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ATTACHMENT B

BellSouth Telecommunications, Inc.
FPSC Docket No. 030349-TP
Request for Confidential Classification
Page 1
09/18/03

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF THE DEPOSITION TRANSCRIPTS AND EXHIBITS OF BELLSOUTH WITNESSES JOHN A. RUSCILLI, EDWARD WOLFE, RONALD A. PATE, AND MICHELLE SUMMERS AS SUBMITTED INTO THE RECORD OF FPSC DOCKET 030349-TP DURING THE HEARING ON AUGUST 29, 2003.

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DOCUMENT NUMBER-DATE
08958 SEP 18 03
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Docket No.: 030349

In re: Complaint by Supra Telecommunications)
And Information Systems, Inc., regarding)
BellSouth's Use of Carrier to Carrier Information)
____)

DEPOSITION OF
JOHN A. RUSCILLI

ATLANTA, GEORGIA
MONDAY, AUGUST 18, 2003

REPORTED BY: TERI L. CAPARAS,
CCR-B-2319

FILE NO. 410660

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
Docket No.: 030349

In re: Complaint by Supra Telecommunications)
And Information Systems, Inc., regarding)
BellSouth's Use of Carrier to Carrier Information)
)

Deposition of JOHN A. RUSCILLI, taken on behalf of Supra Telecommunications & Information Systems, Inc., pursuant to the stipulations agreed to herein, before Teri L. Caparas, Certified Court Reporter and Notary Public, at 1100 Spring Street, Northwest, Atlanta, Georgia, on the 18th day of August, 2003, commencing at the hour of 12:28 p.m.

FILE NO. 410660

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Jeremy Susac

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Ronald M. Pate

- - -

I N D E X

WITNESS: JOHN A. RUSCILLI

Examination	Page
BY MR. BUSTILLO	5
BY MR. MEZA	145

EXHIBITS:

Supra Exhibit	Description	Page
1	CPNI Wholesale Information, Bates No. 000144	85
2	Targeted Table, Bates No. 001030	113
3	Operation Sunrise, Bates No. BST 00847	128

ATLANTA, GEORGIA, MONDAY, AUGUST 18, 2003
12:28 P.M.

P R O C E E D I N G S

- - - - -

EXAMINATION

BY MR. BUSTILLO:

Q Can you please state your name for --

MR. MEZA: I also want to do it right this time is that I would like to make sure we agree that this depo is -- usual stipulations apply as described in the last depo?

MR. BUSTILLO: That is correct.

WHEREUPON,

JOHN A. RUSCILLI,

being first duly sworn, testified as follows:

EXAMINATION

BY MR. BUSTILLO:

Q Can you please state your full name for the record and spell your last name for the court reporter?

A Sure. My name is John, middle initial is A, last name is Ruscilli, R-U-S-C-I-L-L-I.

Q And what is your current -- where are you currently employed?

A I am employed by BellSouth Communications.

Q And what is your current position with BellSouth?

A I am the senior director of policy implementation and regulatory compliance.

Q Are there any other senior directors of policy implementation and regulatory compliance?

A No.

Q So no one else has the responsibility that you have?

A No, except for the people that work for me.

Q And how many people work for you?

A As of tomorrow I think I will have 20 employees and a handful of contractors.

Q And do any of those employees testify before public service commissions regarding policy implementation?

A On occasion Kathy Blake, that's Kathy with a K, and -- will testify on some small arbitration issues.

Q But she reports to you, is that correct?

A Yes.

Q Has there been any material that you have reviewed for your deposition today?

A Yes. My testimony both direct and rebuttal. I scanned back over Mr. Neilson's direct

and rebuttal and then reviewed some of the orders.

Q Are there any individuals that you met with in BellSouth in preparation for your deposition today?

A Other than meeting with my counsel. He will tell me what time I was supposed to show up here.

Q Without disclosing what information you discussed with Mr. Meza, how many times did you meet with counsel in preparation for your deposition today?

A Just once for maybe five minutes.

Q And when was that?

A That was Friday.

Q When was the first time you heard of Operation Sunrise?

A Well, I heard about it for the first time by name a day or so before I was deposed by Supra. I believe it was arbitration No. 5.

Q Would that be around June 6, 2002?

A Somewhere around that time frame. I don't remember with precision.

Q Let me say for the record that the deposition was on June 7th.

A Okay. And I don't remember if that was a Monday or a Friday, but I know a day or so before I had met with counsel that I had at that time and they had mentioned Operation Sunrise which was the first

that I had heard of it.

Q Okay. How long have you been in your position as senior -- how would I characterize your position title in shorthand?

A You can just call me senior director of policy for shorthand. That will be fine.

Q And how long have you been in that position as senior director of policy?

A I assumed this position, I think, in June or July of 2000, somewhere around there.

Q So why would BellSouth management not inform you of the existence of Operation Sunrise from June 2000 through June 2002?

MR. MEZA: Object to the form. You can answer.

A (Continuing) I have no idea why BellSouth management would choose to inform me or not to inform me of Operation Sunrise. Dealing with specific systems and IT information systems and things like that, it is not something that would normally be run by my desk for me to review.

Q Okay. You filed testimony in the key customer tariff docket?

A Yes.

Q I think it was October 23rd, 2002; is that

correct?

A I will take the date subject to check. I don't remember the day I filed it.

Q Is the reason you didn't include any testimony regarding Operation Sunrise in the key customer tariff docket because you didn't know much about Operation Sunrise?

MR. MEZA: Object to the form.

A (Continuing) No. I think what I did talk about in key customer if I can remember correctly besides the promotions and things like that themselves was associated with what our policy is, how we would handle customer proprietary network information and things like that. Policy is really sort of separate from how an operation system or an operating system may work.

Q Did you disclose the existence of the Harmonize feed in the key customer tariff document?

A I don't remember if I did or I didn't.

Q So your testimony is -- does not have any reference to the Harmonize feed and subject to check you didn't mention it?

MR. MEZA: I object to the form.

A (Continuing) I don't know how to answer that question.

Q That was kind of convoluted. Strike that.

The subject matter of key customer tariff docket dealt with inbound calls, is that correct?

A I believe so, and you will just have to forgive me. That's not one of the cases that I reviewed recently and I do participate in a lot of cases for BellSouth.

So I know there are -- I think I can remember a question from Matthew File on inbound calling, but I don't know if that was exclusive of the subject matter. Matthew File is the lawyer from FDN.

Q So in the key customer tariff docket when you discuss that had there were preventions against system surfing, you disclose that in the key customer tariff document; is that right?

A I may have. It is something I have disclosed in many dockets.

Q And then let me just ask this with respect to one final question. In referencing the prevention of system surfing, did you disclose the existence of the Harmonize feed, the Harmonize database and the Sunrise database?

A I don't recall if I did or I didn't honestly. I mean, it has been a while ago.

Q Let's refer to your rebuttal testimony, page 3, lines 11 through 15. Could you read that?

A Into the record?

Q Yes, into the record, please.

A Yes, sir.

Starting with line 11, Operation Sunrise is a computer program whose purpose is to identify, qualify, contact, track, and hopefully re-acquire former residential customers who have selected a local service or local toll carrier other than BellSouth.

Since late 2002, BellSouth has also used Operation Sunrise for residential IntraLATA long distance re-acquisition.

Q Is Operation Sunrise a computer program?

A It is -- of itself is a computer program, yes, and it goes into other databases and collects information, yes.

Q Does -- you say here that Operation Sunrise identifies former residential customers. How does it identify former residential customers?

A Well, the actual method is discussed in a couple of other testimonies, but I will give you a very high level of review of how this thing would work.

Operation Sunrise itself is somewhat

downstream from how things start. Every night from our Service Order Control System, called SOCS, data is published in sort of a separate database of customer change activity that has occurred. And this could be BellSouth retail customers pulling back some of the services they may have. They may have Complete Choice and they decided they just want a plain 1FR or 1FB. It could be information that is submitted by the CLECs by the LSR process. That information is put into sort of a separate database.

Operation Sunrise then has what is called a -- uses a Harmonize feed to go into that database and pulls down all of orders that have been completed. And then from that completion then it goes through some machinations.

Basically if I can remember correctly the order, it goes through and it finds -- makes sure everything that it has is completed like I just said. And then second it determines all the codes that would be associated with BellSouth's retail for reasons why a customer may have disconnected.

Q Excuse me. Can you restate that again?

A Yes. It goes through and it sorts for the codes.

Q What goes through?

A Disconnect reason codes, Operation Sunrise, that's what I am talking about, goes in the operation, it goes into the Harmonize feed, looks for the DCR, disconnect reason codes, that retail, and that would be retail, BellSouth retail reps may have put on there.

As an example, you going out of business. So we have a disconnect reason code for that. And then it is sort of like a reverse logic. It says okay, once those that have gone that we know why they have gone, basically the disconnect reason code, they moved out of state, they have gone out of the business, it then has a subset of that data, re-copies that data, this is again Operation Sunrise, the control program, re-copies that data into another database, stripping out all the information other than telephone number, the line, the date that this was pulled and then it is held in a separate table.

The original table is eliminated. We don't need that anymore. Now we have got what is called the Operation Sunrise database. It is just basically customer, telephone number, date that this was run. We don't know if they have actually gone to a competitor at that point or not. We just know that there is not a code associated with it that we know about.

Q Who is we when you say we?

A BellSouth Telecommunications.

Q Who in BellSouth Communications?

A It is -- and I will go back to the beginning again, like I said. When I say we, it is BST and that's where one of the BellSouth Communications service reps has actually put the code in there saying this customer has gone out of business or this customer has left the state, is moving.

Q So are you saying the only way that a DCR, a disconnect reason code, can be generated onto a service order is by a retail BellSouth?

A I didn't say that at all, no.

Q So can a CLEC service order contain a DCR?

A Yes.

Q So when -- let's take you back to your explanation. I was writing as you spoke.

The first time there is service orders extracted from SOCS you said it goes to a database. Do you know the name of that database?

A No, I don't.

Q Or file?

A No, I don't. That's sort of an ancillary database.

Q Ancillary?

A Yes, in other words --

Q And then you said -- in other words, what?

A Go ahead. I am sorry. I was cutting you off. I apologize.

Q Me too. I didn't mean to cut you off either.

Okay. From the ancillary database you said that the Harmonize feed identifies disconnect reason codes for switches?

MR. MEZA: Object to the form.

A (Continuing) If I remember correctly what I said just a moment ago, I thought I said that Operation Sunrise uses a Harmonize feed to go into that ancillary database and then it culls from that first all the orders that have been completed.

Q Okay. And of those orders that have been completed, it is my understanding that your testimony was that the Harmonize feed searches out disconnect reason codes regarding switches?

MR. MEZA: Object to the form.

A (Continuing) No. And I need to add one thing. It also in addition to orders that are completed, it doesn't -- it excludes orders that are not residential in nature. What I believe I said is

after that point in time it parses out disconnect reason codes that are associated with what BellSouth's retail would have put in there and those are the codes customer has gone out of business, customer has moved out of state, customer is telling us that they want to disconnect service because they are going to a wireless carrier or to a CLEC. It sorts those kinds of codes out.

Q Meaning it pulls those accounts out to be filtered down, to be fed down to the Sunrise database?

A No. You are sort of misstating and if I wasn't clear, let me clear that up.

It sorts those out and excludes those from going down to the Sunrise database so that all that is going down into the Sunrise database will be those accounts that where we don't have code on it at all, we don't know what it is or there is another code. That could be the ALEC code that has been populated.

Q Okay. So if there was a manual that said that for service orders that don't have any code, that those are pulled out too, would that be consistent with your knowledge?

A Yes, but that actually then happens at the next step downstream where we are at.

Q And where would that happen at?

A Well, again, in Operation Sunrise it is pulling out anything it doesn't recognize a code on, pulls out everything that says this is the code that's associated with the retail, and then we have what is left.

We don't know what is left has all gone to a competitor. We are presuming it does. At that point in time then that information is stripped of its disconnect reason codes, copied over to another table, and the data that's copied into another table and I -- and I guess stripped away or copied in is actually the same event.

