

PUBLIC VERSION

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

In the Matter of:

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

REBUTTAL TESTIMONY OF

James D. Webber

On behalf of

**MCIMetro Access Transmission Services, LLC
MCI WORLDCOM Communications, Inc.**

March 31, 2004

1 **I. INTRODUCTION**

2

3 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE**
4 **RECORD.**

5 A. My name is James D. Webber and my business address is: QSI Consulting, 4515
6 Barr Creek Lane, Naperville, Illinois 60564.

7

8 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

9 A. I am employed by QSI Consulting, Inc. as a senior consultant within the firm's
10 Telecommunication Division.

11

12 **Q. ARE YOU THE SAME JAMES D. WEBBER WHO FILED DIRECT**
13 **TESTIMONY IN THESE PROCEEDINGS?**

14 A. Yes, I am.

15

16 **Q. ON WHOSE BEHALF WAS THIS TESTIMONY PREPARED?**

17 A. This testimony was prepared on behalf of MCImetro Access Transmission
18 Services, LLC and MCI WORLDCOM Communications, Inc. (collectively
19 "MCI").

20

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

22 A. My testimony responds to various BellSouth witnesses who discuss: (1) the
23 geographic areas that would be affected by accepting BellSouth's proposal that

1 the Commission enter a finding of no impairment; (2) EELs; (3) unbundling of
2 IDLC based loops; and (4) hot cut volumes.

3

4 **II. SUMMARY OF CONCLUSIONS**

5

6 **Q. PLEASE SUMMARIZE YOUR CONCLUSIONS.**

7 A. A brief summary of the issues addressed in my rebuttal is as follows:

8 • BellSouth's proposal to eliminate unbundled local switching ("ULS")
9 from certain wire centers throughout the state would affect most of the
10 UNE-P lines in its serving territory. Approximately **█** percent of
11 MCI's UNE-P based end user lines are provisioned within the wire centers
12 where BellSouth claims CLECs are not impaired without access to ULS.
13 Approximately 90,891, or 71 percent, of all CLEC UNE-P lines are in
14 these areas. A finding of "no impairment" would require these lines to be
15 migrated from UNE-P to UNE-L, and, given the operational impairment
16 that in fact exists, would destroy UNE-P based mass market local
17 competition in this state.

18

19 • Neither BellSouth's individual hot cut process nor its batch ordering
20 process permits CLECs to transfer retail or UNE-P lines to EELs. The
21 Commission should require BellSouth to accommodate EELs in its
22 individual hot cut process and its batch process.

23

1 • BellSouth’s network contains a significant percentage of IDLC based
2 loops, and compatible “spare” facilities are not typically available.
3 Therefore, it is critical that procedures are implemented in order to assure
4 that customers are able to seamlessly migrate from BellSouth’s IDLC fed
5 loops (whether retail or UNE-P) to UNE-L loops. BellSouth has failed to
6 demonstrate its procedures are sufficient in this regard.

7

8 • BellSouth’s estimate of the potential number of hot cuts that would be
9 required during a transition from UNE-P to UNE-L demonstrates that such
10 a transition would involve an exponential increase in hot cuts in Kentucky.

11

12 **III. BELLSOUTH’S PROPOSAL TO REMOVE ULS FROM NUMEROUS**
13 **WIRE CENTERS WILL AFFECT APPROXIMATELY 71 PERCENT OF**
14 **ALL UNE-P BASED END USER LINES THROUGHOUT THE STATE**

15

16 **Q. HAVE YOU ANALYZED THE IMPACT OF REMOVING ULS IN THE**
17 **GEOGRAPHIC AREAS BELLSOUTH PROPOSES?**

18 A. Yes. BellSouth alleges that requesting carriers are not impaired without access to
19 ULS when attempting to serve mass market customers in 8 of the 20 “markets” it
20 has proposed this Commission define within the context of these proceedings.

