AFFIDAVIT

STATE OF ALABAMA

COUNTY OF JEFFERSON

BEFORE ME, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Thomas G. Williams, 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 21 pages and Ø exhibit(s).

Thomas G. Williams

Thomas G. Williams

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

Donna M East

NOTARY PUBLIC

3-21-05

REBUTTAL TESTIMONY OF MR. THOMAS G. WILLIAMS
ON BEHALF OF BELLSOUTH TELECOMMUNICATIONS, INC.
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION
ADMINISTRATIVE CASE NO. 2001-105
JULY 30, 2001

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

A. My name is Thomas G. Williams. I am employed by BellSouth as Product Manager for Line Sharing and Line Splitting for the nine-state BellSouth region. My business address is 3535 Colonnade Parkway, Suite E511, Birmingham, Alabama 35243.

Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

A. I am responding to the rebuttal testimony of AT&T witness Mr. Steven E. Turner and the rebuttal testimony of WorldCom witness Mr. Greg Darnell, on line sharing and line splitting issues.

Q. ON PAGE 24, MR. TURNER SAYS THAT BELLSOUTH CHARGES CLECs THE RECURRING RATES FOR AN UNBUNDLED LOOP AND UNBUNDLED PORT, AND THE NON-RECURRING RATE FOR A LOOP PORT 'SWITCH AS IS' COMBINATION FOR A UNE-P THAT IS

PART OF A LINE SPLITTING CONFIGURATION. CAN YOU COMMENT ON THIS?

Yes, although it appears that Mr. Turner may be confusing some terms. A UNE-P is a combined loop and port. The loop and port are combined in BellSouth's network. A UNE-P does not require any additional elements, nor does UNE-P require collocation. When a CLEC wins a voice customer from BellSouth and migrates the voice service to UNE-P, no wiring changes are required.

When a carrier with a UNE-P combination enters into a Line Splitting arrangement with another carrier, however, the loop that had been serving the customer is no longer combined with the port. Instead, central office work is performed to cross-connect the loop to a collocation space, where a splitter is located, which the CLEC owns. The splitter separates the frequency used to provide the voice service from the frequency used to provide the data services. From there, another collocation cross-connection is used to carry the voice signal to the port on the switch, while the data signal is carried on the CLEC's data network. Thus, the loop and port are no longer combined but, rather, are separated by two collocation cross-connections and a piece of CLEC-provided equipment. This Line Splitting arrangement bears little resemblance to the UNE-P arrangement because Line Splitting is very different from a UNE-P arrangement.

The FCC's Texas 271 Order, ¶ 325, clearly explained, "For instance, if a competing carrier is providing voice service using the UNE-platform, it can order an unbundled xDSL-capable loop terminated to a collocated splitter and digital subscriber line access multiplexer ("DSLAM") equipment and unbundled switching combined with shared transport, to replace its existing UNE-platform arrangement with a configuration that allows provisioning of both data and voice services." (emphasis added)

BellSouth will allow UNE-P CLECs to order unbundled loops terminated by collocation cross connections to a collocated splitter and DSLAM equipment and unbundled switching via a second cross connection, combined with shared transport, to replace its existing UNE-P arrangement with a UNE arrangement. This arrangement would furnish a UNE loop, port, and two collocation cross connections to provide the CLEC's end-user voice service. Obviously, more elements are involved than with UNE-P. Moreover, BellSouth proposes to charge the CLEC the Line Splitting rates submitted to the Commission in Administrative Case No. 382.

Q. ON PAGES 7-10, MR. DARNELL STATES THAT BELLSOUTH REFUSES TO PERMIT LINE SPLITTING WHEN CUSTOMERS WANT A CLEC FOR VOICE, AND BELLSOUTH FOR DSL. CAN YOU COMMENT ON THIS?

A. Yes. Let me assure the Commission the BellSouth is very willing to facilitate Line Splitting. Mr. Darnell, however, misunderstands Line Splitting. Line Splitting is when a voice CLEC provides voice service and a data LEC provides data service over the same loop. In the Line Sharing Reconsideration Order referenced above, the FCC explicitly held:

> We deny, however, AT&T's request that the Commission clarify that incumbent LECs must continue to provide xDSL service in the event customers choose to obtain service from a competing carrier on the same line because we find that the Line Sharing Order contained no such requirement. *(See In Re: Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Order No. FCC 01-26 in CC Docket Nos. 98-147, 96-98 (Released January 19, 2001) at ¶26).

