

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

**Review of the Federal Communications)
Commission's Triennial Review Order)
Regarding Unbundling Requirements)
for individual Network Elements)**

Case No. 2003-00379

REBUTTAL TESTIMONY OF CHERYL BURSH
ON BEHALF OF
AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, LLC

MARCH 31, 2004

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Cheryl L. Bursh. My business address is 1200 Peachtree Street, Suite 8100,
3 Atlanta, Georgia 30309.

4 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL**
5 **BACKGROUND.**

6 A. I have a Bachelor of Science Degree from Johnson C. Smith University and a Master of
7 Science Degree from George Washington University. I am employed as a District
8 Manager by AT&T, operating in Georgia as AT&T of the Southern States, LLC
9 (“AT&T”), where I am responsible for performance measurement and remedy plan
10 advocacy for AT&T’s Southern Region. My area of expertise is the development of an
11 effective methodology for measuring BellSouth’s performance and includes policy
12 development for effective remedy plans. I have represented AT&T in a number of
13 regulatory proceedings, including performance measurement workshops and hearings
14 conducted in Alabama, Louisiana, Florida, North Carolina, South Carolina, Kentucky,
15 Tennessee and Georgia. In over 22 years with AT&T, I have held a variety of
16 management positions, including strategic planning, sales of large business systems and
17 telecommunications services, system development for operation support systems, product
18 marketing and technical support for computer systems.

1 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

2 A. The purpose of my testimony is to respond to the Direct Testimony filed by BellSouth
3 witness Alphonso J. Varner, and specifically to demonstrate that:

4 * BellSouth's assessment of its loop performance data for Kentucky does not
5 dispute that Competitive Local Exchange Carriers ("CLECs") face operational
6 barriers to market entry absent unbundled local switching (Unbundled Network
7 Element Platform or "UNE-P").

8 * BellSouth's Kentucky performance data, as well as Georgia performance data,
9 does not settle whether its existing processes can handle anticipated loop
10 migration demand if UNE-P is eliminated.

11
12 * BellSouth's proposed changes to its Performance Assurance Plan fail to properly
13 sanction poor performance in the batch hot cut process; even with them, key
14 performance areas are excluded.

15 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

16 A. To bolster its effort to persuade this Commission that its existing hot cut and loop
17 provisioning process will perform well in a different, untested future, BellSouth relies on
18 the performance data presented in Mr. Varner's testimony, coupled with an incorrect
19 standard. For compelling reasons, this information does not support BellSouth's case.
20 Assembled as directed by this Commission's Orders in the 271 approval process, and
21 reflecting an environment where UNE-P is the local service mechanism used by CLECS,
22 such performance data provides limited insight into how BellSouth would perform if
23 UNE-P is no longer available. In that event, CLECs would use an Unbundled Network
24 Element-Loop ("UNE-L") approach, which is basically non-existent in Kentucky today.
25 My testimony highlights concerns in the data reporting, which should be gauged by the
26 standard that in a UNE-L environment, loops should be transferred as promptly and
27 efficiently as UNE-P. Additionally, BellSouth's proposed changes to its Performance

1 Assurance Plan, specifically, the Self Effectuating Enforcement Mechanism (“SEEM”)
2 and the performance measures, are inadequate and will excuse poor performance without
3 sanctions. I also propose measures which are needed in a batch hot cut environment.

4 **I. BELLSOUTH’S CURRENT PERFORMANCE IN EXECUTING HOT CUTS AND**
5 **PROVIDING LOOPS IS IRRELEVANT IN CONSIDERING WHETHER CLECS**
6 **FACE BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL**
7 **SWITCHING.**

8 **Q. ON PAGE 3 OF HIS DIRECT TESTIMONY, MR. VARNER ASSERTS THAT**
9 **BELLSOUTH’S LOOP PROVISIONING PERFORMANCE IS NOT AN**
10 **OPERATIONAL BARRIER TO CLECS ENTERING THE MARKET WITHOUT**
11 **UNBUNDLED CIRCUIT SWITCHING. DO YOU AGREE?**

12 A. No. The current performance data reflects the fact that hot cuts and loop provisioning are
13 at low levels. Mr. Varner admits that “[t]here were a total of **3** hot cuts (orders) during
14 November 2002 through October 2003,”(Varner Direct Testimony, Exhibit AJV-1, p.13)
15 (emphasis added). If access to unbundled local switching is denied to CLECS, these
16 volumes will increase dramatically. As described in the testimony of AT&T’s witness
17 Mark Van De Water, BellSouth’s highly manual provisioning process will be inadequate
18 to handle such dramatically increased volumes. Because the different volume levels
19 create two very different environments, how BellSouth handles hot cuts and loop
20 provisioning in a low volume environment does not provide proof regarding how it will
21 handle dramatic increases in volume.

