

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of IDS Long Distance, Inc. )  
N/K/A IDS Telecom, L.L.C., Against )  
BellSouth Telecommunications, Inc., and )  
Request for Emergency Relief )  
\_\_\_\_\_ )

DOCKET NO. 107040-TP  
FILED: SEPTEMBER 5, 2001

REBUTTAL TESTIMONY

OF

DAVID D. ALLEN

ON BEHALF OF

IDS TELCOM, L.L.C.

DOCUMENT NUMBER-DATE  
11055 SEP-5 2001  
FPSC-COMMISSION CLERK

1 Q. MR. ALLEN, PLEASE STATE YOUR NAME AND YOUR  
2 BUSINESS ADDRESS.

3 A. My name is David D. Allen. My business address is 420 Live Oak  
4 Boulevard, Casselberry, Florida 32707.

5

6 Q FOR WHOM ARE YOU EMPLOYED AND IN WHAT POSITION?

7 A. I am the President and sole shareholder of Equal Access, Inc.  
8 Equal Access, Inc., is a corporation that specializes in the sale of  
9 telecommunications products and services for CLECs, including  
10 IDS, and other telecommunications firms.

11

12 Q. PLEASE DESCRIBE YOUR DUTIES AT EQUAL ACCESS.

13 A. As the President of Equal Access, Inc., I handle all aspects  
14 of the business, including the supervision of sales  
15 consultants and the procurement of contracts. At any given  
16 time, Equal Access may employ from twenty to fifty sales  
17 consultants.

18

19 Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.

20 A. I received an Associate Degree in Applied Science from Camden  
21 County College in New Jersey. I also received a Bachelor's  
22 Degree in Business Administration with an emphasis in Finance  
23 from Rowan University in New Jersey in 1992.

1 Q. PLEASE DESCRIBE YOUR WORK EXPERIENCE AS IT APPLIES  
2 TO YOUR QUALIFICATIONS TO ADDRESS THE SUBJECT  
3 MATTER OF YOUR TESTIMONY?

4 A. I have gained extensive experience in the telecommunications field over  
5 the past eight years, including sales, marketing, and the actual operation  
6 of two long distance companies. During my time as a part owner of  
7 Advanced Telecommunications Network, Inc., a long distance company, I  
8 personally negotiated interconnection agreements, coordinated the efforts  
9 of sales agents, and supervised customer service and provisioning  
10 activities.

11

12 Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS  
13 PROCEEDING?

14 A. No.

15

16 Q. MR. ALLEN, WHAT IS THE PURPOSE OF YOUR TESTIMONY?

17 A. The purpose of my testimony is to rebut the assertions in the direct  
18 and rebuttal testimonies of several BellSouth witnesses that  
19 BellSouth does not engage in anticompetitive activities in an  
20 attempt to win back its customers from IDS and other CLECs. I will  
21 also rebut BellSouth's witnesses' statements that BellSouth does  
22 not capitalize on BellSouth's failures to provide OSS and UNEs and

1 UNE-Ps to IDS at parity in order to win back customers from IDS  
2 and other CLECs.

3  
4 Q. SEVERAL OF BELL SOUTH'S WITNESSES HAVE TESTIFIED THAT  
5 BELL SOUTH DOES NOT ENGAGE IN ANTICOMPETITIVE ACTIVITIES  
6 AND THAT BELL SOUTH IS VERY CONCERNED ABOUT THE  
7 SUCCESS OF ITS CUSTOMER CLECS LIKE IDS. DO YOU AGREE  
8 WITH THESE ASSERTIONS?

9 A. No. My sales consultants have reported to me on a daily basis regarding  
10 the calls they have made to former IDS customers during the regular  
11 course of Equal Access, Inc.'s business. My sales consultants have  
12 stated to me that, during these calls, IDS' former customers commonly  
13 communicate that they have switched back to BellSouth because they are  
14 unhappy with IDS. There are numerous reasons these customers give for  
15 being unhappy with IDS. Some of the most frequently heard reasons are  
16 as follows:

- 17 1. The customers are unhappy with IDS because they lost their telephone  
18 service altogether when they were being converted to IDS' service by  
19 BellSouth.
- 20 2. The customers are unhappy with IDS because they have lost all or part  
21 of their enhanced features such as Remote Call Forwarding or Call  
22 Waiting, etc., during their conversion to IDS by BellSouth.

1           3. The customers are unhappy with IDS because they have been told by  
2           BellSouth that they will lose their yellow pages business advertising if  
3           they go with IDS.

4           4. The customers are unhappy with IDS because they have been offered  
5           the same services as IDS offered them, but with a comparable or  
6           better discount by BellSouth.

7

8   Q:   MR. ALLEN, ARE YOU SPONSORING ANY EXHIBITS?

9   A:   Yes. I am sponsoring one exhibit identified as DA-1, and entitled "Former  
10   IDS Customers' Conversations with Equal Access Regarding Why They  
11   Switched Back to BellSouth." This exhibit is a CD-ROM containing four  
12   samples of recorded conversations with former IDS customers regarding  
13   why they switched back to BellSouth's services. These former IDS  
14   customers were notified that their conversations were being recorded.

15

16   Q:   MR. ALLEN, HOW CAN YOU DEMONSTRATE THE AUTHENTICITY OF  
17   THESE CONVERSATIONS?

18   A:   At Equal Access, we are always attempting to improve our services and  
19   the success of our CLEC customers in obtaining and retaining local  
20   telecommunications service customers. In order to assist our CLEC  
21   customers in understanding why they have lost customers, we have  
22   conducted programs in which we make courtesy calls to customers to  
23   attempt to find out if everything related to their switch to IDS' services is

1 going all right. Many times, these customers will have already switched  
2 back to BellSouth and, in these instances, we learned the reasons for their  
3 choices to switch back to BellSouth. We notify the customers that the  
4 calls are tape recorded for quality control purposes. We then convey the  
5 information to our CLEC customers. The recorded conversations in my  
6 Exhibit DA-1 were produced during such a program conducted by Equal  
7 Access on behalf of IDS.

8  
9 Q: IN YOUR OPINION AND EXPERIENCE AS A TELEMARKETING  
10 PROFESSIONAL, HAS IDS SUFFERED SIGNIFICANT LOSSES OF  
11 CUSTOMERS DUE TO BELLSOUTH'S FAILURE TO CONVERT IDS'  
12 CUSTOMERS' SERVICES APPROPRIATELY AND AS A RESULT OF  
13 BELLSOUTH'S ANTICOMPETITIVE TACTICS?

14 A: Yes. I have gained a good deal of experience supervising my sales  
15 consultant employees at Equal Access over the past two years. When  
16 those employees have called former IDS customers in the regular course  
17 of business, it has become clear that BellSouth's failure to convert  
18 customers to IDS' service in an efficient, accurate and timely fashion has  
19 contributed tremendously to IDS' loss of customers back to BellSouth. In  
20 addition, it is my experience that BellSouth's personnel utilize  
21 anticompetitive tactics by misleading customers that all problems that  
22 occur are IDS' fault.

1 Q. MR. ALLEN, DOES THIS CONCLUDE YOUR TESTIMONY?

2 A. Yes.

3