

AFFIDAVIT

STATE OF GEORGIA

COUNTY OF FULTON

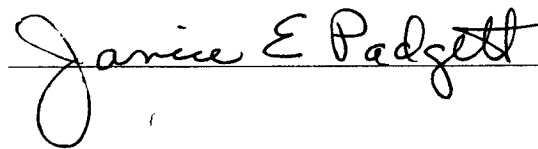
BEFORE ME, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Milton McElroy, Jr, who, being by me first duly sworn deposed and said that:

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 9 pages and 0 exhibits.



Milton McElroy, Jr.

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                                   BELLSOUTH TELECOMMUNICATIONS, INC.  
2                                   SURREBUTTAL TESTIMONY OF MILTON MCELROY JR.  
3                                   BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION  
4                                   DOCKET NO. 2003-00379  
5                                   APRIL 13, 2004  
6

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

10 A.    My name is Milton McElroy Jr. My title is Director – Interconnection Services.  
11        My business address is 575 Morosgo Drive, Atlanta, Georgia 30324.  
12

13 Q.    ARE YOU THE SAME MILTON MCELROY JR. WHO PREVIOUSLY FILED  
14        REBUTTAL TESTIMONY IN THIS DOCKET?  
15

16 A.    Yes.  
17

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

20 A.    The purpose of my testimony is to respond to certain issues raised in the  
21        testimony of Mark David Van de Water of AT&T Communications of the Southern  
22        States, LLC (“AT&T”) and Sherry Lichtenberg of MCI WorldCom  
23        Communications, Inc. and MCIMetro Access Transmission Services, Inc.  
24        (“MCI”). The issues to which I will respond are related to batch migrations.  
25        Throughout this testimony, I will use the terms “batch” and “bulk” interchangeably

1 when referring to the process of migrating Unbundled Network Element Platform  
2 (“UNE-P”) service to Unbundled Loop (“UNE-L”) service in batches.

3  
4 Q. ALL PARTIES HAVE DIRECTED THIS COMMISSION TO VARIOUS  
5 PORTIONS OF THE TRO AND THE RULES IN SUPPORT OF THEIR  
6 POSITIONS IN THEIR DIRECT TESTIMONY. WHAT IS THE IMPACT OF THE  
7 D.C. CIRCUIT COURT OF APPEALS ORDER ON THE TRIENNIAL REVIEW  
8 ORDER (“TRO”) IN THIS PROCEEDING?

9  
10 A. Currently the impact of the DC Circuit Court's opinion is unclear. At the time of  
11 filing this testimony, the DC Court had vacated large portions of the rules  
12 promulgated as a result of the TRO, but stayed the effective date of the opinion  
13 for at least sixty days. Therefore my understanding is that the TRO remains  
14 intact for now, but its content, and the rules adopted thereto, must be suspect in  
15 light of the court's harsh condemnation of large portions of the order.  
16 Accordingly, I will reserve judgment, and the right to supplement my testimony as  
17 circumstances dictate, with regard to the ultimate impact of the DC Court's order  
18 on this case.

19  
20 Q. ON PAGE 17 OF HER REBUTTAL TESTIMONY, MS. LICHTENBERG  
21 INDICATES THAT OUT OF 724 BATCH HOT CUT ORDERS OBSERVED BY  
22 PWC, 81 “PROBLEMS” WERE NOTED. PLEASE ADDRESS.

23  
24 A. Although a detailed explanation of the individual deviations noted by Price  
25 Waterhouse Coopers (“PwC”) is included in my previous testimony, it is important

1 to note the severity that PwC assigned to each noted “problem”. During the test,  
2 PwC listed a total of 49 deviations where BellSouth failed to adhere to a process  
3 in excess of 95% of the time (Category 1) and eight (8) deviations where  
4 BellSouth failed to meet the 15 minute timeliness measure (Category 2). Of the  
5 49 Category 1 process deviations, 47 could be traced to a single server  
6 malfunction that was repaired prior to the second day of testing, and did not  
7 occur again throughout the test. Similarly, although BellSouth was not timely on  
8 eight (8) batch hot cuts, the final result is that 99% of the hot cuts were made  
9 within the 15 minute interval. This result greatly exceeds the 95% benchmark  
10 established by this Commission. .

11  
12 Q. ON PAGE 18 OF HIS REBUTTAL TESTIMONY, MR. VAN DE WATER LISTS  
13 FOUR CONCERNS WITH HOW THE PWC TEST WAS CONDUCTED, AND  
14 THE RESULTS. PLEASE ADDRESS HIS CONCERNS.

