

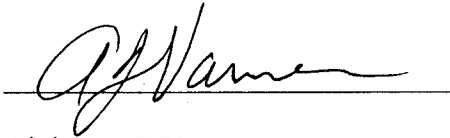
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STATE OF GEORGIA

COUNTY OF FULTON

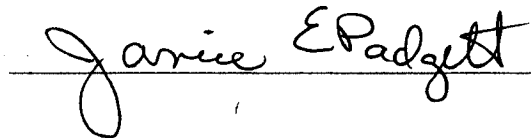
BEFORE ME, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Alphonso J. Varner, who, being by me first duly sworn deposed and said that:

He is appearing as a witness before the Kentucky Public Service Commission in Case No. 2003-00379, Review of Federal Communications Commission's Triennial Review Order Regarding Unbundling Requirements for Individual Network Elements, and if present before the Commission and duly sworn, his surrebuttal testimony would be set forth in the annexed testimony consisting of 37 pages and 1 exhibits.



Alphonso J. Varner

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 9 DAY OF APRIL, 2004



Notary Public

Notary Public, Gwinnett County, Georgia  
My Commission Expires Feb. 19, 2008

1 BELL SOUTH TELECOMMUNICATIONS, INC.  
2 SURREBUTTAL TESTIMONY OF ALPHONSO J. VARNER  
3 BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

4 FILED APRIL 13, 2004

5 DOCKET NO. 2003-00379

6  
7 Q. PLEASE STATE YOUR NAME, YOUR POSITION WITH BELLSOUTH  
8 TELECOMMUNICATIONS, INC. ("BELLSOUTH") AND YOUR BUSINESS  
9 ADDRESS.

10  
11 A. My name is Alphonso J. Varner. I am employed by BellSouth as Assistant Vice  
12 President in Interconnection Services. My business address is 675 West  
13 Peachtree Street, Atlanta, Georgia 30375.

14  
15 Q. ARE YOU THE SAME ALPHONSO J. VARNER WHO FILED DIRECT AND  
16 REBUTTAL TESTIMONY IN THIS PROCEEDING?

17  
18 A. Yes I am.

19  
20 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

21  
22 A. My Surrebuttal Testimony is filed in response to several issues raised by  
23 competitive local exchange carriers ("CLEC") witnesses Sherry Lichtenberg of  
24 MCI, and Cheryl Bursh and Mark Van De Water of AT&T.

25

1 Q. HOW WOULD YOU CHARACTERIZE THE GENERAL NATURE OF THE  
2 ARGUMENTS MADE BY THESE PARTIES?

3

4 A. There are four (4) themes repeatedly asserted by the CLECs in an attempt to  
5 frustrate a finding by this Commission that CLECs are not operationally impaired  
6 without access to local circuit switching offered as a UNE. The first assertion,  
7 and the most blatantly erroneous, is that the performance data provided in my  
8 Direct Testimony are not relevant to the issues to be addressed in this proceeding.  
9 In order to support this faulty conclusion, CLECs engage in a narrow and  
10 impractical interpretation of parts of the FCC's Triennial Review Order ("TRO")  
11 and ignore other parts of the order that directly contradict their conclusion.

12

13 Second, while claiming that the performance results are not relevant on the one  
14 hand, on the other hand CLECs use these same data to argue that because one  
15 measure of the performance standards for UNE-Platform ("UNE-P") and UNE  
16 Loops ("UNE-L") is different, CLECs are automatically impaired without  
17 unbundled local switching. First, their conclusion does not comport with either  
18 the TRO or a practical assessment of whether impairment exists. Further, the  
19 CLECs did not fulfill the fundamental need to offer tangible evidence that the  
20 differences about which they comment constitute operational impairment.

21

22 Next, some of these CLEC witnesses replay the contention that disaster looms in  
23 the future. Once again, they argue that unless BellSouth's systems and processes  
24 used in ordering, provisioning and maintaining UNE-Loops are substantially more  
25 mechanized, the potential for errors in manual operations and the increased

1 demand for UNE-L would cause BellSouth's performance to plummet. As a  
2 result, they claim that CLECs would be unable to compete if UNE-P is not  
3 required. In the past, CLECs claimed that this scenario was inevitable if  
4 BellSouth was allowed into the long distance market. Now, they imply that the  
5 sky will fall once again if UNE-P is eliminated and CLECs must rely on UNE-L.

6  
7 Finally, the CLECs falsely contend that unless the performance standards for  
8 UNE-P and UNE-L are virtually the same, CLECs will face operational barriers  
9 that would prohibit CLECs from competing effectively in the local mass market.  
10 In this instance, the CLECs rely on an illogical interpretation of a part of an FCC  
11 footnote in the TRO that it "is necessary to ensure that customer loops can be  
12 transferred from the [ILEC]...to a [CLEC] ...as promptly and efficiently as  
13 [ILECs] can transfer customers using local circuit switching." [fn. 1574] The  
14 CLECs raising this issue use an impractical inference from this portion of the  
15 footnote as the basis to assert that any variation between UNE-P and UNE-L  
16 performance is enough to establish impairment.

17  
18 **I. BELLSOUTH'S CURRENT PERFORMANCE RESULTS ARE NOT**  
19 **ONLY RELEVANT TO THIS PROCEEDING, BUT WITHOUT SUCH**  
20 **DATA THERE IS NO OBJECTIVE BASIS TO DETERMINE IF THE**  
21 **CLECS FACE OPERATIONAL IMPAIRMENT.**

22  
23 **Q. DO YOU HAVE ANY RESPONSE TO THE COMMENTS ON PAGES 3 AND**  
24 **4 OF MS. BURSH'S, PAGE 6 OF MR VAN DE WATER'S, AND PAGE 3 OF**  
25 **MS. LICHTENBERG'S REBUTTAL TESTIMONY, WHERE EACH CITE**

1 PARAGRAPH 469 FROM THE FCC’S TRO AS A REASON TO CONCLUDE  
2 THAT BELLSOUTH’S CURRENT PERFORMANCE RESULTS ARE NOT  
3 RELEVANT IN THIS PROCEEDING?  
4

- 5 A. Yes. These witnesses cite the FCC’s statement in paragraph 469 of the TRO that  
6 “the number of hot cuts performed by BOCs in connection with the 271 process is  
7 not comparable to the number that incumbent LECs would need to perform if  
8 unbundled switching were not available for all customer locations served with  
9 voice-grade loops.” This is construed as the basis to declare that the current  
10 performance data are irrelevant. This conclusion is not required by the TRO, nor  
11 is it a reasonable interpretation of the Order, nor is it a reasonable way for the  
12 Commission to proceed.  
13

14 Paragraph 469 merely indicates that incumbent local exchange carriers (“ILECs”),  
15 like BellSouth, cannot rely only on the findings in the 271 proceedings to  
16 conclude that there is no impairment for CLECs if unbundled switching is not  
17 available. The point that the FCC was making is that the question the state  
18 commissions must answer is how the ILEC will handle increased volumes. They  
19 did not dismiss current performance data as relevant evidence to be considered by  
20 state commissions in that regard. Moreover, in paragraph 512 of its TRO, the  
21 FCC encouraged the use of such data in these proceedings with respect to loop  
22 provisioning in general when it explains:

23 Evidence relevant to this inquiry might include, for example,  
24 commercial performance data demonstrating the timeliness and  
25 accuracy with which the incumbent LEC performs loop  
26 provisioning tasks and the existence of a penalty plan with respect  
27 to the applicable metrics. For the incumbent LECs that are BOCs  
28 subject to the requirements of section 271 of the Act, states may

1 choose to rely on any performance data reports and penalty plans  
2 that might have been developed in the context of the past, pending,  
3 or planned application for long-distance authority.

4 Clearly, the FCC intended for states to use the facts of current performance  
5 instead of proceeding solely on the basis of unsupported assumptions as these  
6 witnesses propose. In essence, these witnesses are proposing to unnecessarily  
7 restrict this Commission in its deliberations by ignoring factual data.

8  
9 The intent of the FCC's statement in paragraph 469 is more reasonably interpreted  
10 as the rationale for why it could not find on a national basis that CLECs are not  
11 impaired without access to unbundled local switching, or hold unequivocally that  
12 they are impaired. If the FCC had made such a clear finding, there would be no  
13 need for the state proceedings. Clearly, the FCC was unwilling to make a  
14 definitive finding. For example, in footnote 1435 of the same paragraph 469 that  
15 these witnesses cite, the FCC states: "our decision does not overlook the  
16 possibility that if in some markets the incumbents' ability to perform batch hot  
17 cuts does not pose impairment, the states may simply make the findings to this  
18 effect." BellSouth's performance data provide evidence of BellSouth's ability to  
19 perform loop provisioning in a timely and reliable manner. Hot cuts are simply a  
20 specific type of loop provisioning activity. Thus, BellSouth's current exemplary  
21 performance data are relevant and important.

22  
23 The performance data should be used in conjunction with the testimony of  
24 BellSouth witnesses such as Mr. McElroy, Mr. Ainsworth, and Mr. Heartley to  
25 determine whether operational impairment exists. The performance data  
26 calculated as prescribed by this Commission is an important part of this inquiry  
27 because it demonstrates the extent of BellSouth's commitment and action on that

1 commitment to provide nondiscriminatory loop provisioning. BellSouth has  
2 shown a commitment to provisioning loops, including hot cuts, in a timely and  
3 accurate manner for CLECs in Kentucky. These measurement results clearly  
4 show that performance does not pose an operational barrier to market entry for the  
5 CLECs. The performance data provided in my Direct Testimony offers a factual  
6 basis for the Commission's decisions instead of the unsupported assumptions  
7 offered by these witnesses.

8

9 Q. MS. BURSH, ON PAGES 3 AND 4 OF HER REBUTTAL TESTIMONY  
10 ALLEGES THAT BELLSOUTH HAS TWISTED CURRENT PERFORMANCE  
11 DATA TO SUPPORT THE CLAIM THAT BELLSOUTH'S EXISTING  
12 PROCESSES WILL ADEQUATELY SUPPORT ANTICIPATED LOOP  
13 MIGRATION. DO YOU AGREE?

14

15 A. No, I disagree. As demonstrated in Exhibit AJV-1 to my Direct Testimony,  
16 BellSouth has shown a commitment to performing hot cuts in a timely and  
17 accurate manner for CLECs in Kentucky. If the hot cut volumes are low, they  
18 simply reflect the CLECs' choices, which according to Ms Bursh is rationale to  
19 penalize BellSouth. That aside, hot cuts are not a new process to BellSouth. The  
20 fact is BellSouth has been doing what we now call "hot cuts" for many years.  
21 BellSouth has extensive experience in performing large numbers of hot cuts by  
22 completing the work steps required to transfer a geographic area from one wire  
23 center to another. These transfers are called "Area Transfers."

24

1 Another example of BellSouth's experience with "hot cuts" is the T&F process,  
2 wherein a customer moves from one location to another within the same wire  
3 center. Yet one more example of hot cuts in very large volumes is switch  
4 replacement. This occurs when BellSouth replaces the switching equipment in a  
5 central office with newer technology, such as the replacement of an analog switch  
6 with a digital switch. Switch replacement involves the hot cut of thousands of  
7 customer lines, in a very short period of time. These examples have been subject  
8 to Commission oversight for many years, even predating the Telecom Act of  
9 1996. They have also been included in such retail measurements as Customer  
10 Trouble Report Rate.

11

12 Further, when the Commission set performance standards for CLEC hot cuts,  
13 these standards did not have any volume limitations or constraints. BellSouth was  
14 required to meet these standards regardless of the volume offered. The data show  
15 that BellSouth has met the performance standards established by the Commission,  
16 which of course required dedication of the resources necessary to do so. Having  
17 met this challenge in the past certainly lends credence to the proposition that  
18 BellSouth will do so in the future. These are the facts and these facts cannot be  
19 disputed.

20

21 There was very little hot cut activity in Kentucky for the twelve-month period  
22 from November 2002 to October 2003. It is specifically for situations like this  
23 that I provided Georgia data with my direct testimony. BellSouth's hot cut  
24 process is substantially the same throughout its nine-state region. Therefore, it is  
25 useful to consider Georgia performance results for hot cuts. Looking specifically



1 at the activity to disconnect and reconnect the loop, for the seven-month period  
2 from March 2003 to September 2003, BellSouth performed this function within  
3 15 minutes for 99.7% of the 4,018 coordinated loop conversions in Georgia  
4 during that period. The average time to cutover these loops in Georgia was 2  
5 minutes and 44 seconds. Further, for all states in BellSouth's region for the three-  
6 month period of August 2003 through October 2003, BellSouth performed this  
7 function within 15 minutes for 99.60% of the 4,213 coordinated loop conversions.  
8 Similarly, for all states in BellSouth's region, the average time to cutover a loop  
9 was less than 3 minutes during the three-month period.

10

11 Rather than try to refute the facts, Ms. Bursh resorts to the supposition that the  
12 facts will change. The allegation that the existing processes will be inadequate to  
13 support anticipated loop migration is merely an unsupported guess that BellSouth  
14 will not continue to meet the standards that it has met in the past. The facts  
15 represented by both current and historical data contradict her conjecture. Also, in  
16 the unlikely event that BellSouth does not meet the standards, there are indicators,  
17 such as measurements, and consequences such as penalty payments through the  
18 SEEM plan, complaints and other remedies that this Commission and the FCC  
19 established that can be used to address her concerns.

20

21 If Ms. Bursh, like Ms. Lichtenberg, is implying that the processes are not scalable  
22 with increased volumes, the FCC has at least partially addressed this issue where  
23 the agency has found in 49 decisions under section 271 that incumbents could  
24 scale their hot-cut processes as necessary (*e.g.*, *New York Order* ¶ 308). While I

1 agree that this finding was made in an environment where UNE-P was required,  
2 nonetheless, it is a recognition that a significant degree of scalability exists.

3

4 Mr. McElroy in his Direct Testimony explains how a test of BellSouth's batch  
5 migration process for converting UNE-P to UNE-L service demonstrated that the  
6 process would sufficiently support the batch conversion of a CLEC's embedded  
7 UNE-P customer base to UNE-L services. Furthermore, Mr. Ainsworth and Mr.  
8 Heartley describe how BellSouth's processes are also scalable and will be able to  
9 meet the standards in the future. BellSouth's performance record shows that it  
10 has, and is, meeting the challenge of providing nondiscriminatory loop  
11 provisioning, including hot cuts. Consequently, the CLEC witnesses attempt to  
12 trivialize the data because they can't refute the meaning of the facts. These facts,  
13 coupled with the implementation of proven provisioning plans as attested to by  
14 other BellSouth witnesses, provide a clear path to determine that anticipated  
15 performance will be commendable.

16

17 Q. ON PAGE 3 OF HER REBUTTAL TESTIMONY, MS. LICHTENBERG  
18 CLAIMS THAT YOUR DIRECT TESTIMONY: (1) AT BEST, "ADDRESSES  
19 BELLSOUTH'S PERFORMANCE WITH RESPECT TO THE CURRENT LOW  
20 LEVEL OF UNE-L ORDERS;" AND (2) "DOES NOT GIVE A CLEAR  
21 PICTURE OF BELLSOUTH'S ACTUAL PERFORMANCE ON UNE-L  
22 ORDERS." PLEASE COMMENT.

23

24 A. With respect to her first comment, that my Direct Testimony only addresses  
25 performance with respect to the "current low level of UNE-L orders," Ms.

1 Lichtenberg misses the obvious purpose of performance data. The only options  
2 for performance reporting are past or present results, based on whatever level of  
3 activity the CLECs generate. Certainly, the only meaningful way to assess  
4 BellSouth's ability to effectively process potential increases in future demand is  
5 to consider current performance results, the commonality and capacity of systems  
6 used in processes that handle significant volumes for similar activities today, the  
7 practical options available to BellSouth (or any business for that matter) of  
8 shifting resources to meet demand, and planned improvements in processes to  
9 accommodate anticipated requirements. Thus, the intent of my Direct Testimony,  
10 which provided BellSouth's performance with respect to loop provisioning in  
11 general and hot cuts in particular, was not for the data to be considered in  
12 isolation. Rather, as previously stated, the performance results provided in my  
13 Direct Testimony should be considered in conjunction with the testimony of other  
14 BellSouth witnesses addressing other relevant aspects of the impairment issue.

15

16 Again, the current volumes reflect what the CLECs are ordering and BellSouth  
17 can only report what is being ordered. Ms. Lichtenberg provides no reasonable  
18 basis as to why the Commission should believe that BellSouth would not be able  
19 to handle an increase in UNE-L volumes. In contrast, BellSouth has provided  
20 factual data and a concrete rationale to support its claim that performance will  
21 indeed be adequate. It should be remembered that when the CLECs opposed  
22 BellSouth's long distance applications, they erroneously predicted a similar  
23 inability regarding BellSouth's capacity to meet future volume demands for UNE-  
24 P and ordering in general. This erroneous prediction was contradicted by the data  
25 available at the time. Notably, the facts proved the CLECs' prediction wrong

1           then, and they are wrong now. Rather than rely upon the facts, Ms. Lichtenberg  
2           feebly postulates the vaporous notion that if it has not happened in the past, it  
3           can't happen in the future. She takes this position while completely ignoring the  
4           fact that both current and historical data contradict her prediction.