21 Ms. Tipton claims that ULS should be removed from 2 of these areas based upon
22 the alleged presence of “triggering” carriers, while Dr. Aron and other BellSouth
23 witnesses claim ULS should be removed in 6 additional areas based upon the

1 “potential” that carriers could deploy facilities to serve the mass market in those
2 areas.¹ Denying CLECs access to ULS in these areas would affect virtually all of
3 the UNE-P lines in BellSouth’s service territory. For example, more than
4 **■■■■■**, or approximately **■■■■■** percent, of MCI’s UNE-P lines are in wire
5 centers within the 8 areas where BellSouth claims there is no impairment. And
6 approximately 90,891, or 71 percent, of all CLEC UNE-P lines are served from
7 within these areas.²

8

9 **Q. ARE CLECS CURRENTLY ABLE TO ACCESS CUSTOMERS WITHOUT**
10 **ULS?**

11 A. No. Setting aside questions regarding operational issues and the economic
12 practicability of serving residential and smaller business customers via UNE
13 loops, CLECs cannot reasonably reach their current customer base throughout
14 most of the state without access to ULS. MCI’s local customers, for example, are
15 spread throughout wire centers across the state, but MCI does not have
16 collocation facilities serving any of those areas. Without collocation or some
17 other method of physically accessing customer loops, such as EELs (with
18 concentration, if requested) coupled with a seamless hot cut process capable of
19 handling large volumes of both inbound and outbound customer movement, MCI
20 cannot offer services to most of its embedded base of customers without access to

¹ See Dr. Aron’s Direct Testimony at page 6.

² Total UNE-P based line counts are taken from BellSouth’s response to AT&T Interrogatory No. 55 in Georgia PSC Docket No. 17749-U

1 ULS. CLECs, including MCI, thus are currently dependent on ULS to serve the
2 mass market.

3

4 **Q. IN HOW MANY OF THE WIRE CENTERS FOR WHICH BELLSOUTH**
5 **CLAIMS “NO IMPAIRMENT” IS MCI CURRENTLY COLLOCATED?**

6 A. Exhibit JDW 4 identifies the wire centers where MCI currently provides UNE-P
7 based services and where BellSouth claims CLECs are not impaired without ULS.
8 There are approximately **■** such wire centers. The map also underscores the
9 fact that MCI is not presently collocated in any of BellSouth’s Kentucky wire
10 centers. Hence, there are presently **■** wire centers from which MCI could
11 not access its customers unless it were able to build out collocation and transport
12 facilities or gain access to EELs (with concentration, if requested) coupled with
13 an efficient batch hot cut process.

14

15 **Q. HAS BELLSOUTH CLAIMED THAT TRANSPORT TO AND FROM ANY**
16 **OF THOSE **■** WIRE CENTERS SHOULD BE UNAVAILABLE TO**
17 **REQUESTING CARRIERS?**

18 A. In all likelihood, yes. BellSouth is expected to identify a number of transport
19 routes throughout the state where it will seek to no longer be required to provide
20 access to its network. BellSouth probably will claim that it should not have to
21 provide transport from some of those **■** wire centers. If BellSouth were to
22 prevail with respect to any of these routes, it would no longer be possible for

1 CLECs to use EELs or BellSouth unbundled transport to support mass market
2 customers from those wire centers.

3

4 **IV. BELLSOUTH FAILS TO DEMONSTRATE THAT CLECS CAN USE**
5 **EELS TO SUPPORT MASS MARKET UNE-L**

6

7 **Q. DOES THE BACE MODEL RELY UPON THE AVAILABILITY OF**
8 **EELS?**

9 A. Yes. In fact, according to BellSouth witness Milner, two of the three network
10 architectures evaluated by BellSouth's BACE model assume that CLECs are able
11 to use EEL connectivity either in lieu of collocation and transport facilities or in
12 coordination with such facilities to access customers.

13

14 **Q. ARE EELS WIDELY USED TODAY IN BELLSOUTH'S SERVICE**
15 **TERRITORY?**

16 A. No. By BellSouth's own admission there are only 2 EELs comprised of DS0
17 loops throughout its service territory in this state. Thus, the BACE model's
18 assessment of CLEC potential local market entry relies on processes that are
19 completely unproven in the market.

