

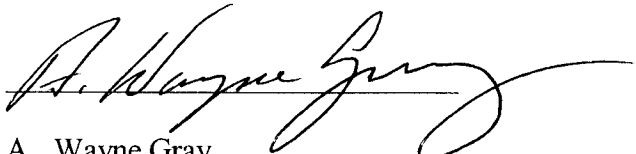
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STATE OF GEORGIA

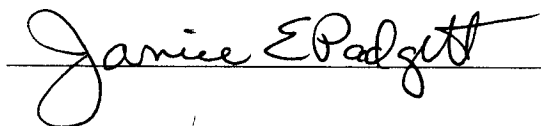
COUNTY OF FULTON

BEFORE ME, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared A. Wayne Gray, 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 22 pages and 0 exhibits.

  
A. Wayne Gray

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 A. WAYNE GRAY  
3 BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION  
4 CASE NO. 2003-00379  
5 APRIL 13, 2004  
6  
7

8 Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND POSITION WITH  
9 BELL SOUTH TELECOMMUNICATIONS, INC. ("BELL SOUTH").  
10

11 A. My name is A. Wayne Gray. My business address is 675 West Peachtree Street,  
12 Atlanta, Georgia 30375. My title is Director – Regional Planning and Engineering  
13 Center in BellSouth's Network Planning and Support organization.  
14

15 Q. ARE YOU THE SAME A. WAYNE GRAY WHO PREVIOUSLY FILED DIRECT  
16 TESTIMONY IN THIS DOCKET ON FEBRUARY 11, 2004 AND REBUTTAL  
17 TESTIMONY ON MARCH 31, 2004?  
18

19 A. Yes.  
20

21 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?  
22

23 A. My testimony rebuts portions of the rebuttal testimony filed by MCI witness  
24 James D. Webber and AT&T witness Mark David Van de Water. In so doing, I  
25 respond to the competitive carriers' suggestions that they are "impaired" due to

1 collocation issues in BellSouth's central offices. These issues range from the  
2 availability of sufficient collocation space to BellSouth's ability to handle the  
3 additional demand for collocation services that will result from a "no impairment"  
4 finding. I point out the errors in these witnesses testimony and explain how  
5 BellSouth is prepared to handle any collocation issues that may arise as a result  
6 of these proceedings. I also discuss cross connection issues that these  
7 witnesses raise and demonstrate that BellSouth is addressing these issues  
8 appropriately.

9  
10 As stated in my rebuttal testimony, the only collocation issue related to the FCC's  
11 impairment analysis is "whether a lack of sufficient collocation space gives rise to  
12 impairment in [a] market." TRO ¶ 472. The availability of sufficient collocation  
13 space in BellSouth's Kentucky central offices is not a problem and certainly does  
14 not give rise to impairment. Notably, none of the competitive local exchange  
15 carrier ("CLEC") witnesses refer to a single instance of an alleged space  
16 availability issue. Nor do they present any evidence to refute the excellent  
17 results achieved by BellSouth with respect to the collocation performance  
18 measurements established by the Kentucky Public Service Commission  
19 ("Commission"). In short, collocation does not constitute an impairment to  
20 CLECs in Kentucky, now or the foreseeable future.

21  
22 **Rebuttal Testimony of MCI Witness James D. Webber**

23 Q. ON PAGE 5, MR. WEBBER TAKES ISSUE WITH THE FACT THAT MCI  
24 WOULD HAVE TO BUILD OUT ADDITIONAL COLLOCATION AND  
25 TRANSPORT FACILITIES OR GAIN ACCESS TO ENHANCED EXTENDED

1 LINKS (“EELS”) IF THE COMMISSION WERE TO FIND THAT THERE IS NO  
2 IMPAIRMENT WITHOUT ACCESS TO UNBUNDLED LOCAL SWITCHING  
3 (“ULS”). PLEASE COMMENT.  
4

5 A. While Mr. Webber is correct that MCI would need to use other means, besides  
6 UNE-P (a UNE loop and port combination), to serve its customer base if the  
7 Commission determines that CLECs are not impaired without access to ULS, Mr.  
8 Webber appears to ignore the fact that there is no impediment in regard to new  
9 or additional collocation in any of BellSouth’s wire centers in Kentucky.