5  
6           In addition, Ms Lichtenberg goes on to reiterate the point that some processes are  
7           manual. The thrust of her whole argument in this case is the faulty assumption  
8           that the presence of a manual procedure anywhere in the stream of ordering and  
9           provisioning processes somehow results in impairment. Indeed, there is an  
10          obvious and significant gap between quoting the percentage of UNE-L orders that  
11          were Fully Mechanized during a specific period and concluding that these  
12          percentages establish CLEC impairment. The flow-through of LSRs is only one  
13          aspect of providing UNE-Loops to CLECs and, as the FCC has clearly explained,  
14          a secondary one at that.

15  
16          As a practical matter, BellSouth will obviously assign its resources to the areas  
17          that generate the most volume. Certainly, as CLECs begin to submit more UNE-  
18          L orders, and less of other order types, BellSouth would make adjustments to  
19          address the change in CLEC ordering patterns. I should also point out that the  
20          priority with which BellSouth makes changes to such systems is largely  
21          controlled by CLECs through the Change Control Process (CCP). If the flow-  
22          through of UNE-L orders becomes a high priority with CLECs, it should be  
23          reflected in their CCP prioritization.

24

1           Significantly, BellSouth’s current and past performance record, coupled with the  
2           process and procedure plans provided by other BellSouth witnesses, forms a  
3           reasonable basis to infer that its future performance will be similar. Surely, the  
4           performance results provided in my Direct Testimony provide a more rational  
5           basis for this Commission’s determinations than the conjecture offered by CLEC  
6           witnesses such as Ms. Lichtenberg. If the Commission ignores the data  
7           completely, as Ms. Lichtenberg suggests, the door is open for a wide variety of  
8           such suppositions about potential problems for which there is no factual basis.

9

10          In contending that my Direct Testimony does not “give a clear picture of  
11          BellSouth’s actual performance”, Ms. Lichtenberg, on pages 4 and 5 of her  
12          rebuttal testimony, focuses on two aspects of performance - flow through and  
13          order completion interval. Notably, this approach ignores the substantial amount  
14          of data that I provided demonstrating that BellSouth’s UNE loop provisioning  
15          performance has been and continues at a high level. I will address her flow  
16          through testimony now and her order completion interval testimony later because  
17          it has some common elements with other witnesses.

18

19          Any discussion of flow-through must first be placed into context with respect to  
20          its usefulness, which Ms Lichtenberg did not address. In addition, she ignored  
21          the value of the measurement results as prescribed by this Commission. First, the  
22          performance results provided in my Direct Testimony are based on the  
23          performance measures and standards established for the Flow-Through metric by  
24          this Commission and accepted by the FCC. Moreover, the FCC has repeatedly  
25          stated that Flow-Through is a secondary measure and that other measures are

1 more important indicators of performance. In particular, the FCC stated in its  
2 Texas Order:

3 We have not considered flow-through rates as the sole indicia of  
4 parity, however, and thus have not limited our analysis of a BOC's  
5 ordering processes to a review of its flow-through performance  
6 data. Instead, we have held that factors such as a BOC's overall  
7 ability to return timely order confirmation and rejection notices,  
8 accurately process manually handled orders, and scale its systems  
9 are relevant and probative for analyzing a BOC's ability to provide  
10 access to its ordering functions in a nondiscriminatory manner.  
11 *See Texas Order, ¶ 179.*

12 While the FCC has repeatedly expressed the secondary nature and importance of  
13 the flow-through metric, the CLECs have repeatedly ignored this point in  
14 assessing the impact of flow-through. The FCC's statement does not mean that  
15 flow through is irrelevant; it simply means that its significance is dictated by  
16 performance on other measures. In this proceeding, Ms. Lichtenberg attempts to  
17 overstate the importance of flow-through, apparently because overall performance  
18 is being reviewed in connection with batch hot cuts. Oddly, she seems to be  
19 aware of its secondary role, because she refers to service order accuracy as an  
20 important consequence of flow-through. Service Order Accuracy is one of the  
21 measures that bears upon the significance of flow-through, and is a measure that  
22 BellSouth currently reports and will continue to report in its monthly data.

23  
24 Q. MS. LICHTENBERG, ON PAGE 4 OF HER TESTIMONY, STATES THAT  
25 "LOW FLOW THROUGH MEANS THAT A SIGNIFICANT NUMBER OF  
26 UNE-L ORDERS WILL FALL OUT OF THE SYSTEMS AND MUST BE  
27 PROCESSED MANUALLY...INCREASING STILL MORE THE CHANCES  
28 FOR HUMAN ERROR AND CUSTOMER SERVICE OUTAGES AND  
29 OTHER PROBLEMS." PLEASE COMMENT.

1 A. Ms. Lichtenberg, again, makes predictions about BellSouth's ability to process  
2 orders accurately by referring to "chances" for human error and customer service  
3 outages without indicating any factual or other rationale or basis for her  
4 predictions. Rather than using performance data to support her analysis, she  
5 simply opines that the prospect of excessive human errors by BellSouth or  
6 customer service outages and the "potential" for problems is enough for this  
7 Commission to find that CLECs are impaired without access to UNE-P at  
8 TELRIC rates.

9

10 If BellSouth's performance results are reviewed, however, it is reasonable to infer  
11 that Ms. Lichtenberg's repeated contention that, unless BellSouth's ordering and  
12 provisioning processes are significantly more mechanized, CLECs will become  
13 impaired without UNE-P is without merit. For example, with respect to Ms.  
14 Lichtenberg's concern about the possibility of human errors in the ordering  
15 process, BellSouth reports its monthly performance relative to errors in the  
16 ordering process via measure P-11, Service Order Accuracy. While the Service  
17 Order Accuracy measure in Kentucky does not split the UNE category into UNE-  
18 P and UNE-L, the three states that have adopted the mechanized approach  
19 requested by the CLECs (i.e., Florida, Georgia, and Tennessee) show UNE-P and  
20 UNE-L separately. In these states, for both UNE-P and UNE-L, performance  
21 exceeds the 95% benchmark. The following chart reflects BellSouth's combined  
22 performance for Florida, Georgia, and Tennessee for the Service Order Accuracy  
23 measure for UNE-P and UNE-L for a recent three-month period, October,  
24 November and December 2003 (the results show the percent of orders that are  
25 accurate).

	<u>MONTH</u>	<u>UNE-P</u>	<u>UNE-L</u>
1			
2	October 2003	95.84%	97.41%
3	November 2003	96.41	97.94
4	December 2003	96.80	98.53

5 As can be seen, performance for both products exceeded the 95% benchmark  
6 ordered by these state commissions, which is the same benchmark adopted by this  
7 Commission. Based on the performance data above, the Service Order Accuracy  
8 rate was quite high. Even if the argument is made that the current UNE-L levels  
9 are much less than anticipated volumes, for December 2003, the volume for UNE-  
10 L orders was approximately 11,000 orders for these three states, which is clearly  
11 sufficient to demonstrate the level of BellSouth's performance. Moreover, any  
12 anticipated future increase in UNE-L orders would be accompanied by an  
13 anticipated significant decrease in UNE-P as well, which must be considered  
14 when predicting future performance levels.

15  
16 Similarly, with respect to Ms. Lichtenberg's issue concerning potential customer  
17 service outages with UNE-L, on page 7 of my Rebuttal Testimony, I provided  
18 data for two Maintenance and Repair measures, Customer Trouble Report Rate  
19 and Maintenance Average Duration, showing UNE-P results and UNE-L results.  
20 Although I do not agree that comparing UNE-L and UNE-P performance is a  
21 reasonable approach for reasons discussed in my rebuttal as well as later in this  
22 testimony, even those comparisons do not support Ms. Lichtenberg's claim. The  
23 data show that for maintenance and repair, BellSouth performed comparably for  
24 UNE-P and UNE-L. In fact, the UNE-L results were as good as, if not better  
25 than, UNE-P results. Moreover, the data show that if the proper comparisons are



1 made, *i.e.*, if UNE-L results are compared to the established retail analogues,  
2 BellSouth performs at a very high level in maintaining UNE loops. Again, simply  
3 recognizing that these are smaller UNE-L volumes than anticipated in the future,  
4 does not establish that performance levels will deteriorate to a point that CLECs  
5 become operationally impaired without UNE-P.

6  
7 **II. THE CLAIM THAT UNLESS THE PERFORMANCE STANDARDS FOR**  
8 **UNE-L ARE EQUIVALENT TO UNE-P, CLECS ARE IMPAIRED DUE**  
9 **TO OPERATIONAL BARRIERS WITHOUT ACCESS TO LOCAL**  
10 **SWITCHING IS CONTRARY TO BOTH LOGIC AND THE TRO.**

11  
12 Q. ON PAGES 5 THROUGH 7 OF HER REBUTTAL TESTIMONY, MS. BURSH  
13 STATES THAT “BELLSOUTH USES THE WRONG STANDARD IN  
14 ATTEMPTING TO DEMONSTRATE THAT CLECS DO NOT FACE  
15 OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED  
16 LOCAL SWITCHING.” DOES MS. BURSH PROPOSE AN APPROPRIATE  
17 STANDARD TO COMPARE DELIVERY METHODS?

18  
19 A. No, her proposal is inappropriate. First, I would like to note a bit of inconsistency  
20 in Ms. Bursh’s position. After claiming that BellSouth’s data is irrelevant and  
21 instructing this Commission to discard this evidence, Ms. Bursh appears to  
22 contradict her own testimony. She concedes that the FCC suggested a review of  
23 performance data could be appropriate as part of the inquiry into the ILEC’s  
24 “ability to transfer loops in a timely and reliable manner.” (TRO at ¶ 512.)

1           Having now agreed that the data are relevant, she disagrees with the manner in  
2           which this Commission chose to develop the data.

3

4           The discussion of performance measurements data for hot cuts and UNE local  
5           loops in Exhibit AJV-1 provides the relevant information that the FCC suggested  
6           for use by this Commission. BellSouth has been producing performance  
7           measurements using Kentucky data, based on the Georgia April 6, 2001  
8           measurement plan, for many months. Instead of assessing BellSouth's  
9           performance relative to standards set by that SQM plan, as I did in my direct  
10          testimony, Ms. Bursh claims that my "discussion provides little insight into the  
11          issue of whether BellSouth's loop provisioning is as prompt and efficient as UNE-  
12          P." Instead, Ms. Bursh along with Ms. Lichtenberg and Mr. Van de Water create  
13          their own standard. None of these witnesses, however, explains how they derived  
14          their standard. As to Ms. Bursh's self-proclaimed "FCC-prescribed standard of  
15          UNE-P performance," there is neither a directive that establishes this standard,  
16          nor would it be a reasonable standard by which to measure performance.

17

18          The key point is that it is not appropriate to compare performance for UNE-P and  
19          UNE-L processes in the instances where they are not analogous. They are not the  
20          same products and do not offer the same functionality to the CLEC.  
21          Consequently, neither the FCC, nor this Commission required them to be the  
22          same. The question before the Commission is NOT whether UNE-L can be made  
23          the same as UNE-P. The question before the Commission, rather, is whether an  
24          efficient CLEC can compete in a particular market using UNE-L. Because the

1 answer to this question is unequivocally “yes,” the CLECs are attempting to  
2 change the question.

3

4 Q. ON PAGES 4 – 5 OF HER REBUTTAL TESTIMONY, FOLLOWING THE  
5 SAME GENERAL APPROACH AS MS. BURSH, MS. LICHTENBURG  
6 COMPARES UNE-L INSTALLATION INTERVALS TO UNE-P  
7 INSTALLATION INTERVALS AND CONCLUDES THAT UNE-L  
8 MIGRATIONS TAKE SUBSTANTIALLY LONGER THAN UNE-P  
9 MIGRATIONS. IS THIS A FAIR COMPARISON?

10

11 A. No. This is a comparison that identifies the obvious fact that the products are  
12 different, but fails to identify the relevance or usefulness of that fact for  
13 determining operational impairment. As I stated in my Rebuttal Testimony,  
14 responding to the same issue raised by AT&T witness Mark David Van De Water,  
15 there is an inherent flaw in attempting to equate two different products and  
16 processes and expecting the results to be the same. Where UNE-P orders require  
17 little more than a billing change of the existing end-user, UNE-L will always  
18 require some type of physical work whether at the central office or the customer’s  
19 premises. What Ms. Lichtenberg and other CLEC witnesses raising this issue fail  
20 to do is demonstrate how they are impaired because of the difference.  
21 Furthermore, the CLEC witnesses do not provide any rationale why this  
22 Commission should suddenly change the Commission-ordered performance  
23 standards for UNE-P and UNE-L, which are generally retail analogs, to now be a  
24 simple comparison of UNE-P to UNE-L.

25

1 As already mentioned, BellSouth, the CLECs, and the Commission have all spent  
2 an enormous amount of time establishing performance measurements,  
3 disaggregating products and processes, and creating performance standards based  
4 on the differences in these products and processes. Where the performance  
5 standards are retail analogs, in most cases these retail analogs are reasonable and  
6 relevant. Where they are not reasonable or relevant, CLEC and retail  
7 performance results cannot be compared to arrive at a meaningful conclusion. In  
8 this instance, more analysis of the data is necessary to determine whether a  
9 performance problem exists. The erroneous standard can be revised in the next  
10 periodic review. Contrary to this approach, which CLECs agreed to and this  
11 Commission ordered, CLECs now propose to establish UNE-P performance as  
12 the analog for UNE-L performance, despite the fact that the two products are not  
13 analogous in all cases.

14

15 The Commission has determined that the performance standard for both UNE  
16 Loops and UNE-P is a retail analog. In the absence of something more tangible,  
17 the fact that the standards adopted by all nine state commissions in BellSouth's  
18 region and accepted by the FCC, reflect differences based on the different  
19 products and processes renders moot this point stressed by Ms. Lichtenberg, and  
20 other CLEC witnesses. I should also point out that failure to meet this  
21 Commission's prescribed standards for order completion interval, as set forth in  
22 the Service Quality Measurement ("SQM") Plan, is met with immediate penalty  
23 plan consequences. This occurs, in some cases, even where the performance  
24 standard is clearly improper.

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Q. TURNING AGAIN TO MS. BURSH, ON PAGES 5 THROUGH 7 OF HER REBUTTAL TESTIMONY, MS. BURSH, NOTING AS MS. LICHTENBERG DID, THAT UNE-P AND UNE-L HAVE DIFFERENT INTERVALS, GOES FURTHER AND MAKES THE ASSERTION THAT IF "UNE-P IS NO LONGER AVAILABLE, THE ILEC MUST FOLLOW THE SAME STANDARD IN PERFORMING ITS REPLACEMENT." DOES THIS CONCLUSION HAVE MERIT?

A. Not entirely. It is a reasonable conclusion when the processes required to provide the two products are analogous. Ms. Bursh, however, is narrowly asserting that the performance standard for Order Completion Interval (OCI) should be the same for these two products even though the processes measured by OCI are not analogous. The basis for this illogical approach is purported to be the FCC in the TRO.

The only determination that the Commission need make is: Will BellSouth's performance for UNE loops provide the CLECs with a meaningful opportunity to compete? Stated another way: Does UNE-L performance impair the CLEC's ability to compete? In making this determination, the Commission should consider not only the order completion interval, but also the other provisioning measurements as well as ordering and maintenance processes. The Commission should also consider the fact that UNE-L provides the CLEC with a number of competitive advantages that they do not have with UNE-P. For instance, once an end-user is served by a UNE loop which is terminated on the CLEC's switching

1 equipment, the CLEC can change switch dependant features and offer  
2 promotional packaging without involving BellSouth.

3

4 Q. YOU STATED THAT MS. BURSH, MS. LICHTENBERG, AND MR. VAN DE  
5 WATER ALL CLAIM THAT PERFORMANCE FOR UNE-P AND ITS'  
6 REPLACEMENT, PRESUMABLY UNE-L, MUST BE THE SAME. DO YOU  
7 AGREE WITH THEIR BASIS FOR THIS CLAIM?

8

9 A. No. In coming to the conclusion that the Order Completion Interval for UNE-P  
10 and UNE-L must be the same, these witnesses cite a partial reference to footnote  
11 1574 in the TRO. The entire footnote is as follows:

12 In determining whether granular evidence contradicts our finding  
13 that the hot cut process imposes an operational barrier, the state  
14 commission should review evidence of consistently reliable  
15 performance in three areas: (1) Timeliness: percentage of missed  
16 installation appointments and order completion interval; (2)  
17 Quality: outages and percent of provisioning troubles; and (3)  
18 Maintenance and Repair: customer trouble report rate, percentage  
19 of missed repair appointments, and percentage of repeat troubles.  
20 This review is necessary to ensure that customer loops can be  
21 transferred from the incumbent LEC main distribution frame to a  
22 competitive LEC collocation as promptly and efficiently as  
23 incumbent LECs can transfer customers using unbundled local  
24 circuit switching. This evidence will permit states to evaluate  
25 whether competitive carriers are impaired because the quality of  
26 their services is below that offered by the incumbent.