20

21 **Q. DOES BELLSOUTH'S INDIVIDUAL OR BATCH HOT CUT PROCESS**
22 **ALLOW CLECS TO TRANSFER CLEC UNE-P LINES OR BELLSOUTH**
23 **RETAIL LINES TO EELS?**

1 A. No. BellSouth has acknowledged that it does not currently provide individual or
2 batch migrations of existing UNE-P or DS0 loops to EELs. Although BellSouth
3 has stated that it plans to implement processes that would support such
4 migrations, the target implementation date is July 2004 and BellSouth has not
5 provided details on what the processes will be. CLECs know very little about the
6 process that BellSouth is developing, when the process will actually be
7 implemented, whether it will be fully mechanized, whether it will require CLEC
8 dispatch, whether multiple orders will be required or the extent to which the
9 process will be timely, seamless, and cost effective. Based on Version 12 of
10 BellSouth's *Unbundled Dedicated Transport – Ordinarily Combined UNE*
11 *Combinations CLEC Information Package, dated August 5, 2003*, it would appear
12 that the ordering process may be manual whereas the UNE-P migration process is
13 mechanized. It also appears that the process may require that multiple orders be
14 placed to provision a single customer onto a DS0 EEL facility and that more
15 information may be required to place such an order than would be required to
16 place an order for UNE-P based services. Clearly, more detailed information
17 should be provided in this regard. Consequently, at this point, and until the
18 process is implemented and tested, CLECs cannot fully ascertain the extent to
19 which they will be able to utilize EELs to support the mass market. Early
20 indications are that the processes will not be timely, seamless or cost effective.
21 Hence any determination at this point as to whether such processes will allow for
22 seamless customer connectivity on a timely and economical basis would be
23 premature if not reckless.

1

2 **Q. DOES THE FCC'S *TRO* PROVIDE ANY GUIDANCE REGARDING**
3 **CLECS' USE OF EELS TO SERVE MASS MARKET CUSTOMERS?**

4 A. Yes. For example, at paragraph 492 of the *TRO*, the FCC states that EELs can
5 minimize collocation costs and increase the geographic reach of competitive
6 LECs, thereby facilitating the expansion of competition based on UNE-L
7 strategies in some markets.

8

9 **Q. HOW SHOULD BELLSOUTH'S PROCESSES AND REQUIREMENTS BE**
10 **CHANGED TO MAKE EELS USEFUL TO CLECS?**

11 A. BellSouth should be required to provide EELs that would enable CLECs to lease
12 only the transport they need to support their customers. Moreover, to make EELs
13 useful, CLECs should be allowed to submit a single LSR that requests a loop
14 housed in BellSouth Central Office A, for example, to be "hot cut" to a
15 collocation facility (designated by a specific CFA) in Central Office B. When
16 BellSouth receives such an order, it should provision on the CLEC's behalf, as
17 part of its hot cut pre-wiring function, a DS0 EEL extending from Central Office
18 A to the CLEC's CFA in Central Office B. All ANI testing should be completed
19 via the DS0 EEL. On the day of the cut, BellSouth should cut the requested loop
20 to the EEL so that CLEC dial tone from its collocation in Central Office B is
21 provided to the customer's loop located in Central Office A. As with any hot cut,
22 BellSouth should demonstrate that such processes are seamless and timely prior to

1 a determination by the Commission that the hot cut process does not give rise to
2 impairment.

3

4 **V. OBTAINING ACCESS TO IDLC BASED LOOPS INCREASES**
5 **PROVISIONING INTERVALS AND COSTS AND DECREASES SERVICE**
6 **QUALITY**

7

8 **Q. MR. AINSWORTH STATES AT PAGE 26 OF HIS DIRECT TESTIMONY**
9 **THAT IDLC BASED LOOPS ARE AVAILABLE TO BE CUT VIA**
10 **BELLSOUTH'S HOT CUT PROCESSES. DOES THIS STATEMENT**
11 **ALLEVIATE YOUR CONCERNS WITH RESPECT TO THE**
12 **AVAILABILITY OF LOOPS SERVED VIA IDLC FACILITIES?**

