

1 SHARON E. NORRIS,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. AZORSKY:

5 MR. EDENFIELD: While we're passing out
6 the errata sheet, and I don't have to interrupt in
7 the middle of the summary, BellSouth is going to have
8 an objection to part of this that's being passed out
9 here. Whatever your pleasure is, as far as
10 addressing it now or whatever attempted to be put
11 into evidence, however you want to handle it.

12 COMMISSIONER SAUNDERS: We'll wait then.

13 Q. Could you state your full name and
14 address, for the record.

15 A. My name is Sharon E. Norris. My business
16 address Post Office Box 658, Loganville, Georgia.

17 Q. Did you cause to be filed in this docket
18 52 pages of rebuttal testimony on third-party
19 testing?

20 A. Yes.

21 Q. And were there four exhibits attached to
22 that testimony?

23 A. Yes.

24 Q. Have you prepared an errata containing
25 changes to the testimony?

1 A. Yes.

2 Q. Have you also prepared an updated exhibit
3 SCN-3PT-1?

4 A. Yes.

5 Q. If I were to ask you the questions that
6 are in your testimony, would your answers be the
7 same, with the amendments?

8 A. Yes.

9 MS. AZORSKY: Mr. Chairman, I would move
10 the admission of Ms. Norris' testimony as amended as
11 if read from the stand and would also ask that
12 exhibit SEN-3PT-1 be admitted along with the original
13 exhibit that was attached to the original SEN-3PT-1
14 that was been attached to Ms. Norris' testimony.

15 MR. EDENFIELD: As far as the errata
16 sheet, I have no objection, whatsoever, to the
17 single-page errata sheet. As far as this updated
18 exhibit SEN-3PT-1, I was handed this document at ten
19 o'clock this morning. This is new information beyond
20 what was in Ms. Norris's direct testimony. And what
21 they are doing is supplementing the record without
22 giving me a chance to respond to this in any form or
23 fashion, be it testimony of my own. Therefore, I
24 would object to it as being improper.

25 MS. AZORSKY: Mr. Chairman, SEN-3PT-1 is

1 a summary of the observations and exceptions in the
2 Florida third-party test. It is -- has been updated
3 since her testimony was filed. There are a number of
4 exceptions issued in Florida since the document was
5 prepared and submitted with her testimony. And we
6 wanted to offer it to the Commission simply because
7 it is the most up-to-date information. That test is
8 ongoing. A lot of things are happening. And we
9 wanted to provide that up-to-date information to the
10 Commission.

11 MR. EDENFIELD: BellSouth responds that
12 this is precisely which what Mr. Varner tried to do
13 this morning with updatings and testimony that had
14 come out a couple weeks ago and the Commission denied
15 that.

16 CHAIRMAN SAUNDERS: You have no objection
17 to this?

18 MR. EDENFIELD: That's correct,
19 Mr. Chairman, I have no objection to the testimony,
20 not the errata sheet of one page.

21 COMMISSIONER SAUNDERS: We're going to
22 admit this testimony, as amended. And what we're
23 going to do, at this particular point, is go ahead
24 and take a lunch break. And I'm going to ask the
25 Commission to meet and make a decision. And we'll

1 come back at two o'clock, let's make it 2:30.

2 (A luncheon recess transpired from 12:38
3 until 2:30 PM).

4 CHAIRMAN SAUNDERS: Please be seated.
5 I'll call the hearing back to order.

6 BellSouth?

7 MR. EDENFIELD: Yes, sir.

8 CHAIRMAN SAUNDERS: We're going to
9 overrule your objection, sir. The Commission feels
10 that the situation that I ruled on this morning with
11 Mr. Varner is a different situation from this one, as
12 it relates to what's being presented to us by this
13 witness.

14 So, we are going to allow you, with the
15 remaining witnesses that you have, if you want to
16 present an exhibit to this, we'll have that marked
17 for you, and just be waiting.

18 But we're going to overrule you, at this
19 point, and enter this into evidence of this case. It
20 will be Hearing Exhibit Number 102, and entered into
21 the evidence of this case.

22 (PLEASE REFER TO PREFILED REBUTTAL
23 TESTIMONY AND AN ERRATA SHEET, 53 PAGES, OF MS.
24 NORRIS, WHICH FOLLOWS:)

25

1 CHAIRMAN SAUNDERS: Ms. Belser?

2 MS. BELSER: No questions.

3 CHAIRMAN SAUNDERS: Now, sir.

4 MR. EDENFIELD: All right. I was born
5 early and never quit.

6 CROSS EXAMINATION

7 BY MR. EDENFIELD:

8 Q. Ms. Norris, let me ask you a couple of
9 questions about your background. You retired from
10 AT&T in 1998?

11 A. Yeah.

12 Q. Somewhere around there?

13 A. It's been a while.

14 Q. Since then you opened up a consulting
15 firm, SEN Consulting?

16 A. It's a small firm. I'm the only member.

17 Q. That's what I guessed SEN meant. Have you
18 ever represented an RBOC for your company in
19 consulting and in the field of third-party testing?