27 While the State Commissions are encouraged to review performance, there is  
28 nothing in this footnote that requires an identical standard for UNE-P and UNE-L.  
29 Ms. Bursh (on page 5 of her rebuttal testimony) and Mr. Van de Water (on pages  
30 6-7 of his rebuttal testimony) cite the portion of the footnote that discusses  
31 'transferring customer loops from the incumbent LEC main distribution frame to  
32 a competitive LEC collocation.' Under the existing Kentucky plan, this function

1 has a performance standard requiring that the activity must be completed within  
2 15 minutes, 95% of the time. These CLEC witnesses erroneously conclude that  
3 the Order Completion Interval for UNE-L, which is not even a measure of the  
4 process that they address, must therefore be the same as UNE-P.

5  
6 Once again, these products are different, which means they have inherent  
7 advantages and disadvantages. For example, some forms of UNE-P will have a  
8 shorter order completion interval than some forms of UNE-L, such as migration  
9 only orders. Other forms of UNE-P, such as those orders requiring the dispatch of  
10 a technician, will have longer intervals as shown in my rebuttal testimony on this  
11 subject. Finally, UNE-L, as previously stated, provides the CLEC with more  
12 direct control of some of the services provided to their customers. Particularly,  
13 CLECs can change custom calling features themselves with UNE-L, without  
14 involving BellSouth.

15  
16 There are significant parallel processes for ordering and provisioning UNE-P and  
17 UNE-L services, but they are not analogous with respect to order completion  
18 interval. Notably, the CLEC's ignore, in the same order, the language to which  
19 this footnote applies. Namely, in paragraph 512, which references footnote 1574,  
20 the FCC states:

21 We therefore ask the state commissions to consider more granular  
22 evidence concerning the incumbent LEC's ability to transfer loops  
23 in a timely manner. Specifically, we ask the states to determine  
24 whether incumbent LECs are providing nondiscriminatory access  
25 to unbundled loops. [fn. 1574] Evidence relevant to this inquiry  
26 might include, for example, commercial performance data  
27 demonstrating the timeliness and accuracy with which the  
28 incumbent LEC performs loop provisioning tasks and the existence  
29 of a penalty plan with respect to the applicable metrics. For

1 incumbent LECs that are BOCs subject to the requirements of  
2 section 271 of the Act, states may chose to rely on any  
3 performance data reports and penalty plans that might have been  
4 developed in the context of a past, pending, or planned application  
5 for long-distance authority. (emphasis added)

6 Clearly, the FCC is asking states to use existing performance plans with full  
7 knowledge that those plans equate performance on UNE-L to retail analogs, not to  
8 UNE-P. Therefore, given that the performance data that the FCC encourages  
9 states to use in their evaluations do not reflect the same standards for UNE-P and  
10 UNE-L, it would be illogical to interpret the footnote cited by the CLECs as  
11 meaning that these two performance standards should be equivalent.

12  
13 Further, the CLECs fail to cite the portion of the footnote that directs “states to  
14 evaluate whether competitive carriers are impaired because the quality of their  
15 services is below that offered by the incumbent.” In other words, the FCC  
16 directed the states to use the same tests used to establish the retail analogues and  
17 benchmarks in the performance plan – substantially the same time and manner,  
18 and meaningful opportunity to compete. Given that the Commission has already  
19 established analogues and benchmarks setting those standards, it should rely on  
20 these data to meet the FCC’s directive.

21  
22 Q. HAS THE ARGUMENT THAT THESE INTERVALS SHOULD BE THE  
23 SAME BEEN MADE BEFORE TO THE FCC?

24  
25 A. Yes. Significantly, AT&T made this same argument before the FCC that the  
26 standard must be the same for UNE-P and UNE-L. In particular, AT&T argued  
27 that until ILECs offer an electronic loop provisioning (ELP) method of



1 transferring large volumes of local customers, unbundled switching for voice  
2 grade loops is essential. The FCC, in paragraph 491 of its TRO, rejected this  
3 contention stating: “the evidence in the record suggests that an ELP process, to be  
4 effective, would require significant and costly upgrades to the existing local  
5 network at both the remote terminal and the central office...we, decline to require  
6 ELP at this time, although we may reexamine AT&T’s proposal if hot cut  
7 processes are not, in fact, sufficient to handle necessary volumes.” Clearly, the  
8 FCC did not support the idea that UNE-P and UNE-L installation intervals must  
9 be the same. Consequently, it is impractical for this Commission to superimpose  
10 such a blatantly self-serving standard simply because CLECs want to do so.

11

12 A more rational interpretation of the TRO is that BellSouth’s performance relative  
13 to the applicable standards for UNE-L should be equivalent to BellSouth’s  
14 performance relative to applicable standards for UNE-P. Said another way, it  
15 means that BellSouth must provide nondiscriminatory UNE-L performance just  
16 like it must provide nondiscriminatory UNE-P performance. Of course, analysis  
17 of the data shows that BellSouth meets this rational test, which is a fact that  
18 CLEC witnesses cannot refute.

19

20 Q. MS. BURSH ON PAGE 6 PRESENTS TABLE 1 THAT SHE CLAIMS  
21 DEMONSTRATES THAT BELLSOUTH’S LOOP PERFORMANCE FALLS  
22 “WOEFULLY SHORT” WHEN COMPARED AGAINST UNE-P  
23 PERFORMANCE. WHAT IS THE RELEVANCE OF THIS COMPARISON IN  
24 THIS PROCEEDING?

25

1 A. It provides no useful information to this Commission. Ms. Bursh is reiterating the  
2 same point raised by Mr. Van De Water on page 17 of his direct testimony and  
3 that I addressed in my rebuttal of Mr. Van De Water's testimony and just  
4 addressed again in this testimony. Ms. Bursh's Table (page 6 of her rebuttal  
5 testimony) simply points out that the Order Completion Interval (OCI) or the  
6 average time interval to complete UNE-P orders, which are mostly orders  
7 requiring a records change only, and require no physical work, is less than the  
8 average time to complete 2W Analog Loop w/LNP Non-Design < 10 / Dispatch-  
9 In, where some form of physical work is required. In other words, UNE-P orders  
10 are primarily "switch as is" and 2W Analog Loop w/LNP Non-Design < 10 /  
11 Dispatch-In orders are not.

12  
13 Here Ms. Bursh twists her analysis as she attempts to draw conclusions by  
14 equating the installation interval for two different products and processes. Many  
15 of the UNE-P orders that Ms. Bursh refers to here are largely orders for feature  
16 changes. So, she has stated incorrectly what OCI would be in a UNE-L  
17 environment. In particular, for feature changes the order completion interval in  
18 the UNE-L environment would be zero, because the CLEC would do this work  
19 itself, compared to the "fraction of a day" for UNE-P orders reflected in Ms.  
20 Bursh's Table.

21  
22 Further, it should be noted that the interval for 2-W Analog Loop w/LNP Non-  
23 Design < 10 / Dispatch-In includes a 3-day minimum for the LNP portion of the  
24 work. This 3-day minimum was requested by the CLECs in collaborative teams  
25 so that the CLECs have the time to perform their work necessary to provision the

1 service. The origin of this 3-day minimum is actually an industry agreement,  
2 which allows for the new service provider (either CLEC or BellSouth) to  
3 accomplish the work and coordination necessary to perform a number port.

4  
5 Specifically, as background, in July 2003, the Local Number Portability  
6 Administration Working Group (LNPAWG), which includes CLEC and ILEC  
7 representatives, approved a set of number porting procedures that place a  
8 minimum interval on the Order Completion Interval for number ports in an NPA-  
9 NXX exchange. These procedures, in part, state: "Any subsequent port in that  
10 NPA NXX will have a due date no earlier than three (3) business days after FOC  
11 receipt." A subsequent port refers to any number port that occurs after the very  
12 first one in that NPA-NXX code, which would encompass virtually all of the  
13 number ports applicable here. The LNPAWG is a sanctioned committee of the  
14 North American Numbering Council (NANC). AT&T is a member of the  
15 LNPAWG who approved these procedures requiring the 3-day minimum.

16  
17 However, despite the aforementioned 3-day minimum for LNP orders, BellSouth  
18 has implemented ways to shorten the OCI time for non-LNP orders, particularly  
19 for UNE Loop orders not requiring a dispatch. Of course, additional changes  
20 must still adhere to industry standards and may be delayed by CLECs through the  
21 change CCP.

22  
23 As pointed out in my rebuttal testimony on pages 13 and 14, an order for UNE-P  
24 typically involves little more than changing the billing of an existing end-user  
25 from BellSouth retail, or from another CLEC, to the acquiring CLEC. It is

1 important to note that for most UNE-P orders, the following three factors apply:  
2 1) no physical work is required; 2) no outside dispatch is needed; and 3) the order  
3 is not subject to facility shortages. The other order type listed in Ms. Bursh's  
4 Table, 2W Analog Loop w/LNP Non-Design < 10 / Dispatch-In, will always  
5 require some form of physical work.

6  
7 Finally, to reiterate, the relevant question is not whether UNE-L and UNE-P are  
8 the same, but whether an efficient CLEC can compete using UNE-L. BellSouth's  
9 UNE-L performance, coupled with the advantages to the CLEC of UNE-L,  
10 provides CLECs a meaningful opportunity to compete. For instance, any alleged  
11 timeliness advantage that BellSouth has with respect to loops connected to its  
12 switch, becomes an advantage to the CLEC after the CLEC has acquired the  
13 customer using UNE-L. In that case, because the loop is already connected to the  
14 CLEC's switch and only requires minimal work, BellSouth and the CLEC must  
15 perform a hot cut to win-back the customer. Other advantages include the  
16 business opportunities to perform their own work on their own switches, and the  
17 marketing opportunities to offer their own features and functionalities that are not  
18 offered by BellSouth. I only make these points to illustrate the lack of logic  
19 surrounding the CLECs claim that Order Completion Interval results should be  
20 viewed in a vacuum and are required to be the same for UNE-P and UNE-L.

21

22 Q. ON PAGE 10 OF HIS REBUTTAL TESTIMONY, MR. VAN DE WATER  
23 ARGUES THAT BELLSOUTH'S HOT CUT MEASURE BENCHMARK  
24 SHOULD BE 5 MINUTES AS OPPOSED TO 15 MINUTES. DO YOU  
25 AGREE?

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A. No, I do not agree. Mr. Van De Water’s allegation that BellSouth insisted in performance measure proceedings to be able to keep the customer out of service for 15 minutes “should it so choose” is quite untrue. First, BellSouth does not have an average interval benchmark like the one that Mr. Van de Water describes. Instead, the standard is to complete 95% of all hot cuts within 15 minutes.

Second, the benchmark provides for the conversion work described in BellSouth witness Mr. Ainsworth’s testimony. By performing the pre-conversion work before the actual transfer from switch to switch, BellSouth increases its efficiencies and minimizes the actual impact of the physical transfer to the end-user. And third, the benchmark is reasonable, as each of the state commissions has already determined.

**III. BELLSOUTH HAS PROVIDED ALL OF THE UNE LOOP DATA NECESSARY TO ASSESS ITS PERFORMANCE AND, CONTRARY TO IMPLICATIONS BY THE CLECS, DID NOT “HIDE” ANY RELEVANT LOOP OR HOT CUT PERFORMANCE RESULTS.**

Q. MS. BURSH, ON PAGES 7 THROUGH 9 CLAIMS THAT CONSOLIDATING RESULTS FOR “ALL LOOPS” HIDES PERFORMANCE RESULTS RELEVANT TO THE ISSUE OF OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING. HOW DO YOU RESPOND?

1 A. BellSouth did not aggregate or offset the performance assessments in a manner  
2 that masks the more relevant performance as Ms. Bursh claims on page 8. On the  
3 contrary, Exhibit AJV-1 and Attachment 1 provided hot cut performance in detail,  
4 as well as the other performance data for UNE Local Loops in Kentucky. As I  
5 already pointed out, while the hot cut volume in Kentucky is very low, the data  
6 show that BellSouth met the Coordinated Customer Conversion 15-minute  
7 benchmark for over 99.7% of all cutovers in the past 7 months in Georgia. This  
8 measurement reflects the average time it takes to disconnect an unbundled loop  
9 from the BellSouth switch and cross connect it to the CLEC equipment. For UNE  
10 Local Loops, in Kentucky, BellSouth met the specified benchmark intervals for  
11 FOCs at a rate of 99% during the 12-month period (November 2002 – October  
12 2003). For the same period, in Kentucky, BellSouth met the performance  
13 standard for 94% of the provisioning sub-metrics and 94% of the maintenance &  
14 repair sub-metrics.

15  
16 Further, the detailed data for each individual sub-metric was provided. This was  
17 clearly the case, because Ms. Bursh refers to some of the data in her testimony.  
18 The problem with analyzing performance at the sub-metric level is that many of  
19 the sub-metrics have such small volumes, that they don't provide a useful basis  
20 for analysis. To help remedy that problem, I refer to aggregate statistics in the  
21 body of the testimony; however, the detail is plainly visible for anyone who wants  
22 to see it. Moreover, when the detail is considered, BellSouth's performance  
23 actually seems to be better than the aggregate statistics indicate.

1 Q. ON PAGE 8, BEGINNING ON LINE 22 MS. BURSH APPEARS TO BELIEVE  
2 THAT BELLSOUTH'S AGGREGATED ASSESSMENT MAY MASK  
3 PERFORMANCE. HOW DO YOU RESPOND?

4

5 A. As I indicated above, BellSouth did not aggregate the performance assessments in  
6 a way that masks anything. On pages 8 and 9 of my Direct Testimony, I explain  
7 which products are included within the UNE Loop performance data. Also, as  
8 previously stated, Exhibit AJV-1 provides a detailed discussion of the data and  
9 the detailed performance results at the sub-metric level. That exhibit beginning  
10 on page 11 provided overall hot cut performance and the charts in Attachment 1  
11 to the Exhibit AJV-1 provided the data individually. It is this detailed  
12 comparative performance data for UNE Local loops that actually facilitates  
13 evaluation of the extent to which nondiscriminatory performance is provided. But  
14 regardless of the individual or aggregated presentation of the data, the fact  
15 remains that BellSouth's performance is very high.

16

17 Q. MS. BURSH AGAIN PRESENTS PERFORMANCE RESULTS (PAGE 9) FOR  
18 SUB-METRICS TO BOLSTER THE CLAIM "THAT BELLSOUTH IS NOT  
19 PROVIDING EXCELLENT SERVICE LEVELS IN STATES WITH MORE  
20 VOLUME." HOW DO YOU RESPOND?

21

22 A. Ms. Bursh continues her pattern of identifying anecdotal examples of sub-metrics  
23 where BellSouth has not met the benchmark and ignoring the overall performance  
24 of the measurement. Ms. Bursh picks a few sub-metrics of the partially  
25 mechanized FOCs as her examples. As stated previously, overall FOC

1 performance for Kentucky actually averaged 99% over the period from November  
2 2002 through October 2003. However, Ms. Bursh focuses on two sub-metrics, for  
3 FOC Timeliness – Partially Mechanized in Georgia, namely 2W-Analog Loop  
4 w/LNP Design and 2W-Analog Loop w/LNP Non-Design. In previous states,  
5 such as North Carolina, Ms. Bursh focused her attention on the FOC and Reject  
6 Completeness - Fully Mechanized sub-metric. However, when she filed rebuttal  
7 testimony in Alabama, because BellSouth met 100% of the 2W Analog Design  
8 loops for that sub-metric in Alabama, she moved to another sub-metric.

9

10 Here, Ms. Bursh focuses on FOC Timeliness - Partially Mechanized, and offers  
11 two sub-metrics, 2W Analog Loop w/LNP Design and 2W Analog Loop w/LNP  
12 Non-Design as products that failed to meet benchmarks for several consecutive  
13 months in Georgia. However, as I explained in Exhibit AJV-1 of my Direct  
14 Testimony in this proceeding beginning on page 21, as well as in the Georgia  
15 TRO proceeding, BellSouth's data analysis revealed three specific areas  
16 associated with the mechanization of the partially mechanized LSRs. To  
17 summarize, these are 1) a situation where a number of FOCs were entered into the  
18 system within the 7-hour benchmark but were not counted correctly due to  
19 repeated attempts to respond to the CLEC; 2) a situation where BellSouth  
20 experienced delays in processing LSRs submitted via the EDI system; and 3) a  
21 situation where some CLECs are requesting that certain rejected LSRs be  
22 corrected and processed without the CLEC resubmitting a new version of the  
23 existing LSR.