It is copied into another table without disconnect reason codes and you have the customer line, telephone number, you have got the date that this was done, maybe a couple of other pieces, maybe not, of information. I think it is just a telephone number, NPA, NXX and the date that this was done.

So now you have got these two databases. The first one which is where we had those remnant codes tucked away and then what is left is the database of codes in Operation Sunrise that says this is a list of telephone numbers and this is the date they were pulled, telephone numbers, NPA and NXX.

Q Let's go back. You said it pulls out retail disconnect reason codes. Is it correct to say that a retail generated service order is extracted and pulled out and doesn't flow down, downstream?

A I didn't understand.

MR. MEZA: Object to the form.

A (Indicating) And can you rephrase it? I am not sure -- go ahead. I am sorry. I am not sure I ended it. You start. I will shut up.

Q Me too.

I heard you say that a retail generated DCR is pulled out by the Harmonize feed long with service orders that don't have a DCR?

A Yes.

Q So that is a correct understanding?

A Yes. That's the way I understand it.

Q And how do you define the phrase a retail DCR? What do you mean by that so that I understand it even clearer?

A Yes, and I thought I had mentioned this earlier. A retail disconnect reason code would be a code that's placed on that particular order by a BellSouth Telecommunications retail rep that says based on how the code is -- the alpha numerics of the code, this customer has left because they are moving out of state, this customer has gone bankrupt and they

are going out of business, this particular customer is discontinuing service with BellSouth and anticipates going with a wireless.

Those are things where customers would call into our business office and tell us this is what they plan to do with that particular line and to initiate an order.

Q And that whole service order would be taken out so it doesn't go downstream, is that correct?

A That information, yes, associated with that.

Q So what goes downstream from that order?

A Well, the service order is not kicked downstream. We are just looking at the data fields that are associated with it, associated with Harmonize. So nothing associated with that moves down to the next step of the ones we were just talking about.

Q Under what circumstance? If you were converting your phone from BellSouth to Supra would you do it by calling Supra and having them provide you a seamless transition or would you do an inbound call at BellSouth Service Center to disconnect your line so that when you lose dial tone you will then call Supra to get new service? Which way would you do it?

A Well, again, what you just characterized for

me if I were a knowledgeable consumer I would probably call Supra first because I was interested in perhaps one of Supra's marketing packages and saying hey, I want to switch to you.

But there are other instances where customers may be moving to a wireless carrier and they have already got their wireless phone and wireless telephone and they just want to disconnect their local service all together like my daughter. So they would just contact and say I don't need my telephone line anymore.

Q But that wouldn't be considered a switch, would it?

A I don't think it is. That would be, but I think another example of where you would --

Q I am sorry to interrupt. That would be?

A Thank you for making it more precise.

Q What did you mean by that?

A I said -- what I meant to say was agree with you. I don't think that would be called a switch and I apologize for not being precise.

Another example would be if somebody was going to go say with a telecommunications carrier that was providing service over cable modum, Vonage is the carrier that's doing that, and with Vonage, I saw

their ad last night on TV, you have the opportunity to have several telephone numbers, often different NPA and NXXs. And a particular user may decide I want to go there, I don't need my local line anymore because I am going to get a number in California and one in New York and one here in Atlanta and one in Miami. So they would just tell BellSouth to disconnect all together, I am going with cable. So you can have examples that would occur like that.

Q In that case, an example where a customer is leaving to a cable provider, there wouldn't be a CLEC LSR involved in that?

A In Vonage's case, no, in the case I described. There might be another one where Vonage is doing something, but the case I just described, no, I wouldn't see why.

Q I only want to use the example you gave.

A Right.

Q Let's go back to the testimony on page 3, lines 11 through 15. You say that the Operation Sunrise qualifies a former residential customer, and I am paraphrasing, but can you tell me what you mean by the term qualify?

A Sure.

MR. MEZA: What line are you at?

MR. BUSTILLO: I am looking at line 11 and 12 of the last word on 11.

A (Continuing) I see, okay.

Would you do the question again?

Q Sure.

A Thank you.

Q Can you tell me what you meant by the word qualify in paragraph -- in the paragraph between lines 11 through 15?

A Thank you. Of course, what we just talked about is identifying those customers that may have left. The next thing would qualify, if you remember I know we produced this information to Supra, Sunrise actually has a number of functions that it can perform for BellSouth.

One is toll re-acquisition. Another one that can be used for Sunrise is something associated with local switching like we were talking about, and then the potential for the IntraLATA toll which I talked about a little earlier, actually talked about in this particular paragraph.

So you are qualifying what sort of customer that you are dealing with here, in other words, what is this, is this local switch or whatever, that's what I meant when I said qualify.

Q Okay. You used the word on the second line track, and you just told me that qualify meant those that have left. What was the meaning of track?

A Track can have a couple of meanings here. One of the other reasons for Sunrise that I didn't just discuss earlier is when a customer has a large package and they decide to go down to just a plain basic wire and we are going to go back and see if we can up-sell that customer on the current products he has to a higher product.

An example of track is Sunrise produces a number of management information systems reports on the success of where we are going with these and it tracks that information. The detail of it, I am not -- this is really outside of my area. But I know that we use information, reporting associated with to track the success of what we are doing.

Q To track trends in the industry?

A I didn't say that. I said track.

Q To track what?

A To track information associated with what we are doing with Operation Sunrise.

Q This may be a little leading here, okay, but the three purposes of Operation Sunrise are what, three targets?

A I said that earlier. It initially started associated with IntraLATA toll re-acquisition and that was because of the IntraLATA toll being awarded in the act.

I think around 2000 or so we started using it with respect to what I was just talking about, the product up-sell. Still a BellSouth customer, they have gone from Complete Choice, Area Plus down to a 1FB and we want to say okay, can we go back and sell you something else.

And then I think in 2001 or so we started using it for local service acquisition and that's where somebody has switched their local service to a CLEC.

Q You said that you started using it for product change in 2000?

A I think so. I don't remember precisely.

Q If you didn't learn about Operation Sunrise until June 2002, where did you learn this information from?

A I started researching what Operation Sunrise was about after I was deposed by Supra.

Q And who provided you the information for you to research?

A Some of it I think was actually provided in the production of documents associated with Supra itself. You requested information on Sunrise and I think a package was sent to you on that, associated with that and then some other marketing materials, data request -- not marketing materials but like data requests that were provided in a production of documents and answers to data request type questions, and then subsequent to that I have had conversations in more detail with Wolfe about Sunrise.

Q Who helped you prepare your testimony?

A It is prepared under direction. I have got a few folks on my staff that actually will do the making sure my writing is grammatically correct and is precise and research my cites and stuff like that for me.

And Kathy Blake is one of those and I have a contractor that I have used for some of that information and then likewise I know I have had some conversations with Ed Wolfe on some questions about it.

Q I --

A I am sorry, about Mr. Neilson's testimony.

Q Michelle Summers, did you speak with her?

A No, I didn't talk with Michelle. My staff may have talked to her. I didn't talk to her

personally.
Q Who is the outside contractor?
A Her name is Celia Stephen, S-T-E-P-H-E-N.
Q And what is she outside contractually -- what is she an outside contractor for?
A She is on my staff to supplement the group that I have that handles policy-type issues. I have had a couple of people get promoted and one moved to another department so I was short. And Celia is a 25 something year former employee who is familiar with the policy issues, so I brought her back to sort of supplement my staff during this period of time.
Q So she is not technically an employee of BellSouth?
A No. She is a contractor. She has left the company and has retired and I brought her back just to help out.
Q Okay. Let's go to page 3, line 17 through 20. Can you read line 17 through 20 into the record?
A Sure.
As I discussed in my direct testimony for the purposes of local services the information BellSouth's retail division ultimately receives to target possible re-acquisition customers is obtained from the retail customers' records after the

disconnection of the retail customers' local service.
Is that all you wanted me to read, that sentence?
Q That's all.
A Thank you.
Q How does -- what is MkIS?
A It is an acronym that stands for Marketing Information Service. It is an organization that tracks marketing data.
Q When you refer to BellSouth's retail division ultimately receives, are you referring to MkIS?
A No. As I worded it there, what I am talking about is the division that ultimately receives a target list. It is going to be our marketing forces.
Q MkIS?
A No. That means sales marketing. That's not MkIS.
Q You mean the outbound -- the outside contractors that mail out the mail pieces?
A It could possibly be them or it could be telemarketing vendors or it could be our own people depending on what sort of program we are running at the time.
Q But what did you mean by this here?

A Exactly what I just said.
Q To include all of them?
A Yes.
Q Before the outside vendors get their information who do they get it from internally at BellSouth?
A Well, the lists are generated through the process that we just talked about with Operation Sunrise. In consumer -- I don't know how that list actually ends up getting to the marketing people. I think in small business where I have had familiarity with this general process for awhile Tamara Shay (ph) is one of the generators of that kind of information and she provides information to small business customers. I think she has filed testimony in this case also.
Q Have you reviewed the testimony of Wolfe and Summers in this case?
A Yes. I mean, I didn't do it before this deposition today, but I have read their testimony.
Q Would it be a fair characterization of BellSouth's position that MkIS is the one that provides the information to the outbound contractors, outside vendors?
MR. MEZA: I object to that, but --

A (Continuing) Yes. I don't know if it is a fair characterization. I am not sure if -- I just don't recall the actual process of how it gets there.
Q Does MkIS, where does it generate its leads from?
A Well, that's the organization that is looking into -- what is gained through in this case consumer with Operation Sunrise.
Q I didn't understand that answer.
A Okay. Operation Sunrise, that's where they get their information from.
Q And who is they, MkIS?
A Yes. That was your question.
Q Here you say their customer, on line 19 you are referring to the retail customer records.
A Uh-huh (affirmative).
Q Do you mean CRIS?
A Yes. And actually what I mean in this particular case is once we have a list of customers that have already been culled down, there is no disconnect reason codes on them at all now, this is all the way out on the other side of Operation Sunrise, we per the FCC have the right on former customers to look at our own retail records which would be in our Customer Record Information System and

to use that particular information to go back and try to win back the customer and that's what I am talking about.

Q How does MkIS know to pull a particular file from Chris?

MR. MEZA: Object to the form of the question.

A (Continuing) I am sorry. I am thinking MkIS. The way the program works if I understand correctly is that once we have got it down to an NPA, NXX, the date we pulled it, we have done this run at the end of the week, we can take that NPA, NXX and basically do a database search on that particular account number, did we have that account number, if we have that account number what sort of services did that customer buy, and then it populates it. But you might want to ask Mr. Wolfe or Ms. Summers exactly how that works. That's just my general understanding.

Q So but for the Harmonize feed MkIS would not know what file to retrieve from CRIS, is that correct?

A Can you explain it just another way? I want to make sure I am understanding what you are saying.

Q But for MkIS looking at the Sunrise database it would not know what file to retrieve from CRIS?

MR. MEZA: Object to the form.

A (Continuing) I don't think Harmonize is looking into a database to -- and I think I am just confusing your question and maybe it is more appropriate to one of the systems people to explain how this works. I don't think Harmonize is the one that's looking into CRIS for this information.

Q I didn't ask that.

A Okay.

Q MkIS.

A Forgive me for being a little confused. This is a little out of my very area. I am just going from a general understanding.

Q MkIS, okay, the in-house marketers, marketing information support group --

A Yes.

Q -- it goes, you just told me, and pulls a record from CRIS?

A Yes.

Q But for the information that sits in the Sunrise database is it correct that they wouldn't know what files to pull from CRIS?

A That's correct. The information that's -- but you didn't ask that. You asked me about Harmonize feed and that's where I got confused and I apologize.

The information that's in the Sunrise

database, the final information that has the NPA and NXX of the customer and the date that information was generated, that's the -- NPA, NXX is how we track things at BellSouth. So that's the information that goes and pulls.

Q Take one step back now. You are right. I did say Harmonize feed. So let me ask you this.

But for the existence of the Harmonize feed for residential accounts, the Sunrise table could not be populated; is that correct?

A I believe so.

Q Okay. Two steps in the process, Harmonize feed, goes to the Sunrise database; is that correct?

A That's my understanding.