The FCC then expressly stated that it's *Line Sharing Order* "does not require that [LECs] provide xDSL service when they are no longer the voice provider." Id.

Q. HAS ANY COMMISSION PREVIOUSLY ADDRESSED THIS ISSUE?

A. Yes. In an arbitration proceeding before the Public Service Commission of South Carolina, IDS Telecom, LLC alleged that it was anticompetitive for BellSouth not to provide xDSL services over a loop

that a CLEC is using to provide voice service. The South Carolina Commission rejected IDS's allegations, stating:

> IDS's allegation is without merit. The FCC recently stated "we deny AT&T's request for clarification that under the Line Sharing Order, incumbent LECs are not permitted to deny their xDSL [data] services to customers who obtain voice service from a competing carrier where the competing carrier agrees to the use of its loop for that purpose." After denying AT&T's request, the FCC reiterated that "[a]lthough the Line Sharing Order obligated incumbent LECs to make the high frequency portion of the loop separately available to competing carriers on loops where the incumbent LEC provides voice service, it does <u>not</u> require that they provide xDSL service when they are no longer the voice provider." Clearly, the FCC has not required an incumbent LEC to provide xDSL service to a particular end user when the incumbent LEC is no longer providing voice service to that end user. IDS' contention that this practice is anticompetitive is therefore not persuasive when BellSouth is acting in accordance with the express language of the FCC's most recent Order on the subject.

See Order on Arbitration, *In re Petition of IDS Telecom, LLC for Arbitration of a Proposed Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. Section 252(b)*, Order

No. 2001-286 in Docket No. 2001-19-C at 28-29 (April 3, 2001). Mr. Darnell

Q. ON PAGE 3, MR. TURNER SAYS THAT BELLSOUTH IS AGGRESSIVELY OFFERING CUSTOMERS BUNDLED VOICE AND ADVANCED SERVICES, WHILE CONSISTENTLY PRECLUDING CLECs, SUCH AS AT&T, WHO USE THE UNBUNDLED NETWORK ELEMENT PLATFORM (UNE-P) FROM OFFERING CUSTOMERS THIS SAME OPTION. IS MR. TURNER CORRECT?

A. No. BellSouth is not precluding CLECs who previously used UNE-P from offering customers voice and advanced services. CLEC's have the same opportunity as BellSouth, once they have converted their UNE-P into an unbundled loop, an unbundled port and crossconnects. The FCC in its Line Sharing Reconsideration Order in Paragraph 19 is very specific when it says

> For instance, if a competing carrier is providing voice service using the UNE-platform, it can order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment and unbundled switching combined with shared transport, <u>to replace its existing UNE-platform arrangement with a configuration that allows provisioning of both data and voice services</u>. As we described in the Texas 271 Order, in this situation, the incumbent must provide the loop that was part of the existing UNE-platform as the unbundled xDSL-capable loop,

unless the loop that was used for UNE-platform is not capable of providing xDSL service. (emphasis added)

The Federal Communications Commission ("FCC") also was very explicit in its Texas 271 order (Application by SBC Communications Inc, Southwestern Bell Telephone, and Southwestern Bell Communications Services, Inc d/b//a Southwestern Bell Long Distance, CC Docket No. 00-65, June 30, 2000) that while ILECs are obligated to facilitate Line Splitting, ILECs are not obligated to own the splitter in a Line Splitting arrangement. In paragraph 325 the Commission states:

> The Commission's rules require incumbent LECs to provide requesting carriers with access to unbundled loops in a manner that allows the requesting carrier "to provide any telecommunications service that can be offered by means of that network element. As a result, incumbent LECs have an obligation to permit competing carriers to engage in line splitting over the UNE-P where the competing carrier purchases the entire loop and provides its own splitter.

And in paragraph 327 of the same order, the Commission states:

> We reject AT&T's argument that SWBT has a present obligation to furnish the splitter when AT&T engages in line splitting over the UNE-P. The Commission has never exercised its legislative rulemaking authority under section 251(d)(2) to require incumbent

LECs to provide access to the splitter, and incumbent LECs therefore have no current obligation to make the splitter available.