24



1 The first issue is noteworthy because although BellSouth met its requirement of  
2 initially returning the FOC within the 7-hour benchmark the system error has the  
3 affect of producing an understatement of BellSouth's performance. To address the  
4 second issue, where BellSouth experienced delays in processing LSRs via EDI,  
5 BellSouth replaced both EDI system CPUs and hard drives as well as installed  
6 more CPU capacity. Additionally during September and October 2003, BellSouth  
7 added additional pathways between the EDI translator and down stream Legacy  
8 systems. Electronic processing of certain administrative and archival functions  
9 was removed from the EDI translator to reduce the processing time of the LSRs.  
10 The third issue is the impact caused when some LSRs are being corrected and put  
11 in the ordering systems without receiving a new version of the existing LSR from  
12 the CLEC. Although this almost always causes the FOC interval to exceed the 7-  
13 hour benchmark, BellSouth is meeting the request of the CLECs.

14  
15 Also, in March 2003 the benchmark changed from 85% in 10 hours to 90% in 7  
16 hours for partial mechanized LSRs in Georgia, which is the example Ms. Bursh  
17 cited in her rebuttal. This benchmark is more stringent than most of the 9 states  
18 that BellSouth serves. In fact, Kentucky currently uses as its benchmark 85%  
19 within 10 hours.

20  
21 Ms. Bursh's conclusions do not consider any of these pertinent facts. Thus, Ms.  
22 Bursh's pattern is clear. She looks for anecdotal examples of sub-metrics where  
23 BellSouth misses the benchmark, instead of looking at the overall performance  
24 being provided to the CLECs, and ignores pertinent facts.

25

1 Ms. Bursh also filed as Exhibit No. CLB-R1 of her rebuttal testimony in this  
2 proceeding the rebuttal testimony that she filed with the Georgia Public Service  
3 Commission in the TRO proceeding. Therefore, I have attached my surrebuttal  
4 testimony filed in Georgia, included here as Exhibit AJV-5, which addresses the  
5 issues she raised in that proceeding.

6

7 Q. ON PAGE 10 OF HER REBUTTAL TESTIMONY, MS. BURSH APPEARS TO  
8 ALLEGE THAT BELLSOUTH IS MISREPRESENTING THE  
9 PERFORMANCE RESULTS BY INCLUDING LOOPS THAT ARE NOT  
10 MIGRATABLE FROM UNE-P. HOW DO YOU RESPOND?

11

12 A. Actually, it appears that Ms. Bursh seems to be creating confusion with the  
13 Commission by making an argument that appears to have little, if any, relevance.  
14 BellSouth is presenting performance data for all products that a CLEC might use  
15 in significant volume to provide service using UNE-L. This inquiry should not be  
16 limited simply to those loops that can be migrated from UNE-P because a CLEC  
17 can acquire customers by conversion from retail, or from new installations.  
18 Additionally, CLECs can add lines to existing accounts. All of these possibilities  
19 allow a CLEC to compete, but none of them involves migration from UNE-P.

20

21 Also, Ms. Bursh's testimony and that of other witnesses indicate that they are  
22 certainly interested in ensuring that no operational impairment exists on loops  
23 regardless of whether they can be migrated from UNE-P. The data represent all  
24 loops including those that are newly provisioned, migrated from Retail, switched  
25 from other CLECs, as well those that are migrated from UNE-P, and are not

1 limited to hot cuts. This is the appropriate scope of the inquiry, and allows the  
2 Commission to assess BellSouth's performance in provisioning UNE Loops for  
3 all relevant products.

4  
5 **IV. THE EXISTING KENTUCKY SERVICE QUALITY MEASUREMENT**  
6 **PLAN METRICS TOGETHER WITH THE PROPOSED CHANGES**  
7 **INCLUDED IN MY DIRECT TESTIMONY ARE MORE THAN**  
8 **SUFFICIENT TO ADDRESS CURRENT AND ANTICIPATED HOT CUT**  
9 **PERFORMANCE CONCERNS.**

10  
11 Q. ON PAGES 10 AND 11 MS. BURSH ASSERTS THAT BELLSOUTH'S  
12 PROPOSED ENHANCEMENTS TO THE PERFORMANCE MEASURES AND  
13 SEEM PLAN ARE INADEQUATE. DO YOU AGREE?

14  
15 A. No. Contrary to Ms. Bursh's assertion, BellSouth indeed suffers negative  
16 consequences if elongated response intervals to the Bulk Migration Notification  
17 forms are reflected in the results for PO-3, UNE Bulk Migration – Response  
18 Time. As stated in my Direct Testimony, any extensive response intervals to the  
19 Bulk Migration Notification forms would penalize BellSouth since BellSouth's  
20 incentive is to migrate the customer to UNE-L and not to delay any response and  
21 lengthen response time of the Bulk Migration. BellSouth does not believe it  
22 should offer to write the CLECs a check for the privilege of providing them UNE-  
23 P at today's highly discounted rate after it is no longer required. The SEEM plan  
24 should be designed to penalize poor performance, not simply generate an  
25 unwarranted windfall to CLECs. Ms. Bursh's view, that CLECs should receive

1 payments whether they are harmed or not, is consistent with her past positions, so  
2 it comes as no surprise.

3

4 Q. ON PAGE 11, MS. BURSH CONTENDS THAT BELL SOUTH SHOULD  
5 ESTABLISH ADDITIONAL METRICS FOR MONITORING THE BATCH  
6 HOT CUT PROCESS. DOES THIS CONTENTION HAVE ANY MERIT?

7

8 A. No. The new measurements and modifications to existing measurements  
9 proposed in my Direct Testimony provide sufficient additional data to monitor  
10 BellSouth's performance during hot cuts. Although Ms. Bursh asserts that even  
11 more measurements are essential, she does not provide any specifications for the  
12 additional measurements that she claims are so desperately needed. All  
13 companies, not just the CLECs, have the need to optimize the utilization of  
14 resources. Creating and producing unnecessary measurements does not further  
15 that goal. Although, Ms. Bursh proposes titles for new measures, such as  
16 "Percent of Batches Started on Time", "Percent of Batches Completed On Time",  
17 and "Percent Conversion Service Outages," she does not provide the specifics of  
18 the measurements she is suggesting. In any event, it appears that her concerns  
19 have already been addressed.

20

21 Regarding the requested "Percent Batches Started on Time" measure, this  
22 Commission has already established and BellSouth already produces a  
23 measurement, P-7A, for Hot-Cut Timeliness that measures whether or not a  
24 coordinated hot cut begins within 15 minutes of the requested start time. For non-  
25 coordinated hot cuts, the hot cuts simply need to start on the due date. If a non-

1 coordinated hot cut does not start on the due date, the existing missed installation  
2 appointment metric and the new measure P-7E described in my Direct Testimony  
3 and again below capture that performance.

4  
5 Likewise, it appears that Ms. Bursh’s suggestion for a metric for “Percent of  
6 Batches Completed on Time” data is already being addressed. For coordinated  
7 hot cuts, measure P-7A, Coordinated Customer Conversions – Hot Cut Timeliness  
8 % within Interval and Average Interval coupled with P-7, Coordinated Customer  
9 Conversions Interval, captures whether the cut was started on time and completed  
10 on time. To address the “Percent of Batches Completed On Time” for non-  
11 coordinated hot cuts, BellSouth has already proposed P-7E, Non-Coordinated  
12 Customer Conversions - % Completed and Notified on Due Date as referenced in  
13 my direct testimony on page 43. (It should be noted that this measure was shown  
14 in error on pages 43 and 45 of my direct testimony as P-6E, instead of P-7E). The  
15 proposed new measure, complete with a definition, exclusions, business rules,  
16 calculation, report structure and benchmark is included in Exhibit AJV-2. To  
17 summarize, this report measures the percentage of non-coordinated conversions  
18 that BellSouth completed on the due date and provided notification to the CLEC  
19 on the same date. This measure is also proposed to be included in both Tier 1 and  
20 Tier 2 of the SEEM plan.

21  
22 Lastly, Ms. Bursh proposes the establishment of a “Percent Conversion Service  
23 Outages” measurement. It appears, however, that this performance is already  
24 covered by measures P-7B and P-7C, which are the Average Recovery Time, and  
25 Percent Provisioning Troubles in 7 Days measures.

1

2

As for the SEEM consequences, my disagreement with Ms. Bursh's proposal, *i.e.*,

3

equal to the average net revenue time the average life of the customer has already

4

been addressed in my rebuttal to Mr. Van De Water's testimony.

5

6

**V. OTHER ISSUES**

7

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Q. HOW WOULD BELLSOUTH PROPOSE TO ADDRESS PROCESS

9

CHANGES THAT WOULD AFFECT MEASUREMENTS?

10

11

A. BellSouth is planning several enhancements to the batch hot cut process, as

12

discussed in the surrebuttal testimony of BellSouth witness Mr. Ken Ainsworth.

13

In my direct testimony, I proposed two new measurements, PO-3 and P-7E, and

14

changes to measures O-7, O-8, O-9, O-11 and P-7. To the extent that these

15

enhancements affect the measurements, BellSouth will, of course, modify its

16

proposed measurement changes and additions accordingly.

17

18

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

19

20

A. Yes.

21

1                                   BELLSOUTH TELECOMMUNICATIONS, INC.  
2                                   SURREBUTTAL TESTIMONY OF ALPHONSO J. VARNER  
3                                   BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION  
4                                   FILED FEBRUARY 18, 2004  
5                                   DOCKET NO. 17749-U

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

A. My name is Alphonso J. Varner. I am employed by BellSouth as Assistant Vice President in Interconnection Services. My business address is 675 West Peachtree Street, Atlanta, Georgia 30375.

Q. ARE YOU THE SAME ALPHONSO J. VARNER WHO FILED DIRECT AND REBUTTAL TESTIMONY IN THIS PROCEEDING?

A. Yes I am.

Q WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. My Surrebuttal Testimony is filed in response to several issues raised by CLEC witnesses Sherry Lichtenberg of MCI, Cheryl Bursh and Mark Van De Water of AT&T, and Matthew J. Blocha of Florida Digital Network, Inc., ("FDN").

1 Q. HOW WOULD YOU CHARACTERIZE THE GENERAL NATURE OF THE  
2 ARGUMENTS MADE BY THESE PARTIES?

3

4 A. There are four (4) themes repeatedly asserted by the CLECs in an attempt  
5 to frustrate a finding by this Commission that CLECs are not operationally  
6 impaired without access to unbundled local circuit switching. The first  
7 assertion, and the most blatantly erroneous, is that the performance data  
8 provided in my Direct Testimony are not relevant to the issues to be  
9 addressed in this proceeding. In order to support this faulty conclusion,  
10 CLECs engage in a narrow and impractical interpretation of the FCC's  
11 Triennial Review Order ("TRO") and ignore other parts of the order that  
12 directly contradict their conclusion.

13

14 Second, while claiming that the performance results are not relevant,  
15 some of these same CLECs use these same data to argue that because  
16 the standards for one measure of performance for UNE-Platform ("UNE-  
17 P") and UNE Loops ("UNE-L") are different, CLECs are automatically  
18 impaired without unbundled local switching. This argument does not  
19 comport with either the TRO or a practical assessment of whether  
20 impairment exists. Further, the CLECs did not fulfill the fundamental  
21 need to offer tangible evidence that the differences about which they  
22 comment constitute operational impairment.

23

24 Third, some of these CLEC witnesses replay the contention that disaster  
25 looms in the future. Once again, they argue that unless BellSouth's



1 systems and processes used in ordering, provisioning and maintaining  
2 UNE-Loops are substantially more mechanized, the potential for errors in  
3 manual operations and the increased demand for UNE-L would cause  
4 BellSouth's performance to plummet. As a result, they claim that CLECs  
5 would be unable to compete if UNE-P is not required. These are the  
6 same type of claims CLEC made in opposing BellSouth's entry into the  
7 long distance market, although this time they suggest the sky will fall once  
8 again if UNE-P is eliminated and CLECs must rely on UNE-L.

9

10 Finally, the CLECs falsely contend that unless the performance standards  
11 for UNE-P and UNE-L are virtually the same, CLECs will face operational  
12 barriers that would prohibit CLECs from competing effectively in the local  
13 mass market. In this instance, the CLECs rely on an illogical interpretation  
14 of the FCC statement in the TRO that it "is necessary to ensure that  
15 customer loops can be transferred from the [ILEC]...to a [CLEC] ...as  
16 promptly and efficiently as [ILECs] can transfer customers using local  
17 circuit switching." [fn. 1574] The CLECs raising this issue use an  
18 impractical inference from this portion of the footnote as the basis to  
19 assert that any variation between UNE-P and UNE-L performance is  
20 enough to establish impairment.

21

22 My Surrebuttal Testimony addresses of each of these issues, none of  
23 which constitutes impairment.

24

25

1 I. BELL SOUTH'S CURRENT PERFORMANCE RESULTS ARE NOT  
2 ONLY RELEVANT TO THIS PROCEEDING, BUT WITHOUT SUCH  
3 DATA THERE IS NO OBJECTIVE BASIS TO DETERMINE IF THE  
4 CLECS FACE OPERATIONAL IMPAIRMENT.

5

6 Q. HOW DO YOU RESPOND TO THE COMMENTS ON PAGE 3 OF MS.  
7 BURSH'S, PAGE 8 OF MR VAN DE WATER'S AND PAGE 2 OF MS.  
8 LICHTENBERG'S REBUTTAL TESTIMONY, WHERE EACH CITE  
9 PARAGRAPH 469 FROM THE FCC'S TRIENNIAL REVIEW ORDER AS  
10 A REASON TO CONCLUDE THAT BELL SOUTH'S CURRENT  
11 PERFORMANCE RESULTS ARE NOT RELEVANT IN THIS  
12 PROCEEDING.

13

14 A. these witnesses cite the FCC's statement in paragraph 469 of the  
15 Triennial Review Order that "the number of hot cuts performed by BOCs in  
16 connection with the 271 process is not comparable to the number that  
17 incumbent LECs would need to perform if unbundled switching were not  
18 available for all customer locations served with voice-grade loops." This is  
19 construed as the basis to declare that the current performance data are  
20 irrelevant. This conclusion is not required by the TRO, and it is neither a  
21 reasonable way for the Commission to proceed nor a reasonable  
22 interpretation of the Order.

23

24 Paragraph 469 merely indicates that ILECs, like BellSouth, cannot rely  
25 only on the findings in the 271 proceedings to conclude that there is no

1 impairment for CLECs if unbundled switching is not available. The point  
2 that the FCC was making is that the question the state commissions must  
3 answer is how the ILEC will handle increased volumes. They did not  
4 reject current performance data as evidence that a state commission  
5 should consider in that regard. On the contrary, in paragraph 512 of its  
6 Triennial Review Order, the FCC encouraged the use of such data in  
7 these proceedings with respect to loop provisioning in general:

8 Evidence relevant to this inquiry might include, for example,  
9 commercial performance data demonstrating the timeliness  
10 and accuracy with which the incumbent LEC performs loop  
11 provisioning tasks and the existence of a penalty plan with  
12 respect to the applicable metrics. For the incumbent LECs  
13 that are BOCs subject to the requirements of section 271 of  
14 the Act, states may choose to rely on any performance data  
15 reports and penalty plans that might have been developed in  
16 the context of the past, pending, or planned application for  
17 long-distance authority.

18 Clearly, the FCC intended for states to use the facts of current  
19 performance instead of proceeding based solely on findings in prior 271  
20 proceedings. The FCC clearly did not intend for the states to proceed on  
21 the basis of unsupported assumptions and restrictive fact finding as these  
22 witnesses propose.

23

24

25 The intent of the FCC's statement in paragraph 469 is more reasonably  
26 interpreted as the rationale for why the FCC believed it could not find on a  
27 national basis that CLECs are not impaired without access to unbundled  
28 local switching, or hold unequivocally that they are impaired. If the FCC  
29 had made such a clear finding, there would be no need for the state  
30 proceedings.

1 For example, in footnote 1435 of the same paragraph 469 that these  
2 witnesses cite, the FCC states: “our decision does not overlook the  
3 possibility that if in some markets the incumbents’ ability to perform batch  
4 hot cuts does not pose impairment, the states may simply make the  
5 findings to this effect.” BellSouth’s performance data evidence BellSouth’s  
6 ability to perform loop provisioning in a timely and reliable manner. Hot  
7 cuts are simply a specific type of loop provisioning activity. Thus,  
8 BellSouth’s current exemplary performance data are relevant and  
9 important.

10

11 The performance data should be used in conjunction with the testimony of  
12 other BellSouth witnesses such as Mr. McElroy, Mr. Ainsworth, and Mr.  
13 Heartley in assessing alleged operational impairment. The performance  
14 data calculated as prescribed by this Commission is an important part of  
15 this inquiry because it demonstrates BellSouth’s ability to provide  
16 nondiscriminatory loop provisioning. BellSouth has shown a commitment  
17 to provisioning loops, including hot cuts in a timely and accurate manner  
18 for CLECs in Georgia. These measurement results clearly show that  
19 performance does not pose an operational barrier to market entry for the  
20 CLECs. Performance data provided in my Direct Testimony offers a  
21 factual basis for the Commission’s decisions instead of the unsupported  
22 assumptions offered by these witnesses.