10  
11 Moreover, the fact that MCI has chosen not to collocate in all of the BellSouth  
12 wire centers that serve its UNE-P customers or ordered any EELs to serve these  
13 customers is a problem of MCI’s own making, and in the context of this  
14 proceeding, is irrelevant. MCI has had, and will continue to have, very little  
15 incentive to collocate its equipment in these other wire centers or request EELs  
16 from BellSouth as long as ULS and UNE-P are available.  
17

18 **Rebuttal Testimony of AT&T Witness Mark David Van de Water**

19 Q. ON PAGES 11-12, MR. VAN DE WATER SUGGESTS THAT BELL SOUTH  
20 DOES NOT PROVIDE CROSS-CONNECTS BETWEEN CLECS. PLEASE  
21 COMMENT.  
22

23 A. Mr. Van de Water is wrong. He is evidently talking about what BellSouth refers  
24 to as “Co-Carrier Cross Connects” (“CCXCs”), which are cross-connects placed  
25 between two different CLECs’ collocated arrangements within the same

1 BellSouth central office. BellSouth permits a CLEC to engage a BellSouth  
2 Certified Supplier (“supplier”), which may be the CLEC’s own technicians if the  
3 CLEC has been certified by BellSouth as such, to provision the necessary  
4 cabling directly between its collocation space and that of another CLEC within  
5 the same central office. If the two collocation spaces are not contiguous, then  
6 the supplier must run the appropriate optical or electrical (lit or dark) cabling  
7 between the two CLEC spaces utilizing BellSouth’s cable support structure. If  
8 the two collocation spaces are contiguous, then the CLEC’s supplier may place a  
9 cable directly between the two arrangements, without having to place the cabling  
10 in the BellSouth cable support structure. Therefore, if AT&T wished to place a  
11 CCXC between its collocation space and that of another CLEC, it would need to  
12 engage a supplier (or use its own technicians if AT&T has been certified as a  
13 supplier) to provision a cable directly between its collocation space and the other  
14 CLEC’s space. The amount of time that would be required to place the cabling  
15 would be negotiated between AT&T and its supplier, since it will be the supplier  
16 that will be provisioning the cabling. Thus, the timeliness of provisioning the  
17 CCXC would not be controlled by BellSouth, but would be determined by AT&T  
18 and its supplier.

19  
20 Q. ON PAGES 12 AND 13, MR. VAN DE WATER CITES PARAGRAPHS 478 AND  
21 514 OF THE FCC’S TRO, AS WELL AS SECTION 51.319 OF THE TRO  
22 RULES, AS REQUIRING BELL SOUTH TO “*PROVIDE*” CROSS-  
23 CONNECTIONS BETWEEN CLECS (emphasis in original). WHAT ARE THE  
24 FCC’S RULES REGARDING BELL SOUTH’S OBLIGATION TO “PROVIDE CO-  
25 CARRIER CROSS-CONNECTIONS”?

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A. 47 C.F.R. § 51.323(b)(h) states:

(h) As described in paragraphs (1) and (2) of this section, an incumbent LEC shall permit a collocating telecommunications carrier to interconnect its network with that of another collocating telecommunications carrier at the incumbent LEC's premises and to connect its collocated equipment to the collocated equipment of another telecommunications carrier within the same premises, provided that the collocated equipment is also used for interconnection with the incumbent LEC or for access to the incumbent LEC's unbundled network elements.

(1) An incumbent LEC shall provide, at the request of a collocating telecommunications carrier, a connection between the equipment in the collocated spaces of two or more telecommunications carriers, **except to the extent the incumbent LEC permits the collocating parties to provide the requested connection for themselves or a connection is not required under paragraph (h)(2) of this section.** Where technically feasible, the incumbent LEC shall provide the connection using copper, dark fiber, lit fiber, or other transmission medium, as requested by the collocating telecommunications carrier. (emphasis added)

(2) **An incumbent LEC is not required to provide a connection between the equipment in the collocated spaces of two or more telecommunications carriers if the connection is requested pursuant to section 201 of the Act, unless the requesting carrier submits to the incumbent LEC a certification that more than 10 percent of the amount of traffic to be transmitted through the connection will be interstate.** The incumbent LEC cannot refuse to accept the certification, but instead must provision the service promptly. Any incumbent LEC may file a section 208 complaint with the Commission challenging the certification if it believes that the certification is deficient. No such certification is required for a request for such connection under section 251 of the Act. (emphasis added)

1 Q. DOES BELLSOUTH COMPLY WITH THE FCC'S RULES?

2

3 A. Yes. BellSouth permits collocated CLECs to provision the necessary CCXCs  
4 themselves, in compliance with 47 C.F.R. § 51.323(b)(h)(1).

5

6 Q. WHAT ABOUT THE FCC'S REQUIREMENT UNDER 47 C.F.R. § 51.323  
7 (b)(h)(2)? HAS BELLSOUTH FILED A SECTION 201 CCXC OFFERING IN ITS  
8 TARIFF FCC NO. 1?