13 A. No, it does not. While Mr. Ainsworth states that IDLC based loops will be
14 unbundled, he side-steps the shortcomings of BellSouth's IDLC unbundling
15 options, which include prolonged installation intervals, increased costs and
16 decreased quality of service. Mass market customers are accustomed to
17 provisioning intervals that are much shorter than what BellSouth offers to provide
18 with UNE-L under any of its "hot cut" procedures. To make matters worse,
19 BellSouth's IDLC unbundling options may require special construction involving
20 delays and the assessment of additional charges. Further, many customers would
21 experience degraded service quality when they are moved off of IDLC.

22

1 **Q. HOW DO UNE-P AND UNE-L INSTALLATION INTERVALS**
2 **COMPARE?**

3 A. Even under the most favorable circumstances, BellSouth's loop provisioning
4 intervals are substantially longer than the intervals CLECs currently experience
5 with UNE-P migrations. Individual UNE-L migrations, for example, are
6 completed in approximately 3-5 days, while UNE-P migrations are typically
7 completed within a single day.

8
9 **Q. WILL ALL UNBUNDLED LOOPS BE PROVIDED IN APPROXIMATELY**
10 **THREE TO FIVE BUSINESS DAYS?**

11 A. No. While the individual hot cut process may result in some unbundled loops
12 being provided within the three to five day interval, BellSouth has indicated that
13 its proposed bulk hot cut processes, for example, will require a minimum
14 installation period of 21 business days (4 days to negotiate, 3 days to complete a
15 bulk request containing negotiated due dates, and a 14 day interval until the first
16 due date is assigned).³

17
18 **Q. WHY IS ACCESS TO IDLC LOOPS SUCH A SIGNIFICANT ISSUE?**

19 A. There are approximately 226,000 IDLC-fed loops in BellSouth's Kentucky
20 service territory. Exhibit AH-1 shows that IDLC lines comprise up to 42 percent
21 of lines in the company's top 20 wire centers in the state. Moreover, BellSouth's
22 data indicate that where IDLC facilities are deployed alternate "spare" facilities

³ Mr. Ainsworth has stated in testimony in other states that the provisioning interval within this process will be reduced to 8 days at some point in the future.

1 are often unavailable, casting doubt on whether BellSouth can realistically
2 support CLECs' request to unbundle IDLC based loops on as large a scale as
3 would be necessary to support the CLECs if they rely upon UNE-L instead of
4 UNE-P.

5

6 **Q. BELLSOUTH LISTS EIGHT "ALTERNATIVE" METHODS OF**
7 **PROVIDING ACCESS TO IDLC BASED LOOPS. HAS BELLSOUTH**
8 **PROVIDED SUFFICIENT INFORMATION IN ITS TESTIMONY FOR**
9 **THE COMMISSION TO EVALUATE THESE ALTERNATIVES?**

10 A. No. BellSouth witness Ainsworth simply lists the options that BellSouth claims
11 are available to CLECs without indicating the extent to which each of these
12 alternatives has been previously deployed. Nor does he provide any operational
13 statistics indicating, for example, whether, or to what extent, these alternatives
14 require lengthened installation intervals, "designed" (or SL2) loop deployment,
15 and added costs. Additionally, it is unclear whether any of the alternatives will
16 necessitate CLEC dispatches.

17

18 **Q. BASED ON WHAT YOU KNOW NOW, ARE THERE PROBLEMS WITH**
19 **BELLSOUTH'S APPROACH TO HANDLING IDLC LOOPS?**

20 A. Yes. As BellSouth witness Ainsworth admits, many of these alternatives involve
21 significant time and costs to implement, which ultimately impact CLECs and their
22 customers. Moreover, all of BellSouth's methods, except where the company
23 transfers IDLC based loops to alternative home run copper loops (Alternative 1

1 and, potentially, Alternative 3), involve an additional analog to digital signal
2 conversion that would degrade modem performance when, for example,
3 customers dial up to the internet.
4

