

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
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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?
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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,

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

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

This non-business hours exclusion for Reject and FOC Timeliness also was the subject of KPMG Exception 87. In relevant part, Exception 87 noted a discrepancy in the calculation of FOC timeliness with respect to LSRs received or processed outside of normal business hours. In response, BellSouth made changes in the SQM and Raw Data 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 BELL SOUTH'S MONTHLY PERFORMANCE DATA INDICATES
25 THAT IT IS NOT PROVIDING TIMELY FOC NOTIFICATIONS OR

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.

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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.

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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 BELLSOUTH?

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 BELL SOUTH'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?

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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?