20 A. No. No.

21 Q. Have you ever represented anyone except
22 for AT&T in your consulting business, as far as
23 third-party testing is concerned?

24 A. Only informally. We, as a CLEC
25 community, but no, not for payment, no. But we have

1 discussions as a CLEC community but not. I work for
2 AT&T.

3 Q. As far as holding yourself out for hire,
4 you've worked only for AT&T?

5 A. Absolutely.

6 Q. Let's talk about the third-party test
7 kind of globally for a moment. Will you agree with
8 me that in deciding whether BellSouth provides
9 nondiscriminatory access to its OSS, the FCC and the
10 Department of Justice are first going to look at
11 commercial usage?

12 A. I suspect that is so. To the extent, and
13 I think they can do that in certain areas. You have
14 to look at everything the FCC says. There are sites
15 in there they talk about that. If you look at other
16 places in the FCC's order, they talk about importance
17 of volume testing, which cannot be done for the
18 commercial usage, because by nature future -- they
19 talk about performance measures plan being valid. So
20 yes to an extent, but you need to look at the
21 entirety of the FCC orders to see what they are
22 looking for.

23 Q. Have you ever quantified how much
24 commercial usage it would take for you to agree, you
25 being AT&T, to agree that BellSouth's OSS provide

1 nondiscriminatory access?

2 A. No.

3 Q. As you sit here today, is there any
4 amount of commercial usage that you, as a retained
5 consultant for AT&T, will agree satisfies the
6 nondiscriminatory access requirements for OSS?

7 A. Well, I think -- I'm trying to think if
8 it was a yes or no question. I would -- in giving
9 that some thought for the first time, because I just
10 told you no, that I have not done any analysis, so to
11 answer your question, I would need to be comfortable
12 that the commercial data was viable data. In terms
13 of quantity of commercial data, I don't think I would
14 be comfortable in saying that right now. I think
15 Mr. Varner -- if we talked about FOC timeliness, if
16 you have a lot of FOC information, wherever that is,
17 could you use that instead of looking at the test,
18 perhaps so.

19 Q. Do you have a volume amount, and let's
20 put aside our differences on whether the data is
21 reliable or such. Obviously, you've got your
22 position, we've got ours. Let's put that aside for a
23 second. Is this any amount of commercial usage that
24 you think would satisfy the commercial usage type
25 standard for providing nondiscriminatory access for

1 OSS?

2 A. No. But let me add to the Commission, I
3 don't know why this would be such a big deal. It
4 seems irreconcilable to me to me that you would be
5 doing well in your performance commercially, but
6 couldn't pass a test.

7 Q. The next thing I want to talk to you
8 about is carrier-to-carrier testing. Has AT&T ever
9 participated in any carrier-to-carrier testing with
10 BellSouth?

11 A. A couple things come to mind. It depends
12 on your definition of carrier to carrier. I think we
13 have filed in this docket a UNE-P trial. And then we
14 also did, which may not be the same thing, it's not
15 really testing. We did data reconciliation for the
16 hot cuts in Georgia.

17 Q. You're aware, I think you're kind of
18 involved in the industry. Are you aware of any other
19 type of carrier-to-carrier testing with BellSouth?

20 A. The only thing that comes to mind is when
21 you're testing an interface, you do it -- it's not
22 really, but it's a very limited basis. You're trying
23 to see if a scenario will work. You may have at
24 least 25 tests. And you may not be looking for FOC
25 timeliness. There are some interface testing,

1 because if you have done anything that has measurable
2 results, you may see something on timeliness. I'm
3 just not aware of it.

4 Q. Are you willing to concede that any
5 carrier-to-carrier testing done between AT&T and
6 BellSouth or any other CLEC and BellSouth of which
7 you are aware, satisfies the nondiscriminatory access
8 requirements for OSS?

9 A. Not any carrier-to-carrier testing. It
10 would depend on the parameters of the test. It could
11 be very limited carrier to carrier.

12 Q. The question is: Of any of the
13 carrier-to-carrier testing of which you are aware, is
14 there any evidence, any carrier-to-carrier test
15 that's been conducted in BellSouth's region, to which
16 you are aware, is there any such test,
17 carrier-to-carrier test that you are willing to
18 concede satisfies a nondiscriminatory access to OSS
19 requirements?

20 A. I don't know the answer to that question.
21 I'm not that familiar with the carrier-to-carrier
22 test.

23 Q. Let's talk about third-party testing for
24 a moment. Is there any part of the Georgia
25 third-party test that you will concede that satisfies

1 the nondiscriminatory access to OSS requirements of
2 the act?

3 A. What I'm struggling with is, I was trying
4 to do an inventory of things that would work, and if
5 I didn't have the data in front of me about the
6 deficiencies in the Florida test, I have only the
7 Georgia test to look at, I might could say maybe your
8 billing hasn't changed that much, or maybe your
9 maintenance repair hasn't changed that much. But
10 when I'm like at open exceptions in virtually every
11 category that was tested in Georgia, I'll be glad to
12 go over a specific example, but I cant think of
13 anything right off the top of my head.