Q. HOW DOES BELLSOUTH PLAN TO OFFER LINE SPLITTING?

A. BellSouth offers the same arrangement to CLECs as that described by the FCC in the Texas 271 Order and the Line-sharing Reconsideration Order. Specifically, BellSouth facilitates Line Splitting by CLECs by cross-connecting and xDSL-capable loop and a port to the collocation space of either the voice CLEC or the data CLEC. The CLECs may then connect the loop and port to a CLEC-owned splitter, and split the line themselves.

Q. ON PAGE 5, MR. TURNER STATES THAT BELLSOUTH IS AGGRESSIVELY DEPLOYING NGDLC BUT DOES NOT PROVIDE AT&T WITH THE EQUIVALENT ACCESS TO LOOPS THAT USE NGDLC TECHNOLOGY. IS THIS CORRECT?

A. No. First, BellSouth is not at all 'aggressively deploying NGDLC' as Mr. Turner would lead the Commission to believe. BellSouth only has approximately seven percent of its access lines being served by NGDLC systems, hardly an aggressive posture. Second, of these NGDLC systems, only a very small number (which are used for technology testing) are equipped with the necessary functionality to make use of the combo cards CLECs would need. It should be noted, however, that BellSouth does not use the combo cards for its xDSL

service. As I discuss throughout my testimony, BellSouth offers all of the necessary UNEs available for CLECs to be able to offer Line Sharing or Line Splitting

Q. ON PAGE 7, MR TURNER SAYS THAT THE FCC REQUIRES A RBOC, IN CONNECTION WITH A SECTION 271 APPLICATION, TO DEMONSTRATE THAT IT PROVIDES CLECS WITH THE ABILITY TO OFFER BUNDLED VOICE AND DATA SERVICES USING THE LOCAL LOOP AS STATED IN THE FCC'S RECENT LINE SHARING RECONSIDERATION ORDER. IS BELLSOUTH CURRENTLY DOING THIS?

A. Yes. BellSouth is in full compliance with the letter, and the spirit, of the laws. BellSouth is ready to accept orders for Line Sharing and Line Splitting. We are having trouble, however, understanding how AT&T could question BellSouth's ability, when to date, AT&T has yet to place its first order. BellSouth has been working with CLECs in the provisioning of their orders, in accordance with applicable laws, since June 2000.

Q. ON PAGE 10, MR. TURNER STATES THAT BELLSOUTH OFFERS LINE SPLITTING IN KENTUCKY ON A DISCRIMINATORY BASIS. BELLSOUTH WILL ONLY PROVIDE LINE SPLITTING FOR A NEW CUSTOMER IF THE CLEC PROVIDES THE SPLITTER. DO YOU AGREE WITH MR. TURNER?

A. No, Mr. Turner is mistaken. That being said, first, there is no FCC requirement or 271 requirement that BellSouth own the splitter in either Line Sharing or Line Splitting arrangements. BellSouth has options available for CLEC owned splitters and for BellSouth owned splitters. BellSouth has made available to the CLECs an option for a BellSouth owned splitter in BellSouth's Line Sharing. At the request of the CLECs in the Line Splitting Collaborative, BellSouth will provide the splitter in Line Splitting if a data CLEC is currently engaged in Line Sharing, is leasing a splitter from BellSouth, and has an agreement with the CLEC who wins the voice customer. The agreement between the voice CLEC and the data CLEC would be to allow the same data CLEC to use their high frequency spectrum

Q. ON PAGE 13, MR. TURNER STATES THAT BELLSOUTH'S REFUSAL TO PROVIDE THE SPLITTER EFFECTIVELY PRECLUDES CLECS FROM OFFERING NEW CUSTOMERS VOICE AND DATA OVER THE SAME LOOP. IS HE CORRECT?

A. No. To the extent Mr. Turner is suggesting that BellSouth must provide a splitter in all circumstances, he is mistaken. Several DLECs have been successful in the BellSouth territory, without BellSouth providing the splitter in all situations. The FCC found that "incumbent LECs <u>may</u> maintain control over the loop and splitter equipment and functions. In fact, both the incumbents and the competitive LECs agree that, subject

to certain obligations, the incumbent LEC may maintain control over the loop and the splitter functionality, if desired." Line Sharing Order, ¶ 76. (Emphasis added.) Likewise, "incumbent LECs must either provide splitters or allow competitive LECs to purchase comparable splitters as part of this new unbundled network element." Line Sharing Order, ¶ 146. (Emphasis added.) The Illinois Commission confirmed the FCC's ruling in an arbitration decision between Covad and Ameritech specifically discussing Paragraphs 76 and 146 of the Line Sharing Order: "These paragraphs clearly indicate that Ameritech is under no legal obligation to make available Ameritech-owned splitters; rather, Ameritech has the option to own splitters." Covad Communications Company, Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996, Rhythms Links, Inc., Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 (Covad/Rhythms Illinois Arbitration Award), 00-0312, 00-0313, August 17, 2000 (attached). There, the Illinois Commission indicated that the Texas, California, and Pennsylvania Commissions permitted, but did not require, ILEC owned splitters

