ORIGINAL

BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 000649-TP

PREFILED REBUTTAL TESTIMONY

OF MICHAEL S. MESSINA

ON BEHALF OF WORLDCOM, INC.

September 7, 2000

Q. PLEASE STATE YOUR NAME.

A. Michael S. Messina.

Q. DID YOU PREVIOUSLY PROVIDE TESTIMONY ON BEHALF OF WORLDCOM, INC. IN THIS PROCEEDING?

A. Yes. Since that time, Issue 57 has been resolved.

Q. WHAT IS THE PURPOSE OF YOUR PRESENT TESTIMONY?

A. The purpose of my testimony is to respond to the testimony of BellSouth's witnesses with respect to issues 5, 8, 11, 15, 19, 54, 56, 59-61, 63-66 and 66D. These issues involve certain unbundled network elements and operator services/directory assistance ("OS/DA") issues, plus the remaining collocation issues in this arbitration between MCImetro Access Transmission Services, LLC ("MCIm") and MCI WorldCom Communications, Inc. ("MWC"), both subsidiaries of WorldCom (and which I shall refer to collectively as "WorldCom"), and BellSouth Telecommunications, Inc. ("BellSouth").

ISSUE 5

Should BellSouth be required to provide OS/DA as a UNE? (Attachment 3, Section 2.8.)

Q. WOULD THE LINE CLASS CODE METHOD DESCRIBED BY MR. MILNER AT PAGES 4-6 OF HIS DIRECT TESTIMONY PROVIDE EFFECTIVE SELECTIVE ROUTING TO WORLDCOM?

A. No. Mr. Milner acknowledges that the line class code method he describes requires a separate trunk group for each end office. This method would require WorldCom to use an overlay network to process operator service and directory

assistance ("OS/DA") traffic, which would be inefficient and prohibitively expensive. This is so in part because OS/DA traffic volume tends to be low, so an overlay network would require leasing a large number of trunks for relatively little traffic.

Q. WOULD BELLSOUTH'S AIN HUBBING PROPOSAL PROVIDE EFFECTIVE SELECTIVE ROUTING?

A. I do not believe so. At page 6 of his Direct Testimony, Mr. Milner states that AIN hubbing would allow the carriage of customized routing traffic over common transport between the end office and the AIN hub switch. Even if this statement is accurate, there still are problems with the AIN hubbing solution. For example, each ALEC still would be required to lease dedicated transport from each AIN hub to the ALEC's chosen OS/DA platform. Depending on the number of hubs, this proposal still could be quite inefficient for the low levels of traffic involved.

Q. WHAT IS THE CURRENT STATUS OF THIS ISSUE?

A. As noted in my Direct Testimony, WorldCom has tested an OS/DA "pseudo-code" selective routing method proposed by BellSouth that involves routing OS/DA traffic to BellSouth's access tandem (in most cases) and then to WorldCom's OS/DA platform using a compatible signaling protocol. This preliminary testing produced positive results, but a number of issues remain to be resolved. These issues include the following: (a) whether BellSouth should provide transport from the end office to the tandem using common transport, as WorldCom requests; (b) whether BellSouth must allow WorldCom to permit

such selective routing to be ordered as part of an electronic service order; (c) whether the pseudo-code method can be applied successfully in a commercial environment; and (d) whether BellSouth prices for such selective routing are appropriate. Until at least these issues are resolved satisfactorily, BellSouth should be required to provide OS/DA as an unbundled network element.

ISSUE 8

Should UNE specifications include non-industry standard, BellSouth proprietary specifications? (Attachment 3, Appendix 1; Attachment 3, Sections 4.3-4.14.)

Q. MR. MILNER HAS ALLEGED THAT WORLDCOM WANTS BELLSOUTH TO COMMIT TO AN AS-YET UNDEFINED SET OF STANDARDS FOR UNBUNDLED LOOPS. IS THIS TRUE?

A. No. WorldCom proposed the national industry standard loop specifications. Those specifications are contained in Appendix 1 to Attachment 3 of the Interconnection Agreement, which is not in dispute here.