22 The Federal Communications Commission (“FCC”) recognized this point in the
23 Triennial Review Order (“TRO”). In the face of similar claims by Incumbent Local
24 Exchange Companies (“ILECs”) that performance data demonstrated that hot cut
25 performance is satisfactory, the FCC accurately pointed out that this data was irrelevant:

1 “the issue is not how well the process works currently with limited hot cut volumes...”
2 TRO at ¶ 469. BellSouth’s continued effort to twist current performance data to support
3 a different future should similarly be given no weight by this Commission.
4

5 **Q. ON PAGE 4 OF HIS DIRECT TESTIMONY, MR. VARNER STATES THAT THE**
6 **GEORGIA PERFORMANCE RESULTS REPRESENT SUPPLEMENTARY**
7 **INFORMATION IN CASES WHERE THE VOLUMES IN GEORGIA MAY BE**
8 **MORE MEANINGFUL THAN THE KENTUCKY VOLUMES. IS GEORGIA**
9 **PERFORMANCE RELEVANT IN THIS PROCEEDING?**

10
11 A. No. The current Georgia data is not relevant in determining whether loop
12 provisioning is an operational barrier to UNE-L market entry. As previously stated, the
13 FCC accurately pointed out that this data is irrelevant. The point is that current
14 performance data, no matter what state it is from, pertains to limited volumes which are
15 not instructive for a different future environment.

16 **Q. ON PAGE 9 OF HIS DIRECT TESTIMONY, MR. VARNER SUGGESTS THAT**
17 **BELLSOUTH’S PERFORMANCE DATA DEMONSTRATES THAT IT**
18 **“PROVIDES TODAY, AS IT PROVIDED AT THE TIME OF ITS 271**
19 **APPLICATION, NON-DISCRIMINATORY, TIMELY AND EFFICIENT**
20 **ACCESS TO UNE LOOPS.” WHAT RELEVANCE DOES THAT HAVE FOR**
21 **THIS CASE?**

22 A. None. This point was explicitly rejected in the TRO, where the FCC found that “the
23 number of hot cuts performed by BOCs in connection with the 271 process is not
24 comparable to the number that incumbent LECs would need to perform if unbundled
25 switching were not available for all customer locations served with voice-grade loops.” ¶
26 469 (fn. omitted). BellSouth (and other RBOCs) relied on UNE-P in order to obtain 271
27 approval. As a result, the RBOCs hot cut performance remains limited. BellSouth’s
28 effort to transform the performance data into evidence that BellSouth will perform just as

1 well in a UNE-L environment fails. There is no causal connection between the two
2 different environments.

3 **II. BELLSOUTH USES THE WRONG STANDARD IN ATTEMPTING TO**
4 **DEMONSTRATE THAT CLECS DO NOT FACE OPERATIONAL BARRIERS**
5 **TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING.**

6 **Q. WHAT STANDARD SHOULD BE USED IN ANALYZING WHETHER CLECS**
7 **FACE OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT**
8 **UNBUNDLED LOCAL SWITCHING?**

9 A. The FCC suggested a review of performance data could be appropriate as part of the
10 inquiry into the ILEC's "ability to transfer loops in a timely and reliable manner." TRO at
11 ¶ 512. Such an analysis "is necessary to ensure that customer loops can be transferred
12 from the incumbent LEC main distribution frame to a competitive LEC collocation as
13 promptly and efficiently as incumbent LECs can transfer customers using unbundled
14 local circuit switching." *Id.* at n. 1574. This approach, comparing UNE-L to UNE-P
15 performance, is sound, for if the prompt and efficient local service delivery method of
16 UNE-P is no longer available, the ILEC must follow the same standard in performing its
17 replacement. Anything less will cause customer dissatisfaction and confusion. While
18 Mr. Varner's testimony is lengthy, his discussion provides little insight into the issue of
19 whether BellSouth's loop provisioning is as prompt and efficient as UNE-P. Claiming
20 that measurement results show that BellSouth responds to CLEC loop orders accurately
21 and timely and performs maintenance and repair activities in a nondiscriminatory manner
22 falls short of actually comparing loop performance to the FCC-prescribed standard of
23 UNE-P performance.

1 BellSouth’s loop performance falls woefully short when compared against UNE-P
 2 performance. Data for this comparison is obtained from BellSouth’s Service Quality
 3 Measurement report for February 2004 and reflects the performance for UNE-P
 4 (Loop+Port Combinations/<10circuits/Non-Dispatch), compared to the results for the 2-
 5 W Analog Loop W/LNP Non-Design<10/Dispatch-In. The latter was chosen for
 6 comparison because this will generally be one of the most prevalent loop categories
 7 ordered in a UNE-L environment. Since BellSouth has no activity for this loop category
 8 in Kentucky, the regional performance results are reflected in Table 1. The performance
 9 for the Order Completion Interval (“OCI”), measures the time from the issuance of the
 10 Firm Order Confirmation (“FOC”) until the order is completed. These intervals are
 11 added for each Local Service Request (“LSR”) and then divided by the total number of
 12 LSRs to ascertain the interval average.