9

10 A. Yes. BellSouth recently filed its Section 201 CCXC tariff offering in the BellSouth  
11 Tariff FCC No. 1 as required by 47 C.F.R. § 51.323(b)(h)(2). In order to  
12 differentiate the tariff offering, CCXCs offered pursuant to the tariff are called  
13 "Intra-Office Collocation Cross Connects" in the tariff. This tariff is in effect, so  
14 AT&T and the other CLECs may place orders pursuant to this Section 201 tariff  
15 offering. However, as the FCC has stated in its rules, any CLEC that orders this  
16 product must certify that 10% or more of the traffic transmitted over this intra-  
17 office cross connection will be interstate.

18

19 Q. ON PAGE 13, MR. VAN DE WATER IMPLIES THAT IF BELLSOUTH DOES  
20 NOT PROVIDE CO-CARRIER CROSS CONNECTIONS, CLECS WILL NOT BE  
21 ABLE TO PARTNER WITH OTHER CLECS TO OFFER VOICE AND DATA  
22 SERVICES. IS THIS TRUE?

23

24 A. No. First, BellSouth complies with the FCC rule requiring it to allow CLECs to  
25 install CCXCs. Second, as I have described above, there are several options

1 available to AT&T (and other CLECs) that allow CLECs to partner with each  
2 other to offer voice, data and any other type of telecommunications services to  
3 their customers.  
4

5 Q. IS MR. VAN DE WATER'S STATEMENT THAT BELLSOUTH'S NEW FCC  
6 TARIFFED "SPECIAL ACCESS PRODUCT" REQUIRES CLECS TO CERTIFY  
7 THAT THE TRAFFIC CARRIED ON THAT CFA TO CFA CONNECTION MEETS  
8 THE FCC'S DE MINIMUS (10%) INTERSTATE RULE CORRECT?  
9

10 A. Yes. As I stated above, the Intra-Office Collocation Cross Connect Service  
11 reflected in Section 13 of BellSouth's Tariff FCC No. 1 was filed pursuant to the  
12 FCC's Rules in 47 C.F.R. § 51.323(b)(h)(2), which require that a carrier ordering  
13 this product certify to BellSouth that 10% or more of the traffic transmitted over  
14 this intra-office cross connection will be interstate. This requirement is often  
15 referred to by the FCC as the "de minimus" rule. (The FCC has applied this same  
16 rule to traffic that is being transported over special access facilities.) BellSouth  
17 included this requirement in order to comply with the FCC's Rules in 47 C.F.R. §  
18 51.323(b)(h)(2), not because BellSouth wished to preclude carriers from  
19 requesting this service offering.  
20

21 Q. ON PAGE 14, MR. VAN DE WATER ASSERTS THAT BELLSOUTH'S NEW  
22 TARIFFED PRODUCT CANNOT BE ORDERED EFFICIENTLY. IS THIS  
23 TRUE?  
24



1 A. No. If a collocated carrier wishes to place an order for BellSouth's tariffed Intra-  
2 Office Collocation Cross Connect Service, then it can do so by submitting an  
3 Access Service Request ("ASR") to BellSouth for this service, along with (1) a  
4 written certification that 10% or more of the amount of traffic to be transmitted  
5 through the Intra-Office Collocation Cross Connect will be interstate traffic and  
6 (2) an LOA from the receiving collocated carrier that includes the appropriate  
7 Connecting Facility Assignment ("CFA") and Access Carrier Terminal Location  
8 ("ACTL") that BellSouth is authorized to use for interconnecting the networks  
9 and/or equipment of the two collocated carriers. It is not a complicated process.

10

11 Q. MR. VAN DE WATER ALLEGES THAT ALTHOUGH A UNE LOOP IS  
12 ORDERED ON AN LSR, BELLSOUTH WILL REQUIRE THAT THE CROSS  
13 CONNECTION BETWEEN TWO CLECS THAT WISH TO "SPLIT" THE LOOP  
14 BE ORDERED AND PROVISIONED OUT OF THE FCC ACCESS TARIFF  
15 USING AN ASR. PLEASE COMMENT.

16

17 A. As I explained above, the Intra-Office Collocation Cross Connect Service is a  
18 tariffed interstate service offering that BellSouth is making available to satisfy the  
19 FCC's Section 201 requirements, pursuant to the FCC Rules in 47 C.F.R. §  
20 51.323(b)(h)(2). There is no mandate set forth by the FCC that requires  
21 BellSouth to offer an Intra-Office Collocation Cross Connect Service (or CCXC  
22 Service) as a UNE, unless BellSouth refuses to permit collocated carriers to self-  
23 provision CCXCs between their collocation spaces in the central office.  
24 BellSouth has allowed (for several years), and will continue to allow, the  
25 collocators to self-provision CCXCs between their individual collocation

1 arrangements. As I have already stated in my testimony, pursuant to 47 C.F.R.  
2 § 51.323(b)(h)(1), if BellSouth permits the collocators to self-provision CCXCs  
3 between their collocation arrangements in BellSouth's central offices, then  
4 BellSouth is not required to provision CCXCs for the collocators.