Q. ON PAGES 12-14, MR. TURNER STATES THAT BELLSOUTH HAS NO TECHNICAL REASON NOT TO PROVIDE CLECS USING UNE-P WITH A SPLITTER. BECAUSE THERE IS NO PROHIBITION OR TECHNICAL BARRIER AGAINST BELLSOUTH PROVIDING SPLITTERS, IT IS DISCRIMINATORY IF BELLSOUTH DOES NOT. DO YOU AGREE WITH MR. TURNER?

A. No. BellSouth will provide the splitter in Line Splitting if a data CLEC is currently engaged in Line Sharing, is leasing a splitter from BellSouth, and has an agreement with the CLEC who wins the voice customer. The agreement between the voice CLEC and the data CLEC would be to allow the same data CLEC to use their high frequency spectrum.

The FCC was very clear in ¶ 19 of the Line Splitting Order that it intended that the CLECs would "provide its own splitter". The FCC further states in ¶ 18 of the order that "two competing carriers join to provide voice and data services through line splitting". If AT&T wishes to provide xDSL services or partner with a data provider to offer xDSL service to its end users over the high frequency spectrum of UNE loops, it must have a DSLAM located in the serving central office.

Q. ON PAGES 14 AND 15, MR. TURNER CLAIMS THE TEXAS PUBLIC UTILITY COMMISSION CONCLUDED THAT SBC DID HAVE A RESPONSIBILITY TO PROVIDE ACCESS TO ITS SPLITTERS FOR BOTH LINE SHARING AND LINE SPLITTING CAN YOU COMMENT ON THIS?

A. Yes. Unfortunately, AT&T did not provide cites and examples from the Texas Order to support its interpretations. The FCC was very clear and specific in their Order when it stated:

¶ 325. "The Commission's rules require incumbent LECs to provide requesting carriers with access to unbundled loops in a manner that allows the requesting carrier 'to provide any telecommunications service that can be offered by means of that network element.' As a result, incumbent LECs have an obligation to permit competing carriers to engage in line splitting over the UNE-P where the competing carrier purchases the entire loop and provides its own splitter. The record reflects that SWBT allows competing carriers to provide both voice and data services over the UNE-P. For instance, if a competing carrier is providing voice service over the UNE-P, it can order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment and unbundled switching combined with shared transport to replace its UNE-P with a configuration that allows provisioning of both data and voice service. SWBT provides the loop that was part of the existing UNE-P as the unbundled xDSL-capable loop, unless the loop that was used for the UNE-P is not capable of providing xDSL service" (emphasis added)

¶ 327. "We reject AT&T's argument that SWBT has a present obligation to furnish the splitter when AT&T engages in line splitting over the UNE-P. The Commission has never exercised its legislative rulemaking authority under section 251(d)(2) to require incumbent LECs to provide access to the splitter, and

incumbent LECs therefore have no current obligation to make the splitter available."

How much more specific could the Commission be? In these two paragraphs alone, the FCC referred to the fact that ILECs do not have any obligation to provide the splitter, at least five (5) times.

Q. ON PAGES 17 AND 18, MR. TURNER SAYS THAT BELLSOUTH MUST PROVIDE SPLITTERS BECAUSE SPLITTERS ARE PART OF THE LOCAL LOOP, AND 'NOTHING MORE THAN A BRIDGE TAP'. IS MR. TURNER CORRECT?

A. No. Mr. Turner takes the strange position that a splitter is like bridged tap. Bridged tap is an engineering technique of extending a loop so that it could serve additional locations and adds flexibility, and therefore, efficiency to the BellSouth network. Load coils are devices that improve voice quality, especially on long loops. I am confused by Mr. Turner's point that, because the FCC allows CLECs to request removal of bridged tap and load coils to allow data services, BellSouth is obligated to provide a piece of equipment that does not exist in BellSouth's network, except when ordered by a CLEC for Line Sharing.