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 14
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Table 1: Order Completion Interval (“OCI”)

Month	UNE-P Switch-based/Central Office-based	2-W Analog Loop W/LNP Non- Design<10/Dispatch-In
02/04	.62/1.87	4.82

16 As reflected above, the UNE-P performance spans from a fraction of a day to
 17 under two days, but where UNE-L is required the completion interval is almost five days.
 18 While this type of performance was tolerated in an environment where UNE-L was an
 19 infrequently used option, without UNE-P, the OCI for 2-W Analog Loop w/LNP should
 20 be required to meet the UNE-P interval. Otherwise, CLECS competing in Kentucky that
 21 today have access to UNE-P installations will face difficulties offering customers

1 intervals which are 3 to 4 days longer in most cases. In addition, because the OCI does
2 not include the Firm Order Confirmation interval, the actual customer experience would
3 be even worse if UNE-P is no longer available. Clearly, an extensive interval for basic
4 phone service qualifies as an operational barrier to market entry.

5 **III. CONSOLIDATING PERFORMANCE RESULTS FOR “ALL LOOPS” HIDES**
6 **PERFORMANCE RESULTS RELEVANT TO THE ISSUE OF OPERATIONAL**
7 **BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL**
8 **SWITCHING.**

9 **Q. SETTING ASIDE FOR THE MOMENT THE ISSUES YOU DISCUSS ABOVE –**
10 **THAT CURRENT PERFORMANCE IS IRRELEVANT AND BELLSOUTH USES**
11 **THE WRONG STANDARD – DO YOU HAVE OTHER CONCERNS ABOUT**
12 **THE PERFORMANCE ASSESSMENTS REPORTED IN MR. VARNER’S**
13 **TESTIMONY?**

14 A. Yes. Mr. Varner’s performance assessments are reported in such a way that one cannot
15 readily discern pertinent information. Basing the performance assessment on a
16 consolidation of a variety of loops does not allow this Commission to consider the
17 performance of loops which are more relevant if UNE-P is eliminated. As an example,
18 Mr. Varner’s performance assessment, for both Georgia and Kentucky, is offered for “All
19 Loops” which includes some which are relevant and others which are not. I will address
20 why this is a problem.

21 **Q. CAN THIS COMMISSION RELY ON “ALL LOOPS” PERFORMANCE**
22 **ASSESSMENT TO MAKE A DECISION ON BELLSOUTH’S ABILITY TO**
23 **PERFORM HOT CUTS?**

24 A. No. There are two problems with relying on the “all loops” results relied upon by Mr.
25 Varner. First, the “all loops” results commingles information from dissimilar products
26 and activities. As a result, it does not give a realistic view of BellSouth’s performance in

1 migrating the specific types of loops that will most frequently be migrated for mass
2 market customers. Second, the “all loops” reporting includes data on loops that
3 BellSouth does not appear to migrate at all.

4 **Q. PLEASE EXPLAIN YOUR FIRST CONCERN REGARDING THE**
5 **COMMINGLING OF DATA RELATING TO DISSIMILAR PRODUCTS AND**
6 **SERVICES IN THE “ALL LOOPS” REPORTING.**

7 A. First, by way of background, it is important to realize that BellSouth includes the
8 following products in the UNE loop performance data:

- 9 (1) xDSL – this includes ADSL, HDSL, and Unbundled Copper Loop (“UCL”),
10 except UCL-Non-Design (“ND”);
- 11 (2) Unbundled Copper Loop–Non-Design (“UCL-ND”);
- 12 (3) UNE ISDN Loops – this includes Basic Rate Interface (“BRI”), Primary Rate
13 Interface (“PRI”), and UDC;
- 14 (4) UNE 2-W Analog Loops Design with and without Local Number Portability
15 (“LNP”);
- 16 (5) UNE 2-W Analog Loops Non Design with and without LNP; and
- 17 (6) Enhanced Extended Links (“EELs”).

18 See Varner Direct, p.8. Thus, the performance assessment for “all loops” consolidates
19 the results for varying loops and for dissimilar activity types such as dispatch and non-
20 dispatch. Review of the more granular performance results reveals that actual
21 performance for the individual loop types commingled in the “all loops” category are
22 different. The aggregated assessment, therefore, may mask the more relevant
23 performance. The aggregated assessments in Georgia (Varner Direct Exhibit AJV-4),
24 masks the more relevant performance. This is set forth in my Georgia Rebuttal testimony,
25 a copy of which is attached hereto as Exhibit CLB-R1.

