believes to be appropriate, but it is important to remember
11 that the purpose of performance measurements is to provide this
12 Commission with sufficient data on which to identify disparate treatment,
13 not to measure microscopically every single detail of BellSouth's
14 operations. The time and effort required to produce the CLECs' requested
15 additional sub-metrics should not be glossed over. The sub-metrics this
16 Commission decides upon are the foundation upon which the Commission
17 and will have to perform an analysis each and every month to determine
18 disparate treatment. The volume of data must be manageable by the
19 people who have to use it. At issue is the question: ' How much data is
20 enough?' As I testified previously, BellSouth's SQMs are the result of
21 years of work and refinement. They represent a comprehensive set of
22 performance measurements that are more than sufficient for this
23 Commission to monitor BellSouth's performance in Kentucky.

24
25 Q. MS. KINARD SUGGESTS ON PAGES 35-39 THAT BELLSOUTH

1 SHOULD BE REQUIRED TO REPORT AFFILIATE PERFORMANCE
2 INFORMATION "SEPARATELY BY EACH AFFILIATE (DATA,
3 WIRELESS, FUTURE LONG DISTANCE, OR OTHER) WITH ACTIVITY
4 IN THE METRIC CATEGORY." PLEASE RESPOND?
5

6 A. It appears BellSouth is in agreement with Ms. Kinard that a BellSouth
7 affiliate that does not purchase wholesale services from BellSouth should
8 not be subject to a reporting requirement. However, BellSouth disagrees
9 with Ms. Kinard's contention that data should be reported for any
10 BellSouth affiliate that purchases wholesale services, even if that affiliate
11 is not providing local services. In the context of performance
12 measurements and enforcement mechanisms, the only current BellSouth
13 affiliate that could potentially be relevant to the discussion is BellSouth's
14 CLEC, because that is the only affiliate that could provide local exchange
15 services.
16

17 Even if the Commission determines that affiliate reporting is appropriate,
18 wholesale service provided to a BellSouth affiliate is clearly irrelevant
19 unless the affiliate buys the same wholesale services that CLECs buy for
20 providing local services such as a long distance affiliate. Obviously, the
21 services that a wireless BellSouth affiliate purchases or that a long
22 distance affiliate purchases to provide their services are not relevant to
23 evaluating BellSouth's performance for a CLEC. For this reason, the
24 wholesale services these non-local affiliates would purchase really cannot
25 be used as an analog to make parity judgments. Given this, there is

1 simply no reason to require that this information about fundamentally
2 different types of transactions be reported.

3

4 The remainder of her discussion is moot because BellSouth will report
5 data for a local service affiliate the same way it does for a CLEC.

6

7 Q. CAN PERFORMANCE FOR A CLEC AFFILIATE BE USED FOR PARITY
8 COMPARISONS?

9

10 A. No. First, performance for any CLEC, including an affiliate is subject to
11 random variations each month. It is unreasonable to assume that such
12 random variations should establish a new standard. Also, Ms. Kinard
13 seems to only be willing to use the affiliate's performance as a benchmark
14 only if it is better than other CLECs. This is an obviously one-sided
15 attempt to bias results. If it was appropriate to use affiliate performance
16 as a benchmark, it shouldn't matter whether it is better or worse than other
17 CLECs.

18

19 Q. HOW DO YOU RESPOND TO MS. KINARD'S CRITICISMS OF SEEM
20 ON PAGES 40-48.

21

22 A. Dr. Mulrow will have to address the statistical issues. Most of the rest of
23 her criticisms were similar to Ms. Bursh's so I won't repeat the responses
24 to them here. Like Ms. Bursh, she objects to their own statistician's work
25 regarding a balancing critical value.

1

2 Regarding selection of a value for the parameter delta, she provides no
3 basis for her conclusion that a 0.25 delta is appropriate. Her discussion
4 regarding the Louisiana decision concerning delta is confusing. I don't
5 see how the Commission can draw any conclusions from that discussion.
6 With respect to her concerns about solid support for BellSouth's delta
7 value, she ignores the fact that the selection of delta is a judgment. A
8 judgement wherein no Commission in the Southeast has agreed with Ms.
9 Kinard.

10

11 It is unclear what Ms. Kinard is trying to say with regard to the
12 Pennsylvania Penalty Plan compared to BellSouth. However, I can
13 assure her that BellSouth would refund over payments to a CLEC. The
14 penalty would be in addition to such refunds.

15

16 Q. ALSO ON PAGES 40-48, MS. KINARD DISCUSSES ISSUES
17 ASSOCIATED WITH REMEDY PLANS. HOW DO YOU RESPOND?

18

19 A. Each of the items associated with remedy plans discussed by Ms. Kinard
20 in her final 7 pages of testimony are addressed previously in my testimony
21 in responses to Ms. Bursh.

22

23 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

24

25 A. Yes.