23

24 Q. MS. BURSH, ON PAGES 3 and 4 OF HER REBUTTAL TESTIMONY  
25 ALLEGES THAT BELL SOUTH HAS TWISTED CURRENT

1 PERFORMANCE DATA TO SUPPORT THE CLAIM THAT  
2 BELL SOUTH'S EXISTING PROCESSES WILL ADEQUATELY  
3 SUPPORT ANTICIPATED LOOP MIGRATION. DO YOU AGREE?  
4

5 A. No, I disagree. As demonstrated in Exhibit AJV-1 to my Direct Testimony,  
6 BellSouth performs hot cuts in a timely and accurate manner for CLECs in  
7 Georgia. If the hot cut volumes are low, they simply reflect the CLECs'  
8 choices, which according to Ms Bursh is rationale to penalize BellSouth.  
9 That aside, hot cuts are not a new process to BellSouth. The fact is  
10 BellSouth has been doing what we now call 'hot cuts' for many years.  
11 BellSouth has extensive experience in performing large numbers of hot  
12 cuts by completing the work steps required to transfer a geographic area  
13 from one wire center to another. These transfers are called 'Area  
14 Transfers.' Another example of the BellSouth's experience with 'hot cuts'  
15 is the T&F process, wherein a customer moves from one location to  
16 another within the same wire center. Yet one more example of hot cuts in  
17 very large volumes is switch replacement. This occurs when BellSouth  
18 replaces the switching equipment in a central office with newer technology  
19 such as the replacement of an analog switch with a digital switch. Switch  
20 replacement involves the hot cut of thousands of customer lines, in a very  
21 short period of time. These examples have been subject to Commission  
22 oversight for many years, even predating the Telecom Act of 1996.  
23  
24

1 Further, when the Commission set performance standards for CLEC hot  
2 cuts, these standards did not have any volume limitations or constraints.  
3 BellSouth was required to meet these standards regardless of the volume  
4 offered. The data show that BellSouth has met the performance  
5 standards established by the Commission, which of course required  
6 dedication of the resources necessary to do so. Having met this challenge  
7 in the past certainly supports the notion that BellSouth will continue to do  
8 so in the future. These are the facts and these facts cannot be disputed.

9

10 Looking specifically at the activity to disconnect and reconnect the loop,  
11 for the seven-month period from March to September 2003, BellSouth  
12 performed this function within 15 minutes for 99.7% of the more than  
13 4,000 coordinated loop conversions in Georgia during that period. The  
14 average time to cutover a loop was less than 3 minutes.

15

16 Rather than try to refute the facts, Ms. Bursh resorts to the supposition  
17 that the facts will change. The allegation that the existing processes will  
18 be inadequate to support anticipated loop migration is merely an  
19 unsupported guess that BellSouth will not continue to meet the standards  
20 that it has met in the past. The facts represented by both current and  
21 historical data contradict Ms. Bursh's conjecture. Also, in the unlikely  
22 event that BellSouth does not meet the standards, there are indicators,  
23 such as measurements, and consequences such as SEEM payments,  
24 complaints and other remedies that this Commission and the FCC  
25 established that can be used to address her concerns.

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If Ms. Bursh, like Ms. Lichtenberg, is implying that the processes are not scalable with increased volumes, the FCC has at least partially addressed this issue by finding in 49 decisions under section 271 that incumbents could scale their hot-cut processes as necessary (e.g., *New York Order* ¶ 308). While I agree that this finding was made in an environment where UNE-P was required, it nonetheless is recognition that a significant degree of scalability exists. This recognition is confirmed by the testimony of Mr. McElroy, who explains how BellSouth’s batch migration process of unbundled network element platform (UNE-P) to unbundled loop (UNE-L) service will sufficiently support the batch conversion of a CLEC’s embedded UNE-P customer base to UNE-L services, and Mr. Ainsworth and Mr. Heartley, who describe how BellSouth’s processes are scalable to meet future demands.

Q. ON PAGE 3 OF HER REBUTTAL TESTIMONY, MS. LICHTENBERG CLAIMS THAT YOUR DIRECT TESTIMONY: (1) AT BEST, “ADDRESSES BELLSOUTH’S PERFORMANCE WITH RESPECT TO THE CURRENT LOW LEVEL OF UNE-L ORDERS; AND (2) “DOES NOT GIVE A CLEAR PICTURE OF BELLSOUTH’S ACTUAL PERFORMANCE ON UNE-L ORDERS.” PLEASE COMMENT.

A. With respect to her first comment, that my Direct Testimony only addresses performance with respect to the “current low level of UNE-L orders”, Ms. Lichtenberg misses the obvious purpose of performance

1 data. The only options for performance reporting are past or present  
2 results, based on whatever level of activity the CLECs generate. The only  
3 meaningful way to assess BellSouth's ability to effectively process  
4 potential increases in future demand is to consider current performance  
5 results, the commonality and capacity of systems used in processes that  
6 handle significant volumes for similar activities today, the practical options  
7 available to BellSouth (or any business for that matter) of shifting  
8 resources to meet demand, and planned improvements in processes to  
9 accommodate anticipated requirements. Thus, the intent of my Direct  
10 Testimony, which provided BellSouth's performance with respect to loop  
11 provisioning in general and hot cuts in particular, was not for the data to  
12 be considered in isolation. Rather, as previously stated, the performance  
13 results provided in my Direct Testimony should be considered in  
14 conjunction with the testimony of other BellSouth witnesses addressing  
15 other relevant aspects of the impairment issue.

16  
17 The current volumes reflect what the CLECs are ordering and BellSouth  
18 can only report what is being ordered. Ms. Lichtenberg provides no  
19 reasonable basis as to why the Commission should believe that BellSouth  
20 would not be able to handle an increase in UNE-L volumes. In contrast,  
21 BellSouth has provided factual data and a concrete rationale to support its  
22 claim that performance will be continue to be superior. It should be  
23 remembered that when the CLECs opposed BellSouth's long distance  
24 applications, they erroneously predicted a similar inability regarding  
25 BellSouth's capacity to meet future volume demands for UNE-P and



1 ordering in general. This erroneous prediction was contradicted by the  
2 data available at the time. Notably, the facts proved the CLECs' prediction  
3 wrong then and they are wrong now. Rather than rely upon the facts, Ms.  
4 Lichtenberg feebly postulates the vaporous notion that if it has not  
5 happened in the past, it can't happen in the future while completely  
6 ignoring the fact that both current and historical data contradict her  
7 prediction.

8

9 In addition, Ms Lichtenberg goes on to reiterate the point that some  
10 processes are manual. The thrust of her whole argument in this case is  
11 the faulty assumption that the presence of a manual procedure anywhere  
12 in the stream of ordering and provisioning processes somehow results in  
13 impairment. Indeed, there is an obvious and significant gap between  
14 quoting the percentage of UNE-L orders that were Fully Mechanized  
15 during a specific period and concluding that these percentages establish  
16 CLEC impairment. The flow-through of LSRs is only one aspect of  
17 providing UNE-Loops to CLECs and, as the FCC has clearly explained, a  
18 secondary one at that.

19

20 As a practical matter, BellSouth will obviously assign its resources to the  
21 areas that generate the most volume. Certainly, as CLECs begin to  
22 submit more UNE-L orders, and less of other order types, BellSouth would  
23 make adjustments to address the change in CLEC order types. I should  
24 point out that the priority with which BellSouth makes changes to such  
25 systems is largely controlled by CLECs through the Change Control

1 Process (CCP). If the flow-through of UNE-L orders becomes a high  
2 priority with CLECs, it should be reflected in their CCP prioritization.

3

4 Significantly, BellSouth's current and past performance record, in  
5 conjunction with the process and procedure plans provided by other  
6 BellSouth witnesses, is a reasonable basis to infer that its future  
7 performance will be similar. Surely, the performance results provided in  
8 my Direct Testimony provide a more rational basis for this Commission's  
9 determinations than the pure conjecture offered by CLEC witnesses such  
10 as Ms. Lichtenberg.

11

12 In contending that my Direct Testimony does not "give a clear picture of  
13 BellSouth's actual performance", Ms. Lichtenberg focuses on two aspects  
14 of performance - flow through and order completion interval. Of course,  
15 this approach ignores the substantial amount of data that I provided  
16 demonstrating that BellSouth's UNE loop provisioning performance has  
17 been and continues at a high level. I will address her flow through  
18 testimony now and her order completion interval testimony later because it  
19 has some common elements with other witnesses.

20

21 Any discussion of flow-through must first be placed into context with  
22 respect to its usefulness, which Ms. Lichtenberg did not address. In  
23 addition, she ignored the value of the measurement results as prescribed  
24 by this Commission. First, the performance results provided in my Direct  
25 Testimony are based on the performance measures and standards

1 established for the Flow-Through metric by this Commission and accepted  
2 by the FCC. Moreover, the FCC has repeatedly stated that Flow-Through  
3 is a secondary measure and that other measures are more important  
4 indicators of performance. In particular, the FCC stated in its Texas  
5 Order:

6 We have not considered flow-through rates as the sole indicia  
7 of parity, however, and thus have not limited our analysis of  
8 a BOC's ordering processes to a review of its flow-through  
9 performance data. Instead, we have held that factors such  
10 as a BOC's overall ability to return timely order confirmation  
11 and rejection notices, accurately process manually handled  
12 orders, and scale its systems are relevant and probative for  
13 analyzing a BOC's ability to provide access to its ordering  
14 functions in a nondiscriminatory manner. See Texas Order,  
15 ¶ 179.

16 While the FCC has repeatedly expressed the secondary nature and  
17 importance of the flow-through metric, the CLECs have repeatedly ignored  
18 this point in assessing the impact of flow-through. The FCC's statement  
19 doesn't mean that flow through is irrelevant; it simply means that its  
20 significance is dictated by performance on other measures. In this  
21 proceeding, Ms. Lichtenberg attempts to overstate the importance of flow-  
22 through apparently because overall performance is being reviewed in  
23 connection with batch hot cuts. Oddly, she seems to be aware of its  
24 secondary role, because she refers to service order accuracy as an  
25 important consequence of flow-through. Service Order Accuracy is one of  
26 the measures that bears upon the significance of flow-through, and is a  
27 measure that BellSouth currently reports and will continue to report in its  
28 monthly data.

29  
30

1 Q. MS. LICHTENBERG, ON PAGE 4 OF HER TESTIMONY, STATES THAT  
2 “LOW FLOW THROUGH MEANS THAT MOST UNE-L ORDERS MUST  
3 BE PROCESSED MANUALLY...INCREASING STILL MORE THE  
4 CHANCES FOR HUMAN ERROR AND CUSTOMER SERVICE  
5 OUTAGES AND OTHER PROBLEMS.” PLEASE COMMENT.

6

7 A. Ms. Lichtenberg is engaged in speculative predictions about BellSouth’s  
8 ability to process orders accurately by referring to “chances” for human  
9 error and customer service outages without indicating any factual or other  
10 rationale or basis for her predictions. Rather than relying upon actual  
11 performance data, she simply opines that the prospect of excessive  
12 human errors by BellSouth or customer service outages, and the  
13 “potential” for problems is enough for this Commission to find that CLECs  
14 are impaired without access UNE-P at TELRIC rates.

15

16 If BellSouth’s performance results are reviewed, however, the lack of merit  
17 to Ms. Lichtenberg’s repeated contention that unless BellSouth’s ordering  
18 and provisioning processes are significantly more mechanized, CLECs will  
19 become impaired without UNE-P becomes clear. For example, with  
20 respect to Ms. Lichtenberg’s concern about the possibility of human errors  
21 in the ordering process, BellSouth reports its monthly performance relative  
22 to errors in the ordering process via measure P-11, Service Order  
23 Accuracy. For both UNE-P and UNE-L performance exceeds the 95%  
24 benchmark. The following chart reflects BellSouth’s performance for the  
25 Service Order Accuracy measure for UNE-P and UNE-L for the most

1 recent three months: October, November and December 2003 (the results  
2 show the percent of orders that are accurate).

3

4	<u>MONTH</u>	<u>UNE-P</u>	<u>UNE-L</u>
5	October 2003	95.84%	97.41%
6	November 2003	96.41	97.94
7	December 2003	96.80	98.53

8

9 Performance for both products exceeded the Commission ordered 95%  
10 benchmark. Based on the performance data above, the Service Order  
11 Accuracy rate was quite high. Even if the argument is made that the  
12 current UNE-L levels are much less than anticipated volumes, for  
13 December 2003, the volume for UNE-L orders was approximately 11,000  
14 orders regionally, which is clearly sufficient to demonstrate the level of  
15 BellSouth's performance. Moreover, the anticipated future increase in  
16 UNE-L orders would be accompanied by an anticipated significant  
17 decrease in UNE-P as well, which must be considered when predicting  
18 future performance levels.

19

20 Similarly, with respect to Ms. Lichtenberg's issue concerning potential  
21 customer service outages with UNE-L, on page 6 of my Rebuttal  
22 Testimony, I provided data for two Maintenance and Repair measures,  
23 Customer Trouble Report Rate and Maintenance Average Duration,  
24 showing UNE-P results and UNE-L results (reflected as CLEC SL1  
25 Although I do not agree that comparing UNE-L and UNE-P performance is

1 a reasonable approach for reasons discussed in my rebuttal, as well as  
2 later in this testimony, even those comparisons do not support Ms.  
3 Lichtenberg's claim. The data show that for maintenance and repair,  
4 BellSouth performed comparably for UNE-P and UNE-L. In fact, the UNE-  
5 L results were better than UNE-P. Moreover, the data show that if the  
6 proper comparisons are made, i.e., if UNE-L results are compared to the  
7 established retail analogues, BellSouth performs at a very high level in  
8 maintaining UNE loops. Again, simply recognizing that these are smaller  
9 UNE-L volumes than anticipated in the future, does not establish that  
10 performance levels will deteriorate to a point that CLECs are operationally  
11 impaired without UNE-P.

12

13 Q. DO YOU HAVE OTHER EVIDENCE OF BELLSOUTH'S  
14 EFFECTIVENESS IN HOT CUT PERFORMANCE?

15

16 A. Yes. The rebuttal testimony of Mr. Matthew J. Blocha of Florida Digital  
17 Network, Inc. (FDN) contains clear and objective evidence that BellSouth's  
18 hot cut process is effective. On page 4 of his rebuttal testimony, Mr.  
19 Blocha states "FDN believes that the hot cut process of the ILECs works  
20 well for the most part." On page 9, Mr. Blocha states "As a UNE-L based  
21 CLEC that performs numerous hot cuts for DS-0 loops daily and has more  
22 working DS-0 loops than any other single CLEC in the state, FDN would  
23 be hard pressed to say that the hot cut process does not work well." Then  
24 on page 11, Mr. Blocha notes "On a daily basis, FDN and BellSouth work

1 cooperatively together to install loops through IDLC for mass market  
2 customers.”

3

4 Q. WHY ARE THESE COMMENTS PARTICULARLY SIGNIFICANT?

5

6 A. Mr. Blocha represents a facility-based CLEC that has first-hand  
7 knowledge and daily experience at a significant volume with hot cuts. This  
8 is in stark contrast to the testimony of other CLECs in this docket who  
9 primarily use UNE-P and who have a vested interest in seeing that the  
10 availability of UNE-P continues. FDN has approximately 6 years of  
11 experience with UNE-L and Mr. Blocha believes that FDN uses a  
12 significant amount of the UNE Loops provided by BellSouth, and  
13 BellSouth has no reason to disagree.

14

15 This testimony, from a CLEC with actual experience with BellSouth’s hot  
16 cut process, is consistent with BellSouth’s data. Corroboration from  
17 someone with factual experience stands in stark contrast to the  
18 speculative predictions of witnesses for AT&T and MCI who have offered  
19 no basis for their claims that BellSouth will fail to perform in the future.

20

21 **II. THE CLAIM THAT UNLESS THE PERFORMANCE STANDARDS FOR**  
22 **UNE-L ARE EQUIVALENT TO UNE-P, CLECS ARE IMPAIRED DUE TO**  
23 **OPERATIONAL BARRIERS WITHOUT ACCESS TO LOCAL**  
24 **SWITCHING IS CONTRARY TO BOTH LOGIC AND THE TRO.**

25

1 Q. ON PAGES 4 AND 5 OF HER REBUTTAL TESTIMONY, MS. BURSH  
2 STATES THAT "BELLSOUTH USES THE WRONG STANDARD IN  
3 ATTEMPTING TO DEMONSTRATE THAT CLECS DO NOT FACE  
4 OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT  
5 UNBUNDLED LOCAL SWITCHING." DOES MS. BURSH PROPOSE AN  
6 APPROPRIATE STANDARD TO COMPARE DELIVERY METHODS?