1 **Q. DO YOU AGREE WITH MR. VARNER THAT “THE UNE 2W ANALOG LOOPS**
2 **NON-DESIGN WITH AND WITHOUT LNP HAS LITTLE IF ANY ORDERING**
3 **AND PROVISIONING ACTIVITY IN KENTUCKY (Exhibit AJV-1, p. 15)?**

4 **A.** Yes. AT&T agrees there is virtually no data for 2W Analog Loop Non-Design w/o LNP.
5 Given that 2W Analog Loop Non-Design/Dispatch-In is the primary product to which
6 UNE-P will be migrated, it is not realistic to even attempt to understand performance in
7 an environment in which UNE-P is absent. Contrary to Mr. Varner’s claims, BellSouth is
8 not providing excellent service levels in states with more volume.

9 To illustrate this point, BellSouth’s Georgia performance reports reveal that
10 BellSouth failed to meet the benchmark for FOC Timeliness (partially mechanized)-2W-
11 Analog Loop w/LNP Design, for 7 consecutive months (See Varner’s Direct Exhibit
12 AJV-4 Attachment, p. BST000138.) For the products/services most likely to be migrated
13 from UNE-P, namely 2W Analog Loop w/LNP Non-Design, BellSouth did not meet the
14 benchmark for 5 out of 7 months. (See Direct Exhibit AJV-4 Attachment, p.
15 BST000139.) It is apparent from these examples that the performance for loops
16 collectively does not necessarily represent the performance for individual loop categories.
17 They are a cautionary note that what BellSouth offers as relevant performance data turns
18 out to be of little help in analyzing whether BellSouth is capable of providing CLECs
19 with access to unbundled loops in a manner “as promptly and efficiently as incumbent
20 LECs can transfer customers using unbundled local switching.” TRO at n. 1574.

21 **Q. COULD YOU ELABORATE ON YOUR SECOND POINT, THAT MR. VARNER**
22 **IS RELYING ON DATA FOR LOOPS THAT BELL SOUTH DOES NOT**
23 **MIGRATE IN HIS “ALL LOOP” PERFORMANCE ASSESSMENTS.**

1 A. The loop performance represented in “all loops” includes loops that are not mentioned as
2 being migratable from UNE-P in BellSouth’s “UNE-Port/Loop Combination (UNE-P) to
3 UNE-Loop (UNE-L) Bulk Migration CLEC Information Package” (“Information
4 Package”), included on the web address set forth in BellSouth witness Kenneth L.
5 Ainsworth’s Direct, p. 5, identified as the BellSouth batch hot cut process. The
6 Information Package states on page six that “[b]ulk migration is available for existing
7 non-complex Port/Loop Combination services to Unbundled Loops with Local Number
8 Portability (LNP),” with the further explanation that “[c]omplex UNE-P accounts are
9 prohibited on bulk requests.” It further states that “[e]xamples of Complex UNE-P are 2-
10 Wire ISDN/BRI Digital Loop & Port UNE Combination, 4-Wire ISDN/PRI Digital Loop
11 & Port UNE Combination, UNE-P Centrex, Digital Direct Integration Termination
12 Service (DDITS), etc.” *Id.* The Information Package does not convey that EELs or ISDN
13 can be migrated under BellSouth’s “batch” hot cut process. By intermingling EELs and
14 ISDN into its “all loops” performance assessments, as appears to be the case, BellSouth
15 has complicated review by injecting irrelevant information.

16 **IV. BELLSOUTH’S PROPOSED ENHANCEMENTS TO THE PERFORMANCE**
17 **MEASURES AND SEEM PLAN ARE INADEQUATE.**

18 **Q. IS BELLSOUTH’S PROPOSED PRE-ORDERING MEASURE ADEQUATE TO**
19 **CAPTURE BELLSOUTH’S PERFORMANCE IN THE INITIAL STAGE OF**
20 **PROCESSING A CLEC REQUEST FOR A BATCH CONVERSION?**

21 A. No. The proposed metric, PO-3: UNE Bulk Migration-Response Time, is not included in
22 SEEM. Therefore, BellSouth will incur no consequences for extensive response intervals
23 to the Bulk Migration Notification forms. BellSouth does not provide a meaningful

1 explanation as to why such a critical area should not incur consequences for poor
2 performance.

3 **Q. SHOULD ADDITIONAL METRICS BE ESTABLISHED FOR MONITORING**
4 **THE BATCH HOT CUT PROCESS?**

5 A. Yes, it is essential to have performance monitoring start-time and completion time for
6 batches; therefore, two new metrics should be established. First, the metric Percent of
7 Batches Started On Time should be implemented. CLECS have minimal resources and
8 therefore must use them optimally. Having CLEC operations representatives' daily
9 schedule disrupted due to late starts results in other work not being handled as planned.
10 Second, the Percent of Batches Completed On Time should be implemented. As
11 previously stated, CLEC resources are too scarce to have technicians idle. The cut needs
12 to complete at the designated time so that the technicians can immediately commence
13 final tasks to service the customer in order for the customer to receive telephone calls.
14 Both the Percent Batches Completed On Time and Percent Batches Started On Time
15 metrics should be included in SEEM.