5  
6 Q. MR. VAN DE WATER CONTENDS THAT THERE WILL BE NO MEANS OF  
7 ELECTRONICALLY ORDERING SUCH AN ARRANGEMENT TO ESTABLISH  
8 WORKING SERVICES FOR THE CUSTOMER. IS HE CORRECT?

9  
10 A. No. BellSouth's tariffed Intra-Office Collocation Cross Connect Service may be  
11 ordered electronically using an ASR.

12  
13 Q. MR. VAN DE WATER STATES THAT IN ORDER FOR THE TWO CLECS TO  
14 "SPLIT" THE LOOP BETWEEN THEM, BOTH CLECS MUST ISSUE AN LSR  
15 AND THEN ONE OF THE CLECS MUST ISSUE AN ASR. IS THIS TRUE?

16  
17 A. It depends upon how the two CLECs determine they will "split" the loop. It would  
18 appear to BellSouth that the most efficient means of accomplishing a "split" of the  
19 loop (which would presumably be ordered as a UNE-Loop) would be for the "loop  
20 splitting" CLEC (the CLEC that has the loop splitting equipment located in its  
21 collocation space) to order the loop, perform the "loop splitting" function and send  
22 the agreed-upon split portion of the loop (either voice or data traffic) to the  
23 receiving CLEC via a CCXC between the two collocated CLECs, if both CLECs  
24 are collocated in the same central office. If the receiving CLEC is not collocated  
25 in the same office or has a Point of Presence ("POP") located outside the

1 BellSouth central office, then the “loop splitting” CLEC could send the agreed-  
2 upon split portion of the loop to the receiving CLEC via a UNE transport service  
3 (which may be an EEL) that either terminates to the receiving CLEC’s POP or the  
4 receiving CLEC’s collocation space in another BellSouth central office.

5  
6 If the CLECs opted to order an Intra-Office Collocation Cross Connect, then it  
7 would seem likely to BellSouth that the ordering CLEC would need to be the  
8 “loop splitting” CLEC, as well as the CLEC that places the order for the loop that  
9 will be split between the two CLECs. In this case, the ordering CLEC would  
10 perform the loop splitting function and then send the agreed-upon split portion of  
11 the loop to the receiving CLEC via the Intra-Office Collocation Cross Connect. It  
12 would then be up to the receiving CLEC to place this traffic on whatever transport  
13 facilities it has to route it to its switch or other equipment.

14  
15 Q. MR. VAN DE WATER SPECULATES THAT BELLSOUTH’S TARIFFED  
16 PRODUCT WILL CREATE “OPERATIONAL AND ECONOMIC BARRIERS TO  
17 PROVIDING DSL SERVICES TO MASS MARKET CUSTOMERS.” DO YOU  
18 AGREE?

19  
20 A. No. There are several alternatives available to CLECs that wish to provide DSL  
21 services to mass market customers. I noted two such alternatives in the  
22 discussion above regarding the means by which two CLECs could “split” a loop  
23 between them by utilizing a CCXC placed by the CLECs or by placing an order  
24 for a BellSouth Intra-Office Collocation Cross Connect from BellSouth’s Tariff  
25 FCC No. 1. CLECs can also request cageless or virtual collocation space in

1 increments as small as that required to place a single bay or rack of equipment in  
2 those central offices in which they desire to serve mass market customers.  
3 Finally, the two CLECs could effectively share collocation space through the  
4 establishment of a Guest/Host arrangement in a caged collocation space. In this  
5 scenario, one of the CLECs would lease the caged collocation space from  
6 BellSouth and then sublease a smaller amount of this space to the other CLEC  
7 for the placement of this CLEC's equipment.  
8

9 Q. FINALLY ON PAGE 14, MR. VAN DE WATER ALLEGES THAT "BELLSOUTH'S  
10 PROPOSED POLICIES AND PRACTICES FOR THIS SERVICE ARE  
11 DESIGNED TO COMPLICATE AND HINDER THE PROVISION OF LINE  
12 SPLITTING SERVICE TO CLEC CUSTOMERS AND SHOULD BE REJECTED  
13 BY THIS COMMISSION." DO YOU AGREE?  
14

15 A. Absolutely not. As I have already explained above, BellSouth's Intra-Office  
16 Collocation Cross Connect Service offering was filed by BellSouth to comply with  
17 47 C.F.R. § 51.323(b)(h)(2), which required BellSouth to file a Section 201 CCXC  
18 (which is called an Intra-Office Collocation Cross Connect in the tariff) offering in  
19 its Tariff FCC No. 1. It was not designed, nor contemplated, by BellSouth to  
20 complicate or hinder the provisioning of loop splitting service to a CLEC's  
21 customers.  
22

23 Q. ON PAGES 22-23, MR. VAN DE WATER ALLEGES THAT BELLSOUTH HAS  
24 FAILED TO CONSIDER IN ITS HOT CUT FORECAST THAT CLECS MAY NOT  
25 HAVE THE COLLOCATED FACILITIES AND NETWORK EQUIPMENT IN

1 PLACE TO SUPPORT THE MIGRATION OF THE EMBEDDED BASE OF UNE-  
2 P CUSTOMERS OVER TO THE CLECS' FACILITIES. DO YOU AGREE?

3  
4 A. No, I do not. As discussed in the testimony of BellSouth's witnesses Ken  
5 Ainsworth and Al Heartley, BellSouth has estimated the number of hot cuts that  
6 would be needed to transfer the embedded UNE-P (a UNE-Loop and Port  
7 Combination) base to UNE-L (a UNE-Loop) over the three seven month periods  
8 outlined in the TRO. In some cases, as Mr. Van de Water has stated, the CLECs  
9 may not currently have the necessary collocated facilities and network equipment  
10 in place to support the migration of the embedded base of UNE-P customers.  
11 However, if the CLEC requires new or additional collocation space for the  
12 placement of its network equipment to achieve the migration of its UNE-P  
13 customers over to UNE-L, BellSouth would be required by this Commission to  
14 complete any requests for collocation space within the Commission-ordered  
15 provisioning intervals (which are dependent upon the type of collocation space  
16 requested – i.e., virtual, caged or cageless) or pay substantial penalties for  
17 missing these intervals. As soon as BellSouth receives orders for collocation  
18 space from a CLEC, BellSouth begins preparing the space to meet the  
19 specifications requested by the CLEC. In addition, a CLEC can request  
20 permission to occupy the requested space prior to BellSouth's completion of the  
21 space provisioning. In any event, a CLEC would be able to procure collocation  
22 and the necessary equipment well in advance of the date when conversion of the  
23 embedded base of UNE-P circuits would commence. Based on the FCC's  
24 Triennial Review Order, the first third of the embedded base would begin  
25 conversion thirteen months after the state commission issues its finding of no

1 impairment. Thus, CLECs would have over a year to make plans for the  
2 conversion of the embedded base of UNE-P circuits.

3  
4 Q. IS THERE ANY OTHER TYPE OF ARRANGEMENT, BESIDES COLLOCATION,  
5 THAT CAN BE USED BY A CLEC TO MIGRATE ITS EMBEDDED UNE-P BASE  
6 TO UNE-L SERVICE?

7  
8 A. Yes. It is my understanding that a CLEC may also order EELs from its end user  
9 at the DS0 level (which may or may not terminate into the CLEC's collocation  
10 space) to its switch or Point of Presence ("POP"), as a means of converting its  
11 embedded UNE-P base to UNE-L service. As noted above, the DS0 transport  
12 piece of the EEL may terminate to the CLEC's collocation space or it may  
13 terminate directly at the CLEC's POP.

14  
15 Q. ON PAGE 23, MR. VAN DE WATER CONTENDS THAT BEFORE CLECS CAN  
16 ISSUE CONVERSION ORDERS, THEY MUST ESTABLISH NEW  
17 COLLOCATION FACILITIES AND/OR AUGMENT EXISTING  
18 ARRANGEMENTS. IS THIS TRUE?

19  
20 A. It depends. If a CLEC already has sufficient collocation space in the central  
21 offices that serve its mass market customers, then there would be no need for  
22 the CLEC to augment its existing space. However, if the CLEC does not have  
23 collocation space in a particular office or does not have sufficient space in a  
24 particular office to serve its mass market customers, then the CLEC would need  
25 to request a new collocation arrangement, augment an existing collocation

1 arrangement or use EELs to reach these customers. As I have already  
2 explained above, the length of time to provision collocation space is determined  
3 by the intervals established by this Commission.  
4

5 Q. ON PAGE 23 OF HIS TESTIMONY, MR. VAN DE WATER OPINES THAT THE  
6 CLECS' ABILITY TO ESTABLISH NEW COLLOCATION FACILITIES AND/OR  
7 AUGMENT EXISTING ARRANGEMENTS " TO MEET THE BALANCED  
8 SCHEDULE THAT BELL SOUTH ASSUMED WILL BE GATED BY A NUMBER  
9 OF FACTORS OUTSIDE OF THE CLECS' CONTROL." PLEASE COMMENT.  
10