7

8 A. No, her proposal is inappropriate. First, I would like to note a bit of  
9 inconsistency in Ms Bursh's position. After claiming that BellSouth's data  
10 is irrelevant and instructing this Commission to disregard this evidence,  
11 Ms. Bursh takes precisely the opposite position, conceding that the FCC  
12 suggested a review of performance data could be appropriate as part of  
13 the inquiry into the ILEC's "ability to transfer loops in a timely and reliable  
14 manner." (TRO at ¶ 512.)

15

16 Having now agreed that the data are relevant, Ms. Bursh disagrees with  
17 the manner in which this Commission chose to require that the data be  
18 developed and reported. Since May 1998, BellSouth has been providing  
19 performance data consistent with the Commission's requirements. These  
20 requirements have been refined as a result of the Commission's ongoing  
21 review of BellSouth's Service Quality Measurements (SQMs) plan. The  
22 current SQM plan, which was the culmination of the Commission's six-  
23 month review cycle, has been in effect since March 2003.

24



1           Instead of assessing Bellsouth’s performance relative to those standards  
2           as I did in my direct testimony, Ms. Bursh claims that my “discussion  
3           provides little insight into the issue of whether BellSouth’s loop  
4           provisioning is as prompt and efficient as UNE-P.” Instead, Ms. Bursh  
5           along with Ms. Lichtenberg and Mr. Van de Water create their own  
6           standard. None of these witnesses, however, explains how they derived  
7           their standard. As to Ms Bursh’s self-proclaimed “FCC-prescribed  
8           standard of UNE-P performance”, there is neither a directive that  
9           establishes this standard, nor would it be a reasonable standard by which  
10          to measure performance.

11

12          The key point is that it is not appropriate to compare performance for  
13          UNE-P and UNE-L processes in the instances where they are not  
14          analogous. They are not the same products and do not offer the same  
15          functionality to the CLEC. Consequently, neither the FCC nor this  
16          Commission required them to be the same. The question before the  
17          Commission is NOT whether UNE-L can be made the same as UNE-P.  
18          The question before the Commission, rather, is whether an efficient CLEC  
19          can compete in a particular market using UNE-L. Because the answer to  
20          this question is unequivocally “yes,” the CLECs are attempting to change  
21          the question.

22

23    Q.    ON PAGES 4 – 5 OF HER REBUTTAL TESTIMONY, FOLLOWING THE  
24          SAME GENERAL APPROACH AS MS. BURSH, MS. LICHTENBURG  
25          COMPARES UNE-L INSTALLATION INTERVALS TO UNE-P

1           INSTALLATION INTERVALS AND CONCLUDES THAT UNE-L  
2           MIGRATIONS TAKE SUBSTANTIALLY LONGER THAN UNE-P  
3           MIGRATIONS. IS THIS A FAIR COMPARISON?

4

5    A.    No. This is a comparison that identifies the obvious fact that the products  
6           are different, but fails to identify the relevance or usefulness of that fact for  
7           determining operational impairment by comparison. As I stated in my  
8           Rebuttal Testimony, responding to the same issue raised by AT&T  
9           witness Mark David Van De Water, there is an inherent flaw in attempting  
10          to equate two different products and processes – expecting the results to  
11          be the same. Where UNE-P orders require little more than a billing  
12          change of the existing end-user, UNE-L will always require some type of  
13          physical work whether at the central office or the customer premise. What  
14          Ms. Lichtenberg and other CLEC witnesses raising this issue fail to do is  
15          demonstrate how they are impaired because of the difference.

16

17          Furthermore, the Commission has determined that the performance  
18          standard for both UNE Loops and UNE-P is a retail analog. In the  
19          absence of something more tangible, the fact that the standards adopted  
20          by all nine state commissions in BellSouth's region, and accepted by the  
21          FCC, reflect differences based on the different products and processes  
22          renders moot this point stressed by Ms. Lichtenberg, and other CLEC  
23          witnesses. I should also point out that failure to meet this Commission's  
24          prescribed standards for order completion interval, as set forth in the  
25          Performance Assessment Plan, is met with immediate penalty plan

1 consequences. This occurs, in some cases, even where the performance  
2 standard is clearly improper. To the extent the CLECs seek a change in  
3 the Commission-ordered performance standards for UNE-P and UNE-L,  
4 that request should be addressed in the next SQM review, not in this  
5 proceeding.

6

7 Q. TURNING AGAIN TO MS. BURSH, ON PAGES 4 AND 5 OF HER  
8 REBUTTAL TESTIMONY, MS. BURSH, NOTING AS MS. LICHTENBERG  
9 DID, THAT UNE-P AND UNE-L HAVE DIFFERENT INTERVALS, GOES  
10 FURTHER AND MAKES THE ASSERTION THAT IF "UNE-P IS NO  
11 LONGER AVAILABLE, THE ILEC MUST FOLLOW THE SAME  
12 STANDARD IN PERFORMING ITS REPLACEMENT." DOES THIS  
13 CONCLUSION HAVE MERIT?

14

15 A. This conclusion has merit only to the extent the processes required to  
16 provide the two products are analogous. Ms. Bursh, however, is narrowly  
17 asserting that the performance standard for Order Completion Interval  
18 (OCI) should be the same for these two products even though the  
19 processes measured by OCI are not analogous.

20

21 The only determination that the Commission need make in this proceeding  
22 is: Will BellSouth's performance for UNE loops provide the CLECs with a  
23 meaningful opportunity to compete? Which is another way of asking: does  
24 UNE-L performance impair the CLEC's ability to compete? In making this  
25 determination, the Commission should consider not only the order

1 completion interval but also the other measurements of maintenance,  
2 billing, provisioning, and ordering processes. The Commission should  
3 also consider the fact that UNE-L provides the CLEC with a number of  
4 competitive advantages that they do not have with UNE-P. For instance,  
5 once an end-user is served by UNE-L terminated on the CLEC's switching  
6 equipment, the CLEC can change switch dependant features and offer  
7 promotional packaging without involving BellSouth.

8

9 Q. YOU STATED THAT MS. BURSH, MS. LICHTENBERG AND MR. VAN  
10 DE WATER ALL CLAIM THAT PERFORMANCE FOR UNE-P AND ITS'  
11 REPLACEMENT, PRESUMABLY UNE-L, MUST BE THE SAME. DO  
12 YOU AGREE WITH THEIR BASIS FOR THIS CLAIM?

13

14 A. No, in coming to the conclusion that the Order Completion Interval for  
15 UNE-P and UNE-L should be the same, these witnesses cite a partial  
16 reference to footnote 1574 in the TRO. The entire footnote is as follows:

17 In determining whether granular evidence contradicts our  
18 finding that the hot cut process imposes an operational  
19 barrier, the state commission should review evidence of  
20 consistently reliable performance in three areas: (1)  
21 Timeliness: percentage of missed installation appointments  
22 and order completion interval; (2) Quality: outages and  
23 percent of provisioning troubles; and (3) Maintenance and  
24 Repair: customer trouble report rate, percentage of missed  
25 repair appointments, and percentage of repeat troubles. This  
26 review is necessary to ensure that customer loops can be  
27 transferred from the incumbent LEC main distribution frame  
28 to a competitive LEC collocation as promptly and efficiently  
29 as incumbent LECs can transfer customers using unbundled  
30 local circuit switching. This evidence will permit states to  
31 evaluate whether competitive carriers are impaired because  
32 the quality of their services is below that offered by the  
33 incumbent.

1 While the State Commission is encouraged to review performance, there  
2 is nothing in this footnote that requires an identical standard for UNE-P  
3 and UNE-L. Ms. Bursh and Mr. Van de Water cite the portion of the  
4 footnote that discusses “transferring customer loops from the incumbent  
5 LEC main distribution frame to a competitive LEC collocation.” This  
6 function has a performance standard that the activity must be completed  
7 within 15 minutes, 95% of the time. They erroneously conclude that the  
8 Order Completion Interval for UNE-L, which is not even a measure of the  
9 process that they address, must therefore be the same as UNE-P. Once  
10 again, these products are different, which means they have inherent  
11 advantages and disadvantages. For example, some forms of UNE-P will  
12 have a shorter order completion interval than some forms of UNE-L, such  
13 as migration only orders. Other forms of UNE-P, such as those orders  
14 requiring the dispatch of a technician, will have longer intervals as shown  
15 in my rebuttal testimony on this subject. Finally, UNE-L as previously  
16 stated provides the CLEC with more direct control of some of the services  
17 provided to their customer. Particularly, CLECs can change custom  
18 calling features themselves with UNE-L.

19  
20 There are significant parallel processes for ordering and provisioning the  
21 unbundled network element platform (UNE-P) and unbundled loop (UNE-  
22 L) services, but they are not analogous with respect to order completion  
23 interval. The CLEC’s ignore the language in paragraph 512, which  
24 references this footnote, in which the FCC states:

1 We therefore ask the state commissions to consider more  
2 granular evidence concerning the incumbent LEC's ability to  
3 transfer loops in a timely manner. Specifically, we ask the  
4 states to determine whether incumbent LECs are providing  
5 nondiscriminatory access to unbundled loops. [fn. 1574]  
6 Evidence relevant to this inquiry might include, for example,  
7 commercial performance data demonstrating the timeliness  
8 and accuracy with which the incumbent LEC performs loop  
9 provisioning tasks and the existence of a penalty plan with  
10 respect to the applicable metrics. For incumbent LECs that  
11 are BOCs subject to the requirements of section 271 of the  
12 Act, states may chose to rely on any performance data  
13 reports and penalty plans that might have been developed in  
14 the context of a past, pending, or planned application for  
15 long-distance authority. (emphasis added)

16  
17 Clearly, the FCC is asking states to use existing performance plans with  
18 full knowledge that those plans equate CLEC performance to retails  
19 analogs, not UNE-P to UNE-L. Therefore, given that the performance  
20 data that the FCC encourages states to use in their evaluations do not  
21 reflect the same standards for UNE-P and UNE-L, it would be illogical to  
22 interpret the footnote cited by the CLECs as meaning that these two  
23 performance standards should be equivalent.

24  
25 Further, the CLECs fail to cite the portion of the footnote that directs  
26 "states to evaluate whether competitive carriers are impaired because the  
27 quality of their services is below that offered by the incumbent." In other  
28 words, the FCC directed the states to use the same tests used to establish  
29 the retail analogues and benchmarks in the performance plan –  
30 substantially the same time and manner, and meaningful opportunity to  
31 compete. Given that the Commission has already established analogues

1 and benchmarks setting those standards, it should rely on that data to  
2 meet the FCC's directive.

3

4 Significantly, AT&T made this same argument before the FCC that the  
5 standard must be the same for UNE-P and UNE-L, contending that until  
6 ILECs offer an electronic loop provisioning (ELP) method of transferring  
7 large volumes of local customers unbundled switching for voice grade  
8 loops is essential. The FCC, in paragraph 491 of its TRO, rejected this  
9 contention stating: "the evidence in the record suggests that an ELP  
10 process, to be effective, would require significant and costly upgrades to  
11 the existing local network at both the remote terminal and the central  
12 office...we, decline to require ELP at this time, although we may  
13 reexamine AT&T's proposal if hot cut processes are not, in fact, sufficient  
14 to handle necessary volumes." Clearly, the FCC did not support the idea  
15 that UNE-P and UNE-L installation intervals must be the same.  
16 Consequently, it is impractical for this Commission to superimpose such a  
17 blatantly self-serving standard simply because CLECs want to do so.

18

19 A more rational interpretation of the TRO is that BellSouth's performance  
20 relative to the applicable standards for UNE-L should be equivalent to  
21 BellSouth's performance relative to applicable standards for UNE-P. Said  
22 another way, it means that BellSouth must provide nondiscriminatory  
23 UNE-L performance just like it must provide nondiscriminatory UNE-P  
24 performance. Of course, the data show that BellSouth meets this rational  
25 test, which is a fact that CLEC witnesses cannot refute.

1 Q. MS. BURSH ON PAGE 6 PRESENTS A TABLE THAT SHE CLAIMS  
2 DEMONSTRATES THAT BELLSOUTH'S LOOP PERFORMANCE FALLS  
3 "WOEFULLY SHORT" WHEN COMPARED AGAINST UNE-P  
4 PERFORMANCE. WHAT IS THE RELEVANCE OF THIS COMPARISON  
5 IN THIS PROCEEDING?

6  
7 A. It provides no useful information to this Commission. Ms. Bursh is  
8 reiterating the same point raised by Mr. Van De Water on pages 15 and  
9 16 of his direct testimony and that I addressed in my rebuttal of Mr. Van  
10 De Water's testimony and just addressed again in this testimony. Ms.  
11 Bursh's Table 1 (page 6 of her rebuttal testimony) simply points out that  
12 the Order Completion Interval (OCI) is the average time interval to  
13 complete UNE-P orders, which are mostly orders requiring a records  
14 change only, and require no physical work, is less than the average time  
15 to complete 2W Analog Loop w/LNP Non-Design < 10 / Dispatch In, where  
16 some form of physical work is required. In other words, UNE-P orders are  
17 primarily "switch as is" and 2W Analog Loop w/LNP Non-Design < 10 /  
18 Dispatch In orders are not. Here Ms. Bursh twists her analysis as she  
19 attempts to draw conclusions by equating the installation interval for two  
20 different products and processes. The UNE-P orders that Ms. Bursh  
21 refers to here are largely orders for feature changes. So she has stated  
22 incorrectly what OCI would be in a UNE-L environment. In particular, for  
23 features changes, the order completion interval in the UNE-L environment  
24 would be zero, because the CLEC can do this work itself, compared to the  
25 "fraction of a day" for UNE-P orders reflected in Ms. Bursh's Table 1.



1 Further, it should be noted that the interval for 2-W Analog Loop w/LNP  
2 Non-Design < 10/Dispatch In includes a 3-day minimum for the LNP  
3 portion of the work, which has been requested by the CLECs in  
4 collaborative teams so that they can perform work on their side.

5

6 As pointed out in my rebuttal testimony on page 15, an order for UNE-P  
7 typically involves little more than changing the billing of an existing end-  
8 user from BellSouth retail, or from another CLEC, to the acquiring CLEC.  
9 It is important to note that for most UNE-P orders the following three  
10 factors apply: 1) no physical work is required, 2) no outside dispatch is  
11 needed, and 3) the order is not subject to facility shortages. The other  
12 order type listed in Ms. Bursh's Table 1, 2W Analog Loop w/LNP Non-  
13 Design < 10 / Dispatch In, will always require some form of physical work.

14

15 To reiterate, the relevant question is not whether UNE-L and UNE-P are  
16 the same, but whether an efficient CLEC can compete using UNE-L.  
17 BellSouth's UNE-L performance, coupled with the advantages of UNE-L,  
18 provides CLECs a meaningful opportunity to compete. For instance, any  
19 alleged timeliness advantage that BellSouth has with respect to loops  
20 connected to its switch, becomes an advantage to the CLEC after the  
21 CLEC has acquired the customer using UNE-L. In that case, because the  
22 loop is already connected to the CLEC's switch and only requires minimal  
23 work, BellSouth must perform a hot cut to win-back the customer. Other  
24 advantages include the business opportunities to perform their own work,  
25 on their own switches, and the marketing opportunities to offer their own

1 features and functionalities that are not offered by BellSouth. I only make  
2 these points to illustrate the lack of logic surrounding the CLECs claim that  
3 Order Completion Interval results should be viewed in a vacuum and are  
4 required to be the same for UNE-P and UNE-L.

5

6 Q. ON PAGE 10 OF HIS REBUTTAL TESTIMONY, MR. VAN DE WATER  
7 ARGUES THAT BELLSOUTH'S HOT CUT MEASURE BENCHMARK  
8 SHOULD BE 5 MINUTES AS OPPOSED TO 15 MINUTES. DO YOU  
9 AGREE?

10

11 A. No, I do not agree. Mr. Van De Water's allegation that BellSouth insisted  
12 in performance measure proceedings to be able to keep the customer out  
13 of service for 15 minutes "should it so choose" is completely untrue. First,  
14 BellSouth does not have an average interval benchmark like the one that  
15 Mr. Van de Water describes. Instead, the standard is to complete 95% of  
16 all hot cuts within 15 minutes.

17

18 Second, the benchmark provides for the conversion work described in  
19 BellSouth witness Mr. Ainsworth's testimony. By performing the pre-  
20 conversion work before the actual transfer from switch to switch, BellSouth  
21 increases its efficiencies and minimizes the actual impact of the physical  
22 transfer to the end-user.

23

24 Third, the Commission-approved benchmark is reasonable, and the  
25 Commission has already considered and rejected CLEC attempts to

1 change that benchmark. In the six-month review in Docket No. 7892-U,  
2 the CLEC Coalition, which included AT&T, in its September 10<sup>th</sup>, 2001  
3 filing included, as Attachment 2, a CLEC proposal for business rule  
4 changes to the existing P-7 Coordinated Customer Conversions Interval  
5 measurement, but no valid rationale for the changes. The proposed  
6 measurement, titled OP-13, Coordinated Customer Conversions Hot Cut  
7 Timeliness % within Interval and Average Interval proposed an interval of  
8 1 hour for 1-10 lines and 2 hours for 11 or more lines. This Commission  
9 rejected the CLEC opinion that “BellSouth’s 15 minutes per loop is  
10 excessive”. The fact is, this Commission determined that 95% ≤ 15  
11 minutes is a reasonable benchmark standard, retained the existing P-7  
12 measurement, and declined to adopt the CLEC proposal. So, Mr. Van de  
13 Water’s belated portrayal of what occurred in the measurement  
14 development process, where he was not a participant, is without merit.