Q MkIS uses the Sunrise database, pull the file from CRIS; is that correct?

A Yes. But there is the big step in the middle there where Operation Sunrise goes through and purges all that data.

Q Wonderful.

You talked about the information that sits in the Sunrise database. One of those informations is characterized as the customer code. Do you know what that is?

A No, I don't.

Q Do you know who would know the answer to that question?

A No, I don't. I mean, you may ask Mr. Wolfe or Ms. Summers. I don't know if they would know it or not though.

Q It was actually in their testimony.

A Yes.

Q Can you tell me where the Sunrise table is housed?

A I believe if I understand correctly the actual table information is sort of -- it is in the strategic information warehouse and that's a compartmentalized section for the MkIS people.

Q Okay. Let's turn to page 4, lines 4 through 11.

A Are we still on my rebuttal?

Q We are still on your rebuttal.

A Thank you.

Q And I wanted you to read the first three lines, 4 through 6, up to the i.e.

A Okay. Thank you.

Starting with line 4, in gathering this information Operation Sunrise does not identify the customers' new carrier or the services the customer will receive from the new carrier. Instead, Operation

Page 34

Sunrise uses network information.

Q You provided an i.e. after the phrase uses network information. What does i.e. stand for?

A As an example.

Q Can you read the example you provide for the phrase uses network information?

A Okay. I.e., the fact that a customer left BellSouth's network and is no longer a BellSouth's retail customer, information to which any retail provider of local service is entitled and receives -- that was in parenthesis, I am sorry -- and not any information that BellSouth obtained through the provision of telecommunications services to a CLEC to create re-acquisition list.

Q Is it a correct interpretation of your testimony there that starting on line 6 the fact that a customer has left BellSouth's network and is no longer a BellSouth retail customer that that is network information?

A It is network information specific to BellSouth.

Q Why is network information specific to BellSouth?

A I mean -- I don't want to be redundant and repeat the statement, but I am BellSouth, I am

Page 35

providing a service to a customer, it is my network, that customer is gone, my network shows that it is gone. That's information specific to me so I know that I don't need to bill that customer anymore.

Q So that knowledge is the updating of CRIS?

MR. MEZA: Objection to the form.

A (Continuing) I don't know that that is or is not an update to CRIS.

Could you elaborate on the question you have just --

Q How does BellSouth acquire the knowledge that a customer has left BellSouth's network?

A Well, again, it was the Operation Sunrise process that we talked about where that has culled down is one example.

Another example of where BellSouth knows a customer has left the network is when the customer himself calls up and says I am moving out of town, disconnect my service tomorrow, there is a disconnect reason code for that so that we know that we are supposed to generate the final bill, et cetera, for that particular customer. So we have a variety of ways that we will know the customer has left the network.

Q Okay. Let's go back to the first example

Page 36

you gave. The first point of entry -- let's make BellSouth entity a circle with a line down the middle.

A Do you mind if I draw that to make sure I understand where you are going in your circle?

Q Sure. On the right side is the wholesale and on the left side is the retail.

When a customer -- when a CLEC submits an LSR to convert a customer over UNE-P or resale, where does that information come in from, wholesale side or retail side?

A That's a wholesale function that comes in through the CLEC ordering systems, whether they are using electronic ones like TAG or ROBOTAG (ph) or one of those kind of systems that Mr. Pate is intimately familiar with, and it comes into our LCSC which in turn generates an order through the Service Order Control System.

Q So it would be on the right side?

A Yes.

Q And that line we drew down the circle would indicate the barrier between the wholesale side of the fence and the retail side of the fence, correct?

A As far as how orders get into the system, yes.

Q MkIS, the marketing information support

Page 37

group would sit on what side of the fence?

A They are retail if I understand correctly.

Q Do you want to draw a box on the side of the retail?

A (Witness complied.) I think they are retail.

Q When BellSouth processes a CLEC service order that would all be done -- is it correct to say that that would all be done on the wholesale side of BellSouth?

A When BellSouth processes a CLEC service order, is that all done -- it comes into the wholesale side of the house -- I don't know -- and gets to SOCS by the wholesale side of the house.

I know the CLECs have got the ability to do a lot of things electronically so there might be some process that occurs on the premises, but the control system is where the wholesale CLEC order is going to ultimately go into.

Q Okay. You said in your testimony here that the fact that a customer has left BellSouth's network and is no longer a BellSouth retail customer, okay, you said that's an example of network information.

My question is if the knowledge that a customer has left BellSouth's network enters the wholesale side of the circle is that CLEC network information?

A No, again, because what -- two things are happening here. And the first thing that's important is to the retail side of the house is that a disconnect is going to occur. I mean, we are no longer going to have that customer. So when you have processed that order, you sent us an order saying you want a particular customer, the retail side of the house, and that's what I am talking about here, has network information that says this customer is not yours anymore.

So that's disconnect. It is the same kind of information we publish in our line loss report to the other CLEC. Wholesale information is what you would have put into this when you ordered that particular account, you maybe added some features or whatever, that's your information, that wouldn't end up over here.

Q Again, for the second time you said that the retail side learns this information. Who specifically on the retail side are you referring to?

A Well, it is -- I think it is a number of things that occur on the retail side of the house. There is the disconnect information that has occurred because the order is completed and that's our information, let us know to disconnect that line.

At some point downstream, and it is 10 to 30 days later, our marketing folks, and these are the people that would sell, know that that customer is gone.

Q How many days later?

A 10 to 30 days later. We can't do it any sooner than 10. We are not allowed to do any kind of re-acquisition marketing. And my understandings from conversations with Tamara, sometimes it takes them as much as 30 days to get all of that data groomed out for the people.

So it is the processing of getting all that stuff out to the people who are actually going to be doing the selling. Sometimes take 30 days. It is at least 10.

Q MkIS gets a daily extract through the Harmonize feed, is that right?

MR. MEZA: Object to the form.

A (Continuing) No. That's not correct. There is a daily feed that comes in to Harmonize that populates that ancillary database. Sunrise doesn't go in until once a week. So it is anywhere from one to seven days later that Sunrise actually goes in and pulls that information and begin its machinations of those information that's existing in the program that's running.

Q So the Sunrise database would -- when it is populated would have information for switches seven days prior?

A Yes. It is done once a week.

Q You said that a CLEC LSR generates a disconnect and I wasn't sure what you said. Is it your testimony that a CLEC service order generates a disconnect order?

A Yes. I mean, if a CLEC is submitting an order, and again we are talking about a customer moving from BellSouth to a CLEC, if a CLEC is submitting an order that when that order comes in there is information in the order that says disconnect this from BellSouth retail, this is no longer your customer, and, yes, that disconnect information comes in.

Q Would your testimony be different if you learned that in March 2002 BellSouth stopped issuing to a disconnect order and a new order and went to a single change order for CLEC LSRs?

A No, it wouldn't at all.

Q Why not?

A Because all the C order does, and I am not an expert in C orders, but, I mean, that's still one order. It is just accomplishing it in one event, what is happening. But it still has to issue the information to the BellSouth retail side saying this isn't your customer.

Q Where -- are you talking about CRIS now when you say the retail side, updating CRIS?

A And that's what you asked me earlier and I wasn't sure if I was clearly understanding what you were asking me. I am not a CRIS expert, but I think at some point in time the information has got to be in there that says this isn't a customer, we no longer have this account, we no longer bill for it. And if that occurs in CRIS, and I don't know that it does or does not, that would make sense.

Q So the reason you would update CRIS would be so that BellSouth doesn't bill the customer anymore and so that retail customer service reps from BellSouth couldn't access the account?

A Well, once it is disconnected, yes, they can't access the account because it is your account or some other --

Q They cannot?

A Yes.

Q Okay.

A I mean, the only way that that rep can go in -- and let me sort of play the scenario backwards. You have gone to Supra, I hope you have, you are a Supra customer, but you decide you don't like Supra and you want to go to BellSouth, you call up BellSouth and say here is my phone number, I want to come back to you.

The screen is going to come up and say this is a CLEC account and, you know, if you are complaining, they will tell you to talk to your CLEC. But if you say I want to go back to BellSouth, I don't know at that point what they can do record-wise, but I know that when they call in, when you call in to complain or whatever, they can't -- retail can't access your records.

Q So the record on -- would this be correct, the expert on how information is updated would be Mr. Pate?

A No. I don't know if he is the expert or not. I don't know if it would be Mr. Wolfe or Mr. Pate or Ms. Summers. I don't know how that flows. I know he is an expert in the Operations Support Systems generally. I don't know if he is specific to this or not.

Q Do you think he has more knowledge on Operational Support Systems than you do?

A Oh, yes.

Q Thank you. Let me just check off some of the questions here.

Can you define wholesale information for me?

MR. MEZA: Object to the form.

THE WITNESS: Do I go ahead and answer?

MR. MEZA: Yes.

A (Continuing) Wholesale information would be information that we would have about you, a CLEC, that could represent how many -- how many lines you are buying from us, what type of lines you are buying from us, UNEs, UNEP-s, UNE-Ls. That's wholesale information that I would have about you.

Q Would this be included in your definition, wholesale information includes a fact that an order has been issued and is pending that would result in a change of providers?

A I guess it could be. I am trying to think. There has been several FCC orders that have spoke to that and I think even a Florida order has spoke to that. It could be. I mean, if it is information that I only know because you have told me, then that's information that's wholesale to you, yes.

Q Just to let you know, that definition is what you included in your pre-hearing statement, BellSouth included in the pre-hearing statement.

Let's turn to page 6, lines 1 through 4.

A Of my rebuttal?

Q Of your rebuttal testimony, yes. Until I tell you it is direct, it is still rebuttal.

A Okay. So page 6 doesn't start with a complete sentence. It starts with an incomplete sentence.

Q Right. Do you want to start with on line 25 the page before and just read into it? I am going to ask you to read line 25 and 1 through 4, actually 1 through 3.

MR. MEZA: I object to having him read part of a sentence into the record.

BY MR. BUSTILLO:

Q Okay. Read 1 through 4.

A Okay. Starting with line 25 on the preceding page?

Q Yes.

A Okay. And that's actually subsection B that we are talking about.

Information contained in the bills pertaining to telephone exchange service or telephone

toll service received by a customer of a carrier, except that such term does not include subscriber list information, therefore the phone number and address information of a customer is not CPNI. However, information pertaining to the features the customer has on their line is CPNI.

Q Please tell me the context in which you wrote those sentences.

MR. MEZA: Object to the form.

A (Continuing) Okay. What I was trying to do is define what CPNI was and I went to what the FCC said CPNI was and it is defined in the act in Section 222(f)(1) and I copied it verbatim.

And the point that I was trying to illustrate is that telephone numbers and address basically list information. That is not considered CPNI. But if I have your name and telephone number on a list, that's not your CPNI, but if I have your name and telephone number and the fact that you subscribe to call waiting and calling line ID, that becomes CPNI about you because now it is proprietary network information associated with you.

Q Okay. What about my name, phone number and the fact that I switched to another carrier?

MR. MEZA: Object to the form.

A (Continuing) That's not CPNI.

Q Why not?

A Well, again, the fact that you have -- well, let me rephrase that. The fact that you have left BellSouth is not CPNI. The fact that I know that you are gone is not CPNI. If I were to put down your name and your telephone number and say he has switched to AT&T, that would be proprietary type information because now I have identified your underlying carrier. But the fact that you left my network and disconnected, that's not CPNI.

Q Do you use the term wholesale information and CPNI interchangeably?

A No.

Q So the fact that it said I switched to a CLEC and didn't name the company, that's not wholesale information.

MR. MEZA: Object to the form.

A (Continuing) I don't know. Might need a legal interpretation on that. I know the fact that you have left me, it is not CPNI. The fact that it is an aggregate list of customers that have gone to a CLEC, I think a lawyer needs to look at this because there are certain requirements associated with aggregate lists that I am not aware of.

Q I just asked you is it wholesale information, not CPNI, so you make the distinction.

A I am sorry. I was hearing CPNI. No. Let's start again to make sure I answer your question precisely because I got confused in my own thoughts. I was thinking legal interpretation.