Q. MR. MILNER STATES THAT BELLSOUTH OFFERED ITS PROPRIETARY LOOP SPECIFICATIONS BECAUSE "THERE ARE NO INDUSTRY STANDARDS AT PRESENT FOR EVERY UNE." IS THIS A RELEVANT ARGUMENT?

A. Not at all. BellSouth's proposal does not purport to address "every UNE" or "those UNEs for which no industry standard exists." Exhibit No. WKM-1, the document in question, is labeled "Unbundled Local Loop -- Technical Specifications." Local loops have been part of the public switched network since the earliest days of the telephone, and industry standard specifications

already are in place for local loops. The same specifications that apply to local loops when they are used by BellSouth as part of its network also apply when those same loops are unbundled for ALECs. Thus, there is no need for BellSouth to introduce any proprietary specifications with regard to loops.

ISSUE 11

Should WorldCom access the feeder distribution interface directly or should BellSouth be permitted to introduce an intermediate demarcation device? (Attachment 3, Sections 4.5.1.1.1, 4.5.1.2.3.)

Q. HAS BELLSOUTH MET ITS BURDEN OF PROVING THAT DIRECT ACCESS TO THE FDI IS NOT TECHNICALLY FEASIBLE?

A. No. BellSouth attempts to set up a discriminatory regime of access to subloop elements. While BellSouth would be permitted to have direct access to the feeder distribution interface ("FDI") with the turn of a key, WorldCom would be required to coordinate its access with BellSouth. Under BellSouth's proposal, WorldCom would be required to have BellSouth send a technician to the FDI to connect subloop facilities to an access terminal at WorldCom's expense. Access to the FDI by WorldCom thus would be substantially more expensive and cumbersome than for BellSouth.

Mr. Milner attempts to justify this discriminatory approach by alleging there might be possible security issues and problems with record keeping, but such concerns should be addressed in a less draconian way. For example, BellSouth's concerns about security can be addressed by requiring WorldCom technicians to undertake appropriate training and by holding WorldCom

responsible for any problems that might occur as a result of its technicians' errors. Likewise, WorldCom's technicians could be required to follow reasonable administrative procedures as a condition to having direct access to the FDI. WorldCom should not be denied direct access to the FDI based on speculation that there might be problems if direct access were granted. Rather, the Commission should foster competition by allowing direct access provided that WorldCom technicians behave responsibly.

ISSUE 15

When an WorldCom customer served via the UNE-platform makes a directory assistance or operator call, must the ANI-II digits be transmitted to WorldCom via Feature Group D signaling from the point of origination? (Attachment 3, Section 7.2.1.16.)

Q. HOW DO YOU RESPOND TO MR. MILNER'S TESTIMONY ON THE ANI-II DIGIT ISSUE?

A. Mr. Milner appears to acknowledge that BellSouth's line class code method is capable of passing ANI-II digits unchanged. There thus appears to be no reason why BellSouth should not agree to language substantially similar to what WorldCom has proposed.

ISSUE 19

How should BellSouth be required to route OS/DA traffic to WorldCom's operator services and directory assistance platforms? (Attachment 3, Sections 7.3.2, 7.3.2.2, 7.3.2.3, 7.6.4, 14.2.1.5. and 14.2.8; Attachment 9, Sections 2.8.1, 2.8.1.1, 3.2.1.1, 3.5.2 and 3.5.2.1.)

Q. MR. MILNER CONTENDS BELLSOUTH IS NOT OBLIGATED TO PROVIDE OS/DA TRAFFIC OVER SHARED TRANSPORT VIA A BELLSOUTH TANDEM, OR OVER DEDICATED TRUNKS THAT CAN BE OVERFLOWED TO SHARED TRANSPORT. HOW DO YOU RESPOND?

