



Susan S. Masterton
Attorney

Law/External Affairs
Post Office Box 2214
1313 Blair Stone Road
Tallahassee, FL 32316-2214
Mailstop FLTLH00107
Voice 850 599 1560
Fax 850 878 0777
susan.masterton@mail.sprint.com

VIA HAND DELIVERY

July 20, 2001

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
And Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 960786-TL Rebuttal Testimony of Mark G. Felton

Dear Ms. Bayó:

Enclosed for filing is the original and fifteen (15) copies of the Rebuttal Testimony of Mark G. Felton. Copies of the Testimony have been served pursuant to the attached Certificate of Service.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,

Susan S. Masterton

Enclosure

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2 **REBUTTAL TESTIMONY**

3 **OF**

4 **MARK G. FELTON**

5
6 **Q. Please state your name and business address.**

7
8 A. My name is Mark G. Felton My business address is 7301 College Boulevard,
9 Overland Park, Kansas 66210.

10
11 **Q. By whom are you employed and in what capacity?**

12
13 A I am employed by Sprint as Manager- Local Market Development.

14
15 **Q. What is your educational background and work experience?**

16
17 A. I graduated from the University of North Carolina at Wilmington in 1988 with a B.S.
18 degree in Economics. In 1992, I received a Masters degree in Business
19 Administration from East Carolina University. I began my career with Carolina
20 Telephone (a Sprint subsidiary) in 1988 as a Staff Associate. I have held positions of
21 increasing responsibility and performed functions such as: develop Part 36
22 Jurisdictional Cost Studies; develop costs and prices for Carolina Telephone's
23 interexchange facilities lease product; manage Carolina Telephone's optional
24 intraLATA toll product, Saver*Service; manage and maintain the General Subscriber
25 Services Tariff for South Carolina; serve as the primary point of contact for the South

1 Carolina Public Service Commission Staff on regulatory issues and; provide analytical
2 support in the development of company policy related to such issues as access
3 reform, price caps, and local competition I assumed my current position in June,
4 1999.

5

6 **Q. What are your current responsibilities?**

7

8 A. My current responsibilities include representation of Sprint Communications
9 Company Limited Partnership ("Sprint") in interconnection negotiations with
10 BellSouth Telecommunications, Inc ("BellSouth"). In addition, I support the
11 coordination of Sprint's entry into the local markets within BellSouth's territory. I
12 interface with BellSouth's account team supporting Sprint by communicating service
13 and operational issues and requirements, including escalation of service and/or
14 support issues as necessary.

15

16 **Q. Have you testified previously before state regulatory Commissions?**

17

18 A. Yes, I have testified before state regulatory Commissions in Florida, Georgia,
19 Kentucky, Louisiana, and North Carolina

20

21 **Q. What is the purpose of your Rebuttal Testimony?**

22

23 A. The purpose of my rebuttal testimony is to provide input to the Florida Public Service
24 Commission ("FPSC") regarding BellSouth's Petition for in-region authority to
25 provide interLATA long-distance services (Docket No. 960786-TL, In re:
26 Consideration of BellSouthTelecommunications, Inc.'s entry into interLATA services

1 pursuant to Section 271 of the Federal Telecommunications Act of 1996).
2 Specifically, my testimony will respond to claims made by BellSouth's witness, Mr
3 W Keith Milner, that BellSouth has satisfied the requirements for checklist item
4 number 2, nondiscriminatory access to network elements. I will discuss the access
5 that BellSouth provides to loop make-up information
6

7 **Loop Make-up (LMU) Information**

8 **Q. On page 60 of Mr. Milner's Direct Testimony, lines 15-18, BellSouth claims that**
9 **it provides electronic access to LMU information. Please comment on**
10 **BellSouth's electronic interface for obtaining LMU information.**

11

12 A. Although BellSouth has deployed an electronic interface for CLECs to access LMU
13 information, the reality is that a CLEC's ability to obtain the needed information from
14 BellSouth is not certain. Mr Milner claims that BellSouth provides electronic access
15 to LMU information. Although not specifically addressed by Mr. Milner, BellSouth
16 witnesses have testified in other states (e.g., Mr. Ronald Pate's testimony in the South
17 Carolina 271 proceeding and Mr. William Stacy's affidavit in the Georgia 271
18 proceeding) that BellSouth provides electronic access to LMU information via the
19 Loop Facility Assignment and Control System ("LFACS"). However, Sprint's
20 understanding is that the extent to which the LFACS database is populated with LMU
21 information varies greatly by wire center. Based on an analysis of data provided to
22 Sprint by BellSouth in early 2001, the percentage of loops by wire center for which
23 LMU information is populated in the LFACS database averaged only 41% for the
24 nine-state BellSouth region. With such an inadequate data source, in many instances