15  
16 **III. BELLSOUTH HAS PROVIDED ALL OF THE UNE LOOP DATA**  
17 **NECESSARY TO ASSESS ITS PERFORMANCE AND, CONTRARY TO**  
18 **IMPLICATIONS BY THE CLECS, DID NOT “HIDE” ANY RELEVANT**  
19 **LOOP OR HOT CUT PERFORMANCE RESULTS.**

20  
21 Q. MS. BURSH, ON PAGES 7 AND 8 CLAIMS THAT CONSOLIDATING  
22 RESULTS FOR “ALL LOOPS” HIDES PERFORMANCE RESULTS  
23 RELEVANT TO THE ISSUE OF OPERATIONAL BARRIERS TO  
24 MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING. HOW  
25 DO YOU RESPOND?

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A. BellSouth did not aggregate or offset the performance assessments in a manner that masks the more relevant performance as Ms. Bursh claims on page 6. On the contrary, Exhibit AJV-1 and Attachment 1 provided hot cut performance in detail, as well as the other performance data for UNE Local Loops in Georgia. The data show that BellSouth met the Coordinated Customer Conversion 15-minute benchmark for over 99.7% of all cutovers in the past 7 months in Georgia. This measurement reflects the average time it takes to disconnect an unbundled loop from the BellSouth switch and cross connect it to the CLEC equipment. For UNE Local Loops, BellSouth processed 95% of all LSRs by the required benchmark interval during the 7-month period (March 2003 – September 2003). For the same period, BellSouth met the performance standard for 91% of the provisioning sub-metrics and 93% of the maintenance & repair sub-metrics.

Further, the detailed data for each individual sub-metric was provided. This was clearly the case, because Ms. Bursh refers to some of that data in her testimony. The problem with analyzing performance at the sub-metric level is that many of the sub-metrics have such small volumes, that they do not provide a useful basis for analysis. To help remedy that problem, I refer to aggregate statistics in the body of the testimony; however, the detail is plainly visible for anyone who wants to see it. Moreover, when the detail is considered, BellSouth's performance actually seems to be better than the aggregate statistics indicate.

1

2 Q. ON PAGE 8, BEGINNING ON LINE 6 MS. BURSH APPEARS TO  
3 BELIEVE THAT BELLSOUTH'S AGGREGATED ASSESSMENT MAY  
4 MASK PERFORMANCE. HOW DO YOU RESPOND?

5

6 A. As I indicated above, BellSouth did not aggregate the performance  
7 assessments in a way that masks anything. On pages 8 and 9 of my  
8 Direct Testimony, I explain which products are included within the UNE  
9 Loop performance data. Also, as previously stated, Exhibit AJV-1  
10 provides a detailed discussion of the data and the detailed performance  
11 results at the sub-metric level. That exhibit beginning on page 14  
12 provided overall hot cut performance and the charts in Attachment 1 to the  
13 Exhibit AJV-1, provided the data individually. It is this detailed comparative  
14 performance data for UNE Local loops that actually facilitates evaluation  
15 of the extent to which nondiscriminatory performance is provided. But  
16 regardless of the individual or aggregated presentation of the data, the  
17 fact remains that BellSouth's performance is very high.

18

19 Q. SHOULD THE COMMISSION GIVE ANY WEIGHT TO MS. BURSH'S  
20 STATEMENT ON PAGE 8 CONCERNING THE FACT THAT  
21 BELLSOUTH MET AN AVERAGE OF 91% OF ALL THE UNE LOOP  
22 PROVISIONING SUB-METRICS OVER THE LAST 7 MONTHS IN  
23 GEORGIA, STATING "THIS IS MEANINGLESS GIVEN THAT A  
24 NUMBER OF THE MISSED SUB-METRICS WERE FOR PROVISIONING  
25 OF PRODUCT AREAS THAT WILL BE DOMINANT IF UNBUNDLED

1 LOCAL SWITCHING IS ELIMINATED” AND CRITICISM OF THE HIGH  
2 LEVEL DATA REVIEW IN YOUR TESTIMONY?

3

4 A. No, the Commission should accord this comment no weight, for several  
5 reasons. As a preliminary matter, Ms. Bursh’s supposition that this docket  
6 will result in an increase in UNE Loops if local switching is eliminated  
7 presupposes that loops must be ordered because UNE-P will not be  
8 available. This is an incorrect assumption as switching will continue to be  
9 available, but at market-based prices. Secondly Ms. Bursh’s comments  
10 on pages 8 and 9, focus on the 9% of the provisioning sub-metrics that  
11 were missed and ignores the fact that BellSouth met an average of 91% of  
12 all the UNE Loop provisioning sub-metrics over the last 7 months in  
13 Georgia. Her criticism of the value of a cursory review of the data is  
14 misguided. The reason for using this high level review is to demonstrate  
15 that results are good even at that level. More detailed analysis shows that  
16 the results are actually better than a cursory review indicates, not worse  
17 as Ms. Bursh insinuates. CLECs and this Commission can certainly review  
18 the detailed data to confirm this conclusion.

19

20 For instance, for the Order Completion Interval sub-metric cited by Ms.  
21 Bursh, starting at the bottom on page 8 of her rebuttal testimony, the  
22 volumes for each of the seven months that were not in parity were  
23 relatively low. Nonetheless, detailed analysis of the results for this and the  
24 other missed sub-metrics in the non-dispatch category shows that there is  
25 no significant performance problem.

1

2 Q. IN LOOKING AT THESE ORDER COMPLETION INTERVAL  
3 COMPARISONS, IS THERE AN EXPLANATION FOR THE DIFFERENT  
4 INTERVALS?

5

6 A. Yes. The simple answer is that the processes for CLEC orders and for the  
7 retail analog are significantly different. Taking the CLEC orders first, the  
8 Order Completion interval (OCI) for Retail Residence and Business  
9 Orders that do not require a dispatch is typically about 2 days. In contrast,  
10 the OCI for UNE Loops w/ LNP is a minimum of 3 days. The origin of this  
11 3-day minimum is actually an industry agreement, which allows for the  
12 new service provider (either CLEC or BellSouth) to accomplish the work  
13 and coordination necessary to perform a number port. In July 2003, the  
14 Local Number Portability Administration Working Group (LNPAWG), which  
15 includes CLEC and ILEC representatives, approved a set of number  
16 porting procedures that place a lower limit on the Order Completion  
17 Interval for number ports in an NPA-NXX exchange. These procedures, in  
18 part, state: "Any subsequent port in that NPA NXX will have a due date no  
19 earlier than three (3) business days after FOC receipt." The LNPAWG is a  
20 sanctioned committee of the North American Numbering Council (NANC).  
21 AT&T is a member of the LNPAWG who approved these procedures  
22 requiring the 3-day minimum.

23

24 In contrast, the Order Completion Interval retail analog for this sub-metric,  
25 retail Residence and Business Orders that do not require a dispatch is

1 typically about 2 days, primarily because number porting is not required  
2 for new retail residence and business orders. But, with a 3-day industry  
3 standard minimum for 2W Analog Loops with LNP, it is unlikely that these  
4 orders, which do not require an outside dispatch, will be completed as  
5 quickly as retail Residence and Business Orders that do not have that  
6 requirement. Perhaps a better comparison for parity determination  
7 purposes is the interval on BellSouth retail win-backs where the process is  
8 essentially the same for both BellSouth and the CLECs. Of course, little  
9 winback activity existed when these standards were established, but that  
10 is probably no longer the case, so a more analogous standard can be set  
11 in the next periodic review.

12

13 There are differences in the OCI comparisons of UNE Loop to Retail  
14 Residence and Business because the products are not as analogous as  
15 they were once believed to be. These differences between the CLEC  
16 orders and the retail analogue indicate that an out of parity condition is, in  
17 part, a result of the inequality CLEC and retail comparisons where LNP is  
18 involved, instead of poor performance, as Ms. Bursh claims. While the  
19 Commission and the parties in the 6-month review established these  
20 standards of comparing UNE Loops w/LNP to Residence and Business,  
21 these standards are, in retrospect, inappropriate, particularly with regard  
22 to the Non-Dispatch comparisons raised by Ms. Bursh.

23

24 Q. ON PAGE 9 OF HER REBUTTAL TESTIMONY, MS. BURSH  
25 INTERPRETS THE AVERAGE COMPLETION INTERVAL ANALYSIS



1 FOR UNE 2W ANALOG LOOPS NON-DESIGN IN EXHIBIT AJV-1 BY  
2 STATING "BECAUSE BELLSOUTH CANNOT MAKE ACCURATE DUE  
3 DATE ASSIGNMENTS, BELLSOUTH GIVES DUE DATES THAT  
4 REQUIRE THE CLEC AND ITS CUSTOMERS TO WAIT LONGER THAN  
5 NECESSARY." PLEASE COMMENT.

6  
7 A. For all 2-W Analog Loops, including 2-W Analog Loops w/ LNP Non-  
8 Design/ <10 Circuits Dispatch In, as I explained in Exhibit 1 of my Direct  
9 Testimony, at the time of scheduling, BellSouth is unable to determine  
10 whether or not a "dispatch out" is required and, therefore, must schedule  
11 all of these orders with the longer interval. There is no means to provide  
12 this information and CLECs have not prioritized a system change to get  
13 this information despite the fact that they have had the opportunity to do  
14 so for several years in the CCP. When these orders are then compared  
15 with the shorter non-dispatched retail analogue results, an out of parity  
16 condition is reported. For example, looking at the details surrounding the  
17 provisioning sub-metric to which Ms. Bursh refers on page 9, the sub-  
18 metric was Order Completion Interval (OCI) for 2-W Analog Loop w/LNP  
19 Non-Design/<10 Circuits/Dispatch In. For this sub-metric, the results for  
20 the 7-month period, March 2003 through September 2003, would have  
21 been compliant if compared to a more appropriate retail analog.

22  
23 Finally, while there may be a difference in OCI time, there is limited impact  
24 to the customer experience for two obvious reasons: 1) the customer is  
25 already in service, either with retail service or with UNE-P, and 2) the only

1 difference is in planning time – the time between when the order is  
2 received and when it is completed. And once the slight difference in OCI  
3 time is encountered and the CLEC has the customer in its own switch, the  
4 Commission should also consider that UNE-L provides the CLEC with a  
5 number of competitive advantages. As I mentioned earlier, once an end-  
6 user is served by UNE-L and terminated on the CLEC’s switching  
7 equipment, the CLEC has opportunity to change switch dependant  
8 features and offer promotional packaging and service intervals without  
9 involving BellSouth.

10

11 However, despite the aforementioned 3-day minimum, BellSouth is  
12 investigating ways to shorten the OCI time, particularly for UNE Loop  
13 orders not requiring a dispatch. Of course, any such change must still  
14 adhere to industry standards and must go through the change control  
15 process.

16

17 Q. MS. BURSH AGAIN PRESENTS PERFORMANCE RESULTS (PAGES  
18 10 AND 11) FOR SUB-METRICS TO BOLSTER THE CLAIM “THAT THE  
19 PERFORMANCE FOR LOOPS COLLECTIVELY DOES NOT  
20 NECESSARILY REPRESENT THE PERFORMANCE FOR INDIVIDUAL  
21 LOOP CATEGORIES.” HOW DO YOU RESPOND?

22

23 A. Ms. Bursh continues her course of identifying anecdotal examples of sub-  
24 metrics where BellSouth has not obtained the benchmark and ignoring the  
25 overall performance of the measurement. Ms. Bursh picks a few sub-  
26 metrics of the two measurements FOC and Reject Response

1 Completeness, and Firm Order Confirmation Timeliness. For the first of  
2 these, FOC and Reject Response Completeness, performance actually  
3 averaged 97% over the period from March 2003 through September 2003.  
4 However, Ms. Bursh focuses on one sub-metric, FOC and Reject  
5 Completeness – Non-Mechanized. This measurement calculates the  
6 number of Firm Order Confirmations or Auto Clarifications sent to the  
7 CLEC via FAX Server in response to manually submitted LSRs. That is,  
8 the numerator is the total number of service requests for which a FOC or  
9 Reject is sent, and the denominator is the total number of service requests  
10 received in the report period, as the metric is designed to capture the data  
11 for the current data month. CLECs do, however, submit manual LSRs on  
12 the last day of the month. Non- mechanized LSRs, which are captured in  
13 the 2W Analog Loop w/LNP Non-Design sub-metric referenced by Ms.  
14 Bursh, that are submitted on the last day of the month have a benchmark  
15 of 95% within 24 hours for both the FOC Timeliness and Reject Interval  
16 metrics. This means that the FOC or reject may not be due in the month  
17 submitted, depending upon the actual receipt time of the LSR and as a  
18 result the eventual FOC and Reject may not be included in the numerator  
19 of the FOC and Reject Responses Completeness measurement, even  
20 though the LSR would be in the denominator. One of the major issues  
21 that affect this measure are numerous versions of the same LSR being  
22 filed by the CLEC within minutes and LSRs received at the end of the  
23 month with the FOC or Reject returned in the following month. When a

1 CLEC submits multiple versions of an LSR within minutes, only the last  
2 LSR receives a response. All previous versions do not receive a response  
3 and therefore are counted as “missed” responses. The key point is that  
4 the FOC and Reject could have been returned to the CLEC, even though  
5 the FOC and Reject Completeness measurement indicates a less than  
6 100% response rate. This becomes particularly significant when the  
7 ordering volumes are small.

8  
9 Ms. Bursh also fails to account for the fact that, for the period in question  
10 (March 2003 through August 2003), in all of these months the transaction  
11 volume was so low that BellSouth could not miss even a single  
12 transaction. That is, in a month where the volume of transactions for the  
13 sub-metric was 25 or less, even 1 failure results in a miss of the 97%  
14 benchmark for this sub-metric. Ms. Bursh’s analysis ignores this fact.  
15 Thus, the sub-metric listed by Ms. Bursh, 2W Analog Loop w/LNP Non-  
16 Design, did miss the benchmark of 97% for 7 months, but only one of the  
17 months in this 7-month period had a volume of greater than 19 LSRs. That  
18 month was April 2003, which had a volume of 25 LSRs. By missing two  
19 LSRs, BellSouth attained 92% performance but missed the benchmark of  
20 97%.

21  
22 Turning to the second metric cited by Ms. Bursh, FOC Timeliness -  
23 Partially Mechanized, she offers two submetrics, 2W Analog Loop w/LNP  
24 Design and 2W Analog Loop w/LNP Non-Design as products that failed to  
25 meet benchmarks for several consecutive months. However, as

1 previously explained in Exhibit AJV-1 of my Direct Testimony, beginning  
2 on page 21, BellSouth's data analysis revealed three specific areas  
3 associated with the mechanization of the partially mechanized LSRs. To  
4 summarize, these are 1) a situation where a number of FOCs were  
5 entered into the system within the 7-hour benchmark but were not counted  
6 correctly due to repeated attempts to respond to the CLEC; 2) a situation  
7 where BellSouth experienced delays in processing LSRs submitted via the  
8 EDI system; and 3) a situation where some CLECs are requesting that  
9 certain rejected LSRs be corrected and processed without the CLEC  
10 resubmitting a new version of the existing LSR.

11

12 The first issue is noteworthy because although BellSouth met its  
13 requirement of initially returning the FOC within the 7-hour benchmark the  
14 system error has the affect of producing an understatement BellSouth's  
15 performance. To address the second issue, where BellSouth experienced  
16 delays in processing LSRs via EDI, BellSouth replaced both EDI system  
17 CPUs and hard drives as well as installing increased CPU capacity.  
18 Additionally during September and October 2003, BellSouth added  
19 additional pathways between the EDI translator and down stream Legacy  
20 systems. Electronic processing of certain administrative and archival  
21 functions was removed from the EDI translator to reduce the processing  
22 time of the LSRs. The third issue is the impact caused when some LSRs  
23 are being corrected and put in the ordering systems without receiving a  
24 new version of the existing LSR from the CLEC. Although this almost

1 always causes the FOC interval to exceed the 7-hour benchmark,  
2 BellSouth is meeting the request of the CLECs.

3

4 Ms. Bursh's conclusions do not consider these pertinent facts.

5

6 Q. STARTING ON PAGE 11, LINE 16 OF HER REBUTTAL TESTIMONY,  
7 MS. BURSH APPEARS TO ALLEGE THAT BELLSOUTH IS  
8 MISREPRESENTING THE PERFORMANCE RESULTS BY INCLUDING  
9 LOOPS THAT ARE NOT MIGRATABLE FROM UNE-P? HOW DO YOU  
10 RESPOND?