5 **Q. DO SOME OF BELLSOUTH'S ALTERNATIVES APPEAR TO BE**
6 **SIMILAR TO METHODS MCI ADVOCATES?**

7 A. Yes. Alternatives 5 and 6 appear to be at least superficially similar to an IDLC
8 access method MCI has proposed. It is apparent, however, that BellSouth's
9 methods are not the same as what MCI has proposed, because BellSouth's
10 methods involve an additional analog to digital signal conversion, while MCI's do
11 not require such a conversion.
12

13 **Q. SEVERAL OF BELLSOUTH'S PROPOSED ALTERNATIVES RELY ON**
14 **SPARE COPPER OR UDLC FACILITIES TO THE EXTENT SUCH**
15 **FACILITIES ARE AVAILABLE. WHAT CONCERNS DO YOU HAVE IN**
16 **THIS REGARD?**

17 A. BellSouth's *Loop Technology Deployment Directives* call for increased use of
18 fiber-fed IDLC systems throughout the company's operating territories, decreased
19 reliance on copper facilities and to some extent the retirement of such facilities.
20 Increasingly, copper will become scarce and the availability of Alternative 1 –
21 which BellSouth asserts is the quickest and least expensive to implement -- will
22 decrease, thus increasing the probability for delayed provisioning and increased
23 costs. In fact, a lack of copper and/or UDLC facilities in general casts doubt on

1 most of BellSouth's proposed alternatives. In BellSouth's Lovers Lane wire
2 center (BWLKGYMA), for example, where BellSouth expects to be providing
3 UNE-P services to more than 10,849 lines by December 2004 and where it is
4 currently providing 40% of such services over IDLC loops, it potentially could be
5 requested to unbundle as many as 4,340 IDLC based loops. Given that BellSouth
6 has indicated it currently has 1,243 spare facilities (including both home run
7 copper and UDLC based loops) in that wire center, it is highly unlikely that
8 BellSouth will be capable of providing unbundled loops to the remaining 3,097
9 locations if requested to do so.

10

11 **Q. IS LOVERS LANE WIRE CENTER AN ANOMALY IN THAT FEW**
12 **COPPER AND/OR UDLC FACILITIES ARE AVAILABLE FOR**
13 **UNBUNDLING PURPOSES?**

14 A. No. BellSouth's own data demonstrate that of approximately 110 wire centers in
15 which IDLC facilities are deployed, only 52% have sufficient copper or UDLC
16 facilities necessary to transfer all IDLC based loops, leaving the majority not
17 addressable by spare facilities.

18

19 **Q. DOES MR. AINSWORTH ADDRESS YOUR PREVIOUS CONCERN**
20 **THAT PROVIDING UNBUNDLED LOOPS VIA UDLC FACILITIES**
21 **WILL HARM SERVICE QUALITY AND PRECLUDE V.90, OR K56,**
22 **MODEM CONNECTIVITY?**

1 A. Yes. Unfortunately, however, he states that the UDLC option as well as all other
2 options offered by BellSouth – excluding those that involve re-assignment to
3 copper facilities – will involve additional analog to digital (“A/D”) conversions
4 and thereby negatively impact modem performance. BellSouth’s *Loop*
5 *Technology Deployment Directives* corroborates this conclusion, stating at
6 Section 9.2.5, for example, that “it must be noted that modem speeds for circuits
7 on universal COT terminations will be lower than those on integrated DLC.”
8

9 **Q. YOU STATED THAT ALL OF BELLSOUTH’S PROPOSED**
10 **ALTERNATIVE METHODS, EXCEPT THOSE THAT EMPLOY HOME**
11 **RUN COPPER LOOPS, WILL RESULT IN DEGRADED MODEM**
12 **PERFORMANCE SERVICE. CAN DEGRADED SERVICE BE AVOIDED**
13 **IN SOME CASES?**