16 **Q. WHAT ADDITIONAL METRICS SHOULD BE INCLUDED IN SEEM?**

17 A. For conversion service outages, the Percent Conversion Service Outages metric should be
18 established. The consequences should be commensurate with the average net revenue
19 times the average life of the customer.

20 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

21 A. Yes.

**BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising)
from Federal Communications Commission) Docket No. 17749-U
triennial UNE review: Local Circuit Switching)
for Mass Market Customers.)

**REBUTTAL TESTIMONY OF
CHERYL L. BURSH
ON BEHALF OF
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC**

JANUARY 30, 2004

1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

2 A. My name is Cheryl L. Bursh. My business address is 1200 Peachtree Street, Suite 8100,
3 Atlanta, Georgia 30309.

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1 Enforcement Mechanism ("SEEM") and the performance measures, are inadequate and
2 will excuse poor performance without sanctions. I also propose measures which are
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5 **I. BELLSOUTH'S CURRENT PERFORMANCE IN EXECUTING HOT CUTS AND**
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12 **UNBUNDLED CIRCUIT SWITCHING. DO YOU AGREE?**

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14 **A.** No. The current performance data reflects the fact that hot cuts and loop provisioning are
15 at low levels. Mr. Varner admits that "[d]uring the period from March through
16 September 2003 , BellSouth in Georgia performed 1,840 hot cuts (orders)." Varner Direct
17 Testimony, Exhibit AJV-1, p. 13. If access to unbundled local switching is denied to
18 CLECs, these volumes will increase dramatically. As described in the testimony of
19 AT&T's witness Mark Van De Water, BellSouth's highly manual provisioning process
20 will be inadequate to handle such increased volumes. Because the different volume
21 levels create two very different environments, how BellSouth handles hot cuts and loop
22 provisioning in a low volume environment does not provide proof regarding how it will
23 handle dramatic increases in volume.

24 The Federal Communications Commission ("FCC") recognized this point in the
25 Triennial Review Order ("TRO"). In the face of similar claims by Incumbent Local
26 Exchange Companies ("ILECs") that performance data demonstrated that hot cut
27 performance is satisfactory, the FCC accurately pointed out that this data was irrelevant:
28 "the issue is not how well the process works currently with limited hot cut volumes..."

1 TRO at ¶ 469. BellSouth's continued effort to twist current performance data to support
2 a different future should similarly be given no weight by this Commission.

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8 **ACCESS TO UNE LOOPS." WHAT RELEVANCE DOES THAT HAVE FOR**
9 **THIS CASE?**

10 A. None. This point was explicitly rejected in the TRO, where the FCC found that "the
11 number of hot cuts performed by BOCs in connection with the 271 process is not
12 comparable to the number that incumbent LECs would need to perform if unbundled
13 switching were not available for all customer locations served with voice-grade loops." ¶
14 469 (fn. omitted). BellSouth (and other RBOCs) relied on UNE-P in order to obtain 271
15 approval. As a result, the RBOCs hot cut performance remains limited. BellSouth's
16 effort to transform the performance data into evidence that BellSouth will perform just as
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28 inquiry into the ILEC's "ability to transfer loops in a timely and reliable manner." TRO at
29 ¶ 512. Such an analysis "is necessary to ensure that customer loops can be transferred
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1 promptly and efficiently as incumbent LECs can transfer customers using unbundled
2 local circuit switching.” *Id.* at n. 1574. This approach, comparing UNE-L to UNE-P
3 performance, is sound, for if the prompt and efficient local service delivery method of
4 UNE-P is no longer available, the ILEC must follow the same standard in performing its
5 replacement. Anything less will cause customer dissatisfaction and confusion. While
6 Mr. Varner’s testimony is lengthy, his discussion provides little insight into the issue of
7 whether BellSouth’s loop provisioning is as prompt and efficient as UNE-P. Claiming
8 that measurement results show that BellSouth responds to CLEC loop orders accurately
9 and timely and performs maintenance and repair activities in a nondiscriminatory manner
10 falls short of actually comparing loop performance to the FCC-prescribed standard of
11 UNE-P performance.