11 A. The factors Mr. Van de Water lists – a CLEC's ability to raise the capital it will  
12 need for these facilities, BellSouth's ability to manage and keep up with  
13 collocation demand, the ability of BellSouth's approved vendors to establish  
14 required collocation arrangements, and the ability of the CLEC's equipment  
15 manufacturer's to deliver and install equipment in the CLEC's new or expanded  
16 collocation space – are not factors this Commission needs to consider. Mr. Van  
17 de Water ignores that in this proceeding the Commission's only task concerning  
18 collocation is to determine whether or not sufficient space is available in  
19 BellSouth's central offices to ensure that collocation does not pose a barrier to  
20 competitive entry. Other factors, such as the ones noted by Mr. Van de Water,  
21 are simply not relevant to this proceeding. There is no dispute that BellSouth has  
22 collocation space available in all of its central offices in Kentucky.  
23

24 Furthermore, Mr. Van de Water's "factors" attempt to hold BellSouth responsible  
25 for matters over which BellSouth has no control. For example, in regard to the

1 first factor, BellSouth would not exercise any control over a CLEC's ability to  
2 raise the necessary capital needed for the CLEC to establish new collocation  
3 facilities and/or augment existing collocation arrangements. This function would  
4 be the responsibility of the CLEC's corporate officers. The means by which a  
5 CLEC would secure the capital funding needed to expand its operations would  
6 not be of any concern to BellSouth.

7  
8 Likewise, in reference to the last factor, BellSouth would have no control over a  
9 CLEC's equipment manufacturer's ability to deliver and install equipment in the  
10 CLEC's collocation space. This transaction would be negotiated directly between  
11 the CLEC and its chosen equipment manufacturer.

12  
13 Neither of these two factors would affect BellSouth's ability to complete the  
14 required provisioning of the collocation space requested for occupancy by the  
15 CLEC.

16  
17 In regard to the remaining factors - BellSouth's ability to manage and keep up  
18 with collocation demand and the ability of BellSouth's approved vendors to  
19 establish required collocation arrangements - referenced by Mr. Van de Water in  
20 his testimony, these factors would inarguably fall under BellSouth's control;  
21 however, the fact that these factors would be managed by BellSouth would not  
22 relieve BellSouth of its responsibility to comply with the Commission's ordered  
23 provisioning intervals. As I pointed out in my rebuttal testimony, if BellSouth fails  
24 to meet the performance standards ordered by this Commission, BellSouth  
25 would be required to pay SEEM (Self Effectuating Enforcement Mechanism)



1 penalties to those CLECs affected by BellSouth's inability to complete the  
2 CLECs' collocation arrangements within the required provisioning intervals.  
3 Thus, BellSouth has no incentive to delay the provisioning of a CLEC's  
4 requested collocation space.

5  
6 Q. MR. VAN DE WATER SUGGESTS THAT THE AMOUNT OF TIME TO  
7 ESTABLISH THE NECESSARY COLLOCATION ARRANGEMENTS AND  
8 INSTALL THE NECESSARY FACILITIES MAY RESULT IN THE NEED FOR  
9 UNE-L CONVERSIONS IN THESE OFFICES TO BE "BACK-LOADED" AT THE  
10 END OF THE SCHEDULE. DO YOU AGREE?

11  
12 A. No. If a CLEC requires new or additional collocation space for the placement of  
13 its network equipment to achieve the migration of its UNE-P customers over to  
14 UNE-L, BellSouth must complete any requests for collocation space within the  
15 Commission-ordered provisioning intervals or pay SEEM penalties for its inability  
16 to meet these intervals. Therefore, BellSouth has every incentive to ensure that  
17 it timely provisions collocation applications as such applications are received.

18  
19 Q. WOULD HAVING MORE CONVERSIONS "BACK-LOADED" AT THE END OF  
20 THE TWENTY-SEVEN (27) MONTH PERIOD SPECIFIED BY THE FCC  
21 RESULT IN AN UNDERSTATEMENT OF BELL SOUTH'S ACTUAL STAFFING  
22 NEEDS, AS MR. VAN DE WATER SPECULATES ON PAGES 23 - 24?