14 Q. Let's talk about the Georgia test for
15 just a moment. I'll test your memory. From what I
16 recall I think you were involved with this from the
17 beginning?

18 A. Yes.

19 Q. Your memory is probably better than mine
20 on some of this stuff, so just bear with me. You
21 would agree that Georgia had opened an OSS generic
22 docket to consider these issues?

23 A. There was an OSS generic docket.

24 Q. And AT&T participated in that docket?

25 A. There was -- yes, there were a couple

1 things I recall about that. There was one two-day
2 workshop, and then filed monthly status reports for a
3 while.

4 Q. You filed pleadings and comments in that
5 docket?

6 A. Probably.

7 Q. And you kind of prejumped me on the other
8 one. You participated in workshops on that docket?

9 A. One workshop is all I recall for two
10 days.

11 Q. Then workshop, a two-day workshop, okay.
12 As a result of these meetings, a master test plan was
13 ultimately developed as a result of what went on in
14 that docket, correct?

15 A. Not as a result of the workshop in the
16 OSS test. I think the CLECs had to call a petition
17 for a third-party test.

18 Q. That was something else I was going to
19 ask.

20 A. But the relationship of what we described
21 as a third-party test, I don't really know of any.

22 Q. This was something I was going to get to.
23 I'll do it now. It was AT&T or the CLECs who
24 actually requested the third-party tests in Georgia,
25 right?

1 A. I think so, yes.

2 Q. I can't remember if it was AT&T or a
3 combination.

4 A. I can't, either. I know there was a
5 petition filed, yes.

6 Q. This whole third-party testing idea was
7 something the CLECs came up with in Georgia?

8 A. As a concept, yes. We had specific test
9 parameters that we thought the test ought to contain.

10 Q. As a result of that request, the Georgia
11 Commission opened a docket. We just talked about
12 some of the things that went on in that docket,
13 correct?

14 A. I have to get very literal. It's in the
15 8354, which is the docket.

16 Q. Don't ask me.

17 A. I have a mind for details. But, yes, they
18 did include it, as I recall, in the OSS docket.

19 Q. Sure.

20 A. Right.

21 Q. I guess what I'm getting at here is,
22 ultimately in the context of the OSS docket, a master
23 test plan was developed for, I guess, originally HP
24 and then for KCI, who used to be KPMG to execute on
25 that?

1 A. Yes.

2 Q. Did I oversimplify it?

3 A. No, no.

4 Q. And you talked about a moment ago this
5 Florida criticism, I think, your summary of the
6 independence of the Georgia test. I don't have your
7 testimony open to right page, but I believe that's an
8 order from Florida. And you can just check your
9 testimony real quick, dated August 9, 1999?

10 A. I think that's right, because they came
11 out with their test plan later than year.

12 Q. That order predates KCI becoming involved
13 in the Georgia third-party test, right, which was
14 September 9th?

15 A. Well that may be true, but the
16 relationship parameters did not change. T the
17 contract was between BellSouth and the testing party,
18 not the Commission. So the individual contract is
19 not so much the independent is still not there,
20 regardless of who had done it.

21 Q. Just so we are clear on this, the master
22 test plan that Georgia has ordered be executed on for
23 KCI, that is not set forth in the contract between
24 BellSouth and KCI. That's something that the
25 Commission did?

1 A. You may. Well they asked BellSouth -- as
2 I recall, the order asked BellSouth to develop a test
3 plan and BellSouth hired Ernst & Young, I believe. I
4 don't know what process you went through internally,
5 we were not part of that process, as I recall.

6 Q. And the contract you're talking about,
7 that sets forth the financial responsibility, that
8 is, that BellSouth is paying KCI for the third-party
9 test?

10 A. I'm sure that's part of it. I haven't
11 read your contract. I'm not sure what else is in
12 there.

13 Q. You would agree with me that BellSouth is
14 paying KCI in Florida, as well?

15 A. It's who they report to. Yes, I'm sure
16 the Florida Commission is not paying. It's the
17 reporting relation and the CLEC involvement.

18 Like I said, my understanding is from
19 KPMG directly, as well as from some documents I've
20 seen, is the Commission -- and they have a limited
21 staff. But the Commission in Georgia participated on
22 a couple of weekly calls, but the day to day running
23 of the test, they weren't copied on.

24 My understanding is the Florida
25 Commission, it is their policy that their staff is

1 part of every e-mail and part of every meeting. I'm
2 not sure how well they are executing that. But it's
3 just a very different sort of setup. Very different.

4 Q. Are you criticizing the Georgia
5 Commission's level of involvement?

6 A. I want to see this underlined and handed
7 to Dave and Leon. I think Dave and Leon are well
8 aware of sharing our position, but no, you can show
9 them anything you like. I have a lot of respect for
10 the Georgia Commissioner. I was there as a
11 representative for many years. I know them very well
12 as individuals and their families. I take strong
13 exception to what they have done. I think they are
14 fine individuals. I think they have been very pro
15 competitive.

