

**BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

**SURREBUTTAL TESTIMONY OF MARK G. FELTON
ON BEHALF OF
SPRINT COMMUNICATIONS COMPANY L.P.**

CASE NO. 2001-105

AUGUST 20, 2001

1 **Q. Please state your name and business address.**

2 A. My name is Mark G. Felton. My business address is 7301 College Boulevard,
3 Overland Park, Kansas 66210.

4
5 **Q. By whom are you employed and in what capacity?**

6 A. I am employed by Sprint as Manager- Local Market Development.

7
8 **Q. Are you the same Mark G. Felton who filed Rebuttal Testimony in this**
9 **proceeding?**

10 A. Yes, I am.

11
12 **Q. What is the purpose of your Surrebuttal Testimony?**

13 A. The purpose of my testimony is to respond to the Rebuttal Testimony of
14 BellSouth Telecommunications, Inc.'s ("BellSouth") witness, Mr. Ronald M. Pate
15 with respect to certain statements he makes in regards to BellSouth's provision of
16 loop makeup data to CLECs on a non-discriminatory basis.

17
18
19 **Loop Make-up (LMU) Information**

20
21 **Q. On page 98 of Mr. Pate's Rebuttal Testimony, BellSouth states that the**
22 **Corporate Facilities Database ("CFD") does not exist in Kentucky. Does this**
23 **fact change Sprint's concerns regarding whether BellSouth provides**
24 **nondiscriminatory access to LMU data to CLECs in Kentucky?**

1 A. While Mr. Pate's claim may allay some concerns with respect to LMU data, it
2 raises concerns in another area. On page 9 of his Direct Testimony, Mr. Pate
3 claims that BellSouth's OSS are regional in nature and therefore the Kentucky
4 Public Service Commission ("KPSC") "can rely on the independent third-party
5 test performed in Georgia, in addition to the evidence of actual commercial usage,
6 to determine that BellSouth provides nondiscriminatory access to its OSS in
7 Kentucky". Yet, by Mr. Pate's own admission, the OSS in Georgia differs from
8 the OSS in Kentucky at a minimum with respect to the CFD. It seems reasonable
9 that there may be other aspects of BellSouth's OSS that may be different in
10 Kentucky than in Georgia and therefore the KPSC should be cautious of relying
11 too heavily on the Georgia third-party OSS testing. Certainly, the KPSC should
12 make as much use of the Georgia testing as is practicable, but Sprint believes that
13 for the KPSC to unquestioningly accept the results in the Georgia third-party test
14 would be unwise in light of BellSouth's testimony regarding LMU data.

15

16 **Q. Why is this issue important to Sprint?**

17 A. Sprint recognizes the competitive realities in the marketplace. BellSouth has
18 stated that LMU information is populated for only 50% of the BellSouth loops in
19 Kentucky (See BellSouth Responses to Sprint's First Data Requests, July 16,
20 2001, Item No 5). With such a low percentage, Sprint and other CLECs will often
21 be forced to use a manual process to obtain LMU data. Certainly, one can not
22 expect competition to thrive when its participants must use an archaic method for
23 obtaining a crucial input. Also, one can only imagine a customer's response when
24 they are told that they must wait three days (BellSouth's standard service interval
25 for providing LMU information manually) before they will know whether they

1 can even purchase the CLEC product that they seek. With many customers
2 already reluctant to leave an entrenched incumbent, any appearance of
3 unprofessionalism on the part of the CLEC resulting from a delay in obtaining
4 LMU data will likely result in a lost sale. Accordingly, Sprint is very concerned
5 about the manner in which BellSouth provides access to LMU data.
6

7 **Q. Is BellSouth's interval for completing the manual LMU request process**
8 **mentioned in Mr. Pate's testimony reasonable and nondiscriminatory?**

9 A. Sprint believes that such information can be provided in a shorter timeframe than
10 the three-day standard interval it takes BellSouth to complete a manual LMU
11 request. In fact, the FCC addresses this issue in ¶ 431 of the UNE Remand Order.
12 The FCC states that "to the extent such information is not normally provided to
13 the incumbent LEC's retail personnel, but can be obtained by contacting
14 incumbent back office personnel, it must be provided to requesting carriers within
15 the same time frame that any incumbent personnel are able to obtain such
16 information". The FCC goes on to say that "it would be unreasonable, for
17 instance, if the requesting carrier had to wait several days to receive such
18 information from the incumbent if the incumbent's personnel have the ability to
19 obtain such information in several hours". It is clear that BellSouth personnel
20 have faster access to the manual LMU information stored on paper plats than do
21 CLEC personnel because there is no "middle-man" involved when the BellSouth
22 personnel directly access these materials. In contrast, CLECs who must rely on
23 the manual LMU request process have to make the request through, and then
24 obtain the requested data from, a BellSouth intermediary. Obviously, BellSouth
25 personnel are not subjected to the same inflated time frame when they directly

1 access the additional LMU information stored on paper plats. This arrangement
2 simply does not comport with paragraph 431 of the FCC's UNE Remand Order.
3

4 **Q. Are there any proprietary concerns associated with CLEC direct access to**
5 **the LMU information stored on paper plats?**

6 A. It is possible, if not likely, that BellSouth will voice strong proprietary concerns
7 and logistical concerns with providing CLECs with some form of direct access to
8 this information. In fact, BellSouth raises proprietary concerns with providing
9 CLECs access to the CFD in its Exceptions to Recommended Order in the
10 General Proceeding to Determine Permanent Pricing for Unbundled Network
11 Elements (Docket No. P-100, Sub 133d) in North Carolina. However, the fact
12 remains that it is BellSouth's obligation under the Act to implement a solution
13 (e.g., redacted CD-ROMs)¹ that covers any realistic concerns yet still provides
14 CLECs with nondiscriminatory access to the manual LMU data that is more
15 directly comparable to the access that BellSouth personnel enjoy.
16

17 **Q. Does BellSouth provide nondiscriminatory access to LMU data?**

18 A. It remains highly doubtful whether BellSouth is providing nondiscriminatory
19 access to LMU data to CLECs in Kentucky. The FCC makes it perfectly clear in
20 ¶ 429-430 of the UNE Remand Order (FCC 99-238) that an ILEC must make loop
21 qualification information available to CLECs no matter where such information
22 exists within the ILECs internal systems. It appears that BellSouth has not
23 complied with this requirement in Kentucky. Therefore, the Commission should

¹ In BellSouth's Responses to Sprint's First Data Requests in this docket (no. 8), Mr. Pate indicates that there may be some CD-ROMs with this information already in existence.

1 closely examine BellSouth's provision of access to LMU data to ensure that
2 BellSouth is in compliance with the directives of the FCC. Just as the North
3 Carolina Utilities Commission found significant gaps in BellSouth's provision of
4 loop qualification data, this Commission may well reach similar conclusions.

5
6 **Q. Does this conclude your Surrebuttal Testimony?**

7 **A. Yes.**

VERIFICATION

STATE OF KANSAS

COUNTY OF JOHNSON

BEFORE ME, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Mark G. Felton, who being by me first duly sworn deposed and said that:

He is appearing as a witness on behalf of Sprint Communications Company L.P. before the Kentucky Public Service Commission in Case No. 2001-105, and if present before the Commission and duly sworn, his testimony would be the same as set forth in the annexed Surrebuttal Testimony consisting of 5 pages and 0 exhibits.

Mark G. Felton
Mark G. Felton

SWORN TO AND SUBSCRIBED BEFORE
ME THIS 17th DAY OF August, 2001.

Mary K. Joshi
NOTARY PUBLIC

