

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2 **REBUTTAL TESTIMONY**

3 **OF**

4 **JAMES R. BURT**

5
6 **Q. Please state your name.**

7 A. My name is James R. Burt.

8
9 **Q. Are you the same James R. Burt that submitted direct testimony in this arbitration**
10 **proceeding identified as Docket No. 010795-TP?**

11 A. Yes.

12
13 **Q. What is the purpose of your rebuttal testimony?**

14 A. The purpose of my rebuttal testimony is to address the direct testimony of Susan Fox
15 filed on behalf of Verizon Florida Inc. In doing so, I will clarify Sprint's position on the
16 issue of MAN Commingling and UNE Multiplexing since they have apparently been
17 misunderstood by Ms. Fox.

18
19 **Q. Please respond to Ms. Fox's statement on page three of her Direct Testimony that**
20 **since the FCC has prohibited commingling in one instance doesn't mean that the**
21 **absence of an order in another instance means that it is acceptable.**

22 A. Ms. Fox is referring to Sprint's desire to connect an unbundled loop to a Verizon
23 multiplexer. First, Sprint's proposal that the multiplexer be paid for based on the ratio of
24 unbundled network element and switched access ports utilized negates Verizon's concern
25 that Sprint is commingling UNEs (the loop) to tariffed services (the multiplexer).

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1 Second, it is Sprint's position that Sprint is not creating a loop/multiplexer combination,
2 but simply requesting a loop with the attached electronics. As I stated in my Direct
3 Testimony on pages seven and eight, the FCC has stated in paragraph 175 of its Third
4 Report and Order in Docket No. 96-98 that it considers multiplexing a part of the loop.
5 And third as I stated in my Direct Testimony, the FCC made it clear in the Supplemental
6 Order Clarification that the commingling prohibition only related to the three
7 circumstances when a CLEC can use a loop and transport combination. Making that
8 specific restriction would be enough on its own, but the FCC went even further by
9 emphasizing that their specific restriction did not apply to other situations.

10
11 **Q. Ms. Fox stated that the FCC disallowed commingling, as running afoul with the**
12 **current access regime, do you agree that is what the FCC said?**

13 A. Absolutely not. Again, the FCC said their commingling decision was specific and did not
14 apply to other situations. Had the FCC intended for the commingling restriction to be
15 applied to all circumstances they would have done so in the Supplemental Order
16 Clarification. The reasonable conclusion of them making a specific restriction in this one
17 instance is that they did not intend for there to be a restriction in other situations. In
18 addition, this may be a case where Verizon does not fully understand Sprint's intent.
19 Page five of Ms. Fox's testimony states that Sprint wants to connect access services and
20 unbundled network elements to an unbundled multiplexer resulting in Sprint paying for
21 switched access at TELRIC rates. That is not the case. Sprint will continue to pay the
22 appropriate access rates for the portion of the multiplexer carrying access traffic.
23 Therefore, there is no disruption to the current access regime based on Sprint's position
24 on these issues.

1 **Q. Ms. Fox states that what Sprint is requesting in issue 6 does not exist in Verizon's**
2 **network. Do you agree?**

3 A. No. Everything that Sprint is asking for is in existence in Verizon's network today and is
4 being utilized to carry Sprint's traffic. This is clearly illustrated in Exhibit JRB Direct-1
5 attached to my Direct Testimony. Sprint is asking that the network configuration
6 currently being used by Verizon to gain common engineering efficiencies be made
7 available at the appropriate access or unbundled network element rates. In addition, in
8 response to Sprint discovery question number 67, Verizon states that they have
9 multiplexers in their network at the OC12 level and that the same multiplexer can be used
10 for both local and access traffic. I have provided the question and response below.

11

12 67. Does Verizon use a common or the same multiplexer(s) for both local and
13 access traffic in any portion of Verizon's network? If so, describe the
14 types of facilities and situations in which the multiplexer(s) is used, e.g.,
15 interoffice transport, entrance facilities. If so, describe the highest
16 aggregated speed of any of these multiplexers.

17

18 **RESPONSE:**

19 Subject to and without waiving its objections to this Request filed
20 previously, Verizon Florida may utilize a common multiplexer for both
21 local and access traffic on interoffice facilities between: (i) the Verizon
22 Florida end office and the terminating end office; (ii) the Verizon Florida
23 end office and the access tandem; (iii) the Verizon Florida access tandem
24 and the serving wire center for the Sprint Point of Presence; and (iv) the
25 serving wire center for the Sprint Point of Presence and the Sprint Point of
26 Presence. The highest speed Verizon uses for multiplexing is an OC12
27 level.

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29

30 **Q. Does this conclude your testimony?**

31 A. Yes.