16 They are extremely under resourced. I
17 don't know how Leon does his job. He had a myriad of
18 things on his plate, trying to manage this test.
19 Whereas, in Florida, they have at least five people
20 full-time. So it's a logical consequences of buying
21 into what Georgia was in, perhaps. But the result is
22 a very different test.

23 Q. And I assume, then, as a result of AT&T
24 touting the Florida test, that Florida -- the test in
25 Florida comes back and says: BellSouth is providing

1 nondiscriminatory access to its OCC, that AT&T is
2 going to accept that without challenge?

3 A. Having read one test report from KPMG and
4 being very surprised, I cannot make a statement.
5 I'll need to see the test report. But, certainly,
6 the process is much more open. But comparisons have
7 been relative to what I experienced in Georgia.

8 Q. So you have some criticisms of the
9 Florida test, as well?

10 A. I will -- we will file comments and
11 participate in workshops when we see the test report.
12 What happens in all tests, and some of this is
13 secrecy of KPMG, and then you have a sunshine wall in
14 Florida, which means the CLECs can't know anything
15 BellSouth doesn't know. KPMG is very reluctant to
16 tell you what they are doing. You see the test plan.
17 We get lots of information about the exceptions.
18 What we don't get much information about is what are
19 you doing that you are not registering exceptions on.
20 I need to see the test report.

21 Q. As a result of having going back in time,
22 now to the Georgia test where we were, after KCI took
23 over the test, or KPMG, you understand when I say KCI
24 I'm talking about KPMG?

25 A. I do.

1 Q. After they took over the test, at least
2 on the master test plan, there were regular status
3 reports issued to all participants?

4 A. Yes, there were a couple. There was a
5 monthly -- fairly monthly status report. And then
6 there was a weekly conference call. And then this
7 was the intermittent one-page plan. If you want to
8 contrast that with Florida where I have a weekly
9 status call. I have another call on the
10 observations. Another call on the exceptions. I
11 have weekly drafts of what's going on with the
12 exceptions. I have meeting minutes. There were
13 meeting minutes in Georgia, as well. Then I had
14 detail project plans that come out almost monthly and
15 status reports. Yeah, they both had some. They did
16 communicate, if you get into the details.

17 Q. Now, around the early part of 2000, the
18 Georgia Commission decided to do a supplemental test
19 plan. Do you recall that?

20 A. Yes.

21 Q. What they did, I believe, is they issued
22 an order in January of 2000, then had a comment cycle
23 where both BellSouth and the participating CLECs made
24 comments. Then around March, 2000, they issued a
25 supplemental test plan?

1 A. I'm sure that's close to right.

2 Q. Can you tell me what was added via the
3 supplemental test plan that was not in the original
4 master test plan?

5 A. Generally yes. They enhanced the
6 performance measures on part of the test
7 significantly. That's probably the biggest thing
8 they did. They added DS -- ADSL only, manual
9 testing, some of that. They added some resale. And
10 I think they did a document review of OSS-99
11 evaluation.

12 Q. Now, in conjunction with the supplemental
13 test plan that came out in early 2000, they began to
14 have weekly meetings with all participants. I think
15 you had mentioned in your testimony somewhere around
16 February of 2000?

17 A. Yeah, it was interesting. And what I
18 think drove that was the FCC came out with a letter
19 of some of the minimum things they were look for in
20 the third-party test. And that drove some behavioral
21 changes. I don't know if it was suspicion or
22 BellSouth thought we needed to comply with this
23 letter. So, things opened up a bit, not like
24 Florida, but a bit.

25 Q. At least the Commission was

1 participating enough to keep abreast of what the FCC
2 was saying needed to be done?

3 A. Maybe that was their driver. Florida has
4 been more like trying to open the market to
5 competition.

6 Q. So Georgia has been doing things to try
7 to stifle competition; is that your suggestion?

8 A. No.

9 MS AZORSKY: Objection, that was
10 argumentative.

11 A. I'm glad for the opportunity to clarify.
12 No, absolutely not is what I am saying. No, as a
13 matter of fact, a letter came out says: Are we --
14 the letter, Strickland letter. You know the letter,
15 I'm sure. And it says: Are we complying with this?
16 And that has never been the focus is Florida. The
17 focus is: What's the best in class. Pennsylvania
18 was better on this than New York. CLECs, what else
19 do you need? It's a very different focus.

20 But, you know, did Georgia believe that
21 was sufficient? Probably they did. No, they are
22 very anxious for competition in the state.

23 Q. If I understand this, in a nutshell, and
24 I'm not trying to be argumentative with you, it
25 sounds like what you're saying is that Georgia was

1 shooting to meet the minimum standards of the FCC and
2 Florida is trying to hit the higher target; is that
3 what you're saying?

4 A. Well, it does call for speculation. I
5 don't know if that's what they are shooting for, but
6 that's what they got.

7 Q. You also have a criticism of the Georgia
8 test on the basis that the current software used by
9 CLECs for the OSS transactions, which is OSS-99
10 currently was not tested?

11 A. True.

12 Q. What was the software used by most CLECs
13 back when the parameters were set for the Georgia
14 master test plan/?

