

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 CHERYL BURSH, who, being by me first duly sworn deposed and said that:

She 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, her testimony would be set forth in her Surrebuttal Testimony consisting of 7 pages and 0 exhibit(s).

  
Cheryl Bursh

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 12<sup>th</sup> DAY OF APRIL, 2004

Olmachukwu Notary Public

Notary Public, Gwinnett County, Georgia  
My Commission Expires Jan .21, 2005

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**REVIEW OF THE FEDERAL COMMUNICATIONS )**  
**COMMISSION'S TRIENNIAL REVIEW ORDER )** **CASE NO.2003-00379**  
**REGARDING UNBUNDLING REQUIREMENTS )**  
**FOR INDIVIDUAL NETWORK ELEMENTS )**

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

**APRIL 13, 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. ARE YOU THE SAME CHERYL BURSH WHO PREVIOUSLY FILED**  
5 **REBUTTAL TESTIMONY IN THIS DOCKET ON MARCH 31, 2004?**

6  
7 A. Yes, I am.  
8  
9

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

11 A. The purpose of my testimony is to respond to various performance related issues raised in  
12 the Rebuttal Testimony filed by BellSouth witness Alphonso J. Varner.

13 **Q. BELLSOUTH WITNESS ALPHONSO VARNER'S REBUTTAL TESTIMONY**  
14 **AT PAGE 9 DISPUTES AT&T'S EXPERIENCE WITH HOT CUT**  
15 **IMPAIRMENTS. PLEASE COMMENT.**

16 A. AT&T witness Mark Van De Water has described AT&T's negative experience with  
17 BellSouth's hot cut process, specifically listing provisioning delays and factors that  
18 contributed to customer service outages. (See Van De Water Direct at pp. 8 and 9.)  
19 Nonetheless, Mr. Varner dismisses "'substandard performance in returning timely firm  
20 order confirmations', and other failures related to the scheduling of hot cuts and  
21 'erroneous disconnection of end users' line,' and 'undue delay in reconnection'" as  
22 meritless. (See Varner Rebuttal p. 9, lines 1- 10) Although his testimony purportedly  
23 demonstrates this, in fact, it focuses on a different period of time than that discussed in  
24 AT&T's testimony and does not focus on data for 2Wire Analog Loop w/Local Number  
25 Portability ("2W Analog Loop w/LNP"), the type of loop that will be most frequently  
26 used in an Unbundled Network Element-Loop ("UNE-L") environment.

1 **Q. WHY DO YOU MAINTAIN THAT MR. VARNER’S TESTIMONY USES A TIME**  
2 **PERIOD WHICH DOES NOT SUPPORT THE POINT HE PURPORTS TO**  
3 **MAKE?**

4 A. As AT&T has noted, the company virtually eliminated UNE-L as a means of acquiring  
5 customers. (See Van De Water Direct at p. 8). For the last several years, including  
6 November 2002 through October 2003, the period of time used by Mr. Varner, AT&T  
7 has been acquiring its mass market (residential and small business) customers using the  
8 Unbundled Network Element-Platform (“UNE-P”).

9 **Q. ARE MR. VARNER’S COMMENTS CONCERNING THE AVERAGE**  
10 **COMPLETION NOTICE INTERVAL PERFORMANCE RESPONSIVE TO**  
11 **AT&T’S CONCERN OVER BELL SOUTH’S FAILURE TO NOTIFY**  
12 **“CONSISTENTLY AND TIMELY THAT CUSTOMER LOOPS HAD BEEN**  
13 **TRANSFERRED TO AT&T”? (SEE VARNER REBUTTAL AT P. 10.)**

14 A. No. BellSouth references a different notification than that discussed in Mr. Van De  
15 Water’s Direct Testimony. Mr. Van De Water refers to the call that the BellSouth  
16 provisioning center makes to the Competitive Local Exchange Carrier (“CLEC”) to  
17 advise that the old cross connection jumper that connected the customer’s loop to the  
18 Incumbent Local Exchange Carrier’s (“ILEC’s”) switch was removed and that the re-  
19 wired cross connection from the CLEC’s Connecting Facility Assignment (“CFA”) has  
20 been terminated to the customer’s loop.

21 Mr. Varner’s testimony references something different, the Average Completion Notice  
22 Interval (“ACNI”) metric. The endpoint for this metric is the time stamp when the  
23 completion notice was delivered to the CLEC interface for mechanized orders. For non-  
24 mechanized orders, the endpoint for the ACNI metric is when the order status is changed  
25 to complete in the Service Order Control System (“SOCS”). The starting point for the  
26 ACNI metric does not even begin until several steps after the re-wired cross connection

1 from the CLEC's CFA has been terminated to the customer's loop. Any performance  
2 results associated with the ACNI metric have no relevance to Mr. Van De Water's point  
3 that BellSouth fails to notify AT&T consistently and timely that customer loops have  
4 been transferred to AT&T.