Q. ON PAGE 17, MR. TURNER SAYS THAT BELLSOUTH SHOULD BE REQUIRED TO PROVIDE THE SPLITTER BECAUSE THE FCC'S UNE REMAND ORDER DETERMINED THAT 'ATTACHED

ELECTRONICS' ARE PART OF THE LOOP. DO YOU AGREE WITH MR. TURNER'S STATEMENT?

A. No. BellSouth does not have discrete line splitters in its network for its own use. Therefore, BellSouth has no splitters on any of its loops that could be considered "attached electronics". BellSouth only deploys discrete line splitters at the request of CLECs for Line Sharing. For its own wholesale ADSL offering, BellSouth's DSLAM provides the splitting functionality. In the *Third report and Order* at ¶175, the FCC was very clear that ILECs have no obligation to provide unbundled access to its DSLAM.

> "We conclude that, with the exception of Digital Subscriber Line access Multiplexers (DSLAMs), the loop includes attached electronics, including multiplexing equipment used to derive the loop transmission capacity."

BellSouth's DSLAM performs this splitting functionality and it is technically infeasible to separate the splitting functionality from the remainder of the DSLAM.

Q. ON PAGE18, MR. TURNER STATES THAT THE IMPACT OF BELLSOUTH'S DISCRIMINATORY REFUSAL TO PERMIT LINE SPLITTING HAS BEEN TO PERMIT BELLSOUTH TO 'LOCK UP' THE xDSL MARKET BEFORE CLECS HAVE A CHANCE TO PROVIDE BUNDLED SERVICES. DO YOU AGREE WITH THIS?

A. No Mr. Turner's allegation is belied by the facts. According to Scott C. Cleland of Precursor Group, a leading independent research group, of existing residential households with broadband, 73% have cable modems and 26% have DSL. *Precursor Group Newsletter*, February 22, 2001. Considering the fact that AT&T is the nation's largest cable TV provider, I am surprised that Mr. Turner would make this claim. In addition to the cable modem option, there are numerous data LECs providing data services, from which end users may select. Customer choice is prevalent.

Q. ON PAGE 19, MR. TURNER SAYS THAT IF BELLSOUTH DOES NOT PROVIDE THE SPLITTER, END USER'S SERVICE WILL BE DISRUPTED WHEN AN END USER SWITCHES FROM BELLSOUTH TO A UNE-P CLEC. IS MR. TURNER CORRECT?

A. No. Wiring a loop to a splitter, regardless of who owns the splitter, will always require a minimal disruption of service while performing this required wiring change. In most situations where there are no wiring changes required (and all other applicable criteria has been met), there will be no disruption of service. If a data CLEC engaged in Line Sharing is providing its own splitter in a collocation space, as the FCC said was appropriate in paragraph 19 of its Line Splitting Order, and also has an agreement to use the high frequency spectrum of the winning voice CLEC's UNE loop, there would be no wiring change and no service interruption, and the end user certainly would not lose its

data service. Likewise, if a data CLEC in a Line Sharing arrangement is leasing a splitter from BellSouth and also has an agreement to use the winning voice CLECs high frequency spectrum, there would be no service interruption, nor loss of data service

Q. ON PAGE 20, MR. TURNER STATES THAT THE ONLY RATIONALE FOR BELLSOUTH'S POSITION TO REFUSE TO PROVIDE THE SPLITTER IS TO REDUCE COMPETITION. IS THIS TRUE??

A. No, that is absolutely not true. As I've previously stated, BellSouth is not obligated to provide the splitter, moreover, BellSouth is not refusing to provide the splitter. One of the BellSouth options for Line Sharing - Central Office Based, is for BellSouth to own the splitter. Where BellSouth owns the splitter in a Line Sharing arrangement and a voice CLEC takes over the voice service, thus turning the arrangement into a Line Splitting arrangement, BellSouth is willing to own the splitter if the data provider does not change and the data provider has an agreement to use the voice provider's high frequency spectrum. Thus Mr. Turner's statement is not accurate. BellSouth's Line Sharing and Line Splitting offerings comply fully with the requirements of the FCC and with this Commission.

Q. ON PAGES 21-22, MR. TURNER STATES THAT BELLSOUTH DOES NOT PROVIDE THE SAME LEVEL OF SUPPORT FOR UNE-P LINE

SPLITTING AS IT DOES FOR UNE-P VOICE SERVICE. DO YOU AGREE WITH MR. TURNER?