15  
16 A. Mr. Van de Water raises the following four “concerns”: 1) Over what period of  
17 time pre-wiring was completed; 2) How was non-cut related central office work  
18 handled during this time; 3) BellSouth implemented the cuts using 80% non-  
19 coordinated cuts and 4) PwC observed 64 deviations out of 724 cuts. I will  
20 address each of these concerns individually.

21  
22 The period of time associated with the pre-wiring prior to the hot cuts followed  
23 standard procedures and processes. Specifically, BellSouth must manage  
24 internal work loads to complete any pre-wiring between when the order is placed,  
25 and when the hot-cut is performed. As the following data makes clear, BellSouth

1 successfully managed the pre-wiring activities. The specific pre-wiring for each  
2 day of the test was performed as follows:

3  
4 Day 1 of testing on December 2, 2003—West Hollywood Central  
5 Office (total of 125 Hot Cuts)  
6 11/28—50%, 11/29—50%

7  
8 Day 2 of testing on December 4, 2003—Arch Creek Central Office  
9 (total of 125 Hot Cuts)  
10 11/24—25%, 11/25—25%, 11/26—25%, 11/27—25%

11  
12 Day 3 of testing on December 5, 2003—Perrine Central Office (total  
13 of 125 Hot Cuts)  
14 12/1—12%, 12/2—24%, 12/3—24%, 12/4—40%

15  
16 Day 4 of Testing on December 11, 2003—West Hollywood, Arch  
17 Creek and Perrine Central Offices (total of 383 Hot Cuts)  
18 West Hollywood: 12/3—50%, 12/4—30%, 12/5—20%  
19 Arch Creek: 12/4—33%, 12/5—33%, 12/8—33%  
20 Perrine: 12/7—15%, 12/8—30%, 12/9—30%, 12/10—25%

21  
22 BellSouth has provided this same information regarding pre-wiring to AT&T on  
23 January 22, 2004 in response to an interrogatory filed in the Florida proceeding  
24 and this should not be an issue here.

25  
26 Mr. Van de Water's concerns for BellSouth's ability to perform other work within  
27 the central office while performing hot cuts is understandable but unwarranted.  
28 The pre-wiring and the tests were conducted within live central offices, and work  
29 for other customers (both BellSouth's retail customers as well as BellSouth's  
30 wholesale customers including Competitive Local Exchange Carriers ("CLECs"))  
31 continued throughout the pre-wiring and testing phases, as would be the case  
32 during commercial use of BellSouth's batch hot cut process.  
33

1 BellSouth performed the batch hot cut test utilizing 80% non-coordinated orders  
2 simply because that is the method that BellSouth expects CLECs will use when  
3 performing bulk conversions from UNE-P to UNE-L. In fact, even Ms.  
4 Lichtenberg states on page 16 of her rebuttal testimony that MCI plans to utilize  
5 non-coordinated hot cuts for residential customers. So, even though 80% non-  
6 coordinated hot cuts does not compare with the limited number of coordinated  
7 migrations performed today, it does accurately reflect the expectations of both  
8 the CLECs and BellSouth to perform a majority of hot cuts on a non-coordinated  
9 basis in the future.

10  
11 Finally, Mr. Van de Water indicates that PwC reported 64 deviations on 724  
12 migrations. Although he does not provide any detail as to which deviations he  
13 includes in his count of 64, a complete detailed review of each PwC reported  
14 deviation can be found in my direct testimony. The fact is that 99% of the batch  
15 cuts were performed within a 15 minute interval, which exceeds this  
16 Commission's 95% standard measure for its Service Quality Measurement.

17  
18 Q. ON PAGE 19 OF HIS REBUTTAL TESTIMONY, MR. VAN DE WATER ARGUES  
19 THAT PRE- AND POST-IMPLEMENTATION TESTING OF BELL SOUTH'S  
20 BATCH PROCESS IS NECESSARY. DO YOU AGREE?

21  
22 A. No, to the extent that AT&T advocates pre-implementation testing, the time for  
23 that has passed as BellSouth implemented its batch hot cut process in March  
24 2003. Since its implementation, however, BellSouth has tested the process by  
25 engaging PwC to conduct an independent audit of the process. PwC's work was

1 twofold: first, PwC observed a test of the Bulk Migration Process (that is,  
2 BellSouth's batch hot cut process) using a pseudo CLEC; and second, PwC  
3 observed a number of live UNE-L migrations or hot cuts in several states. A full  
4 recount of the test, the test results and an affidavit by Mr. Paul Gaynor of PwC  
5 can be seen in my earlier testimony in this proceeding. Thus, BellSouth has  
6 already accomplished the "post-implementation" testing Mr. Van de Water  
7 advocates.