12 Table 1 below illustrates that BellSouth’s loop performance falls woefully short
13 when compared against UNE-P performance. Data for this table is obtained from
14 BellSouth’s Monthly State Summary reports, as well as Mr. Varner’s testimony, Exhibit
15 AJV-1 Attachment, p. BST000007, and reflects the performance (from the Monthly State
16 Summary reports) for UNE-P (Loop+Port Combinations/<10circuits/Non-Dispatch),
17 compared to the results (as set forth in Mr. Varner’s Exhibit AJV-1 Attachment) for the
18 2-W Analog Loop W/LNP Non-Design<10/Dispatch-In. The latter was chosen for
19 comparison because this will generally be one of the most prevalent loop categories
20 ordered in a UNE-L environment. The table reflects the performance for the Order
21 Confirmation Interval (“OCI”), which measures the time from the issuance of the Firm
22 Order Confirmation (“FOC”) until the order is completed. These intervals are added for
23 each Local Service Request (“LSR”) and then divided by the total number of LSRs to

ascertain the interval average. The numbers in Columns 2 and 3 are expressed in terms of days, with 1.0 meaning one day.

Table 1: Order Completion Interval (“OCI”)

Month	UNE-P Switch-based/Central Office-based	2-W Analog Loop w/LNP Non- Design-10/Dispatch-In
3/03	.85/1.19	4.93
4/03	.84/1.25	4.57
5/03	.68/2.13	4.93
6/03	.67/2.13	4.82
7/03	.69/2.42	4.77
8/03	.65/2.32	4.74
9/03	.68/2.14	4.97

As reflected above, the UNE-P performance spans from a fraction of a day to slightly over 2 days, but for UNE-L, the completion interval is approximately four days. While this type of performance was tolerated in an environment where UNE-L was an infrequently used option, without UNE-P, the OCI for 2-W Analog Loop w/LNP should be required to meet the UNE-P interval. In addition, because the OCI does not include the Firm Order Confirmation interval, the actual customer experience would be even worse if UNE-P is no longer available. Clearly, an extensive interval for basic phone service qualifies as an operational barrier to market entry.

III. CONSOLIDATING PERFORMANCE RESULTS FOR “ALL LOOPS” HIDES PERFORMANCE RESULTS RELEVANT TO THE ISSUE OF OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING.

Q. SETTING ASIDE FOR THE MOMENT THE ISSUES YOU DISCUSS ABOVE – THAT CURRENT PERFORMANCE IS IRRELEVANT AND BELL SOUTH USES THE WRONG STANDARD – DO YOU HAVE OTHER CONCERNS ABOUT THE PERFORMANCE ASSESSMENTS REPORTED IN MR. VARNER’S TESTIMONY?

1 A. Yes. Mr. Varner's performance assessments are reported in such a way that one cannot
2 readily discern pertinent information. Basing the performance assessment on a
3 consolidation of a variety of loops does not allow this Commission to consider the
4 performance of loops which are more relevant if UNE-P is eliminated. Mr. Varner's
5 performance assessment is offered for "All Loops" which includes some which are
6 relevant and others which are not. I will address why this is a problem.

7
8 **Q. CAN THIS COMMISSION RELY ON AN "ALL LOOPS" PERFORMANCE**
9 **ASSESSMENT TO MAKE A DECISION ON BELL SOUTH'S ABILITY TO**
10 **PERFORM HOT CUTS?**

11 A. No. There are two problems with relying on the "all loops" results relied upon by Mr.
12 Varner. First, the "all loops" results commingles information from dissimilar products
13 and activities. As a result, it does not give a realistic view of BellSouth's performance in
14 migrating the specific types of loops that will most frequently be migrated for mass
15 market customers. Second, the "all loops" reporting includes data on loops that
16 BellSouth does not appear to migrate at all.

17
18 **Q. PLEASE EXPLAIN YOUR FIRST CONCERN REGARDING THE**
19 **COMMINGLING OF DATA RELATING TO DISSIMILAR PRODUCTS AND**
20 **SERVICES IN THE "ALL LOOPS" REPORTING.**

21 A. First, by way of background, it is important to realize that BellSouth includes the
22 following products in the UNE loop performance data:

- 23 (1) xDSL – this includes ADSL, HDSL, and Unbundled Copper Loop ("UCL"),
24 except UCL-Non-Design ("ND");
25
26 (2) Unbundled Copper Loop–Non-Design ("UCL-ND");
27
28 (3) UNE ISDN Loops – this includes Basic Rate Interface ("BRI"), Primary Rate
29 Interface ("PRI"), and UDC;

- 1 (4) UNE 2-W Analog Loops Design with and without Local Number Portability
- 2 ("LNP");
- 3
- 4 (5) UNE 2-W Analog Loops Non Design with and without LNP; and
- 5 (6) Enhanced Extended Links ("EELs").

6 See Varner Direct, pp. 8-9. Thus, the performance assessment for "all loops"
7 consolidates the results for varying loops and for dissimilar activity types such as
8 dispatch and non-dispatch. Review of the more granular performance results reveals that
9 actual performance for the individual loop types commingled in the "all loops" category
10 are different. The aggregated assessment, therefore, may mask the more relevant
11 performance.