15 A. Perhaps at that time it was Issue seven,
16 and I think this is one of the significant
17 differences between the Georgia and Florida test.
18 Florida tries to keep their test current and fresh.
19 When OLNS, when I tried to bring them aboard, they
20 looked at that. When line sharing came in and line
21 splitting, they try to keep everything current. The
22 Georgia test -- OSS-99 actually started January of
23 2000. The test in Georgia didn't end until March,
24 2001. That was 15 months later. It' my
25 understanding practically 80 percent of the people

1 are on OSS-99 now and it wasn't tested.

2 Q. Let me ask it this way. When the master
3 test plan was developed in Georgia was OSS-99 even in
4 production?

5 A. No, it was not. That's the reason you
6 needed to add to it as things become relevant.

7 Q. Will you agree with me that third-party
8 testing, in general, is a large drawn out process?

9 A. I think more than anyone -- yes, it has
10 been.

11 Q. It's been your life?

12 A. And BellSouth's, as well, I'm sure.

13 Q. And during the course of this process,
14 BellSouth is continuing to make system upgrades and
15 developing new products for release into the market.
16 Would you agree with that?

17 A. Yes.

18 Q. Is it your contention that every time the
19 OSS is modified, every time to a new product is
20 entered into the market, that the third-party test
21 must be modified to incorporate those upgrades and
22 new products into the test?

23 A. No. I think what needs to be made is a
24 reasonable judgment, which I believe Florida has been
25 pretty good at making. Given what we now know by the

1 schedule and the availability of the product, can we
2 get it in? If the answer is yes, then let's try to
3 do that and not stick blindly on a test plan that was
4 over a year old.

5 Q. When Florida's test is done, how old will
6 it be?

7 A. Well, the original test plan? Or the
8 work they've done underneath it.

9 Q. Start to finish, how long will it take
10 them to finish assuming they meet the October
11 deadline?

12 A. I have the Florida test. I think they
13 really started most of their work February of 2000.
14 The test plan may have been dated earlier than that.
15 I could look if that's important to you. I have it
16 with me. And so, it's probably going to run about
17 two years, roughly the same as Georgia did.

18 Q. What I'm trying to figure out here is, if
19 you agree, which you did a moment ago, that you can't
20 really continue to upgrade the test for -- or to
21 incorporate within the test every upgrade and every
22 new product, when do you stop. I mean, do you base
23 your decision on length of time? Or when OSS 2002
24 comes out next year, are you going to be criticizing
25 the Florida test because it didn't incorporate that?

1 A. Not if the test is over.

2 Q. So if the test is over, anything that
3 comes out after the test is over or comes into
4 general use after the test is over, that, you think,
5 should not be put into the test, even if it's the
6 most widely used product that the CLECs using?

7 A. I'm a little confused. I mean, the test
8 would be over, so there would be no forum to take it
9 to. And we'd have at the use another forum. But if
10 you have a test running and you have products that
11 people are trying to use and can, and you as a
12 Commission want to understand that those products are
13 really available or not, you put them in the test.

14 Q. When did the Georgia test end? Did you
15 say March 2001?

16 A. Well, there were some not completes, and
17 it's still ongoing, but the test reported for the
18 portion that was complete was issued March 20th.

19 Q. Well, with the new exhibit, we can ask
20 you this way. How many observations or exceptions
21 are still open in Georgia?

22 A. I'm not sure -- five or six. There's 79,
23 86, 89, 122, 136 and 137. And 129, which is on
24 Birmingham test. I think this are seven.

25 Q. There are seven open?

1 A. I think in Georgia.

2 Q. Subject to check, there are seven open
3 exceptions and observations combined? Or each?

4 A. Georgia doesn't have an observation
5 process. It only has an exception.

6 Q. So you've got seven open exception on a
7 third-party test out of how many test points?

8 A. I guess you got say about 11 hundred,
9 1147. I've got it. At one point I looked at them
10 when I was building my testimony, but is that chose
11 enough for you?

12 Q. We say that. I understand that. How
13 many do you think there are?

14 A. I'm sure it's very close to that, if not
15 exact. I'm not quibbling over that. I think it's
16 important to note that those exceptions have been
17 open now almost six months and still are not closed.
18 So I'm not sure why it would take so long.

19 Q. So we're down to seven exceptions out of
20 somewhere between 1,000 and 1,200?

21 A. No. That's not an apples-and-apples
22 comparison. There were 137 exceptions issued in
23 Georgia. Of those, there are seven or eight open.
24 One is in test point, one is exceptions.

25 Q. Okay. Out of 1,000 to 1,200 test points,

1 there are seven open exceptions?

2 A. Yes.

3 Q. Let's take a quick look at how KCI did
4 the third-party testing. Correct me if I'm wrong.
5 My understanding is what KCI did is it set itself up
6 as a CLEC and began to operate in the state of
7 Georgia submitting orders and such. Is that, from a
8 10,000 foot level, is that what they did?

9 A. For certain portion of the test, that was
10 their goal.

11 Q. In setting themselves up as a CLEC they
12 had to establish an account. Would you agree with
13 that?

14 A. Right.

15 Q. And the way they would establish an
16 account is look at the BellSouth practices and
17 procedures and follow those and see if they worked,
18 instead of setting up an account?