Q Is the name and address and an identifying code of some sort that shows that I left to another CLEC without naming the CLEC, is that wholesale information?

MR. MEZA: Object to the form.

A (Continuing) I don't think that's wholesale information.

Q Why not?

A It is not telling anything about a particular wholesale carrier, the number of lines they have or anything else like that. It is not even identifying the wholesale carrier.

Q So if the name of the carrier is there, then you are saying that's wholesale information?

A That's possibly wholesale information and it seems possible that it is CPNI because now I have identified you by name, by telephone number and your underlying carrier.

Q So my name and telephone number under your

interpretation become wholesale information if it is associated with a name of a carrier?

A It may be.

Q So if the carrier --

A And it may be in the sense that I am still a little uncertain of how to think of it from a legal and a regulatory perspective with what I read. It may be, but it may not be. Again, I am not identifying anything about the wholesale carrier itself because it is just -- they are at wholesale carriers so it may not be.

Q In the first part of your answer you identified Section 222(f)(1) one of the act. Does that section define customer proprietary network information?

A Section 222 speaks to CPNI in general and that begins the definition, but then there is later discussions of aggregate listing of information if I remember correctly.

Q I want to show you the only copy that I have, it has all of my notes on it, and ask you to read the -- first, look at definition A and tell me if you recognize definition A, first.

(Whereupon, a pause was had in the record.)

BY MR. BUSTILLO:

Q We are back on the record.

A Your question is?

Q Do you recognize definition A and then what do you recognize it to be?

MR. MEZA: For the record, you are referring to 47 USC Section 222, subsection (h)(1)(a)?

MR. BUSTILLO: That is correct. In his rebuttal testimony he identifies it as (f)(1). I don't know if it is (h)(1) or (f)(1) because --

A (Continuing) That looks familiar.

Q Can you read that definition into the record, please?

A Sure. The term "customer proprietary network information means, (a), information that relates to the quantity, technical configuration, tie, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier and that is made available to the carrier by the customer solely by virtue of the carrier customer relationship, and" -- and then there is a Section B.

Do you want me to read that also?

Q No.

How do you interpret the words destination and location?

A Well, there is a couple of things. With destination, again, CPNI is not necessarily limited to just plain old local telephone service. It is a broad array of services that a customer may have.

Destination in my understanding of reading the previous orders is associated with perhaps your calling pattern where I am making a ton of calls down to Miami. Well, that would be -- and I being a customer -- that's CPNI about me because that's telling the destination of where my traffic is and so that's proprietary.

Q What about location?

A Same thing. That could be -- it is a variety of things. One aspect could be where this particular customer has business locations and what kind of services they are buying from those locations. It could also be -- let's take a look at a private line. It could be he has a private line that's hooked up in this particular wire center in this city and it terminates in this wire center in that city.

Q You said that it has a lot of different definitions. Could one of those definitions include the fact that a customer has switched his service?

A Again, and let's make sure we are clear on

this, if I have information that someone has left me, that's not CPNI.

Q Who is I? Be specific.

A Thank you. I will be more precise. If BST has information --

Q Who in BST?

A BST retail has information that they have lost an account.

Q Who in BellSouth's retail?

A If BST retail marketing has information that they have lost an account, is no longer a customer of record, that is not CPNI.

Q Why?

A Because that is information that BellSouth has about its own provisioning of service.

Q And how do they get that customer? How do they get that information if the switch was a product of a CLEC LSR?

A If the CLEC sent an LSR in, two things happen. One, that LSR said disconnecting, he is not your customer, and that's what we are talking about.

The other thing that happened is the provision of the service for the CLEC, either by the CLEC or if it was a UNE-P it was a conversion.

Q So the disconnect is that CRIS was updated?

MR. MEZA: Object to the form.

A (Continuing) And, again, I think I said earlier I am not sure exactly how things get updated like that. I am not the expert.

Q I will withdraw that, not CRIS. The retail side is updated so that you are no longer billing the customer?

A Among other things, yes.

Q So back to my question, destination and location could include the fact that a customer has switched; is that correct?

A No. That doesn't seem logical, not with my understanding. And I was -- in my job prior to BST I was BSLD and a large part of my responsibility was implementing the CPNI orders as they were coming out. And when those orders were originally coming out the focus on destination and location if memory serves me correct was largely focused on the things -- the types of things that I was talking about, calling patterns, where people are calling, that's the destination of the traffic, locations where they have their network billed. It doesn't have anything to do with the fact that customers switch from A to B. I don't ever remember that.

Q Mr. Ruscilli, I am confused because here on

page 4, lines 4 through 11, you say Operation Sunrise uses network information, i.e., the fact that a customer has left BellSouth's network and is no longer a BellSouth retail customer.

And now you are telling me that the definition of customer proprietary network information when it uses the words destination, location doesn't include the definition that you used for network information, which is the fact that a customer left BellSouth's network and is no longer a BellSouth retail customer.

So could you please reconcile your definition and the definition in the act?

A There is nothing to reconcile. You are talking about two different things here. The fact that a customer has left me for whatever reason, retail or because you have won him as a CLEC, that is my network information. There is no inconsistency there. That says I just don't have the account anymore. That account has been disconnected.

All of the information that I had associated with that account is CPNI. How much they use, where their location was, what was the destination of the traffic, that's CPNI and that's my CPNI, I have earned the right to use that.

But the fact that he has left is a disconnect information that's been sent over to my network that says he is not your customer, that's not CPNI. I don't see where that has got anything that needs reconciling with the act.

Q Is the -- is your understanding that you have the right to use this information for marketing purposes, is that clear in the law or is that the legal interpretation that BellSouth has told you you have?

MR. MEZA: Object to the form.

A (Continuing) Can I get clarification?

Q Sure.

A Right to use what information are you talking about now?

Q The right to populate the Sunrise database with information that originates from a CLEC LSR, do you believe that you have the right, is that clear in the law or is that your interpretation of FCC orders?

MR. MEZA: Same objection.

A (Continuing) Okay. I think you are using a lot of different words and I am going to go through and sort of explain all of this to you that had been made clear in the law. It is my interpretation of it that I think we are confusing a few things.

First, let me tell you what I don't have the right to do. I don't have the right to take information that I know or may know about your customer, that they are UNE-P and they have these features and that's what I want to sell because that's your CPNI between you and your customer. I don't have the right to use that, the orders that the FCC has promulgated. I don't have the right to use that kind of information.

Information associated with the fact that you have now disconnected my customer from me, I do have the right to use. And that was made actually very, very clear in 0342 in response to an inquiry the FCC had made where they spoke specifically to that particular issue.

Says now wait a minute, they have disconnected, we know they -- the customer has disconnected, we get these disconnection reports, can I use that information, FCC came back and actually highlighted it and said yes. So we can do that because that's our information. It is not yours.

Q When the FCC clarified what you can use, did they say that you have to obtain this information from a source that's available throughout the retail industry?

A Do you have paragraph 26 and 27 that I can look at to refresh myself?

Q Yes.

MR. CASEY: Excuse me, gentlemen. The commission would like to interject one thing. Would you please restate the page and paragraph that we are currently at?

MR. BUSTILLO: Yes. We are on page -- you mean in his -- in the order or in his testimony?

MR. CASEY: In his testimony, please.

MR. BUSTILLO: We are on page 5, lines 19 through 25 where he talks about the definition of customer proprietary network information. And right now he is looking at the key customer tariff order, PSE 030726, the bottom of the page of 46.

MR. CASEY: Thank you very much.

A (Continuing) Yes. If I remember your question correctly, Mr. Bustillo, you were saying a form available throughout the retail industry?

Q Yes.

A Yes. That's what 27 does say. And just to clarify, the information that we would receive through our Operation Sunrise is similar, though less robust and less in frequency than the information you receive

from BellSouth in the line loss report. In that you receive yours daily, ours does not occur -- doesn't even process but once a week and ours is restrictive information, yet we provide you with information associated with partial disconnects and things like that associated with your service.

So that is the form that is available throughout the retail industry.

Q But isn't the clarification in a form available throughout the retail industry a burden that applies to the retail operations of BellSouth on where they must obtain their source of information in order to trigger marketing efforts?

MR. MEZA: Object to the form.

A (Continuing) I don't see anywhere that would lead me -- and the folks in Florida know this. I am not a lawyer. I don't see anywhere in this that would lead me to say burden of the retail industry.

Q You mean the burden of --

A BellSouth retail side of the house.

Q Look at the paragraph right above that beginning with where a carrier exploits advance notice. Can you read that paragraph into the record, please?

A The entire paragraph?

Page 58

Q Yes.

A And for the folks in Florida, this is still page 46. It is the third paragraph from the bottom.

MR. MEZA: Different order just for the record.

MR. BUSTILLO: A different order in the same key customer tariff order, 030726.

MR. MEZA: Yes, but you are having him quote and read a different order than the one that we were just talking about. It is not the same FCC order that you are asking him to read that's referenced in the --

MR. BUSTILLO: Absolutely.

BY MR. BUSTILLO:

Q Go ahead.

A Okay. And just to clarify, this is actually going to be from FCC order 99-223, and it is paragraph 77, which paragraph 77 is in subsection 5(c)(3) talking about retention efforts which are different than winback.

Where a carrier expolits advance notice of a customer change by virtue of its status as the underlying network facilities or service provider to market to that customer it does so in violation of Section 222(b). We concede that in the short term

Page 59

this prohibition falls squarely on the shoulders of the BOCs and other ILECs as a practical matter. As competition grows and the number of facilities base local exchange providers increases, other entities will be restricted from this practice as well.

Q So is that authority that could be relied upon showing that at present the burden is on BellSouth?

A In the context in which it is used and as I just said earlier, this falls in the FCC order, second order on clarification, 99223, it is in subsection 5 and this is actually subsection (c)(3). Subsection (c)(2) it talked about winback which is the object of Sunrise in our previous discussion.

Now they are talking about market retention and the FCC in paragraph 64, the last line of that paragraph goes to great pains to explain for purposes of this particular section of this order we are talking about two different things here. First, winback means regaining the customer. That's not an authority that's being applied here. The other one is retention, and that's where they say the burden applies on the BOC.

Q Okay. The first line does it not say where a carrier exploits advance notice?

Page 60

A Yes.

Q What did the FCC mean by that in your interpretation?

MR. MEZA: Object to the form.

A (Indicating) Yes, I mean, I clearly cannot with precision say what the FCC intended. I can tell you my interpretation of it.

This is one of those, and I think you mentioned it earlier, counselor, your but for type questions, this is one where we received notice that a customer is going to switch but the customer hasn't switched yet.

Q The order is pending?

A Could be, yes. And this is where the FCC says when that happens, that's where the burden is placed on the retail arm, that it is prohibition of 222 for us to take advantage of that knowledge and run out and try to win that customer back.

The out that it gave to the our box and presumably by the definition of this paragraph, the out that it will give to Supra when Supra has switches up and running is that if you learn that customer is leaving you by an independent method through your retail arm, then you can do retention type marketing.

An independent could be calls you up and

Page 61

says hey, I think I just switched back to BellSouth, but I am not sure, Supra, can you give me something better, you can market it then.

Q Aside from the customer making an inbound call, what other external sources could the retail side obtain the information from?

A Could be in a meeting of the rotary club where an account executive is attending that meeting and his customer is there and the customer says hey, we have just decided to switch back to BellSouth, what can you do.

Q Does BellSouth have some sort of program where it goes out and seeks out information about switches from other external sources other than inbound calls?

A No, not that I am aware of.

Q So the only source then is the Harmonize feed from SOCS?

MR. MEZA: Object to the form of the question. That's way out of bound, that question, totally misinterpreting everything he just said.

MR. BUSTILLO: No, Mr. Meza, he has already testified that the only sort -- I will ask him.

BY MR. BUSTILLO:

Q But for the Harmonize feed, Sunrise, the Sunrise table would not be populated?

MR. MEZA: You are talking about retention, not winback. That's two different things. You never addressed that issue and now you are confusing the two and trying to get him to make a statement that's not appropriate.

MR. BUSTILLO: Is that your objection?

MR. MEZA: Yes.