5 **Q. IS MR. VARNER CORRECT IN STATING THAT MR. VAN DE WATER'S**  
6 **COMPARISONS AND CONCLUSIONS ARE INVALID FOR UNE-P VERSUS**  
7 **UNE-L ORDERS? (VARNER REBUTTAL AT PP. 12-14.)**

8 A. No. For the reasons specified in my Rebuttal Testimony, comparing order intervals for  
9 UNE-P versus UNE-L orders is important to understanding impairment in an  
10 environment in which UNE-P is absent. (See Bursh Rebuttal at pp. 6-8.)

11 **Q. DOES MR. VARNER'S ATTEMPT TO EXPLAIN THE FLAW IN COMPARING**  
12 **THE PERFORMANCE OF UNE-P TO UNE-L ACTUALLY SUPPORT AT&T'S**  
13 **POINT THAT IT IS APPROPRIATE TO USE UNE-P PERFORMANCE AS THE**  
14 **STANDARD TO DEMONSTRATE HOW IMPAIRED CLECS WOULD BE IN AN**  
15 **ENVIRONMENT WITHOUT UNE-P?**

16 A. Yes. Mr. Varner states,

17  
18 An order for UNE-P typically involves little more than changing the billing of an  
19 existing end-user from BellSouth retail (or from another CLEC) to the acquiring  
20 CLEC. In this instance, no physical work is required, an outside dispatch is not  
21 needed and the order is not subject to facility shortages. In contrast, a UNE-L  
22 order will always require some form of physical work, in the central office, at the  
23 customer's premise, or both. A dispatch may be needed and the order interval can  
24 be affected by facility shortages. As a result of these two different processes, the  
25 applicable ordering intervals will usually differ.

26  
27 (Varner Rebuttal, p. 13, lines 15-24.) The fact that the processes differ demonstrates the  
28 very reason why the comparison is appropriate. It is only via the comparison that the  
29 differences can be assessed and later evaluated to determine how the difference will  
30 contribute to the CLECs being impaired in the local market.

31

1 **Q. AT P. 14 OF HIS REBUTTAL TESTIMONY, MR. VARNER IS CRITICAL OF**  
2 **AT&T'S USE OF UNE-P/SWITCHED-BASED COMPLETIONS FOR**  
3 **COMPARISON WITH ANALOG LOOPS/WITH LNP. IS THIS JUSTIFIED?**

4 A. No. As explained in Mr. Van De Water's Direct Testimony, data demonstrates that UNE-  
5 P orders are completed much more quickly than UNE-L orders. The chart included in  
6 Mr. Van De Water's testimony shows completion intervals for UNE-P orders without any  
7 field work to compare against UNE-L orders without any field work. Data for both  
8 switch-based and central office based completions for UNE-P orders is provided.  
9 Contrary to Mr. Varner's assertions, switch based completions contain both feature  
10 changes and migrations that do not require central office work. Notably, Mr. Varner has  
11 no comment regarding the central office based completions, which completed on average  
12 in 2.49 days, more quickly than UNE-L completions.

13 **Q. ON PAGE 15, MR. VARNER STATES THAT MOST UNE-P ORDERS ARE**  
14 **MIGRATION ORDERS. WHAT IS YOUR RESPONSE?**

15 A. Mr. Varner should certainly have access to information regarding the types of orders  
16 being processed by BellSouth. However, I find it quite bizarre that he would make that  
17 statement, since it contradicts his earlier comments. For example, he contends on page  
18 14 that switch-based completions are not migrations (i.e., "nothing more than a request  
19 for a feature change") knowing full well that those types of completions comprise the  
20 vast majority of the UNE-P orders. Now he is saying that most UNE-P orders are  
21 migrations. Further, it is unclear why he comments that Mr. Van De Water's analysis is  
22 based on the ordering patterns of today, since he presents no evidence as to why this is an  
23 inappropriate approach or what the changes should be.

24 **Q. MR. VARNER CLAIMS, "CLEARLY, THE FCC DID NOT SUPPORT THE**  
25 **IDEA THAT UNE-P AND UNE-L INSTALLATION INTERVALS MUST BE THE**  
26 **SAME, NOTWITHSTANDING MR. VAN DE WATER'S SUGGESTION TO THE**

1 **CONTRARY.”(VARNER REBUTTAL, P. 14) IS MR. VARNER’S CLAIM**  
2 **MISLEADING?**

3 A. Yes. Mr. Varner references Paragraph 491 of the Federal Communications  
4 Commission’s (“FCC”) August 21, 2003, Triennial Review Order (“TRO”) as the basis  
5 for this claim, but what it actually addresses is whether "other mechanisms [can] mitigate  
6 the disruptions and other practical difficulties inherent in the current loop infrastructure."  
7 TRO, Para. 491. The FCC concluded that it would not order Electronic Loop  
8 Provisioning in the TRO but would reconsider at a later date if hot cut processes prove  
9 insufficient. This discussion had nothing to do with UNE-P and UNE-L installation  
10 intervals. It certainly cannot be cited for Mr. Varner's proposition that the FCC does "not  
11 support the idea that UNE-P and UNE-L installation intervals must be the same."