14 A. Yes. It is likely that at least a few of the alternative options could be deployed in
15 such a way to avoid multiple A/D conversions, thereby resolving the issue
16 pertaining to degraded modem performance. Moreover, I have offered at least
17 one additional option in my Direct Testimony that, if cooperatively deployed,
18 could provide resolution of this issue. The Commission should require that
19 BellSouth work with CLECs to resolve this issue and to provide for effective
20 processes and procedures whereby IDLC based loops can be unbundled in a
21 timely and efficient manner without service degrading results.
22

1 **Q. PLEASE SUMMARIZE YOUR RECOMMENDATIONS WITH RESPECT**
2 **TO UNBUNDLED LOOPS.**

3 A. The Commission should require that unbundled loops be provided on a timely
4 basis, regardless of whether they are provided via copper or IDLC based facilities,
5 without “changing” the facilities over which connectivity is currently provided
6 unless spare copper facilities are readily and economically available such that end
7 user service quality will not be diminished after having received services via an
8 unbundled loop. To the extent that BellSouth’s proposed methods of unbundling
9 IDLC loops would have the practical effect of providing CLEC end users with
10 lesser capable loops, the Commission should maintain a finding of impairment
11 while investigating more fully all unbundling options offered in these
12 proceedings. Additional recommendations regarding the availability of copper
13 facilities are identified in my Direct Testimony.

14

15 **VI. A TRANSITION TO UNE-L WOULD INVOLVE AN EXPONENTIAL**
16 **INCREASE IN HOT CUTS IN KENTUCKY**

17

18 **Q. AT WHAT RATE IS BELL SOUTH CURRENTLY PERFORMING HOT**
19 **CUTS?**

20 A. According to BellSouth, it completed approximately 6 hot cuts in Kentucky
21 during the first nine months of 2003, averaging less than 1 hot cut per month.
22 (BellSouth’s response to AT&T Interrogatory No. 4 in Georgia Public Service

1 Commission Case No.17749-U) The largest of these cuts that took place in a
2 single wire-center on a single day was 4.

3

4 **Q. ACCORDING TO BELLSOUTH'S ESTIMATES, WHAT IS THE**
5 **POTENTIAL INCREASE IN HOT CUTS IF A TRANSITION TO UNE-L**
6 **IS REQUIRED?**

7 A. BellSouth witnesses Heartley and Ainsworth project that the number of hot cuts
8 per month region wide could reach 347,254 per month. Mr. Ainsworth states at
9 page 37 of his testimony that 5% of UNE-P lines in the region are in Kentucky.
10 Taking 5% of 347,254 yields 17,363 hot cuts per month in Kentucky, radically
11 more than BellSouth has performed in the state of Kentucky over the past three
12 years.⁴ BellSouth has offered no proof that it can handle this volume of orders.

13

14 **Q. ARE BELLSOUTH'S ESTIMATES OF HOT CUTS CONSERVATIVE?**

15 A. Yes. Assuming that economic and operational impairment were removed,
16 BellSouth's estimates would be conservative. For example, BellSouth assumes a
17 relatively low rate of churn; applies the churn percentage only to the monthly
18 number of migrations, rather than to the entire base of UNE-L customers; fails to
19 account for the increase in the UNE-L base; and fails to account for cutovers
20 resulting from BellSouth winbacks. Indeed, were impairment removed, I would
21 expect that after the UNE-P base was migrated to UNE-L, the number of hot cuts
22 per month would be higher than estimated by BellSouth for the transition period.

⁴ In fact, between November 2000 and September 2003, BellSouth completed only 458 hot cuts in Kentucky. (see BellSouth's response to AT&T No.4 in GAPSC Case No.17749U.

1

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

3 **A.** Yes, it does.

AFFIDAVIT

STATE OF Illinois

COUNTY OF DeKalb

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

He/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, his/her testimony would be set forth in his/her Direct Testimony consisting of 61 pages and 3 exhibit(s), and in his/her Rebuttal Testimony consisting of 18 pages and 1 exhibit(s).

[Signature]
[Witness Name]

SWORN TO, AND SUBSCRIBED BEFORE ME
THIS 30th DAY OF MARCH, 2004

[Signature] Notary Public