BY MR. BUSTILLO:

Q Is there any other -- I will ask both questions. Is there any other external source that BellSouth receives information for for market retention?

A For market retention, for market retention, the two sources that I have talked about or two examples, neither of which BellSouth that I am aware of solicits or has any program to go out and do that.

Q Isn't there a complete prohibition on market retention for somebody who is switching to a CLEC?

A If a customer is switching to a CLEC but the switch has not occurred, the FCC said in 99223 that that is a prohibition or that's against their rules to try to go after that customer based on the knowledge of the fact that they are switching that you obtain

solely in your position of being the underlying carrier.

Q So --

A But the FCC in turn said that if you have that information from an independent retail means that a customer is planning to switch because -- I mean, this is a competitive marketplace, customers can do that and say hey, I have changed my mind, I am thinking of coming back to you, what can you offer, the order hasn't gone through, you can do retention marketing. The FCC clearly spoke to that.

Q Retention marketing for product changes or retention marketing for somebody who is switching completely?

A Retention marketing for somebody who is switching. Product changes, we don't even have this issue.

Q And for retail means are you defining that as an inbound call?

A It could be an inbound call or it could be the example I gave you with the rotary club and the account exec.

Q Okay.

A But none of those, and I will repeat, none of those have absolutely nothing to do with any sort

of complaint that Supra has made here because Supra through its testimony of Mr. Neilson has completely characterized the facts that are associated with retention marketing as being applicable to winback and they are two different events as so stated by the FCC and stated by the Florida Public Service Commission in its previous orders.

Q So once the order is no longer pending you can use the CLEC service order to generate a marketing lead to target that customer?

A Let me re-characterize your sentence to make sure we have a precise understanding.

Once the order has completed, and I am assuming that's what you meant by no longer pending, is that right, once the order has completed I can use -- the fact that you have disconnected my customer because I am a retail entity at VFT Marketing and I have a disconnect notice on my customer, I can use that fact, now they are gone, to go and try to win them back subject to the voluntary restrictions that we have placed upon ourselves of waiting 10 days from that event before we do so.

The information that I can use to do so is information that I possess based on my relationship with that customer prior to him leaving for you.

MR. BUSTILLO: Let's take a break now.

(Whereupon, a short recess was taken from 1:47 p.m. until 1:54 p.m.)

BY MR. BUSTILLO:

Q What competitive advantage does BellSouth have while the order is pending?

MR. MEZA: Object to the form of the question.

BY MR. BUSTILLO:

Q While the CLEC service order is pending?

MR. MEZA: Same objection.

A (Continuing) I don't think BellSouth has any competitive advantage while the CLEC order is pending because the FCC and 222 prohibits and in Section 5 -- excuse me -- Section 532, I am getting them confused, and 223, it has a prohibition against acting upon any information that it would have but for the fact that it is an underlying network provider.

Q Why have a prohibition if you don't have a competitive advantage?

A Well, it is the other way around actually the way I see it. We don't have a competitive advantage because we can't act on it.

Q If you acted on it would you have competitive advantage?

A We would be in violation of the FCC's rules if we acted on it.

Q Would you be in a competitive advantage, "Yes" or "No"?

MR. MEZA: Object to the form. He has answered.

A (Continuing) I mean, it presumes that we would knowingly violate the FCC rules, which we would not.

Q Why would the FCC issue a rule prohibiting you from doing something if the FCC didn't believe it provided you an unfair competitive advantage?

MR. MEZA: Object to the form.

A (Continuing) I think what the FCC recognized as it was indicated in the paragraph 78 or 77 that we just read into the record that there is a period of time that is going to exist with the BOC, soon with Supra too, when you have your switches that you are going to be the only information -- you are going to be the only person that is going to have that information outside of the competing carrier that just did the switch. So at that point in time it said can't do this, BellSouth doesn't do that.

Q So there is a prohibition on preventing you from doing something that really has no competitive

effect whether the prohibition existed or not, is that your position?

MR. MEZA: Object to the form.

A (Continuing) Again, I mean, to have a competitive effect it presumes you were going to take advantage of some information that you have that is knowingly against the law.

Q Let me ask it this way: How many CLEC LSRs are processed electronically through LENS on a monthly basis?

A I don't know.

Q 670,000?

A I don't know. I have no idea whether it is one or a jillion.

Q Mr. Pate had put 670,000 in his rebuttal testimony. Let's use that for a point.

MR. MEZA: For a month or for a quarter?

MR. BUSTILLO: For a month.

A No, no. It is every month for the quarter. It was an average of every month, but I think it was region one.

Q It doesn't matter. It is a number. 500,000, okay, let's use 500,000. If you could -- if the -- if you could market to those 500,000 customers before the order has finished being completed would

that provide you a competitive advantage over other CLECs?

A I don't know. I mean, CLECs and BellSouth are marketing all the time. The fact that there is an order pending between just one order or 500,000 between the time it has been issued and the time it is completed, the customer could receive many bids from other CLECs as easily as it could BellSouth. I am not sure that there is a competitive advantage from BellSouth.

Q Could they receive a direct mail piece to their address from other CLECs?

A Yes. There is no reason why they couldn't. There is list information you can buy commercially left and right that target customers left and right based on various demographic profiles.

Q Are there lists out there in the public that are based upon whether or not a customer switched in the last seven days that you can purchase?

A That I don't know, but my point is the fact that the switch has occurred -- or excuse me -- in your hypothetical, the fact that the switch is between the process of being saying I want to switch and has occurred in that window of time is only known by the customer, by the CLEC, and in this case the underlying

carrier.

But that doesn't prevent any other CLEC during that window of time from sending any kind of competitive information to that customer trying to woo his business. And I just don't have the knowledge to say that their offer that they might make in that window is any more competitive than what BellSouth made.

Q So do you disagree with the FCC's prohibition because you feel you have no competitive advantage?

A No, I don't disagree with that and maybe we are just arguing over the word competitive advantage. The fact that I know it, I only have one way I know it, that's what the prohibition is, you can't act on the fact that you just know it.

Now, what sort of competitive offer I offer it doesn't make any more competitive or less competitive than anybody else that's out there that could be sending E-mails or having salespeople call everyday.

Q Wouldn't it be more efficient to be able to have a list of 500,000 customers that you have known have switched in the last seven days that would have a high probability of switching back, wouldn't you rather target them than just people out of the phone book?

A I don't know how to answer that. I am not sure that people that have switched in the last seven days are ready or eager to switch right back. So I don't know if that's any more competitive or less advantageous or not.

Q Why do you think the FCC imposed this rule?

MR. MEZA: Object to the form.

BY MR. BUSTILLO:

Q For market retention efforts?

MR. MEZA: Object to the form.

A (Continuing) Well, again, many -- just going back to what I recall that happened in the order, there was concern expressed by the industry that at this period of time the ILECs are going to know that this change is going to occur but has not occurred yet, and they feel that it would be improper for the ILECs to market, the FCC agreed but didn't put the burden solely on the ILECs, put it basically on any switch provider.

Q Is that any switch provider that would be in an underlying carrier position like yourself, like BellSouth?

A BellSouth or Supra if Supra has switches.

That's going to be under the same burden. That's what the paragraph says very clearly.

Q If Supra has switches would it be able to migrate customers from CLEC to CLEC like BellSouth?

A I don't know. It depends whether or not you want to sell unbundled network elements to other CLECs. You may choose to do so and then in that case you could be reselling UNEs on your switches and migrate them from you to another CLEC to yet another CLEC.

Q So the threshold would be a wholesale network carrier?

A Could be, yes.

Q So unless you are selling -- currently what companies, what CLECs are currently the underlying carriers?

A Well, BellSouth is one, but there is absolutely nothing that prohibits AT&T or WorldCom or Supra or FDN from becoming an underlying wholesale carrier to anybody else.

Q In the local service market?

A Absolutely. They can do that today.

Q So once they pass that threshold, then they would have the obligation?

A No. I don't think it is limited to just

that. I said that was one way. The other obligation that you would have being Supra is if I place an order for your customer that you handled, your switch and you had not executed -- in other words, you had not disconnected that customer and let us have the number back, ported to them, yet you were to hang on to that number and begin to harass that -- harass is the wrong word -- begin to go after that customer, try to market to him, that's a prohibition that the FCC I think has made clear.

Q Okay. But we were focused on underlying executing status?

A Yes. And you will have that when you are a switch provider because you will have the telephone number and you have got to release that number and port it back to BST or port it to another CLEC. And if you do not do that in a timely fashion and instead use that opportunity where the customer wants to switch from you to someone else as an opportunity to market, I think the FCC is speaking that that is going to apply to you too.

Q So that's what you think, that's not in the order anywhere?

A It says as competition grows, the number of facilities based local exchange providers increases

other entities will be restricted from this practice as well. It doesn't limit it to wholesale providers or anything, just says facilities based.

Q It does say underlying network facilities service provider?

A No. It says the number of facilities based local exchange providers increases. It doesn't say network facilities providers at all.

Q So you would have to be a wholesale underlying carrier?

MR. MEZA: Object to the form.

A (Continuing) It doesn't say that either.

Q So that's your interpretation?

A Well, I am just reading the plain language. It doesn't say that. I would think if they said wholesale network facility provider, they would have used those words. They didn't.

Q What if the FCC used the words executing carrier, what would that mean to you?

A Executing means that this carrier is the carrier that can execute or effect the change. And it could be anything from a long distance carrier assignment to a carrier from retail to UNE-P, but they haven't said that. All they said was facility based local exchange.

Q The difference between resale and UNE-P is a billing change?

A No.

Q What is the difference?

A Resale is a discount off of a BST provided service under the terms and conditions that BST provides it. UNE-P is a combination of -- it is the platform of a loop and a port and whatever features that an ALEC may choose to provide or restrictions an ALEC may choose to provide over that UNE-P. There is a significant difference in price, but it is not a billing change.

Q But for Supra's point of view, it is just they pay a lower price when it is UNE-P versus resale and BellSouth?

A Yes. I think from many CLEC's point of view they pay a lower price, but again the services are fundamentally different.

Q The end user doesn't know the difference?

A It depends. CLEC may offer more features than what the customer was currently getting from BST because CLECs have the opportunity to go in and provide any vertical feature and to switch and may choose to do so.

There is something called a switched as-is

which says I am John Ruscilli, I have got BST and all I have is call waiting and I have decided to go with Supra and Supra says switch him as-is, we are not going to sell him anything else other than call waiting. And then to the customer the difference is that they are going to Supra.

Q So if it is a switch as-is, there is no change?

A Other than the fact that they have gone to Supra and Supra now handles their care.

Q Okay, great.

Let's look at page 47 of the commission's order in the key customer tariff docket, 030726, and starting from here, can you read that sentence starting with the word this?

A Okay. For the staff we are on page 47 and I am going to start reading the first complete sentence of the first paragraph which starts with the word this.

This is consistent with our finding in the second report in order that an executing carrier may rely on its own information regarding the carrier changes in winback marketing efforts so long as the information is not derived exclusively from its status as an executing carrier.

Q So right there we are discussing executing carrier?

A Yes.

Q Let's go back to the question that I had where you said that the FCC's rules for marketing retention was because of an industry concern that BellSouth had an improper advantage, is that a correct characterization of your testimony?

A Somewhat incorrect because it was not an industry concern that BellSouth had an improper advantage.

Q No, other CLECs.

A There was concerns expressed by other CLECs that there was -- and I don't think improper was the word used, I can't remember, but I used it, that since they are the only ones that will know at that point in time other than the carrier that's won the business and the customer.

Q Okay.

A That was an advantage.

Q So you have an improper advantage over those 500,000 customers while the order is pending. What changes once that order is complete?

A Well, we no longer have any sort of advantage once the order is complete because when the

order is completed we have a disconnect notice that says this is no longer your customer.

Q Let me ask you a question. While the order is pending is it a correct characterization of your testimony that BellSouth knows it is pending, CLEC knows it is pending, and the customer knows it is pending; is that correct?

MR. MEZA: Object to the form.

A (Continuing) That is correct. I am not sure if it is in my testimony or not, but that's correct.

Q Not in your testimony, in what you have said here today.

A Okay.