19 A. Well, in part they did. There are two
20 parts to be clear for you and for the Commissioners.
21 Certain things they did look at, that were tested.
22 Like they would look at the ordering manuals and see
23 if they could use them. That was evaluated on the
24 older version.

25 What was not evaluated in Georgia that

1 was evaluated in Florida and New York is -- the
2 account team, for example, is a very important part
3 of establishing a process and starting up as CLEC.
4 So there were things about becoming a CLEC that were
5 not evaluated in Georgia but are being evaluated in
6 Florida. Certain other things they did use, and
7 publicly documented them.

8 Q. Whatever is evaluated, I'll save that
9 argument for later. Whatever was evaluated, KCI was
10 able to set up an account which then allowed it to
11 set up its interfaces, which then allowed it to
12 submit orders. Would you agree with that?

13 A. By some process they did. It was not all
14 publicly evaluated. So I'm sure what treatment they
15 got. By some process, which may or may not be the
16 same, they set up.

17 Q. They were able to set up as a CLEC, and
18 they were able to then build an interface. That's
19 something else they did?

20 A. They built some interfaces. Some they
21 used BellSouth. Again, that process was not
22 evaluated. We don't have any idea how much help they
23 got or how much trouble they had.

24 Q. In the end, they were able to build an
25 interface that worked. Would you give me that much?

1 A. Yes. But I don't know how they got
2 there. They got there somewhere. I don't have any
3 data about that.

4 Q. Then they were able to submit orders
5 using those interface?

6 A. Yes, they did.

7 Q. They did measurements based on the orders
8 they submitted?

9 A. Yes.

10 Q. They, then, as a result of the orders
11 they submitted, they were rendered bills?

12 A. The billing process, as I understand it,
13 they actually went outside and did some of their
14 billing with special orders that were not part of the
15 test, but used a special side billing test bed.

16 Q. They were rendered bills?

17 A. Yes.

18 Q. They were able to submit orders for
19 repair and maintenance?

20 A. Yes.

21 Q. Would you agree with me that to the
22 extend the Georgia mission determined there was
23 already substantial commercial usage they told KCI
24 not to do testing in those areas?

25 A. I recall something about that. I think

1 that's the reason they didn't do resale to begin
2 with. But then they later added it, so I'm not sure
3 what their final position was.

4 Q. There are a number of areas in your
5 testimony, and I guess change management jumps out at
6 me, there may have been others, where you criticize
7 the adequacy of the testing. Let me ask you
8 generally about those topics?

9 A. Okay.

10 Q. You will agree, that to the extent you're
11 complaining about the adequacy of the testing, you
12 will agree the testing did occur. It's just you're
13 unhappy with the level of testing that occurred?

14 A. For change management?

15 Q. Sure.

16 A. Yeah. Some level of testing occurred,
17 yes, because three exceptions were issued.

18 Q. Will you agree with me that in the end,
19 after all this is said and done, and we all get up
20 here and do this day in and day out, state to state
21 to state, that ultimately the FCC and Department of
22 Justice are going determine whether the Georgia test
23 was good enough?

24 A. No. I think they will -- well, yes, I
25 think the state has to determine it's good enough

1 first.

2 Q. I'm sorry. I jumped ahead in the
3 process. I understand that if you'll accept that
4 this was included in my question is the following:
5 One, that the third-party test in Georgia gets
6 approved by the Georgia Commission, that the Georgia
7 Commission endorses BellSouth's 271 application to
8 the FCC, that BellSouth then files its 271
9 application with the FCC.

10 At that point, will you agree with me
11 that it's going to be the decision of FCC and the
12 Department of Justice to determine whether that
13 Georgia test, after looking at commercial usage,
14 carrier-to-carrier testing, any internal testing they
15 will then look at that third-party test and decide if
16 it was good enough?

17 A. Yes.

18 Q. Thank you. That's all I have.

19 CHAIRMAN SAUNDERS: Commissioners?

20 CROSS EXAMINATION

21 BY COMMISSIONER ATKINS:

22 THE WITNESS: I'll repeat my summary
23 slower if you'd like.

24 Q. Your Exhibit 102, the first page, would
25 you help me understand it.

1 A. The summary?

2 Q. Yeah, the first page of Exhibit 102,
3 which is the summary sheet as of September 7th, 2001.
4 For example, outside the scope of the Georgia test,
5 there are 24 open observations, there are 21 closed
6 observations. That means that there is three left
7 open. Is that what that means?