A. Mr. Milner argues BellSouth has no obligation to provide OS/DA traffic over shared transport, or over dedicated transport on an overflow basis, because BellSouth routes its own traffic to a BellSouth TOPS tandem directly. This argument ignores the FCC's rule (47 C.F.R. 51.319(d)(2)(B)) requiring BellSouth to provide all technically feasible transmission facilities. This rule enables WorldCom to determine how its traffic will be transported, so long as technically feasible. Mr. Milner does not claim that shared transport and overflow arrangements are not technically feasible. Indeed, the testing done to date on BellSouth's proposed OS/DA method appears to demonstrate that what WorldCom is requesting is technically feasible. Accordingly, BellSouth should be required to provide such transport.

Q. IS BELLSOUTH REFUSING TO ROUTE OS/DA TRAFFIC AS WORLDCOM IS REQUESTING?

A. That is not entirely clear. In his testimony on Issue 15, Mr. Milner states that BellSouth is willing to incorporate into the interconnection agreement methods that would involve BellSouth providing OS/DA traffic via its access tandem to WorldCom's Feature Group D trunks. This statement is consistent with the OS/DA routing method that is being tested by WorldCom. WorldCom certainly

hopes that this statement means that BellSouth is willing to route OS/DA traffic as WorldCom has requested, regardless of BellSouth's position that it is not obligated to do so.

ISSUE 54

Should security charges be assessed for collocation in offices with existing card key systems, and how should security costs be allocated in central offices where new card key systems are being installed?

Q. BELLSOUTH STATES THAT THIS ISSUE HAS BEEN RESOLVED. IS THAT YOUR UNDERSTANDING?

A. No. To the best of my knowledge, this issue has not been resolved.

Q. WHAT IS YOUR CONCERN WITH BELLSOUTH'S POSITION?

A. Collocation is extremely important and even when true cost based rates are applied, is extremely expensive. A pro-rata cost-based rate applied on the basis of square feet occupied allows BellSouth to recover the costs of a security system but prevents BellSouth from realizing a windfall. Carriers with more space (and more equipment) pay more for security and BellSouth does not recover for more than the single system it has in pace. This is consistent with the Commission's order in the generic collocation docket and WorldCom is willing to include language consistent with that order.

ISSUE 56

Should BellSouth be required to provide DC power to adjacent collocation space? (Attachment 5, section 3.4.)

Q. PLEASE BRIEFLY REITERATE WORLDCOM'S POSITION WITH REGARD TO THIS ISSUE.

A. Collocated equipment operates using DC power. BellSouth must provide DC power to collocators within its central offices. There is no legitimate reason why BellSouth should categorically deny DC power to adjacent collocation space.

BellSouth has the motive and the opportunity to discriminate against ALECs in this situation. Adjacent collocation space does not have to be employed for collocation unless space in BellSouth's central office is legitimately exhausted. If BellSouth categorically refuses to provide DC power, ALECs will incur significant costs to accommodate AC power, provided by BellSouth or from some other source, and to convert that power to DC. The regulations require BellSouth to provide power and physical collocation services to the adjacent collocation space "subject to the *same* nondiscrimination requirements as applicable to any other physical collocation arrangement." 47 C.F.R § 51.323 (k)(3) (emphasis added).

Q. WHAT IS BELLSOUTH'S RESPONSE TO WORLDCOM'S POSITION?

A. BellSouth acknowledges that the FCC Rule 51.323(k)(3) requires it to provide power to an adjacent collocation arrangement, but asserts that the rule does not specify the type of power, leaving BellSouth free to offer only AC power that will then have to be converted to DC power by the collocator. BellSouth claims that this is the same type of power arrangement that it uses at remote terminals throughout its nine-state region.

Q. WHAT IS YOUR REPLY TO BELLSOUTH'S POSITION?

A. BellSouth's contention that the FCC rule permits it to provide only AC power is incorrect. As I stated in my direct testimony, Paragraph 44 of the *Advanced Services First Report and Order* requires BellSouth to provide power to adjacent collocation space "subject to the same nondiscrimination requirements as traditional collocation arrangements." BellSouth clearly is required to provide DC power to traditional collocation arrangements; it is therefore required by the nondiscrimination standard to provide that power to adjacent collocation arrangements as well. BellSouth's analogy to remote terminals is inapplicable to situations where WorldCom is collocating in space adjacent to a central office, and not interconnecting at a remote terminal. BellSouth never even really responds to WorldCom's proposal that WorldCom will provide the cabling to BellSouth's power distribution board, and that BellSouth would provide the conduit to the adjacent collocation space.

What BellSouth really is telling the Commission here is that adjacent collocation is technically infeasible and that it has no intentions of provisioning it -- despite the clear mandate of the *Advanced Services Order*.

Q. DOES BELLSOUTH CITE ANY STATE PUBLIC SERVICE COMMISSION ORDERS THAT SUPPORT ITS POSITION?

A. No. Moreover, BellSouth doesn't acknowledge the decisions that support WorldCom's position, or the presumptive validity that the *Advanced Services Order* gives to those decisions. This Commission's *Collocation Order* held that BellSouth must provide physical collocation services to an adjacent collocator to the extent technically feasible. There is nothing in BellSouth's testimony that

addresses, much less demonstrates, any technical infeasibility in the provision of DC power.

Further, the Texas Public Utilities Commission ("Texas PUC") specifically ordered that DC power must be made available to adjacent collocation space. Order No. 54, Investigation of Southwestern Bell Telephone Company's Entry into the Texas InterLATA Telecommunications Market, Public Utility Commission of Texas, Project No. 16251. The FCC has cited with approval the Texas PUC, in particular, for its efforts with regard to collocation. *Advanced Services Order*, at ¶ 55.

ISSUE 59

Should collocation space be considered complete before BellSouth has provided WorldCom with cable facility assignments ("CFAs")? (Attachment 5, Section 7.15.2.)

Q. WHAT IS WORLDCOM'S POSITION IN THIS REGARD?

A. Space is unusable unless we have been provided with cable facility assignments ("CFAs"). WorldCom contends that BellSouth should provide CFAs before the space is considered "completed."

Q. WHAT IS BELLSOUTH'S POSITION?

A. It maintains that collocation space is complete once all construction work done by BellSouth or BellSouth's certified vendors is "complete," at which point BellSouth will render a final bill for construction to the ALEC and start billing it recurring charges for occupying the space. Despite the fact that CFAs are

necessary for an ALEC to order service, BellSouth maintains that it need not provide CFAs before it starts charging ALECs.

BellSouth apparently worries that an ALEC will not finish its own work, and thus that BellSouth might be unable to charge the ALEC until it advises as to frame locations and designations of cables.

Q. WHAT IS YOUR RESPONSE TO BELLSOUTH'S STATEMENTS?

A. BellSouth is essentially suggesting a "Catch 22" scenario; i.e., BellSouth cannot furnish CFAs until the ALEC is ready to connect, while the ALEC cannot connect without CFAs. The simple fact, however, is that WorldCom cannot attach its equipment to BellSouth's cables without CFAs. CFAs should be made available and assigned to WorldCom as part of the response to our initial request for collocation. When we actually install the equipment has no bearing on resolution of this issue. Without CFAs we simply cannot use the space, and thus it cannot be considered "complete."

ISSUE 60

Should BellSouth provide WorldCom with specified collocation information at the joint planning meeting? (Attachment 5, sections 7.17.2, 7.17.4 and 7.17.10.)

Q. WHAT IS BELLSOUTH'S POSITION ON THIS ISSUE?

A. BellSouth concedes it is willing to provide the exact cable location termination requirements at the joint planning meeting, or within thirty days thereafter. BellSouth states that other information which WorldCom seeks is not needed.

Q. WHY DOES BELLSOUTH REFUSE TO SUPPLY INFORMATION ABOUT TECHNICALLY FEASIBLE POINTS OF INTERCONNECTION?

A. Despite the fact that the identification of demarcation points is key information for a collocator (as well as BellSouth) to know, to decide where and how it wishes to interconnect, BellSouth claims that WorldCom does not need this information because it does not have the right to designate the demarcation point within BellSouth's central office.

Q. WHAT IS YOUR RESPONSE?

A. In the *Advanced Services Order* the FCC adopted collocation rules to serve as minimum standards. States are thereby permitted to adopt additional requirements, Id. at ¶ 8, which can greatly assist in the development of competition.

WorldCom wants predictable, specific provisions for ordering and provisioning collocation space. BellSouth, however, essentially advocates an individual case basis ("ICB") approach that would subject ALECs to uncertainty, expense and delay. We seek to reduce, not to expand, uncertainty and opportunities for delay and litigation. Identification of key information, like power connectivity information, including size and number of power feeders, the exact cable type and termination requirements for the WorldCom provided point of termination ("POT") bays and identification of technically feasible demarcation points, allows choices for ordering and provisioning collocation space, much like the tariff process that exists for other services

today, and, more specifically, enables an ALEC to begin its design plans for collocation space. Unless the ALEC has the requested information, then it will not know how to complete collocation.

With regard to information on technically feasible demarcation points, BellSouth is simply incorrect. As I stated in my Direct Testimony, the FCC's orders and rules contemplate that WorldCom will choose the point of interconnection. Nothing in the D.C. Circuit's decision cited by Mr. Milner affects the ALEC's right to designate the demarcation point.

ISSUE 61

What rates should apply to the provision of DC power to WorldCom's collocation space? (Attachment 5, section 7.18.6.).

Q. WHAT DOES BELLSOUTH CONTEND?

A. BellSouth concedes that the rate for DC power should be calculated on a per ampere basis, but argues that WorldCom should not be assessed based on what amperes WorldCom uses. Instead, BellSouth would engraft additional language onto the Commission-established rate structure, as well as onto the original interconnection agreement between WorldCom and BellSouth. BellSouth would require that the charges for power, which are assessed per ampere per month, must be "based upon the certified vendor engineered and installed power feed fused ampere capacity" (emphasis added). BellSouth's Collocation Handbook, which is not part of the original interconnection agreement, seeks to assess ALECs based on the power feed fused ampere capacity that is installed, without measuring power consumption.

Q. WHAT IS YOUR RESPONSE?

A. BellSouth's proposal is inconsistent with the approach taken by the Commission in establishing rates, and would allow BellSouth to recover from WorldCom more than WorldCom's share of the costs. In contrast, WorldCom's proposal is based on the parties' original interconnection agreement, which was approved by the Commission.

ISSUE 63

Is WorldCom entitled to use any technically feasible entrance cable, including copper facilities? (Attachment 5, section 7.21.1.)

Q. WHAT ARE THE PARTIES' POSITIONS ON THIS ISSUE?

A. WorldCom's position is that it is entitled to use any technically feasible entrance cable, including copper facilities. BellSouth concedes that "some" copper cables enter BellSouth's central offices and, therefore, that copper entrance facility is technically feasible, but insists nonetheless that WorldCom should be restricted to the use of fiber entrance facilities only, except with respect to adjacent space collocation arrangements. The parties agree that the FCC's regulations specifically permit collocators to use copper cable if such interconnection is first approved by the state commission.

Q. WHAT REASON DOES BELLSOUTH GIVE FOR OPPOSING THE USE OF COPPER ENTRANCE FACILITIES?

A. BellSouth opposes copper entrance facilities since they "accelerate the exhaust of entrance facilities." In its order permitting the extension of copper cable to adjacent collocation facilities, the Florida Commission took into account the

consideration that "entrance facilities have a certain capacity per central office and that allowing copper cabling could accelerate the entrance facility exhaust interval," and still issued its order permitting copper entrance facilities.

Q. HOW SHOULD THE COMMISSION RESOLVE THIS ISSUE?

A. As a matter of parity and nondiscriminatory treatment, WorldCom is clearly entitled to bring copper cable into the central office. Copper entrance ducts merely present another factor in considering what space and facilities are available for collocation. Although ILECs should be allowed to reserve some space (central office or entrance ducts) for future needs, any such reservation should be supported on a competitively neutral basis, with forecasts and growth projections, and the ALEC should have the right to review what space exists and what future requirements an ILEC has when the latter contends there is a "near exhaust" situation.

ISSUE 64

Is WorldCom entitled to verify BellSouth's assertion, when made, that dual entrance facilities are not available? Should BellSouth maintain a waiting list for entrance space and notify WorldCom when space becomes available? (Attachment 5, section 7.21.2.)

Q. BELLSOUTH MAINTAINS THAT A VISUAL INSPECTION IS ALL THAT IS REQUIRED TO VERIFY THAT DUAL ENTRANCES DO NOT EXIST, AND THAT CONSEQUENTLY NEITHER A TOUR NOR A WAITING LIST IS NECESSARY. HOW DO YOU RESPOND?

A. A visual inspection may be acceptable in many situations, and in those situations WorldCom would not request a tour; however, it is quite possible that

what would need to be inspected is underground and thus undetectable from the street. In those instances WorldCom would need to arrange for a tour, and the parties' Agreement should provide predictability and a clear expression of BellSouth's and WorldCom's respective rights, or risk delay and litigation. Moreover, since the lack of dual entrances, as a practical matter, will determine whether collocation is advisable at a given location, a waiting list is a reasonable and not overly burdensome requirement for the ILEC to maintain under the circumstances. This Commission has the authority to require ILECs to engage in practices that are in addition to the minimal standards that the federal rules require, and what WorldCom proposes is certainly consistent with those rules.

ISSUE 65

What information must BellSouth provide to WorldCom regarding vendor certification? (Attachment 5, Section 7.22.1.)

Q. WORLDCOM HAS PROPOSED THAT BELLSOUTH PROVIDE THE INFORMATION NECESSARY TO CERTIFY WORLDCOM'S VENDORS. WHAT IS BELLSOUTH'S RESPONSE REGARDING THIS ISSUE?

A. BellSouth continues to maintain that it provides WorldCom with the same information it provides its vendors concerning the vendor certification process. BellSouth has provided WorldCom with brochures that it provides its vendors. These brochures generally describe what BellSouth's vendors are required to observe, for purposes of certification.

Q. WHAT IS THE PROBLEM WITH THIS RESPONSE?

A. BellSouth misses the point. Although the brochures may be "precisely the same information that BellSouth provides its vendors," as BellSouth insists, the information that is not what BellSouth itself may require as part of its approval process. It is not sufficient or reasonable, as a matter of contract between two competitors, to expect that WorldCom content itself in having been invited informally to "contact the BellSouth vendor certification group for further information." There must be contractual assurances that the same information that BellSouth uses to certify its vendors will, in fact, be provided WorldCom. Otherwise, there is introduced into the interconnection agreement the opportunity for delay and further litigation. It is reasonable and necessary that BellSouth be required as a matter of contract to provide the information needed for certification.

ISSUE 66

What industry guidelines or practices should govern collocation? (Attachment 5, Section 9.)

Q. WHAT STANDARDS DOES BELLSOUTH AGREE ARE APPLICABLE WITH GENERALLY ACCEPTED INDUSTRY PRACTICES?

A. BellSouth no longer appears to take issue with the standards WorldCom has proposed. Instead, Mr. Milner says only that BellSouth should not be held responsible if ALECs that are collocated in its central offices do not comply with such standards.

Q. IS WORLDCOM ASKING THAT BELLSOUTH UNDERTAKE THE RISK OF NON-COMPLIANCE WITH THESE STANDARDS BY OTHER ENTITIES?

A. No, WorldCom is asking that BellSouth comply with industry standards with respect to matters within its responsibility or under its control.

ISSUE 66D

What provisions should apply to transitions from virtual collocation to cageless physical collocation in cases where no physical changes are required? (Attachment 5, Section 2.2.4)

Q. WHAT IS YOUR UNDERSTANDING OF THE STATUS OF THIS ISSUE?

A. Although Mr. Milner addresses this issue in his testimony, my understanding is that this issue has been resolved since BellSouth accepted WorldCom's language on June 20, 2000.

Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

A. At this time, yes.