Q Once the order is complete, who in the world has knowledge that the person has switched? Is it correct to say BellSouth, CLEC and the consumer only?

MR. MEZA: Object to the form.

A (Continuing) I don't know if it is correct to say that or not, but it is not an advantage anymore. The FCC spoke clearly to that.

Q My question is what three parties have knowledge that the conversion has been complete?

A At least three parties that would have knowledge would be BST, the CLEC and the customer at least. It could be more.

Q On the day the conversion is complete what other parties could know?

A Just depends. I mean, customer could say I have just switched my service to Supra and he could be in the rotary meeting delivering a speech and everybody knows it has happened today.

Q Those 500,000 customers if they don't go out to a rotary club and all give speeches what has changed from the time that the order was pending to the time that the order is now complete?

MR. MEZA: I am going to object to that question as well.

A (Continuing) I am not sure I understand. What has changed from the time it is pending, it is complete, it is complete. That's what has changed.

Q Don't you still have an improper advantage once the order is complete?

A No, I do not.

Q Why not?

A The FCC clearly said I didn't.

Q So the only reason you believe that you don't have a competitive advantage is because of your interpretation of FCC rules or FCC orders?

A Yes. I mean, it is an interpretation, but I think it has been upheld and reconsidered and

reconsidered and then clarified three times so I think it is fairly common knowledge.

Q You equated earlier name and telephone number to subscriber list information?

A As an example of subscriber list information, yes.

Q Does a list of 500,000 customers that have switched in the last seven days provide me the same sort of target information that a subscriber list would?

MR. MEZA: Object to the form. What do you mean by subscriber list?

MR. BUSTILLO: He said it is the same subscriber list information.

A (Continuing) It is an example of subscriber list information. It doesn't provide you with any advantage. Just in and of itself the fact that somebody has switched yesterday or 10 weeks ago or a year ago or doesn't provide you any advantage. It provides no advantage to BellSouth or to anybody else.

Q If I wanted to target 500,000 customers that have switched in the last seven days would I rather have the leads generated from MkIS, from the Sunrise database or would I rather have a list of subscriber, subscriber list information that I can just buy

generally?

A Well, I think -- again, I think the FCC has spoken to this is that the our box has got the right to go back and win customers that they have lost. The only way they know they lost is they have disconnected their service with the our box. So if you are trying to win back a customer, nothing wrong with that.

Q That wasn't my question.

A Okay.

Q My question is if I am CLEC and I want to target 500,000 customers would I rather have the list MkIS generated for switches in the last seven days or would I rather have a subscriber list?

MR. MEZA: Object to the form.

A (Continuing) Well, I think you as a CLEC would -- if you are trying to win back customers you would want to have a list of customers that are customers that are not yours that you can win back if they were winback or they renew.

And my information is no different, but is less in quality and less in frequency than the information we currently provide the CLECs on a daily basis today, which is a list of lost customers.

Q That wasn't my question. Let me restate it again.

A I am sorry. Maybe I am just --

Q You are not listening.

MR. MEZA: Wait, wait.

MR. BUSTILLO: I withdraw that because Mr. Meza took that in the wrong way.

BY MR. BUSTILLO:

Q I am not talking about winback. I am saying if I were going to market because the FCC talks about winback and marketing both. For marketing purposes if I wanted to target 500,000 customers that just left BellSouth would I want to use the list generated by MkIS or a subscriber list information that I could purchase from BellSouth as a CLEC which would I rather use?

A Okay. I have got to qualify your characterization at the very beginning of the sentence because the FCC explicitly said that what you have just defined is winback, not marketing, not retention marketing. It is winback.

In the case of winback, yes, it -- paragraph 64, last sentence, read it. I am sorry. I withdraw that. It was adversarial.

Paragraph 64, last sentence says that there are two types of marketing that are concerned, talking about winback. One is regaining a former customer and then two is retaining a customer that has not -- has indicated they are going to switch but the switch is not completed.

For purposes of this section we refer to winback as regaining a former customer. With that qualification that now -- we are not talking about marketing, we are talking about winback, I would rather have a list of customers that I know have left me than just a CLEC set of information and I am fully within my rights that have been accorded to me by the FCC.

Q Let me say that again that wasn't my question. Okay. I am asking you if a CLEC is going to target some customers, not win back because they are not our customers, they are your customers that just left you?

A And I didn't follow that part of your explanation.

Q CLEC is going to market to customers that left BellSouth, there is 500,000 customers that have left BellSouth in the last seven days, CLEC wants to target them, would it be more efficient to purchase that list generated by MkIS or do you think CLEC would be better off buying just a general subscriber list information?

MR. MEZA: I object to that question.

A (Continuing) I can't tell you whether a CLEC would be better off or worse off. I mean, there is a lot of variables in what a CLEC might be thinking they want to do and you are asking me to speculate and I can't. I mean, you know.

Q What would you rather do?

A If I were a CLEC and, of course, I am not one, I would rather have a list of customers that are -- if my target market were high in business customers that had big networks because I had data networks that I could sell them, I would rather purchase a list of those customers regardless of who they were currently served by and regardless if they currently switched. I would rather have that list to target market.

Q That wasn't my question. My question was just the customers that left, would I be better off knowing that the customers left if I bought the list from MkIS or if I bought just a general subscriber list? That was my question.

A And, again, I just can't speak to what a CLEC would think.

Q You said that the name and phone number that's provided to Sunrise data base is like, if I

have it correctly, like subscriber list information. Isn't subscriber list information supposed to be provided on a timely basis in an unbundled manner to all CLECs according to Section 222?

A I don't know. I will have to go back and look at 222. As I said earlier, there are some requirements around aggregate list information and its use that I didn't review so I am not familiar with it right now. I know the requirements are there.

Q Okay. So you weren't saying that it is subscriber list information, you were trying to just equate it to something that was public?

A Well, yes. I think I was trying to give an illustration of the difference, the contrast in subscriber list information between CPNI.

And what I meant to share is that, you know, your name and phone number, there is nothing CPNI related about that at all. That can be purchased from jillions of different sources. Where a CPNI is your name and your phone number and how many customer calling features you have and then that becomes CPNI so there is a difference.

Q CPNI and wholesale information are not the same thing?

A They can be, but they -- you know, I see

them differently.

Q I am going to show you an exhibit that's been marked 000144 and it comes from Dan 6. And let me show it to counsel.

MR. MEZA: It is confidential.

(Supra Exhibit Number 1 was marked for identification.)

BY MR. BUSTILLO:

Q Yes. It is confidential so let's make this part of the record confidential.

Q I wanted to look at 7 through 9. Can you read me the sentence that runs between 7 and 9?

A Sure.

Because BABCO (ph) gets notification of service orders from both BellSouth and CLEC customers that are not true new connects, these customers may or may not need directories.

Q If somebody is not a new connect why would

they need a new directory?

A That's why I said may or may not. They may not have directories. It may have been awhile since they had them and they lost them, they threw them away. You know, not we, but BABCO wants to make sure that customers who need a directory get one.

Q Is that information that a CLEC would include on their LSR?

A I am not sure exactly. I think on a new connect -- I don't know. I mean, I am not that familiar with how the LSR is set up, whether or not there is a request to ask whether or not you can get a directory or not.

Q So on a new account, on a CLEC LSR, if they include that you should send a directory, then BellSouth would probably just send a directory; is that correct?

MR. MEZA: Object to the form.

A (Continuing) Well, BABCO would send a directory. Separate entities here. If it is a new question, a new customer, whether or not that's on the LSR, I don't know. It could be just generated because there has been an order. I just don't know the process. My point in responding to Mr. Neilson's testimony is that is a card and I have called that

number and it just basically says, you know, if you need a directory you punch in a code and you get one. And they want to make sure every customer, whether they are our customers or your customers or WorldCom, if they need a directory, they get one.

Q What's your understanding of the event that triggered the exhibit that Mr. Neilson was referring to which is Dan 2?

A Well, if I remember from his testimony, and I may need to go back and look at it again, he indicated that this was an effort to win back my BST. And when we researched this and I called this number, it turns out that this is one of those where there has been a change on the account, BABCO has said okay, you may need a directory, if you need one here is an 800 number and it has got a pin order, an order number and a pin code and you enter that in and they will send you one.

He was making some allegations that by entering in this particular four digit pin code that it would switch the customer right back to BST and all of their features and everything and that's not correct. This is strictly BABCO which is not BST, completely separate entity, structurally and everything else wise. And their purpose in getting this is if you need a directory they will send you one period.

Q Well, how did BABCO get the information that this customer had switched from resale to UNE-P?

A I don't know.

MR. MEZA: Object to the form.

A (Continuing) I don't know how the change information is communicated. When you get a customer, you being Supra or any CLEC, and you enter in information in your database, maybe a brand new customer or a change, it may be a change in number, that information goes into -- as an example the Directory Assistance database so when somebody calls up they know that this is your customer or this may be a non-pub line. I don't know precisely how the next step occurs. That's over in BABCO. I could do my best to find out before the hearing.

Q Okay. Let me ask this question. Do you remember that -- strike that. Mr. Neilson's testimony was that his line had been switched from resale to UNE.

Do you recall that?

A I remember there had been something that was indicated by him. I will just have to go and find it.

Well, actually he said that it was converted from resale to UNE, but then he also follows up and says the second time my home number was placed in a list of lines scheduled to be disconnected for non-payment. When the line was reconnected, which suggests to me the line was disconnected, as his payment had been made, a second notice from BellSouth was sent.

So there is -- he is alleging that there were two notices sent. One was from resale to UNE-P. One was when the line was disconnected for non-payment and then reconnected and then another notice was sent.

Q And Dan 2 was with respect to the first change?

A No. He doesn't limit it to that. He says Dan 2 is a mailing that was sent to my home on two occasions early this year. The first one was resale to UNE-P. The second one was disconnect and reconnect.

Q Okay. So the same notice was sent on both occasions?

MR. MEZA: Object to the form. He is not Mr. Neilson.

A (Continuing) I guess or maybe a similar type looking notice. I don't know. But he -- you know, I

can't tell you what he meant by his testimony. You will need to ask him, but the language says Dan 2 is a mailing that was sent to my home on two occasions this year. So I am assuming that's representative of both times.

Q And the first time is when his account was changed from resale to UNE?

A Yes, over four years, when my Supra line of over four years was converted to resale to UNE. This was the first time, yes.

Q Would it be inconsistent with your understanding of Sunrise that Mr. Pate had testified in his deposition and stated in his deposition that the change orders from a change from resale to UNE is captured in the Harmonize feed from SOCS?

MR. MEZA: Object to the form.

A (Continuing) I don't know enough to know if the two are related or not. I don't see how resale to UNE-P would have anything to do with Operation Sunrise because that customer is already gone to start with.

Now, what is in there and how it works, Mr. Pate is more of an expert than I am.

Q Do you understand -- strike that.

Are you familiar with the way in which BABCO creates marketing leads?

MR. MEZA: Object to the form of the question.

A (Continuing) No, I am not. I am also not sure that that is necessarily a BABCO marketing lead. I think that BABCO is just saying if you need a directory, we will give you one.

Q Do you know the triggering event for this letter from BABCO?

MR. MEZA: Objection; asked and answered.

A (Continuing) Again, I said no, but I will be glad to try to find out before the hearing.

Q Do you know who would know the answer to that question?

A No, I don't. I will have to call over to BABCO and see if I can find people. And it may be something internal that the BST says this is on a particular -- you know, I don't know what's on the LSR. Mr. Pate would. Maybe there is something here that would. I just don't know.

Q Would it help your understanding any if you knew that this letter was sent to Mr. Neilson within 10 days of his line being converted from resale to UNE?

MR. MEZA: Object to the form of the question. Now showing him a different document.

A (Continuing) Counsel, you are now showing me a different document. No, I mean, it doesn't matter one way or the other because it has -- I don't see where UNE-P conversion from resale has anything to do with Harmonize or anything to do with Operation Sunrise.

Q Are all change orders extracted from SOCS?

A I believe that's what Mr. Wolfe said, that all changes orders are extracted from SOCS.

Q All switches?

MR. MEZA: Object to the form.