12 **Q. DOES MR. VARNER’S STATEMENT ON PAGE 16 THAT “UNE-L DATA**  
13 **REFLECTS DATA FOR NEW SERVICES...” APPLY TO THE AT&T TABLE**  
14 **HE CRITICIZES?**

15 A. No. The data reflected on page 17 of the Direct Testimony of Mr. Van De Water  
16 represents performance specifically for Analog Loops/with LNP which is migration of  
17 existing service. The table “illustrates the inferior performance BellSouth provides for  
18 analog loops compared to UNE-P in Kentucky...” (See Van De Water Direct at p. 17,  
19 lines 4-5.) Mr. Varner, however, states that “[f]or the most part UNE-L data reflects data  
20 for new service while UNE-P data is largely migration of existing service.” (See Varner  
21 Rebuttal, p. 16, lines 8-9.) While this may be true for UNE Loops in general, it does not  
22 apply to the AT&T table, for the data it contains reveals Analog Loop/with LNP  
23 performance results, which is existing service. Therefore, the differences appear to  
24 represent inferior performance for Analog Loop/with LNP given that both reflect data  
25 that is largely migration of existing service.

1 **Q. MR. VARNER CRITICIZES AT&T'S COMPARISON OF UNE-L TO UNE-P**  
2 **PERFORMANCE, SAYING THAT THIS COMPARISON IS INCONSISTENT**  
3 **WITH RULINGS IN THE COMMISSION'S PERFORMANCE MEASUREMENT**  
4 **PROCEEDINGS. (SEE VARNER REBUTTAL, PP. 17-19.) IS THE**  
5 **COMMISSION'S OBJECTIVE IN THIS PROCEEDING THE SAME AS THAT**  
6 **FOR PERFORMANCE MEASUREMENT PROCEEDINGS?**

7 A. No. In response to the TRO, this Commission established Docket 2003-00379 "to  
8 determine whether impairment exists within Kentucky and within local markets in  
9 Kentucky."<sup>1</sup> In other words, this Commission will evaluate the difference in the CLEC  
10 customer experience in an environment without UNE-P and how that less desirable  
11 experience will impair CLECs. This Commission established performance measurements  
12 and enforcement mechanisms in docket 2001-105 to monitor BellSouth's performance.<sup>2</sup>

13 **Q. DO COMPARISONS OF UNE LOOPS AND UNE-P IN THIS PROCEEDING**  
14 **CONTRADICT ANY RULINGS IN THE PERFORMANCE MEASUREMENT**  
15 **PROCEEDING?**

16 A. No. A comparison of UNE-P versus Analog Loop/with LNP is not in conflict with the  
17 Commission's findings that established a retail analogue for each product. Determining  
18 impairment requires incremental steps from monitoring performance. Once performance  
19 is assessed for UNE-P and Analogue Loop/with LNP based on the performance standard  
20 ordered by this Commission, the Commission also will understand differences in the two  
21 results. Next, the Commission will assess how this difference or inferior performance  
22 impairs CLECs' ability to compete. In other words, this Commission will evaluate the  
23 difference in the CLEC customer experience in an environment without UNE-P and how

---

<sup>1</sup> IN RE: Review Of Federal Communication Commission's Triennial Review Order Regarding Unbundling Requirements For Individual Network Elements, Kentucky Public Service Commission, Docket No. 2003-00379, Order dated October 2, 2003, page 1.

<sup>2</sup> IN RE: Investigation Concerning The Propriety Of InterLATA Services By Bellsouth Telecommunications, Inc., Pursuant To Section 271 of the Telecommunications Act Of 1996, Docket 2001-105, Order dated October 19, 2001.



1 that less desirable experience will impair CLECs. Evaluating impairment requires a  
2 different methodology and an additional step from that of monitoring performance.

3 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

4 A. An assessment of the anticipated customer experience in an environment that  
5 excludes UNE-P is essential for determining whether CLECs will be impaired without its  
6 continued availability. Comparisons of the UNE-P versus UNE-L experience provide  
7 valuable information for that assessment. AT&T originally had market plans based on a  
8 UNE-L strategy that resulted in customer dissatisfaction. Therefore, assessing  
9 anticipated differences in a new environment, in which UNE-P is absent, is critical.

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

11 A. Yes.