A. No, this is nonsense. As I explained above, a UNE-P is a loop and port combined in BellSouth's network. A UNE-P does not require any additional elements, nor does UNE-P require collocation. When the loop and port are separated by other equipment and collocation, it no longer meets the definition of UNE-P and the configuration is more complex and contains additional items.

Q. ON PAGES 22-23, MR. TURNER STATES THAT BELLSOUTH REFUSES TO DEPLOY SPLITTERS A LINE AT A TIME. WOULD YOU PLEASE COMMENT ON THIS?

A. Certainly. First, as I've previously described, BellSouth has no obligation to provide splitters for Line Splitting. Line splitters are not a piece of discrete equipment that BellSouth has in its network for its own use. Within BellSouth, the splitter functionality is performed within the DSLAM for BellSouth's own xDSL offering. BellSouth provides line splitters at the request of data CLECs to provide Line Sharing to their end user customers.

Second, Mr. Turner's testimony conveniently ignores a settlement between BellSouth and the Data Coalition (a CLEC conglomerate consisting of the major players in the DSL market including Covad) in

Georgia that BellSouth applies region-wide. BellSouth agreed to offer an 8-port splitter option, which the Commission adopted. If the CLECs who actually intend to use Line Sharing and Line Splitting to provide service to local customers are satisfied with 8 ports, AT&T, who is only arguing the point on a theoretical level, should be as well.

Third, someone has to invest the capital and assume the risk of potentially 'unused ports'. To assist the CLEC's in minimizing their investment and reducing their risk, BellSouth researched the marketplace and located an 8 port splitter that they could use if they did not have need for the 24 or 96 port versions. Although reduced, the risk still remains that only 1 or 2 of the ports would be used. Ordering BellSouth to install piece of equipment solely for the benefit of CLECs serves only to shift the associated risks of utilization from the CLEC, who has requested the equipment, to BellSouth. Mr. Turner conveniently forgets that BellSouth does not use 'splitters' in its own network, and accordingly, requiring BellSouth to provide something it does not use for itself would be highly inappropriate.

Q. ON PAGES 25-26, MR. TURNER STATES THAT BELLSOUTH MUST PROVIDE LINE SHARING EVEN WHEN THE CUSTOMER IS SERVED BY AN NGDLC CONFIGURATION; CAN YOU ASSIST MR. TURNER WITH HIS MISUNDERSTANDING?

A. Certainly. The primary issue Mr. Turner fails to realize is that the architecture employed by BellSouth cannot support collocation of dual-purpose line cards ("combo cards") at remote terminals. Mr. Turner is correct when he states that CLECs cannot collocate combo cards at remote terminals, but BellSouth itself does not use combo cards in remote terminals. The combo card at issue will, at present, only function in specially equipped Next Generation Digital Loop Carrier ("NGDLC") systems. Approximately seven percent of BellSouth's access lines are served by NGDLC systems. Of these NGDLC systems, only a very small number (which are used for technology testing) are equipped with the necessary functionality to make use of combo cards. As I mentioned above, BellSouth does not use the combo cards for its xDSL service. As I discuss throughout my testimony, BellSouth offers all of the necessary UNEs available for CLECs to be able to offer Line Sharing or Line Splitting.

Q. ON PAGE 27, MR. TURNER STATES THAT A DSLAM, PARTICULARLY ONE WITH AN INTEGRATED SPLITTER, IS NOT PERFORMING A "PACKET SWITCHING" FUNCTION BUT RATHER IS PERFORMING A TRANSPORT FUNCTION. IS MR. TURNER CORRECT?

A. No. Again, the FCC was very clear when, in the Texas 271 Order at ¶ 327, it said: "As we stated in the *UNE Remand Order*, 'with the exception of Digital Subscriber Line Access Multiplexers (DSLAMs), the

loop includes attached electronics, including multiplexing equipment used to derive the loop transmission capacity.' We separately determined that the DSLAM is a component of the packet switching unbundled network element. We observed that "DSLAM equipment sometimes includes a splitter" and that, "[i]f not, a separate splitter device separates voice and data traffic." We did not identify any circumstances in which the splitter would be treated as part of the loop, as distinguished from being part of the packet switching element. That distinction is critical, because we declined to exercise our rulemaking authority under section 251(d)(2) to require incumbent LECs to provide access to the packet switching element, and our decision on that point is not disputed in this proceeding."

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes