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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Consideration of ) DOCKET NO. 960786-TL  
BellSouth Telecommunications ) FILED: July 31, 1997  
Inc.'s Entry Into InterLATA )  
Services Pursuant to Section 271 )  
of the Federal )  
Telecommunications Act of 1996. )  
\_\_\_\_\_)

REBUTTAL TESTIMONY  
OF  
JOHN M. HAMMAN  
ON BEHALF OF  
AT&T COMMUNICATIONS OF  
THE SOUTHERN STATES INC.

DOCUMENT NUMBER-DATE  
07771 JUL 31 97  
FPSC-RECORDS/REPORTING

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

2    A.    My name is John M. Hamman. My business address is 1200 Peachtree  
3        Street, NE, Atlanta, Georgia 30309-3579.

4

5    **Q.    HAVE YOU FILED TESTIMONY IN THIS DOCKET PREVIOUSLY?**

6    A.    Yes. I filed Direct Testimony on behalf of AT&T Communications of the  
7        Southern States, Inc. on July 17, 1997.

8

9    **Q.    WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

10   A.    The purpose of my rebuttal testimony is to respond to the direct testimony of  
11        Mr. Milner and Mr. Scheye filed on behalf of BellSouth  
12        Telecommunications, Inc. Specifically, I will (1) refute Mr. Milner's  
13        assertions that the 86 binders he filed with his testimony demonstrate that  
14        BellSouth has satisfied the requirements of the competitive checklist in § 271  
15        of the Telecommunications Act of 1996 ("the Act"); (2) rebut Mr. Milner's  
16        and Mr. Scheye's assertions that BellSouth is offering access to unbundled  
17        network elements ("UNEs") in Florida in accordance with the provisions of  
18        §§ 251(c)(3), 252(d)(1) and 271; and (3) address Mr. Milner's assertions that  
19        BellSouth has made the required checklist items "functionally available" in  
20        its Draft SGAT. (Issues 3, 6, 7, 8, 11)

21

1 Q. DO THE 86 BINDERS FILED WITH MR. MILNER'S TESTIMONY  
2 SUPPORT BELLSOUTH'S CONTENTION THAT IT HAS MET ITS  
3 OBLIGATIONS UNDER THE COMPETITIVE CHECKLIST?

4 A. No. The 86 binders are merely a repetitious collection of BellSouth's internal  
5 operating documents along with some information regarding internal testing  
6 conducted by BellSouth in March of this year. The fact that BellSouth has  
7 produced these documents (some of which were copied, verbatim, from  
8 BellSouth's access department and thus have no proven application to UNEs)  
9 does not prove that BellSouth actually can provide resale and access to UNEs  
10 under the terms and conditions required by the Act.

11

12 For example, Volume 4-3, Network Interface Device, includes nearly 900  
13 pages of material, approximately 10 pages of which are actually devoted to  
14 the NID. The few scattered pages that mention the NID are neither identified  
15 nor set off in any fashion from the rest of the information, so one must leaf  
16 through the entire 4 inches of paper to locate these few pages. When one  
17 finally locates the table that should tell a CLEC the service interval for NID  
18 installation or availability, it provides no information, only a couple of  
19 question marks. The rest of the material consists of hundreds of pages of  
20 unrelated documents such as Temporary Work Instructions (for ISDN,  
21 Selective Routing, Operator Services, LIDB and 800 Data Bases and  
22 Interoffice Transport, among other things); over 100 pages documenting  
23 system capability of the Trouble Analysis Facilitation Interface (which cannot  
24 be used to test a NID); and another 100 plus pages relating to the Circuit  
25 Provisioning Group.

1 This volume is not unusual. Most of the volumes similarly include excessive  
2 unrelated material.

3

4 If anything, the contents of the binders reveal that BellSouth is not yet  
5 prepared to open its monopoly market to competition. The binders contain  
6 materials that are largely duplicative, incomplete, disorganized, and difficult  
7 to follow. They are insufficient to establish that BellSouth is capable of  
8 providing the items in its Draft SGAT.

9

10 **Q. WHAT PROCESS IS AT&T USING TO REVIEW THE 86 BINDERS?**

11 A. I lead a team of Subject Matter Experts (SMEs) in reviewing the binders  
12 using a process that indexes and catalogs the information completely and  
13 thoroughly. First, the team "Bates-stamped" each page of the 86 binders,  
14 applying a sequential number to each page as a reference number. Second,  
15 we are creating an index of the documents in each of the 86 binders. This  
16 index lists the name of the document, the subject matter, the date the  
17 document was created, and any other comments regarding the specific  
18 document, such as "only odd pages" or "pages 6-8 are missing". Third, the  
19 SMEs are reviewing the material in their subject matter expertise and  
20 analyzing the material based upon Section 251(c) of the Act. Finally, this  
21 analysis by the SMEs will be combined and assembled into a summary  
22 document.

23

1 **Q. HAS THIS PROCESS BEEN COMPLETED?**

2 A. No. The process is underway. The team has completed the first step and  
3 continues with preparation of the index. The material provided in the binders  
4 is lengthy and duplicative, so we do not expect to complete this task for some  
5 time. BellSouth provided little information as to the contents of the binders,  
6 failed to ensure the contents were complete documents, and failed to control  
7 the assembly and copying process, so our team also must attempt to  
8 reassemble the material in a readable manner. This should have been  
9 unnecessary and has delayed anything but a preliminary analysis.

10

11 **Q. BASED ON THIS PRELIMINARY ANALYSIS, HOW MUCH OF THE**  
12 **DOCUMENTATION PROVIDED IN THE 86 BINDERS IS**  
13 **DUPLICATIVE?**

14 A. Large sections of the binders contain the same documents over and over  
15 again. For example, the 58 binders relating to resale collectively contain 50  
16 copies of several documents (one for each resold service). One of these is a  
17 50-page document entitled "Establishing the Master Billing Account" which  
18 is reproduced 50 times. The 58 resale binders easily could have been reduced  
19 to three or four binders. Such large scale duplication is evident throughout  
20 the rest of the binders as well. Moreover, many of the items contained in the  
21 binders are documents that BellSouth has already produced in this  
22 proceeding, such as ordering guides. They do not offer anything new in  
23 support of BellSouth's assertions of compliance with the checklist.  
24 Therefore, although Mr. Milner states on page 3 of his testimony that the

1 volumes contain 80,000 pages of information, in fact, this grossly overstates  
2 the amount of information provided.

3

4 **Q. IS THE DOCUMENTATION IN THE BINDERS COMPLETE?**

5 A. No. The documentation is incomplete in several ways. First, there are  
6 recurring instances of random pages missing and references to documents  
7 that are not in the binders. Several of the documents that purport to be  
8 methods and procedures for responding to a manual order do not even  
9 provide the information necessary for a BellSouth representative to respond.  
10 For example, a document may state that the procedures for provisioning  
11 selective routing using Line Class Codes are behind a certain Tab, but a  
12 search reveals that the referenced Tab does not exist. Not only is this  
13 frustrating, but it belies Mr. Milner's assertion that these documents establish  
14 "that each item in the Draft Statement is fully implemented and functionally  
15 available." Milner Direct, page 4.

16

17 Second, much of the information is labeled "draft", "preliminary",  
18 "temporary" or "interim", further indicating that more work is necessary  
19 before procedures are finalized and tested. In many cases, BellSouth has  
20 simply announced that its existing internal procedures provide sufficient  
21 evidence that it can provide checklist elements to unaffiliated providers. That  
22 is, BellSouth wants the Commission to believe that it can implement the  
23 checklist simply because it provides service to its own customers. Without  
24 provisioning and external testing, BellSouth expects this Commission and the  
25 industry to accept paper promises.

1 Third, the documents do not include information that would allow the  
2 Commission to determine whether BellSouth can provide a service in a  
3 nondiscriminatory fashion. For example, as I stated in my direct testimony,  
4 the testing data included in the binders is incomplete and does not establish  
5 that sufficient testing has been completed to show that the items in the Draft  
6 SGAT are generally available on a nondiscriminatory basis to requesting  
7 CLECs. In fact, many of the testing documents indicate that systems or  
8 methods and procedures had to be changed based on test results, but do not  
9 indicate what changes were necessary, whether such changes were made, or  
10 whether retesting was conducted. It is impossible to conclude from such  
11 documentation whether BellSouth can provide nondiscriminatory access to  
12 checklist items. At best, the testing information is preliminary.

13

14 **Q. CAN YOU PROVIDE AN EXAMPLE OF SUCH PRELIMINARY**  
15 **TESTING DOCUMENTATION?**

16 A. Yes. In Volume 6-1, Unbundled Local Switching, BellSouth includes  
17 under the third tab labeled "Testing", a document entitled "End-to-End Test  
18 Results, Test Results Summary Sheet". This form shows the results of a test  
19 for unbundled local usage that began on March 17, 1997 and terminated on  
20 March 31, 1997. The form indicates on its face that "there was not enough  
21 time or resources allotted for development of the product or billing", that  
22 methods and procedures were "ready and adequate for the test", but  
23 unspecified "corrections and updates" were made, and that no accurate bill  
24 was rendered ("usage being held"). Thus, the testing that BellSouth relies  
25 upon to "document" its compliance with the checklist is, at best, preliminary

1 in nature. Real-world testing is necessary to indicate whether BellSouth  
2 actually can provide any such service at all, let alone provide it in a  
3 nondiscriminatory fashion.

4  
5 **Q. IS THE DOCUMENTATION IN THE BINDERS CORRECT?**

6 A. There is no way to tell before our review is completed. However, AT&T  
7 notes that BellSouth has not followed its own procedures for UNE  
8 provisioning found in Volume 27 of Exhibit WKM-1. In Section 4.1 of the  
9 Temporary Work Instructions Section WI.xx.x of Volume 27, BellSouth  
10 specifies that a port/loop combination will be provisioned and billed as a  
11 UNE in Florida. In practice, however, BellSouth has not done so, and  
12 specifically has argued that it should not be required to do so. (See AT&T's  
13 Motion to Compel Compliance filed in Docket No. 960833-TP on June 9,  
14 1997.) There is simply no way to tell whether BellSouth can or will provide  
15 checklist items in a nondiscriminatory fashion without practical experience.

16  
17 **Q. SHOULD THIS COMMISSION RELY ON INFORMATION IN THE**  
18 **86 BINDERS TO DETERMINE WHETHER BELLSOUTH MEETS**  
19 **THE 14 POINT CHECKLIST?**

20 A. No. The 86 binders do not demonstrate that BellSouth's Draft SGAT  
21 complies with the checklist. Rather, the material demonstrates that BellSouth  
22 is not yet prepared to fully implement its agreements with any CLEC and  
23 cannot ensure that it actually can provide the checklist items. In fact, the  
24 problems I have identified with the material in the binders are consistent with  
25 the problems that CLECs already have experienced in attempting to obtain



1           UNEs and the services for resale from BellSouth without adequate and  
2           reliable methods and procedures in place. BellSouth simply has not yet  
3           completed the work necessary to implement paper promises in its Draft  
4           SGAT.

5

6   **Q.   MR. SCHEYE STATES ON PAGE 34 OF HIS TESTIMONY THAT**  
7           **BELLSOUTH HAS MET ITS OBLIGATION TO PROVIDE**  
8           **NONDISCRIMINATORY ACCESS TO UNBUNDLED NETWORK**  
9           **ELEMENTS. DO YOU AGREE?**

10   A.   No. BellSouth has not met its obligation to provide nondiscriminatory access  
11           consistent with the Act, in part because it has yet to demonstrate that it can  
12           record and bill for those UNEs that are priced on a usage sensitive basis.  
13           (Issue 3, 6, 7, 11)

14

15   **Q.   HAS BELLSOUTH BEEN ABLE TO BILL AT&T FOR THE USAGE**  
16           **COMPONENT OF UNBUNDLED NETWORK ELEMENTS?**

17   A.   No. As stated in my direct testimony, AT&T ordered four test UNE loop  
18           combinations from BellSouth in Florida. AT&T has received two bills from  
19           BellSouth for these test UNEs -- one on May 20, 1997 and another on June  
20           20, 1997. Both of the bills were incomplete and contained several errors.  
21           Importantly, however, BellSouth failed to include usage details for  
22           chargeable items such as directory assistance calls. Without this  
23           information, AT&T cannot bill its customers properly. BellSouth cannot be  
24           said to have "provided" a UNE if it cannot record and bill the use of that

1           UNE. BellSouth admitted in its June 23<sup>rd</sup> response to AT&T's Motion to  
2           Compel Compliance filed on June 9, 1997, in Docket No. 960833-TP, and in  
3           Mr. Milner's direct testimony at page 21, that it does not have the ability to  
4           bill AT&T in this manner. Mr. Milner states that BellSouth will render a  
5           manually-calculated bill or "retain the usage" and issue a bill at some  
6           unspecified time in the future when it develops the capability to do so.  
7           Neither alternative is sufficient. Until BellSouth reliably can bill for UNE  
8           usage, it is premature to claim that such UNEs are available or that BellSouth  
9           can provide nondiscriminatory access to them.

10

11           The Florida billing problem is not an isolated incident. The resale bills  
12           AT&T received from BellSouth for AT&T's Georgia market entry trial are  
13           also deficient. For example, they do not include sufficient information for  
14           AT&T's billing and collection of customer calls to information service  
15           providers.

16

17   **Q.    IS BELLSOUTH CURRENTLY BILLING AT&T FOR UNBUNDLED**  
18   **NETWORK ELEMENTS IN FLORIDA?**

19   **A.**    No. Although AT&T has ordered the UNE platform in Florida, as Mr.  
20           Scheye states on page 33 of his testimony, BellSouth is treating combinations  
21           of elements as resale for pricing purposes pending the outcome of AT&T's  
22           Motion to Compel Compliance, filed on June 9, 1997, in Docket No. 960833-  
23           TP.

24

1 Q. HAS BELLSOUTH INDICATED THAT IT CURRENTLY IS  
2 CAPABLE OF RECORDING AND BILLING USAGE DETAIL FOR  
3 UNBUNDLED NETWORK ELEMENTS?

4 A. No. In fact, BellSouth has admitted that it currently is not capable of billing  
5 for UNE combinations or of providing usage sensitive billing for those UNEs  
6 that have usage sensitive pricing such as transport, switching, and signaling  
7 and databases, and that it may not be able to do so until the end of this year.  
8 Without this capability, BellSouth cannot claim that it has complied with the  
9 requirements of the competitive checklist to provide access to UNEs at cost-  
10 based rates on a nondiscriminatory basis. Even if a CLEC does not order the  
11 entire UNE platform, but seeks to order one or two elements to combine with  
12 its own facilities, BellSouth must provide usage sensitive billing. To date, it  
13 has not demonstrated that it can do so. In addition, despite its arguments to  
14 the contrary, BellSouth also must develop the ability to bill for UNE  
15 combinations at UNE rates. The United States Court of Appeals for the  
16 Eighth Circuit recently determined that incumbent local exchange carriers  
17 must provide access to combinations of UNEs at cost-based rates even if they  
18 duplicate services offered for resale. *Iowa Utilities Board v. Federal*  
19 *Communications Commission*, Nos. 96-3321, *et al.* (8th Cir. July 18, 1997).  
20 Therefore, BellSouth must develop the capability to bill for the UNE platform  
21 at UNE rates.

22

1 **Q. WHAT IS THE EFFECT OF BELLSOUTH'S INABILITY TO**  
2 **PROVIDE USAGE DATA?**

3 A. First, without usage data, there is no way for a CLEC to check the accuracy  
4 of the bill. Second, there is no way for a CLEC to track costs for purposes of  
5 creating its own pricing structure. Third, there is no way for a CLEC to  
6 monitor network usage to create more efficient networks and more efficient  
7 service plans for customers. Fourth, there is no way for CLECs to bill access  
8 charges when using the unbundled switch.

9

10 **Q. MR. MILNER REPEATEDLY STATES IN HIS TESTIMONY THAT**  
11 **CHECKLIST ITEMS ARE "FUNCTIONALLY AVAILABLE." IS**  
12 **THIS THE APPROPRIATE STANDARD FOR DETERMINING**  
13 **COMPLIANCE WITH THE CHECKLIST?**

14 A. No. Section 271 of the Act states that Bell operating companies must provide  
15 nondiscriminatory access to UNEs in accordance with §§ 251(c)(3) and  
16 252(d)(1). Section 251(c)(3) requires LECs to make UNEs available "on  
17 rates, terms and conditions that are just, reasonable, and nondiscriminatory."  
18 47 U.S.C.A. § 251(c)(3). This is the standard for determining whether  
19 BellSouth has complied with the competitive checklist. Mr. Milner uses the  
20 phrase "functionally available" no less than 19 times in his testimony. See  
21 Milner Direct, pages 4, 5, 9, 12, 15, 16, 19, 21, 23, 25, 26, 31, 32, 33, 35, and  
22 40. That term does not appear in the Act. He states on page 4 that he means  
23 by that term that a checklist item has been "fully implemented and is  
24 available" whether or not another carrier has requested the item. Thus, the  
25 term as defined by Mr. Milner does not address the critical aspects of the

1 Act's requirement that BellSouth provide "just, reasonable and  
2 nondiscriminatory" access. Moreover, as addressed in my direct testimony,  
3 the items on the checklist are not "fully implemented" nor "generally  
4 available" because methods and procedures for providing these items are not  
5 in place, operational testing is not complete, and for many items, there is no  
6 operational experience that would demonstrate BellSouth's ability to provide  
7 the checklist items in the real world. Exhibit JMHR-1 to my rebuttal  
8 testimony summarizes the requirements of the 14 point checklist. BellSouth  
9 has met none of these requirements. Exhibit JMHR-2 lists four of the major  
10 deficiencies in BellSouth's plan to provide interconnection and unbundled  
11 network elements.

12

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

14 **A. Yes.**

# Has BellSouth Demonstrated That It Has Met EACH of the Checklist Items?

FPSC Exhibit Number \_\_\_\_\_  
 FPSC Docket 960786-TL  
 Hamman Exhibit JMHR-1  
 Page 1 of 1

	<b>YES</b>	<b>NO</b>	<b>???</b>
<b>1 Interconnection in accordance with §§251 &amp; 252 of the Federal Act § 271 (c)(2)(B)(i)</b>			
<b>2 Non-discriminatory access to unbundled network elements § 271 (c)(2)(B)(ii)</b>			
<b>3 Non-discriminatory access to poles, ducts, conduits, rights of way § 271 (c)(2)(B)(iii)</b>			
<b>4 Local loop unbundled from local switching § 271 (c)(2)(B)(iv)</b>			
<b>5 Local transport unbundled from local switching § 271 (c)(2)(B)(v)</b>			
<b>6 Local switching unbundled from local loops and local transport § 271 (c)(2)(B)(vi)</b>			
<b>7 Non-discriminatory access to 911, E911, Directory Assistance, operator call completion services § 271 (c)(2)(B)(vii)</b>			
<b>8 White pages listings § 271 (c)(2)(B)(viii)</b>			
<b>9 Non-discriminatory access to telephone numbers § 271 (c)(2)(B)(ix)</b>			
<b>10 Non-discriminatory access to signaling and databases § 271 (c)(2)(B)(x)</b>			
<b>11 Local number portability § 271 (c)(2)(B)(xi)</b>			
<b>12 Dialing parity § 271 (c)(2)(B)(xii)</b>			
<b>13 Reciprocal compensation § 271 (c)(2)(B)(xiii)</b>			
<b>14 All telecommunications services available for resale § 271 (c)(2)(B)(xiv)</b>			

# Interconnection and Access to Unbundled Network Elements

<i>Has BellSouth Provided:</i>	<b>YES</b>	<b>NO</b>
Methods and procedures?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operational testing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operational experience?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Performance measurement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>