11

12 A. Actually, it appears that Ms. Bursh seems to be creating confusion by  
13 making an argument that appears to have little, if any, relevance.  
14 BellSouth is presenting performance data for all products that a CLEC  
15 might use in significant volume to provide service using UNE-L. This  
16 inquiry should not be limited simply to those loops that can be migrated  
17 from UNE-P because a CLEC can acquire customers by conversion from  
18 retail, or from new installations. Additionally, CLECs can add lines to  
19 existing accounts. All of these possibilities allow a CLEC to compete, but  
20 none of them involve migration from UNE-P.

21

22 Also, Ms. Bursh's testimony and that of other witnesses indicate that they  
23 are certainly interested in ensuring that no operational impairment exists  
24 on loops regardless of whether they can be migrated from UNE-P. The  
25 data represents all loops including those that are newly provisioned,

1 migrated from Retail, switched from other CLECs, as well those that are  
2 migrated from UNE-P and is not limited to hot cuts. This is the appropriate  
3 scope of the inquiry, and allows the Commission to assess BellSouth's  
4 performance in provisioning UNE Loops for all relevant products.

5  
6  
7 **IV. THE EXISTING GEORGIA SERVICE QUALITY MEASUREMENT PLAN**  
8 **METRICS TOGETHER WITH THE PROPOSED CHANGES INCLUDED**  
9 **IN MY DIRECT TESTIMONY ARE MORE THAN SUFFICIENT TO**  
10 **ADDRESS CURRENT AND ANTICIPATED HOT CUT PERFORMANCE**  
11 **CONCERNS.**

12  
13 Q. ON PAGE 12, LINES 6 - 15, MS. BURSH ASSERTS THAT  
14 BELLSOUTH'S PROPOSED ENHANCEMENTS TO THE  
15 PERFORMANCE MEASURES AND SEEM PLAN ARE INADEQUATE.  
16 HOW DO YOU RESPOND?

17  
18 A. I disagree. For example, contrary to Ms. Bursh's assertion, Bellsouth  
19 indeed suffers negative consequences if elongated response intervals to  
20 the Bulk Migration Notification forms are reflected in the results for PO-3,  
21 UNE Bulk Migration – Response Time. As stated in my Direct Testimony,  
22 any extensive response intervals to the Bulk Migration Notification forms  
23 would penalize BellSouth since BellSouth's incentive is to migrate the  
24 customer to UNE-L and not to delay any response and lengthen response  
25 time of the Bulk Migration. BellSouth does not believe it should offer to

1 write the CLECs a check for the privilege of providing them UNE-P at  
2 today's highly discounted rate after it is no longer required. The SEEM  
3 plan should be designed to penalize poor performance, not simply  
4 generate an unwarranted windfall to CLECs. Ms. Bursh's view, that  
5 CLECs should receive payments whether they are harmed or not, is  
6 consistent with her past positions, so it comes as no surprise.

7

8 Q. ON PAGE 12, MS. BURSH CONTENDS THAT BELL SOUTH SHOULD  
9 ESTABLISH ADDITIONAL METRICS FOR MONITORING THE BATCH  
10 HOT CUT PROCESS. HOW DO YOU RESPOND?

11

12 A. The new measurements and modifications to existing measurements  
13 proposed in my Direct Testimony provide sufficient additional data to  
14 monitor BellSouth's performance during hot cuts. Although Ms. Bursh  
15 asserts that even more measurements are essential, she does not provide  
16 any specifications for the additional measurements that she claims are so  
17 desperately needed. All companies, not just the CLECs, have the need to  
18 optimize the utilization of resources. Creating and producing unnecessary  
19 measurements does not assist that goal. Although Ms. Bursh proposes  
20 titles for new measures, such as "Percent of Batches Started on Time",  
21 "Percent of Batches Completed On Time", and "Percent Conversion  
22 Service Outages" she falls short of providing specific measurements. In  
23 any event, it appears that her concerns have already been addressed.

24



1           Regarding the requested “Percent Batches Started on Time” measure, this  
2           Commission has already established and BellSouth already produces a  
3           measurement, P-7A, for Hot-Cut Timeliness that measures whether or not  
4           a coordinated hot cut begins within 15 minutes of the requested start time.  
5           For non-coordinated hot cuts, they simply need to start on the due date,  
6           so the missed installation appointment metric and the new measure P-7E  
7           described in my Direct Testimony and again below capture that  
8           performance.

9

10          Likewise, it appears that “Percent of Batches Completed on Time” data is  
11          already being addressed. For coordinated hot cuts, measure P-7 captures  
12          whether the cut was completed on time. To address the “Percent of  
13          Batches Completed On Time” for non-coordinated hot cuts, BellSouth has  
14          already proposed P-7E, Non-Coordinated Customer Conversions - %  
15          Completed and Notified on Due Date as referenced in my direct testimony  
16          on pages 41-43. The proposed new measure, complete with a definition,  
17          exclusions, business rules, calculation, report structure and benchmark is  
18          included in Exhibit AJV-2. To summarize, this report measures the  
19          percentage of non-coordinated conversions that BellSouth completed on  
20          the due date and provided notification to the CLEC on the same date.  
21          This measure is also proposed to be included in both Tier 1 and Tier 2 of  
22          SEEM.

23

24          Lastly, Ms. Bursh proposes the establishment of a “Percent Conversion  
25          Service Outages” measurement. It appears, however, that this

1 performance is already covered by measures P-7B and P-7C, which are  
2 the Average Recovery Time, and Percent Provisioning Troubles in 7 Days  
3 measures.

4  
5 As for the SEEM consequence, my disagreement with Ms. Bursh's  
6 proposal, *i.e.*, equal to the average net revenue time the average life of  
7 the customer, has already been addressed in my rebuttal to Mr. Van De  
8 Water's testimony.

9

10 Q. MS. LICHTENBERG, ON PAGE 12 OF HER REBUTTAL TESTIMONY,  
11 ALSO CRITICIZES THE EXISTING HOT CUT PROCESS AND CLAIMS  
12 THAT THERE IS A NEED FOR A NUMBER OF CHANGES TO  
13 BELL SOUTH'S PERFORMANCE MEASURES. MS. LICHTENBERG  
14 ALSO CITES A NEED FOR A METRIC FOR TIMELY UNLOCKING OF  
15 THE E911 DATABASE. PLEASE COMMENT.

16

17 A. Ms. Lichtenberg begins this discussion by stating: "metrics need to be  
18 developed that address the process and its possible flaws." I underline  
19 the word "possible" here because Ms. Lichtenberg's approach is to  
20 consider any possible problem that might occur and use that contrived  
21 possibility to advocate the creation of yet another measure to address a  
22 problem that does not exist. Again, she makes general and rhetorical  
23 proposals for measurements without providing any evidence that  
24 BellSouth's existing or proposed measurements are not sufficient.

1 Notwithstanding Ms. Lichtenberg's generalities, I will address her  
2 suggestions for measures.

3

4 Ms. Lichtenberg's first suggestion is for some measure of "errors created  
5 by BellSouth in the multiple LSRs generated by the batch LSR." There is  
6 no need for a unique measure to address this issue. The Global LSR (or  
7 "batch LSR" using Ms. Lichtenberg's term) creates the individual LSRs  
8 and the CLEC must still enter the information for the customers included in  
9 the batch to populate the individual LSRs. Because the individual LSRs  
10 associated with the batch are entered into the systems in the same way as  
11 any other LSR, any errors in processing the multiple LSRs would be  
12 captured by the Service Order Accuracy measure, P-11.

13

14 The next issue raised by Ms. Lichtenberg is the alleged need for "a metric  
15 for timely unlocking of the E911 database." This issue involves cases  
16 where the customer changes from BellSouth to a CLEC, or for that matter  
17 from a CLEC to BellSouth, and the order including the request for the  
18 change must have reached completion status before an "unlock" message  
19 will be sent to Intrado. Intrado is the vendor currently maintaining the  
20 databases that are utilized by the Public Safety Answering Points (PSAPs)  
21 in handling E911 calls.

22

23 Any problems associated with unlocking the E911 database would apply  
24 whether it involves a customer changing from BellSouth to a CLEC, or  
25 from a CLEC to BellSouth. Therefore, both BellSouth and CLEC

1 customers would be impacted in the same way by this third party.  
2 Situations where retail and CLEC customers are affected in the same way  
3 means that the process is in parity by design, so no performance  
4 measurements in the SQM or penalties under the SEEM plan are needed.  
5 If the CLECs believe that there is a problem associated with the unlocking  
6 of the E911 database significant enough to establish a finding that they  
7 are operationally impaired due to the problems encountered, they should  
8 present this evidence. Simply declaring that there is a need for a metric is  
9 no basis for establishing one, particularly when there is no basis to claim  
10 discriminatory treatment.

11

12 Ms. Lichtenberg further states: “[a] metric also is needed to track the due  
13 dates that CLECs are assigned.” It is unclear how a new metric would  
14 “track” due dates, and it is even less clear how this information is  
15 meaningful. As an example, if a new metric were to be created that  
16 ‘tracked due dates’ and the measurement showed there were 3 orders  
17 due on February 1 and 4 orders due on February 10, there is little  
18 information to be gleaned or conclusions drawn from such a report. All the  
19 report conveys is that a combination of the CLECs’ requested due dates  
20 and BellSouth’s committed dates resulted in 3 orders due on February 1  
21 and 4 orders due February 10. I believe the more relevant information is  
22 how well BellSouth meets due date commitments. That information is  
23 available in the existing Percent Missed Installation Appointments  
24 measurement. As an alternative, each CLEC is capable of tracking due  
25 dates that they receive from BellSouth through its own internal systems. If

1 CLECs believe that there is a problem with the due dates that they are  
2 receiving from BellSouth, they can very easily collect and provide these  
3 data to have BellSouth solve any problem that it caused and ultimately  
4 involve this Commission, if appropriate.

5

6 Further, in order for performance metrics to be useful, there should be  
7 some objective basis for determining whether reported results are  
8 consistent with standards for relatively uniform activities. The due dates  
9 are negotiated between the CLECs and BellSouth according to many  
10 factors. This is because of the case-by-case nature of batch hot cuts.  
11 Moreover, the Ordering, Provisioning, and Maintenance & Repairs  
12 domains each either already has a timeliness measure or will include a  
13 timeliness measure, based on changes proposed in my Direct Testimony,  
14 that addresses batch hot cuts. Therefore, creating a metric to track due  
15 dates that CLECs receive for batch hot cuts, which is recommended by  
16 Ms. Lichtenberg without any meaningful detail, is a suggestion that should  
17 be rejected by the Commission.

18

19 Ms. Lichtenberg also suggests that “the number of ‘batch’ orders that are  
20 rejected needs to be tracked.” As discussed in my Direct Testimony,  
21 BellSouth has proposed modifying the measures O-7 (Percent Rejected  
22 Service Requests) and O-8 (Reject Interval) to include batch hot cuts.  
23 Since, as recognized by Ms. Lichtenberg in her Rebuttal Testimony, a  
24 batch LSR generates multiple LSRs, measure O-7 will track rejected

1 LSRs, including batch LSRs. Also, measure O-8 will track how long it  
2 takes to reject these LSRs.

3

4 Finally, Ms. Lichtenberg contends: “[a] separate disaggregation for batch  
5 orders is needed to ensure that this means of handling unbundled loop  
6 provision[ing] is moving smoothly from ordering to provisioning – from  
7 ordering to performing activities within the start and end time for the whole  
8 batch.” This is unnecessary and impractical. As already explained, when  
9 a CLEC issues a request for a batch order, the batch order results in  
10 individual LSRs that proceed through the Ordering systems, as would any  
11 other LSR. All of the measurements that capture BellSouth’s performance  
12 related to the processing of LSRs would include batch hot cuts, based on  
13 BellSouth’s proposal as outlined in my Direct Testimony. These LSRs  
14 can have varying due dates. Some customer orders will be due in 14  
15 days and some in 20 days, but the CLECs simply placed them on the  
16 same batch. Any consolidated orders would reflect these intervals  
17 dictated by the CLECs. So there is no way to create a standard.

18

19 Once the orders reach the provisioning process, there are five (5)  
20 measures (the existing measures P-7, P-7A, P-7B, P-7C and the  
21 proposed measure P-7E) that would monitor BellSouth’s performance  
22 related to all hot cuts, including batch hot cut provisioning measures that  
23 apply. From a practical standpoint, there is no need to establish a  
24 separate disaggregation for batch hot cuts.

25

1 Q. ON PAGE 10 OF HIS TESTIMONY, MR. BLOCHA SUGGESTS THAT  
2 "ILECs WOULD BE INCENTED TO CURE PERCEIVED FLAWS IN THE  
3 HOT CUT PROCESS IF THE COMMISSION TILTED KEY  
4 PERFORMANCE METRICS AND COMPENSATION PAYMENTS TO  
5 FOCUS MORE ON THE REALITIES OF A UNE-L WORLD RATHER  
6 THAN A UNE-P WORLD." DO YOU AGREE?  
7

8 A. It is unclear what action Mr. Blocha is proposing for the Commission to  
9 take. The current Georgia SQM and SEEM plans approved by this  
10 Commission address UNE-P as well as UNE Loops in a very  
11 comprehensive way. In fact, in the provisioning measurements, there are  
12 25 product categories of UNE Loops including analog loops, ISDN loops  
13 and digital loops. Additionally, in my Direct Testimony, I proposed  
14 modifications to measurements in the Pre-Ordering, Ordering and  
15 Provisioning domains and the SEEM plan to more closely focus on the  
16 batch hot cut processes. The Pre-Ordering and Ordering measurements  
17 addressed include PO-3: UNE Bulk Migration – Response Time, O-7:  
18 Percent Rejected Service Requests, O-8: Reject Interval, O-9: Firm Order  
19 Confirmation Timeliness, and O-11: Firm Order Confirmation and Reject  
20 Response Completeness. The Provisioning measurements addressed  
21 include P-7: Coordinated Customer Conversions Interval and P-7E: Non-  
22 Coordinated Customer Conversions - % Completed and Notified on Due  
23 Date.  
24

1 The existing SQM and SEEM plans, coupled with these modifications are  
2 more than sufficient to address any actual flaws in the hot cut process.  
3 Therefore, given the comprehensive coverage that UNE-L receives in the  
4 current plan structure, no “tilting” to favor UNE-L is necessary.

5

6 **V. OTHER ISSUES RAISED**

7

8 Q. MR. VAN DE WATER, ON PAGE 10 OF HIS TESTIMONY, DESCRIBES  
9 A SITUATION IN GEORGIA, IN THE PAST SIX MONTHS, WHERE  
10 CUSTOMERS WHO EXPERIENCED A SERVICE OUTAGE DURING A  
11 COORDINATED HOT CUT WERE OUT OF SERVICE FOR AVERAGE  
12 OF ELEVEN HOURS. PLEASE ADDRESS THIS SITUATION.

13

14 A. Mr. Van De Water tells an incomplete story. The average recovery time  
15 was 9.9 hours for the customers who experienced a service outage during  
16 a hot cut during the period of June through November 2003. However, as  
17 I noted in my rebuttal testimony to Mr. Van De Water, several key facts  
18 need to be pointed out and restated here. First, there were 36 outages in  
19 the 6-month period from June to November 2003. Second, this total  
20 number represents only 0.84% of the 4279 coordinated customer  
21 conversions for those same six months. This translates to 7 outages out of  
22 520 hot cuts in June, 5 outages out of 937 hot cuts in July, 8 outages out  
23 of 834 hot cuts in August, 8 outages out of 710 hot cuts in September, 5  
24 outages out of 812 hot cuts in October, and 3 outages out of 463 hot cuts  
25 in November. And third, this 0.84% of the coordinated conversions is



1 below the Commission's benchmark of 5% for provisioning troubles within  
2 seven days of the hot cut. Significantly, only a very few customers  
3 actually experienced the outage situation that Mr. Van De Water claims is  
4 prevalent for all customers experiencing a conversion.

5

6 Mr. Van De Water's conjecture about translating this effect for all  
7 customers in the future is contrary to BellSouth's past performance and  
8 continuing commitment to service. More importantly, as stated on page 16  
9 of my Rebuttal Testimony, less than 1% of hot cuts experienced the  
10 condition when this measure would apply.

11

12 Q. HOW WOULD BELLSOUTH PROPOSE TO ADDRESS PROCESS  
13 CHANGES THAT WOULD AFFECT MEASUREMENTS?

14

15 A. BellSouth has agreed to implement several enhancements to the batch  
16 hot cut process, as discussed in the surrebuttal testimony of BellSouth  
17 witness Mr. Ken Ainsworth. In my direct testimony, I proposed two new  
18 measurements, PO-3 and P-7E, and changes to measures O-7, O-8, O-9,  
19 O-11 and P-7. To the extent that these enhancements affect the  
20 measurements, BellSouth will, of course, modify its proposed  
21 measurement changes and additions accordingly.

22

23 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

24

25 A. Yes.