1 Sprint and other CLECs will be forced into a manual process for obtaining LMU
2 information.

3

4 **Q. What has the FCC said about an ILEC's obligation to provide LMU**
5 **information on an automated basis?**

6

7 A. The FCC has stated clearly in ¶ 427 of the UNE Remand Order (FCC 99-238,
8 Released November 5, 1999) that "an incumbent LEC must provide the requesting
9 carrier with nondiscriminatory access to the same detailed information about the loop
10 that is available to the incumbent". The FCC goes on to state in ¶ 429 that "[i]f an
11 incumbent LEC has not compiled such information for itself, we do not require the
12 incumbent to conduct a plant inventory and construct a database on behalf of
13 requesting carriers". However, and very importantly, the FCC states in ¶ 430 that
14 "the relevant inquiry is not whether the retail arm of the incumbent has access to the
15 underlying loop qualification information, but rather whether such information exists
16 anywhere within the incumbent's back office and can be accessed by any of the
17 incumbent LEC's personnel." Also key is ¶ 429 which says that "to the extent their
18 [the ILEC's] employees have access to the information in an electronic format, that
19 same format should be made available to new entrants via an electronic interface."

20

21 **Q. Does BellSouth have additional electronic sources for LMU data at its disposal**
22 **that are not made available to CLECs?**

23

24 A. Yes. Sprint believes that BellSouth does have additional internal sources for LMU
25 information in Florida.

1 **Q. Why does Sprint believe that BellSouth has other sources for LMU data at its**
2 **disposal that are not made available to CLECs?**

3

4 A. The North Carolina Utilities Commission (“NCUC”) found in its Generic UNE
5 proceeding (Docket No. P-100, Sub 133d), that “BellSouth is not providing
6 nondiscriminatory access to loop qualification information. BellSouth should be
7 required to provide access to the Corporate Facilities database.”

8

9 **Q. Why should the Florida Public Service Commission consider findings by the**
10 **Commission in North Carolina?**

11

12 A. Although the NCUC findings are not binding on the FPSC, Sprint respectfully submits
13 that, based on BellSouth’s repeated assertions that BellSouth’s OSS are regional in
14 nature, the fact that the NCUC found that BellSouth personnel had electronic sources
15 for LMU data in North Carolina that were not available to CLECs is highly indicative
16 that the same holds true for Florida. Accordingly, BellSouth should be ordered to
17 provide CLECs with access to the Corporate Facilities database and any other
18 database available to BellSouth personnel for obtaining LMU information in Florida.
19 Further, if BellSouth personnel have electronic access to these other LMU-related
20 databases, then CLECs should also be provided with electronic access. Any other
21 practice on the part of BellSouth would be contrary to BellSouth’s obligation to
22 provide nondiscriminatory access to loop information as defined by the FCC in ¶¶
23 429-30 of the UNE Remand Order.

24

25 **Q. What is the Corporate Facilities database?**

1 A. According to BellSouth witness Pate's testimony in North Carolina, the Corporate
2 Facilities database contains information on all loops within the state and includes
3 LMU information. The database is accessed electronically. Once logged into the
4 system, information can be accessed within a couple of minutes (often within a few
5 seconds).

6
7 **Q. What else did the NCUC conclude?**

8
9 A. The NCUC also found that "since BellSouth's retail operations have had access to
10 such data through electronic means and BellSouth was required to provide similar
11 access to [CLECs] by May 17, 2000, [CLECs] should be allowed to pay only the
12 non-recurring charge for electronic processing, even when manual intervention is in
13 fact required, until beta testing is complete and a final version of the electronic
14 interface is available to all [CLECs]."

15
16 **Q. Based on the testimony BellSouth has filed in this proceeding and on your
17 knowledge and belief, does BellSouth provide nondiscriminatory access to loop
18 information in Florida?**

19
20 A. No. Based on the evidence that BellSouth has presented in this proceeding, and on
21 the NCUC's Order discussed above, Sprint believes that BellSouth does not provide
22 nondiscriminatory access to loop information in Florida.

23
24 **Q. Does this conclude your Rebuttal Testimony?**

25
26 A. Yes.

CERTIFICATE OF SERVICE
DOCKET NO. 960786-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 20th day of July, 2001 to the following:

Nancy B. White
C/o Nancy H. Sims
BellSouth Telecommunications, Inc.
150 S. Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

Florida Competitive Carriers Assoc.
c/o McWhirter Law Firm
Vicki Kaufman
117 S. Gadsden St.
Tallahassee, FL 32301

AT&T Communications of the Southern
States, Inc.
Ms. Rhonda P. Merritt
101 North Monroe Street, Suite 700
Tallahassee, FL 32301-1549

Florida Digital Network, Inc.
Matthew Feil, Esq.
390 North Orange Ave., Suite 2000
Orlando, FL 32801

CWA
Kenneth Ruth
2180 West State Road 434
Longwood, FL 32779

Hopping Law Firm
Richard Melson
MCI, Rhythms Links, ITC^DeltaCom
P.O. Box 6526
Tallahassee, FL 32314

Ervin Law Firm
Everett Boyd
P.O. Drawer 1170
Tallahassee, FL 32302

Intermedia Communications, Inc.
Mr. Scott Sapperstein
One Intermedia Way (MC FLT -HQ3)
Tampa, FL 33647-1752

Florida Cable Telecommunications
Assoc., Inc.
Michael Gross/Charles Dudley
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303

ITC^DeltaCom
Ms. Nanette S. Edwards
4092 South Memorial Parkway
Huntsville, AL 35802-4343

Katz, Kutter Law Firm
Charles Pellegrini/Patrick Wiggins
106 East College Avenue, 12th Floor
Tallahassee, FL 32301

Knowles Law Firm
John Marks, III
215 S. Monroe St., #130
Tallahassee, FL 32301

LDDS Communications, Inc.
Brian Sulmonetti
1515 S. Federal Hwy., #400
Boca Raton, FL 33432-7404

MCI WorldCom Network Services,
Inc.
Ms. Donna C. McNulty
325 John Knox Road, Suite 105
Tallahassee, FL 32303-4131

Messer Law Firm
Floyd Self
P.O. Box 1876
Tallahassee, FL 32302

Network Access Solutions
Corporation
100 Carpenter Drive, Suite 206
Sterling, VA 20164

Pennington Law Firm
Peter Dunbar/Karen Camechis
P.O. Box 10095
Tallahassee, FL 32301

Shook, Hardy & Bacon LLP
Rodney L. Joyce
600 14th Street, N.W., Suite 800
Washington, DC 20005-2004

Sprint/Sprint-Metro
Mr. Benjamin W. Fincher
3100 Cumberland Circle, #802
Atlanta, GA 30339

Time Warner Telecom
Ms. Carolyn Marek
Regulatory Affairs, Southeast Region
233 Bramerton Court
Franklin, TN 37069

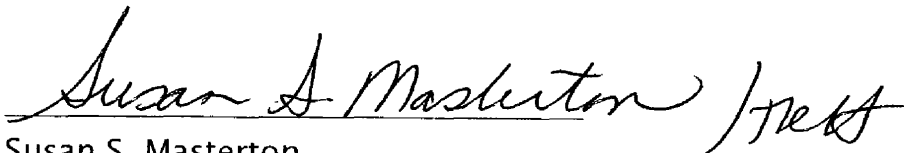
Covad Communications Company
Ms. Catherine F. Boone
10 Glenlake Pkwy, Suite 650
Atlanta, GA 30328-3495

KMC Telecom Inc.
John D. McLaughlin, Jr.
1755 North Brown Road
Lawrenceville, GA 30043-8119

MGC Communications, Inc.
Marilyn H. Ash
3301 North Buffalo Drive
Las Vegas, NV 89129

Bruce Culpepper, Esq.
Akerman, Senterfitt & Edison, PA
301 South Bronough Street,
Suite 200
Post Office Box 10555
Tallahassee, Florida 32302-2555

Henry C. Campen, Jr.
Parker, Poe Adams & Bernstein
First Union Capital Center
150 Fayetteville Street Mail, S-1400
Post Office Box 389
Raleigh, NC 27602


Susan S. Masterton