12 Mr. Varner claims that "a cursory review of the data by simply comparing the
13 number of submetrics met indicates the high level of performance....[table omitted]
14 BellSouth met an average of 91% of all the UNE Loop provisioning submetrics over the
15 last 7 months in Georgia." (Varner Direct, p. 19, lines 19-21, p. 20, lines 2-3.) This is
16 meaningless given that a number of missed submetrics were for provisioning of product
17 areas that will be dominant if unbundled local switching is eliminated. That is, some
18 submetrics BellSouth failed are for the services to which CLEC customers will migrate if
19 UNE-P is eliminated. This is troubling, since it shows that sub-par performance in a low
20 volume environment will remain so and become magnified in the high volume
21 environment which would result if CLECs are denied access to unbundled local
22 switching.

23 To illustrate this point, BellSouth's Georgia performance reports reveal that
24 BellSouth failed to meet the benchmark for the following submetric, pertaining to Order

1 Completion Interval, which will have volume at the level of UNE-P if UNE-P is
2 eliminated:

- 3 • 2-W Analog Loop w/LNP Non-Design/<10circuits/Dispatch In: non-
4 compliant for 7 consecutive months, spanning from March 2003 to September
5 2003; and
6

7 Thus, what Mr. Varner offers as a relevant performance assessment turns out to be of
8 little help in analyzing whether BellSouth is capable of providing CLECs with access to
9 unbundled loops in a manner “as promptly and efficiently as incumbent LECs can
10 transfer customers using unbundled local switching.” TRO at n.1574. It is therefore
11 important to analyze the data with more than a “ cursory review” because aggregating
12 results for “all loops” masks areas that are critical in a UNE-L environment.

13 **Q. IN ADDRESSING AVERAGE COMPLETION INTERVAL/ UNE 2W ANALOG**
14 **LOOPS NON DESIGN WITH AND WITHOUT LNP (B.2.1.9 & 13), MR.**
15 **VARNER CLAIMS THAT “ALL THESE ORDERS WOULD HAVE MET THE**
16 **PARITY REQUIREMENT IF COMPARED WITH THE DISPATCHED RETAIL**
17 **ANALOGUE.” ARE MR. VARNER’S COMMENTS MISLEADING?**

18 **A.** Yes. On page 39 of Exhibit AJV-1, Mr. Varner indicates that all UNE-L orders are
19 given a dispatch interval, whether or not they are ultimately subject to dispatch.
20 Importantly, he does not say the actual reported interval is inaccurate. He simply says
21 that because BellSouth cannot make accurate due date assignments, BellSouth gives due
22 dates that sometimes require the CLEC and its customer to wait longer than necessary.
23 Then, when the orders which were given the longer than necessary interval ultimately are
24 worked as non-dispatch, they are appropriately compared to the retail non-dispatch
25 analogue. While Mr. Varner has the temerity to suggest that the measurements are
26 inequitable, they are in fact reporting the actual intervals that occurred for non-dispatch

1 orders. What is in fact inequitable is BellSouth's due date assignment process, which
2 apparently makes CLEC customers subject to dispatch intervals unnecessarily.

3 **Q. DOES MR. VARNER'S PERFORMANCE ASSESSMENT OF THE FOC/REJECT**
4 **RESPONSE COMPLETENESS METRIC MASK PERTINENT**
5 **PERFORMANCE?**

6 A. Yes. Despite BellSouth's claim of 93% attainment or better of "all loops" for the
7 FOC/Reject Response Completeness metric (See Varner Direct, p. 18), aggregating
8 varying results for multiple products/services masks the performance for
9 products/services to which UNE-P would be migrated if UNE-P is eliminated. As an
10 example, the FOC/Reject Response Completeness metric, having a benchmark of 97%
11 specifies the percentage of LSRs that receive a response of either a reject or FOC. For
12 FOC/Reject Response Completeness (non mechanized)-2W-Analog Loop w/LNP Non
13 Design, BellSouth did not meet the benchmark for 4 out of 7 months (See Exhibit AJV-
14 1 Attachment, page BST000162).

15 **Q. DOES MR. VARNER'S PERFORMANCE ASSESSMENT OF THE FOC**
16 **TIMELINESS METRIC MASK PERTINENT PERFORMANCE?**

17 A. Yes. Despite BellSouth's touting of 91% attainment of FOC Timeliness for "all loops"
18 (See Varner Direct, p. 16), aggregating varying results for multiple products/services
19 masks the performance for products/services to which UNE-P would be migrated if
20 UNE-P is eliminated. The FOC Timeliness metric, having a benchmark of 90% in less
21 than 7 hours for partially mechanized LSRs, specifies the percentage of LSRs having a
22 FOC issued within the designated interval. To illustrate once again how Mr. Varner's
23 performance assessments provide little insight into operational impairment if UNE-P is
24 eliminated, the performance results for FOC Timeliness reveal a less desirable
25 performance than he represented.