A (Continuing) You mean changing from BST to -- by switched you mean change from BST to Supra?

Q And from switching resaler to resaler.

A That I don't know. I don't know whether or not that's included in what comes from SOCS or not. I don't look at all the different lines of code. I think they provided a bunch of field identifiers for you folks and some documents, but I don't know them.

Q So we can finish on BABCO. Is it correct, my correct interpretation of your written rebuttal testimony is that BABCO gets notifications of orders that are not new, not true new connects, what did you mean by that?

A Exactly. It could be a new connect or it

could be something else that has changed in the UNE-P, not UNE-P, but something has changed when the customer has switched from BST to a CLEC. I don't know precisely how that occurs.

My point that I was trying to make in rebutting Mr. Neilson is that this has absolutely nothing to do with any kind of winback. This has everything to do with BABCO as a separate entity trying to do customer care to make sure if a change has happened and a customer may need a directory that they have the right to get one.

Q And I don't want to ask this again, but I am not sure that you answered it. When you say not true new connect, BABCO gets notifications of people who are existing customers, is that what you meant?

A It is a BellSouth customer that may have changed somehow or another to maybe switch to a CLEC or some other change that has occurred.

Q And then you wrote BABCO gets notification. From who?

A And, again, that's the process that I said I am not sure if I have a complete understanding of whether it is actually from you guys when you input information into the LSR and that goes into the directory assistance database or if there is another

mechanism.

(Whereupon, a short recess was taken from 2:47 p.m. to 2:59 p.m.)

BY MR. BUSTILLO:

Q Does the line loss report that you provided to Supra contain proprietary information?

A It contains information that would be -- yes. It contains information that would be proprietary to Supra in that it contains information about its customers. It contains information about commercial disconnects and services by those customers.

Q Okay. And what information is that line loss report?

A I think I have attached it in my testimony here. It has all been redacted here, telephone number, name and I think there is additional information about the changes that occurred.

Q Such as?

A I will have to go check.

Q Okay. Well, let's --

A This is letting you know that it is gone, I think there are -- somewhere you get information it is a partial disconnect and things like that.

Q Okay. Well, let's use the example of the

exhibit that you attached. The first one is abandoned station. Is that the first disconnect reason code?

A Yes.

Q The second one is request transfer?

A Right.

Q What did you mean by that?

A I didn't mean anything by that. This is what the report says.

Q What does that mean to you?

A They are wanting service from another local service provider.

Q Switching away from Supra?

A Yes.

Q Is it fair to say that at some point this customer was probably a BellSouth customer?

MR. MEZA: Object to the form of the question.

A (Continuing) I don't know if it is fair to say or not. It is reasonable to say some of these customers may have been, some of these may be new customers of Supra and they were never a BellSouth customer.

Q Okay. For those customers that were a former BellSouth customer would you have that information in your database?

A I would have information if they were a former BellSouth customer about the products and services they purchased while they were a former BellSouth customer.

Q Earlier you testified that name and phone number were like subscriber list information, is that correct?

A Yes. I was trying to draw more of a definition of what CPNI was versus what CPNI was not. And I said it was similar to subscriber list information.

Q Why can't BellSouth use Supra's line loss report to generate marketing leads?

MR. MEZA: Object to the form.

A (Continuing) It is proprietary information to Supra.

Q Why?

A This is information about your accounts that we are providing to you on your website for you to access.

Q What information is that?

A That this customer for whatever the reasons were listed in this report has made a change, either reduce the quantity of service, has transferred service, abandon station, things like that.

Q Okay.

A That's not our information. And by our, I mean from our retail side of the house. That's your information.

Q So the fact that a customer has left Supra, the knowledge that they left Supra you are saying is proprietary to Supra; is that correct?

A Not just the knowledge. And, again, we will check this out. There is additional information, this is why they left, what may have happened, what they may have disconnected, that information is proprietary to Supra.

Q Let's just take -- let's just take the one example you have here and second part of the first page, request a transfer. The name and the phone number and the phrase request to transfer you are saying is proprietary to Supra, is that correct?

A Well, there may or may not be additional information in here so that may or may not be correct. What I am saying and what I hope I did not sound misleading is this particular report is proprietary to Supra. AT&T does not go in and look at Supra's line loss report. Only Supra goes in and looks at Supra's line loss report. So maybe we talked past each other and it was unintentional on my part.

Q Let me ask again because I am not talking about other parts of the report. I am only talking about with respect to that portion of the report it talks about request to transfer, okay.

A Yes.

Q Only that part.

A Yes.

Q All of the information that BellSouth provides to Supra is name, phone number and a heading that says request to transfer?

A Yes.

Q So that's knowledge that the customer has left Supra?

A Yes.

Q Proprietary to Supra?

A Yes. This is your report that they have left you. BellSouth does not use this report to market.

Q Okay. So when we -- when Supra sends an LSR with a request to change that customer to Supra --

A Okay.

Q That information is proprietary to Supra?

MR. MEZA: Object to the form.

A (Continuing) No. This is the equivalent of your disconnect information report. This is the

equivalent of Supra knowing these people have left Supra's network. This telephone number, this name and this is when this has occurred. It is identical to what comes out of our Operation Sunrise to the extent that we get this information of people who have left BellSouth's network, but this whole report is Supra specific and only for Supra.

Q I am still confused.

A I am sorry if I have confused you.

Q Still confused. If the -- if a customer leaving Supra, moving away from Supra is proprietary to Supra, okay, name, phone number and the heading request to transfer, okay, why is that name, phone number and the heading request to transfer to Supra when they submit the LSR, why is that not proprietary to Supra?

A Because it is two different -- your focus is on two different networks. This information over here, and over here I am holding up my right hand and this is Supra, and we are providing information to Supra and only Supra, that based on our knowledge because you are using us as the wholesale carrier these customers have left you, this is to let you know they are no longer your customers. The entire report that we are providing is only for Supra's eyes because this identifies who your customers are. It is for you.

When it goes the other way, that's Supra, let Supra know something has happened to Supra's customer, they are no longer Supra's customer, when it goes the other way, and now I am holding up my left hand, and this is BST's network, when Supra sends that order over and says I have won your customer, disconnecting from your network, that's the same information that -- what we are getting out of Operation Sunrise and that information is unique to us so that we know we no longer have this customer.

Q Let's stick with your right hand right now, okay. In your right hand you have just told me that the line loss report is generated in BellSouth's capacity as the underlying executing carrier, is that correct?

A Yes, for these particular things.

Q Okay. And that the report or the fact that the customer has left us is wholesale information I guess, is that correct?

MR. MEZA: Object to the form.

A (Continuing) No. It is not wholesale information with respect to the products and services that we are selling you, but it is information that is unique to you to let you know which of your customers have left.

Q Okay. But the report was developed in BellSouth's capacity as the executing carrier?

A Yes.

Q When a customer switches from BellSouth to Supra and it is converted over resale or UNE-P as-is, why isn't that information, and the conversion is effectuated by your status as the underlying executing carrier, why is that knowledge that the person has left BellSouth to Supra not proprietary to Supra?

A Because the knowledge that the person has left, not where they went to, but the knowledge that the person has left is BellSouth network information because that line, that port on our switch is no longer a BST retail customer.

Q Okay. But a disconnect order has not generated a result of a switch to a CLEC?

A A C order -- and I am not -- you know, Mr. Pate is more familiar with C than I am. The same information is generated to my understanding with respect to this issue in a C order as in a D or an N, is that this customer, first part, is no longer a BST customer; second part, this customer is now a Supra customer.

The first part is BellSouth's retail information. They know now that this is no longer the customer. Just like with this report you know now that these people, and we were talking about request to transfer, completed on this date and is no longer your customer.

Q Okay. Let me see if I understand this. If a CLEC service order has 10 fields populated, okay, and then it goes out SOCS through the Harmonize feed and is filtered down to about five fields, okay, eliminating the name of the CLEC or other things that you consider to be, I guess CPNI, right, and then what's left on that Sunrise database is NPA, NXX, the line and the customer code.

What is a customer code?

A You asked me that awhile ago and I said I did not know.

Q All right. Now, is it your position that if that -- well, let me ask you. MkIS then takes that information and matches it up with a customer's record in CRIS, is that correct?

A MkIS, once all of the data has been stripped out and it is in the final table where all the other stuff has been purged away, MkIS matches those telephone numbers up with its records to see what customer -- what the customer services were when they were a customer of BellSouth.

A (Continuing) Yes. I don't know what you mean by change orders, but those orders that come in.

Q What do you think I mean by change order?

A I don't know.

Q What do you mean by change orders?

A Well, what I was talking about earlier is disconnect information is coming in saying this customer is disconnected. I don't know if that is the same as change or not.

Q Your understanding of disconnect information is simply the disconnect code that is electronically generated by LESOG?

A And there may be other information associated with that that I just don't know about.

Q So any code that shows -- identify as a switch, that's captured on a nightly basis and then flows to Sunrise?

A It could be. Again, you know, I am not a systems person. I don't read these fields and I don't understand them.

Q You are the policy implementation person. I just want to know --

A Yes, I am, which means this is just a general understanding. If you want to get to those kinds of details, you need to talk to Mr. Pate or Mr.

Wolfe.

Q Mr. Wolfe and Ms. Summers, I am going to do that.

A And Mr. Pate, he is Service Order Control.

That information -- and I am not sure -- the disconnect information is what I am calling it. It flows nightly into Sunrise, yes, that's what this shows.

Q The disconnect information -- the disconnect information flows into Sunrise, what does that mean?

A This information that was generated by a disconnect, once it gets in the Service Order Control System that flows into Sunrise. Again, this is where I was telling you earlier, I am not sure if Harmonize pulls out disconnect -- or disconnect codes or not or whether or not Sunrise is doing that. That's more of a systems processing.

Q Are you saying that this line is the Harmonize feed?

A I don't know if it is or isn't. I didn't draw this chart and I don't do flow charts and IT systems. It is saying via Harmonize feed. I don't know if it is that one or that one.

Q Have you ever sat through a training session for Operation Sunrise?

A No, sir.

Q Okay. So I would be better off relying on the things that Mr. Pate has to say regarding SOCS and Mr. Wolfe and Ms. Summers has to say regarding functioning of the feed between SOCS and the Sunrise database, is that correct?

A When you get down into the detail of the minutia, yes, because they work with that.

Q Okay. You will defer to what they have to say on this issue?

A Yes, on the minutia certainly. I don't have that expertise.

Q Oh, one last thing here --

MS. MEZA: Mark that as --

MR. BUSTILLO: As Exhibit 3.

(Supra Exhibit Number 3 was marked for identification.)

BY MR. BUSTILLO:

Q One last thing here, the arrow leaving Sunrise, where does -- the one going to the right-hand side, where does that arrow go to?

A It says -- may I turn it so I can read it?

Q Yes.

A Thank you. It says direct mail/inbound telemarketing and fulfillment leads.

Q And then there is another arrow going to another box. Can you read what is in that box?

A The arrow says weekly something. I can't -- I see an L is the first letter and I can't tell the difference between anything else that's in there.

MR. MEZA: I believe it says letter shop.

A (Continuing) I will take that subject to check.

Q So based on that diagram that's included in the Sunrise manual is information provided to the Sunrise database furnished on a weekly basis to outside third-party vendors known as letter shops?

A Yes. There is some information that is provided.

Q Outside marketing vendor send direct mail pieces to customers identified by MkIS?

A Yes.

Q I may have two questions left.

Does BellSouth do winback or re-acquisition, however you wish to characterize it, does BellSouth target for winback and re-acquisition end users that convert from CLEC to CLEC?

A I don't know. I don't think so, but I don't know.

Q Let me ask a more limited question. Does

BellSouth do winback -- does BellSouth target winback or re-acquisition to end users within 10 days of a conversion from CLEC to CLEC?

A I don't know and can I explain why I don't know and I will be brief? CLEC I understand often will use in their CLEC-to-CLEC conversion process -- will tell a customer hey, look, go back to BellSouth because it will go back cleanly to them and then once it gets to BellSouth I can switch it to me more cleanly than if I try to work this out between CLEC A and CLEC B.