8  
9 Moreover, BellSouth has a proven record of its ability to successfully migrate end  
10 user customers from a BellSouth switch to a CLEC switch. This is evidenced by  
11 the extent of the commercial activity of hot cuts across the BellSouth region as  
12 described in Mr. Ainsworth's testimony.

13  
14 Q. ON PAGE 20-21 OF HIS REBUTTAL TESTIMONY, MR. VAN DE WATER  
15 RAISES 'CONCERNS' WITH THE PROPOSED MASS MIGRATION PROCESS.  
16 PLEASE ADDRESS MR. VAN DE WATER'S CONCERNS.

17  
18 A. Even though BellSouth has a Batch Migration process available that is fully  
19 compliant with the TRO, it has offered the optional Mass Migration process to  
20 address concerns raised by CLECs during Commission-sponsored hot cut  
21 "workshops" in BellSouth's region. As a result, BellSouth is offering two  
22 processes for CLECs to utilize while migrating their respective customers from  
23 UNE-P service to UNE-L service. Specifically, AT&T and other CLECs could  
24 choose to use the currently available Batch Migration process, or they could  
25 choose to use the Mass Migration process offered by BellSouth. Mr. Van de

1 Water raises 'concerns' with the Mass Migration process, then goes on to state  
2 that AT&T would not use the optional Mass Migration process. All of the  
3 concerns raised by Mr. Van de Water are easily mitigated by AT&T, and any  
4 other CLEC, by choosing to use either the existing Batch or individual hot cut  
5 processes, instead of the proposed Mass Migration process, which is apparently  
6 the conclusion AT&T has reached. The Mass Migration process was developed  
7 for use by CLECs that wanted a process wherein BellSouth would handle as  
8 many functions for the CLEC as possible, thereby allowing BellSouth to gain  
9 maximum efficiencies by scheduling the hot cuts when it is most economical to  
10 do so. In this process, the CLEC submits a spreadsheet containing minimum  
11 information about the loops the CLEC wants migrated. BellSouth then handles  
12 the rest, including the number porting once the hot cut is complete. This process  
13 allows a CLEC to migrate large volumes of UNE-P arrangements to UNE-L  
14 arrangements with the least expenditure of effort on the CLEC's part.

15  
16 Specifically, Mr. Van de Water states that the Mass Migration process: 1) is only  
17 for migrating over 500 embedded base lines using non-coordinated cuts; 2)  
18 prevents the CLEC's customer from making changes to his or her account for up  
19 to 180 days; 3) prevents the CLEC or the end-user from controlling or even  
20 having knowledge of the time of day or day of the week that customer service will  
21 be momentarily interrupted; 4) prevents the CLEC from monitoring the quality of  
22 the cut during the critical period between the cut-over of the loop and the  
23 activation of the telephone number and ; 5) has not been tested, and has no  
24 associated performance measures. To summarize, Mr. Van de Water criticizes  
25 the Mass Migration process for the very aspects it was designed to accomplish.



1 Mr. Van de Water seems to suggest that he wants to have his cake and eat it  
2 too. Mr. Van de Water apparently wants a process wherein CLECs have  
3 maximal work involvement. BellSouth's batch hot cut and individual hot cut  
4 processes delegate a greater amount of work to CLECs than does the Mass  
5 Migration process so AT&T can simply choose one of those processes.

6  
7 For those CLECs that would like to migrate over 500 embedded UNE-P  
8 arrangements using non-coordinated cuts, allow BellSouth to completely manage  
9 the process of migrating its embedded base of customers within 180 days, allow  
10 BellSouth to completely manage and coordinate the time of day or day of the  
11 week that an individual customer's service will be migrated (including the  
12 appropriate Local Number Porting ("LNP") notifications), and also understand  
13 that the Mass Migration process utilizes the same underlying hot cut processes  
14 and procedures that have been repeatedly tested and measured, then the Mass  
15 Migration process is an option that the CLEC should choose. CLECs benefit in  
16 two significant ways: 1) most of the work activities for the hot cut (including  
17 number porting) is done by BellSouth rather than the CLEC resulting in expense  
18 savings to the CLEC; and 2) BellSouth offers its highest hot cut non-recurring  
19 cost discount to those CLECs utilizing the Mass Migration process thus saving  
20 CLECs even more.

21  
22 Finally, regarding performance measurements for the Mass Migration process,  
23 Mr. Varner's testimony discusses BellSouth's proposed measures for this  
24 process.

25

1 Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?

2

3 A. Yes.