23  
24 A. It might, if one believed the assumption upon which Mr. Van de Water relies. I  
25 do not agree, however, with Mr. Van de Water's contention that UNE-P to UNE-L

1 conversions associated with all of the BellSouth central offices in which the  
2 CLEC has requested new collocation space or the augmentation of existing  
3 collocation arrangements would take an inordinate amount of time and result in a  
4 delay of the migration. There is no reason for a CLEC to experience a delay in  
5 the provisioning of the collocation space, pursuant to the Commission-ordered  
6 intervals, unless it is the CLEC that has caused the delay by not submitting its  
7 orders for the required collocation space in the time necessary for BellSouth to  
8 complete its space preparation activities. [Note: The CLEC can only backload  
9 one-third (1/3) of its embedded base for conversion at the end of the 27 month  
10 interval. The other two-thirds (2/3) of the embedded base would have dates  
11 earlier than 27 months. Also, the 27 month deadline is for the CLEC to submit its  
12 orders for the last one-third (1/3) of its embedded base. The actual conversion  
13 dates would be negotiated with the CLEC over some period of time beyond the  
14 27 month deadline.]

15  
16 Q. ON PAGE 29, MR. VAN DE WATER STATES THAT BELLSOUTH HAS FAILED  
17 TO DISCUSS HOW IT WILL “HANDLE THE SURGE OF APPLICATIONS FOR  
18 NEW COLLOCATION ARRANGEMENTS AND AUGMENTATIONS OF  
19 EXISTING COLLOCATIONS. . .” PLEASE COMMENT.

20  
21 A. BellSouth has not discussed the means by which additional applications for new  
22 collocation arrangements will be handled in this proceeding, because BellSouth’s  
23 processing of future collocation applications is not anticipated to change from  
24 BellSouth’s current procedure for handling collocation applications. Whether or  
25 not there is a surge of requests for new collocation applications and/or

1 augmentation applications in the future, BellSouth is prepared to handle these  
2 applications utilizing its existing processes. If, as a result of a significant  
3 increase in the number of applications received by BellSouth, there becomes a  
4 need for BellSouth to increase its current staffing levels, BellSouth is prepared to  
5 do so. Also, BellSouth is continually analyzing and updating its electronic  
6 ordering system, called the e.App system, for the processing of collocation  
7 applications to ensure that BellSouth uses the most efficient means of  
8 processing all requested applications.

9  
10 Q. WILL BELLSOUTH STILL BE EXPECTED TO MEET THE COLLOCATION  
11 INTERVALS SET BY THIS COMMISSION IF THERE IS AN INCREASE IN THE  
12 NUMBER OF FUTURE APPLICATIONS?

13  
14 A. Yes. BellSouth is expected to comply with the collocation ordering and  
15 provisioning intervals established by this Commission, as set forth in the  
16 BellSouth Service Quality Measurements (“SQM”) plan, regardless of the volume  
17 of collocation applications. Furthermore, if BellSouth fails to meet the  
18 Commission-ordered provisioning intervals, then BellSouth would incur  
19 substantial SEEM penalties for its inability to meet these intervals.

20  
21 Q. MR. VAN DE WATER ALSO STATES THAT BELLSOUTH HAS NOT  
22 MENTIONED “THE NEED TO PLAN AND CONSTRUCT NECESSARY  
23 ADDITIONS TO ITS CENTRAL OFFICE BACK-UP POWER PLANTS.” PLEASE  
24 COMMENT.

1 A. BellSouth's central office managers consistently monitor the current power usage  
2 of BellSouth's individual power plant needs, as well as expected future power  
3 plant needs. Power plant forecasts are developed after BellSouth's network and  
4 facility planners have determined what equipment and facilities are anticipated to  
5 be installed by BellSouth and the CLECs in the near and distant future. To the  
6 extent BellSouth has received any forecast information from CLECs, such  
7 forecast information is also included in the forecast developed by BellSouth. In  
8 other words, BellSouth forecasts the demand for DC (direct current) power for  
9 each central office to determine if, and when, the existing power plant will need  
10 to be upgraded or a new power plant will need to be installed. If it appears that  
11 an upgrade or the installation of a new power plant is required immediately or  
12 sometime in the current year at a specific central office or a group of central  
13 offices, these requirements are communicated to BellSouth's network managers  
14 and included in the appropriate budget that is submitted to BellSouth's Network  
15 and Finance organizations for approval. As soon as the approval has been  
16 granted, the central office managers move forward with the necessary upgrade  
17 to the existing power plant or the installation of a new power plant.

18

19 Q. MR. VAN DE WATER CLAIMS THE COMMISSION CANNOT DETERMINE  
20 HOW MANY NEW CLECS BELLSOUTH'S CENTRAL OFFICES CAN  
21 ACCOMMODATE IN THE FUTURE. PLEASE COMMENT.

22

23 A. This claim is simply a distraction. BellSouth does not keep a running total of how  
24 much collocation space is available in each central office because the amount of  
25 space available for collocation in each individual central office could conceivably

1 change from day to day or even many times throughout the day, depending upon  
2 the number of applications BellSouth receives from CLECs and other  
3 telecommunication carriers for new collocation space, augmentation or  
4 termination of existing collocation space, and the reservation of future collocation  
5 space (up to 24 months). The amount of space available in an individual central  
6 office would also change based on space that is utilized or reserved (up to 24  
7 months) by BellSouth for its own operations during the course of the day.

8 Therefore, even if BellSouth were to prepare a report listing the amount of space  
9 available for collocation in BellSouth's central offices in Kentucky, such a report  
10 would quickly become obsolete as a result of ongoing activity in these offices.

11 The reality is that BellSouth is committed to taking all reasonable measures to  
12 ensure that CLECs have adequate space to collocate in BellSouth's central  
13 offices in Kentucky.

14  
15 BellSouth does provide space availability information to CLECs and other  
16 telecommunication carriers via a "Space Availability Report" pursuant to CFR  
17 §51.323. Upon request from a CLEC or telecommunications carrier, BellSouth  
18 will provide a written report describing in detail the space that is available for  
19 collocation at a particular central office. This report includes not only the amount  
20 of collocation space available at the central office requested, but also the number  
21 of collocators present at the central office, any modifications in the use of the  
22 space since the last report on the central office requested (if a previous report  
23 had been performed), and the measures BellSouth is taking to make additional  
24 space available for collocation arrangements.

25

1 Q. ON PAGES 29-30, MR. VAN DE WATER SUGGESTS THAT BELLSOUTH'S  
2 CURRENT PERFORMANCE RESULTS HAVE LITTLE RELEVANCE IN AN  
3 ENVIRONMENT THAT IS MUCH MORE DEPENDENT UPON TIMELY  
4 COLLOCATION INSTALLATIONS. DO YOU AGREE?  
5

6 A. No. BellSouth's current performance demonstrates that BellSouth is extremely  
7 committed to providing carriers with collocation space in its central offices as  
8 quickly as possible and in accordance with the provisioning intervals ordered by  
9 this Commission. Mr. Van de Water implies that this will change if BellSouth  
10 experiences an increase in the number of collocation applications it receives,  
11 which Mr. Van de Water is assuming will be significantly greater than the number  
12 of current applications being processed by BellSouth today. What Mr. Van de  
13 Water fails to mention, however, is that BellSouth's past performance is an  
14 indication of BellSouth's ability to handle collocation ordering and provisioning at  
15 significant volumes. Furthermore, BellSouth has every incentive to continue its  
16 outstanding collocation performance regardless of any future increase in such  
17 volumes because of the payment of SEEM penalties if BellSouth does not meet  
18 the performance standards ordered by this Commission  
19

20 Q. ON PAGE 30, MR. VAN DE WATER STATES THAT "BELLSOUTH HAS  
21 PROVIDED NO DETAILS ON HOW IT PLANS TO MANAGE INCREASED  
22 DEMAND FOR COLLOCATION OR WHAT IT ESTIMATES THAT DEMAND TO  
23 BE." PLEASE COMMENT.  
24

1 A. Since I have already responded to this issue, I will only reiterate here that if  
2 BellSouth does not have the appropriate level of work forces it needs to support  
3 an increase in collocation applications, then BellSouth will take whatever action  
4 is necessary to ensure that these collocation applications will be processed  
5 within the ordering and provisioning intervals established by this Commission.  
6

7 Q. FINALLY, ON PAGE 30 OF HIS TESTIMONY, MR. VAN DE WATER OPINES  
8 THAT IF BELLSOUTH CANNOT PROVIDE COLLOCATION IN A TIMELY  
9 MANNER, THEN BELLSOUTH'S ABILITY TO PERFORM HOT CUTS  
10 BECOMES A MOOT POINT. PLEASE COMMENT.  
11

12 A. Obviously, I do not agree with Mr. Van de Water's conclusion that BellSouth may  
13 be unable to provide collocation in a timely manner. There is no reason to  
14 believe, nor has Mr. Van de Water offered any evidence to suggest, that  
15 BellSouth cannot fulfill its obligations to make collocation space available to  
16 CLECs in BellSouth's central offices in Kentucky. Therefore, collocation should  
17 not even be a factor in the Commission's determination of whether BellSouth can  
18 perform the necessary hot cuts that will be required to convert the embedded  
19 UNE-P customer base to UNE-L.  
20

21 Q. DOES THIS CONCLUDE YOUR TESTIMONY?  
22

23 A. Yes.