8 A. No. You have to add, for a total of 45
9 observations that have been issued.

10 Q. So it's still open, and then ones that
11 have been opened but have been closed is 21?

12 A. Right.

13 Q. And there are 37 open exceptions, still,
14 but 38 have been handled?

15 A. Right, for a total of 75 in that
16 category.

17 Q. What that would -- okay. About half of
18 them have been handled?

19 A. Yes.

20 Q. That's what that's saying?

21 A. Right. If you look at the bottom line,
22 it says 42 percent of the observations and exceptions
23 are open.

24 Q. All right. I wanted to make sure I
25 understood that. For us lay folks up here, what is

1 OSS-99?

2 A. OSS-99 is -- I am not Mr. Pate nor Mr.
3 Bradbury, so I'll give you a slightly more detailed
4 version. There are industry standards that are
5 developed so that machines can talk to each other.
6 And they upgrade those over time. And there are
7 issues, TCIFs, and I'm not sure what that stands for.
8 But basically it's the capabilities of being able to
9 mechanically order between the companies. And how
10 you set those up based on industry standards. And
11 periodically you upgrade those as the industry gets
12 more consensus around how orders are being managed
13 and what capabilities they want to put in the
14 ordering process.

15 Q. Do those upgrades go through change
16 control process?

17 A. The change control process came on
18 board -- there's another one scheduled, and I don't
19 know what they are calling it, but Issue 10 is
20 scheduled for next May or June. And that one is
21 being worked within the change control process. But
22 the change control process really came on board after
23 OSS-99.

24 Q. Hopefully, in each version, you fix
25 things that were not working quite so well in the old

1 version and would also add new utility or
2 functionality to the new version?

3 A. Right.

4 Q. And that's done so everybody can be more
5 responsive to changes in the industry and really to
6 try and ensure there can be some adequate
7 competition?

8 A. Right. Because what you're looking for,
9 and I think there's been a lot of discussion even a
10 little bit today, is you need -- to do mass market
11 entry on any kind of sustainable level, you've got to
12 be efficient, which means your orders have to
13 flow-through, you have to be able to order
14 electronically. And you need to be able to order all
15 types of orders electronically and get the feedback
16 electronically so the machines are talking to each
17 other, so the people are talking to each other. It's
18 much cheaper and quicker. So, yes, that's the goal
19 is to increase the capabilities to do mechanical
20 processing orders for all order types and all
21 transaction types.

22 Q. I want to ask a kind of speculative but
23 very practical question. I'm looking, again, at your
24 exhibit, and I'm looking at -- let's say, for
25 example, the first part of this are all the

1 observations outside the scope of the Georgia
2 third-party test. And I think there are 70 some of
3 them. There's a bunch of them, let's say that.

4 A. Right.

5 Q. Less than a hundred. You, I think,
6 stated in your testimony that they are talking about
7 being through with this in Florida in October of this
8 year. I think that's what you said.

9 A. The published project plan calls for
10 that. The data was last updated July 31st. And
11 another one is due out, and whether that date will
12 hold. It's listed numerous times and a couple of
13 months at a time. So it may slip again. It wouldn't
14 surprise me if it slipped another month. I don't
15 have any inside information on that. Maybe by the
16 time Mr. McElroy comes to the stand, he may know.
17 You can ask him about that.

18 Q. OSS will be used, 99 will be used region
19 wide in Bell's region, right?

20 A. Uh-huh.

21 Q. So it will replace whatever was tested in
22 Georgia, OSS-7?

23 A. Well, as a matter of fact, it pretty much
24 virtually has. I think LENS was only available in
25 OSS-99. Where I got my number of 80 percent was from

1 a workshop in Kentucky where Mr. Stacy was making a
2 presentation. They said approximately 80 percent,
3 and that was early this year, all orders will be
4 placed electronically are on OSS-99. Some people are
5 on seven. You don't have to move to nine. So there
6 are some folks still on seven.

7 Q. Since about 42 percent, so far, as of the
8 7th of September, your Exhibit, 42 percent of the
9 observation exceptions are open. That means a
10 majority have been closed.

11 A. Yeah.

12 Q. Let's say that this Commission, and
13 Georgia, and whoever else is going to come along,
14 Louisiana seems to do a lot very fast. Let's say
15 that we make a decision based on what happens in
16 Georgia. And then Florida comes along and quite
17 politely says: No, we're not going to do that. We
18 did third-party testing and looked at OSS-99, and we
19 did all these extra things. And I'm sure they are
20 not going approve anything down there until they feel
21 happy and satisfied that everything has been done.
22 So, they close all these things, and take care of
23 them, and it's all in OSS-99. And then that goes up
24 to the Justice Department and the FCC, and obviously
25 BellSouth's got to have fixed them. Has the baby not

1 been vaccinated? Is everything not kosher? Are we
2 not moving forward once that happens? And no matter
3 what this Commission or any other Commission does in
4 response to OSS-99, is OSS-99 not what BellSouth is
5 going to use in interfacing with the CLECs?

6 A. I'm struggling with that multipart
7 question.

8 Q. I'm trying to figure out if -- I mean,
9 whether or not we wait on Florida. Does it really
10 matter? Because Florida is going to do what Florida
11 is going to do. The FCC is going to accept that.
12 But I don't care what the FCC does. What matters is
13 BellSouth is going to implement OSS-99 and fix it.

14 A. We hope. One of the things that I would
15 be worried about if I were a Commissioner is the
16 volume testing, which is -- like I said in my
17 summary, if BellSouth is true, and that really does
18 stimulate competition, or if it doesn't the market is
19 trying to grow.