1 For FOC Timeliness (partially mechanized)-2W-Analog Loop w/LNP Design,
2 BellSouth did not meet the benchmark for 7 consecutive months (See Exhibit AJV-1
3 Attachment, p. BST000138). For the products/services most likely to be migrated from
4 UNE-P, namely 2W Analog Loop w/LNP Non-Design, BellSouth did not meet the
5 benchmark for 5 out of 7 months. (See Exhibit AJV-1 Attachment, p. BST000139). It is
6 apparent from these examples that the performance for loops collectively does not
7 necessarily represent the performance for individual loop categories. They are a
8 cautionary note that what BellSouth offers as relevant performance data turns out to be of
9 little help in analyzing whether BellSouth is capable of providing CLECs with access to
10 unbundled loops in a manner “as promptly and efficiently as incumbent LECs can
11 transfer customers using unbundled local switching.” TRO at n. 1574.

12
13 **Q. COULD YOU ELABORATE ON YOUR SECOND POINT, THAT MR. VARNER**
14 **IS RELYING ON DATA FOR LOOPS THAT BELLSOUTH DOES NOT**
15 **MIGRATE IN HIS “ALL LOOP” PERFORMANCE ASSESSMENTS.**

16 A. The loop performance represented in “all loops” includes loops that are not mentioned as
17 being migratable from UNE-P in BellSouth’s “UNE-Port/Loop Combination (UNE-P) to
18 UNE-Loop (UNE-L) Bulk Migration CLEC Information Package” (“Information
19 Package”), included on the web address set forth in BellSouth witness Kenneth L.
20 Ainsworth’s Direct, p. 5, identified as the BellSouth batch hot cut process. The
21 Information Package states on page five that “Bulk migration is available for existing
22 non-complex Port/Loop Combination services to Unbundled Loops with Local Number
23 Portability (LNP),” with the further explanation that “Complex UNE-P accounts are
24 prohibited on bulk requests.” It further states that “[e]xamples of Complex UNE-P are 2-
25 Wire ISDN/BRI Digital Loop & Port UNE Combination, 4-Wire ISDN/PRI Digital Loop

1 & Port UNE Combination, UNE-P Centrex, Digital Direct Integration Termination
2 Service (DDITS), etc.” *Id.* The Information Package does not convey that EELs or ISDN
3 can be migrated under BellSouth’s “batch” hot cut process. By intermingling EELs and
4 ISDN into its “all loops” performance assessments, as appears to be the case, BellSouth
5 has complicated review by injecting irrelevant information.

6 **IV. BELLSOUTH’S PROPOSED ENHANCEMENTS TO THE PERFORMANCE**
7 **MEASURES AND SEEM PLAN ARE INADEQUATE.**

8 **Q. IS BELLSOUTH’S PROPOSED PRE-ORDERING MEASURE ADEQUATE TO**
9 **CAPTURE BELLSOUTH’S PERFORMANCE IN THE INITIAL STAGE OF**
10 **PROCESSING A CLEC REQUEST FOR A BATCH CONVERSION?**

11 A. No. The proposed metric, PO-3: UNE Bulk Migration-Response Time, is not included in
12 SEEM. Therefore, BellSouth will incur no consequences for extensive response intervals
13 to the Bulk Migration Notification forms. BellSouth does not provide a meaningful
14 explanation as to why such a critical area should not incur consequences for poor
15 performance.

16 **Q. SHOULD ADDITIONAL METRICS BE ESTABLISHED FOR MONITORING**
17 **THE BATCH HOT CUT PROCESS?**
18

19 A. Yes, it is essential to have performance monitoring start-time and completion time for
20 batches; therefore, two new metrics should be established. First, the metric Percent of
21 Batches Started On Time should be implemented. CLECs have minimal resources and
22 therefore must use them optimally. Having CLEC operations representatives’ daily
23 schedule disrupted due to late starts results in other work not being handled as planned.
24 Second, the Percent of Batches Completed On Time should be implemented. As
25 previously stated, CLEC resources are too scarce to have technicians idle. The cut needs
26 to complete at the designated time so that the technicians can immediately commence

1 final tasks to service the customer in order for the customer to receive telephone calls.
2 Both the Percent Batches Completed On Time and Percent Batches Started On Time
3 metrics should be included in SEEM.

4
5 **Q. WHAT ADDITIONAL METRICS SHOULD BE INCLUDED IN SEEM?**

6 A. For conversion service outages, the Percent Conversion Service Outages metric should be
7 established. The consequences should be commensurate with the average net revenue
8 times the average life of the customer.

9
10 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

11
12 A. Yes.