20 MCI this morning was talking about growth
21 month over month. The system needs to work. And we
22 don't have any verification of that yet, not in a
23 growth environment, not at a level being tested. I
24 guess it depends upon if you want to cross your
25 fingers and hope, or if you want to have the evidence

1 in front of you when you make your decision that
2 everything has been taken care of to your
3 satisfaction.

4 I don't disagree that you can't wait
5 forever, but that's to the what we're asking you to
6 do.

7 Q. I'm just trying to think of the
8 practical, because if six months from now there is a
9 new version of OSS, then clearly there will be
10 glitches with that, either from a hardware or
11 software perspective. And we will continually
12 evolve.

13 I know the graduate students I had at
14 USC, we finished a project one year for the USDA, and
15 by the time we did the coding the first year, my
16 friends with Microsoft changed the coding, and it's
17 obsolete. There's always an effort to improve, but
18 in reality, you have to spin your wheels and function
19 where you are. I'm trying to think about some
20 practical aspects of the third-party test. Clearly
21 there are things happening in Florida that were not
22 happening in Georgia.

23 A. Absolutely.

24 Q. But from the practicality of it?

25 A. I don't know how they will react. They

1 are going to be faced with what I think is a unique
2 set of circumstances. If they are looking at one
3 application, if the predictions I heard are true and
4 if Georgia and others to go forward. But they will
5 be faced with an RBOC that has an open active test
6 with dozens of exceptions at the time they are trying
7 to get in and claim they are regional. I don't if
8 the FCC has been faced with that situation before.
9 So, I don't know what they will do with the test.

10 Q. Do you think volume testing if more
11 hardware initiated or software initiated?

12 A. Well, as I read, there were multiple
13 issues. There were hardware, software, connectivity,
14 land versus water. So the volume test in Florida, I
15 think it started August 18th. And that's when things
16 got bad, and they pulled back.

17 So I'm sure BellSouth is working
18 arduously to correct whatever the problems are. It
19 didn't pass the first time in Georgia, either, even
20 in the test environment, which had been really souped
21 up to use a colloquial term.

22 But my understanding is when they're
23 ready, you'll know they are ready. My evidence is
24 you don't have that evidence in front of you yet, is
25 my point to this Commission. If there is something

1 on the horizon that may come out, I won't predict the
2 outcome or the timing, but then the OSS would
3 hopefully be more ready.

4 Q. Let me ask one more here. I know you
5 were here this morning when I asked Mr. Varner
6 about -- we talked, at that time, about the
7 importance of third-party testing, since only four
8 hundred some odd submetrics had data in them --

9 A. Right.

10 Q. -- Out of however many there were, 2000
11 and something?

12 A. Right.

13 Q. But if there is no usage, I mean, even if
14 you have third-party testing, but there is no usage.
15 And there won't be usage or any kind of population in
16 the some of its submetrics in the future for a while,
17 do we worry about that? I mean, I'm kind of back to
18 trying to figure out being ability to do the
19 third-party test again at some future date on the
20 then new low volume submetrics that will come up in
21 the future.

22 I mean, it's like if the tree falls in
23 the forest and nobody is there, does it make noise
24 kind of an issue. If there is no ordering, I mean,
25 whatever is ordered is the commercial usage and the

1 third-party test is nice, but things may change so
2 much by the time you get to ordering those other
3 things that the third-party test and the OSS and
4 everything is totally different.

5 A. I agree that that could be the case.
6 Depending upon the timing of usage of those services
7 and when you have tested it, it may be obsolete by
8 then.

9 I think all you can do, because you don't
10 control the timing of this. BellSouth files the
11 application. You're responding to their petition, if
12 you will, as a Commission your obligation is to say:
13 At the point in time you ask me, and you control the
14 timing, did you bring evidence to me that you were
15 ready and did the intervenors bring evidence that you
16 were not.

17 I agree you can't wait forever, but the
18 timing is now. BellSouth sets the timing. In terms
19 of the test, you have an option before you. You can
20 take one that was limited and had limitation
21 efficiencies or you can take one that's a lot better
22 and that's more rigorously applied. Notwithstanding
23 the fine efforts of the Georgia Commission. So the
24 timing is now. And that's what you have before you.

25 Q. Thank you. I appreciate it.

1 CHAIRMAN SAUNDERS: Commissioners?

2 REDIRECT EXAMINATION

3 BY MS. AZORSKY:

4 Q. In the Georgia test, was there any
5 evaluations that took an order from the preordering
6 inquiry through the ordering, made sure that the CLEC
7 could get a bill for that order and made sure that
8 maintenance and repair requests could be submitted
9 for the same order?

10 A. The billing, it started out not to be
11 that way. I think they tried some last minute
12 efforts in resale, if I recall. I don't know if any
13 resaler has even filed an intervention in this case,
14 but for UNE providers I don't have information that
15 indicated that happened.

16 Q. Thank you.

17 CHAIRMAN SAUNDERS: BellSouth?

18 MR. EDENFIELD: Nothing further, Chairman
19 Saunders. Thank you.

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