So there is a period of time when it goes from CLEC A back to BellSouth. And it may be only a month and then the customer bounces right back over to CLEC B. And that's why I was qualifying that because I know that occurs. I have read testimony on that occurring from the CLECs -- ALECs in Florida that it is more efficient for them to do that.

So if they actually went from CLEC A to BellSouth and they were a BellSouth customer and the next month they go to CLEC B, well, then they are a customer that's left BellSouth and BellSouth may engage in some winback activity on that customer if that makes sense.

Q So the testimony that you read has to do with new service?

A Talking about --

Q When a CLEC has to do with -- they want new service, some CLECs, I don't know who, I heard the same thing, say go to BellSouth and then, you know, switch as opposed to you already have an existing line. Isn't that what you are referring to?

MR. MEZA: Object to the form.

BY MR. BUSTILLO:

Q Let me withdraw that.

How often does that occur?

A I don't know. I was reading about it in one of the hearings and I don't remember all the parameters associated with it, but it seemed logical to me that somebody would try to do that.

Q When it is an as-is switch UNE-P to UNE-P would there be any reason to have to switch back?

A I don't know.

Q Who would you -- who would be the best person to ask?

A Possibly Mr. Pate, but I don't know.

Q So you don't have any personal knowledge regarding that answer and you don't have any personal knowledge regarding what you think you read about the other ones, you just think you read it, you don't --

A I know I read. I don't think. I know I read about it, but I don't remember whether or not it was associated with new services like you were seeming to suggest.

Q Does BellSouth data show that it converted nine state region wide 300,000 conversions from CLEC to CLEC and, you know, that wouldn't be inconsistent with your testimony?

MR. MEZA: Object to that question. You are giving a hypothetical. You are assuming facts not in evidence, lack of foundation, you name it.

BY MR. BUSTILLO:

Q Why would a person switch back to BellSouth if they are converting as a CLEC to CLEC?

MR. MEZA: Object to the form of the question. Go ahead.

A (Continuing) My response is the same and it is based on what I did read, that sometimes those conversions can facilitate more cleanly between CLEC A to BST to BST to CLEC B.

Q You said cleanly. What do you mean by that?

A We have the Operation Support Systems in place to facilitate those moves and get numbers changed, et cetera. Some CLECs do not have the expertise to do that.

Q What if it is an as-is and you are keeping your number?

A It could be.

Q So if it is a as-is and you keep your number, it should be a seamless transition?

MR. MEZA: Object to the form of the question.

A (Continuing) And my response is it could be. I just said I am not a systems person. You have people that work in some CLECs who switching as-is could be difficult for them to do.

Q So regarding your testimony about what you read somewhere but you don't remember where, that's just -- that number could be minuscule, couldn't it?

A I don't know the size of the number.

Q It is possible?

A Uh-huh (affirmative).

Q Is that a yes?

A Yes. I am sorry. It could be a small number. It could be a fairly large number. I don't know.

Q It is possible it is a small number?

A Possible it is a small number.

Q Thank you.

Does BellSouth do winback and re-acquisition targeting end users when they switch from UNE-P to UNE-L?

A I don't know that that switch would trigger that. The fact that they are a UNE-P customer starting with we would be doing winback and re-acquisition to that customer.

So I don't see where the UNE-P to UNE-L goes through anything that would be associated with Harmonize or the Harmonize feed or Operation Sunrise. But the fact that they have gone to UNE-P, we would still be trying to win them back for some period of time.

Q Oh, how long is -- how long is the information stored in the Sunrise database?

A I don't know. You have to ask Mr. Wolfe.

Q And your testimony on -- your rebuttal testimony on page 12, lines 20 through 25 --

A Wait a minute. I am in the wrong one. Give me a moment.

Q Please read lines 20 through 25 and line 1 on the following page.

A And does this start with when a customer leaves?

Q Right.

A Okay. When a customer leaves BellSouth the

competitive disconnect information that I discussed in my direct testimony is used to identify the customer for re-acquisition efforts. If the customer does not respond to the re-acquisition, their data is recycled for future contacts. The customer may receive additional offers to return to BellSouth over a period of months or even years. In fact, BellSouth continues to contact assumed competitive disconnects as far back as 2001.

Q So do you have any knowledge as to how long the information on the Sunrise database or the leads generated therefrom are stored?

MR. MEZA: Object to the form.

A (Continuing) No. I don't know how long we maintain them in storage.

Q Is that at least two or three years by your testimony?

A It is a couple of years, yes.

Q A couple is how many?

A Two.

Q I am going to show you Mr. Pate's rebuttal testimony. Page 3, three lines 24 and 25 and lines 1 and 2. Can you read that into the record?

A Starting with the sentence that says single C or the beginning of the line?

Q Single C.

A Single C applies when a CLEC sends an LSR for resale to UNE-P, same CLEC or different CLEC and -- how far, sir.

Q The first two lines of the next page.

A Retail to UNE-P, BellSouth to CLEC, UNE-P to UNE-P, CLEC to CLEC.

Q Did you review that testimony before you came to this deposition today?

A I haven't reviewed this recently. I looked at it before we were doing the filing, but I didn't study it in detail. This is stuff that I don't understand in a great amount of detail from Mr. Pate.

Q Okay. So after looking at that does that change your testimony regarding whether or not BellSouth targets conversions from CLEC to CLEC?

A I think my testimony was they may or they may not. I gave you an example of CLEC to CLEC, and then although I didn't say this associated with CLEC to CLEC, I said associated with UNE-P to UNE-L still applies.

If we have lost the customer to you and we haven't won them back, we will continue to try to win them back. And if at some point in the future the customer leaves you, being Supra, and goes to

WorldCom, that doesn't change anything. We are still going to try to win them back because they were once originally a BellSouth customer. So, no, it doesn't change my testimony.

Q So the question is does the switch from CLEC to CLEC trigger the marketing efforts directed towards that customer?

A And that's what I said. I don't know. It didn't seem like to me that it should, but I don't know.

Q So it could?

A I don't know.

Q It could or it could not?

A I don't know.

Q It is possible? Is that a yes or a no?

A Yes, it is possible, but I don't know if it does or doesn't. You are asking the wrong person.

Q Well, I was asking you a "Yes" or "No" question.

A To the wrong person.

Q Okay, okay.

I may not have asked this before in this specific way. It is BellSouth's policy, is it not, to populate the Sunrise database that originates from a CLEC service order?

MR. MEZA: Object to the form of the question.
A (Continuing) And did you mean to say is it BellSouth's policy?
Q Is it BellSouth's policy?
A I don't see that -- no, I don't see that as being a policy question. I see that as being a process question.
Q Is it BellSouth's? Is it BellSouth's process to populate the Sunrise database with information that originates with a CLEC service order?
A Yes. There is a subset of information from the CLEC service order that ends up in the Sunrise database.
Q You stated earlier that when the -- well, let me ask you this. Let's say a customer has four lines when they are switching away from BellSouth and they switch all four to Supra.
When that information ends up, ends up in the Sunrise database, are there four separate records, one for each working telephone number?
A I don't know. You will have to ask Mr. Wolfe.
Q You said earlier that before the information populates the Sunrise database that the -- that the --

first of all, are the records that populate the Sunrise database for a retail service order and a CLEC service order identical?
MR. MEZA: Object to the form.
A (Continuing) I don't know.
Q You said earlier that before the Sunrise data base is populated with a record that originates from a CLEC LSR that identifiers are removed showing that it originated from a CLEC LSR, is that correct? Is that my correct understanding so I can get an answer to my question?
A In general, yes, that's correct.
Q Why wouldn't it be a good idea to keep an identifier on that record showing that this record originated with a CLEC LSR and this record originated from a BellSouth service order?
A I am not sure I am qualified to answer the question, but once it gets into the Sunrise database if you remember what I said, I believe it is true, is that we pull out the things associated with the BellSouth -- BellSouth service order. So you just said why not keep them both in the database, well, the BellSouth one is not going to be there so it doesn't make sense to me.
Q So the only records that are going to be in

the Sunrise database are going to be records that originated from a CLEC LSR?
A No. I didn't say that either.
Q Oh, okay. Tell me what you said.
A Remember, I said that the records that end up -- my understanding on the Sunrise database, we have pulled out records with the BellSouth disconnect reason codes, we have pulled out the non-residential customers, we have pulled out things that have not completed. So what is in there is presumed to be competitive, presumed, but it may not have codes on it.
And then what happens there you will need to ask Mr. Wolfe.
Q Let me go back to my question and we will get back to the presumed part again. If you are the senior director in charge of policy --
A Yes.
Q -- okay, and the policy you are telling me is to remove a code showing that the order originated with a CLEC LSR, okay, what is the reason behind removing it?
A Okay. It is not a policy decision and it wasn't a policy decision that -- you know, we are talking a process decision and a process decision that

is going to be compliant with the rules that govern how we can use information.
Q Okay. I thought --
A And those rules are promulgated by the FCC.
Q I thought that when you -- when rules are promulgated by the FCC or the Florida Commission that you implement policy to implement those rules and that's your job is to know why there are certain policies in place?
A Yes, and you are talking about a procedure. It is not a policy. It is BellSouth's policy to be consistent with applicable rule and statute.
Q Okay. And then you just told me --
A So when the programming is designed the process says can we use this information, no, we cannot. So they to create a process to remove it.
Q Okay. I understand what you are saying. I don't care about the process. I am asking about the policy behind why the process was set up.
A Okay.
Q I am asking you what the policy reason was why you removed the identifying code showing that that record originated with a CLEC LSR?
MR. MEZA: Objection; asked and answered.
MR. BUSTILLO: It hasn't been answered. He

hasn't given me an answer to that question.

MR. MEZA: You may not like the answer, but he has given you the answer.

MR. BUSTILLO: Your objection is noted for the record. Please answer the question.

A (Continuing) The answer is that the disconnect reason codes that are associated with the CLEC CSR is information that we cannot use when we market to customers that were formerly our customers, now gone to a CLEC. That is consistent with BellSouth's interpretation of the FCC rules and orders.

Q Okay. Now this is where are I was getting confused and now I understand it. You just said that you cannot use the disconnect code. How would you use the code in marketing in generating leads? Don't you use the actual knowledge that the customer switched to generate the lead as opposed to the code?

A We do use the information that the customer has left us to market to them. A way the carrier, I would speculate, could use disconnect reason codes is if a customer told Supra I am leaving BellSouth because I don't like the way they sent me this bill, and that's information that they have told you and you may have indicated on disconnect reason code, that's

information they did not tell us and would be -- we could not use that information to go back and market and say gee, I am sorry you didn't like the way we billed. That's what we can't do.

Q The testimony -- the codes for switching from BellSouth to a reseller just say, Mr. Pate -- Mr. Meza, you can correct me -- BF went from BellSouth to -- yes, BF switched to a facilities based provider which is a UNE-P, BR was switched to reseller, how could you use that code which is electronically generated by LESOG, L-E-S-O-G? How would you use that for marketing purposes?

A I don't know.

Q As a practical, I can't think of any. You can't think of any either?

A There may be some. I just can't think of any right now.

Q Neither can I, okay.

So your position is once you strip the BF or the BR you can use that record and the knowledge that the customer switched to generate the lead?

MR. MEZA: Object to the form of the question.

A (Continuing) As I have answered, once that information is stripped I can use the information that

the customer has disconnected from BellSouth to go after that customer again.

Q And how does MkIS know to retrieve that information from CRIS?

A What information?

Q The information that you had before they left?

A That's something that you will need to talk to Mr. Wolfe about, but that's his reverse algorithm. They are making a presumption that he knows that.

Q So if I show you the manuals that show that the only thing that populates the Sunrise database are service orders that have a code that's filtered out but have a code that the person did, in fact, switch, then there is no presumption to be made, you know that all the records at Sunrise database are people that switched in the last 10 days?

MR. MEZA: Object to the form.

A (Continuing) I don't know that I know that at all because I am not a systems expert. I am not a field expert. I don't know what I would be reading when I would be reading.

Q So if I produced a document that says that, then that would be correct?

MR. MEZA: Object to the form.

BY MR. BUSTILLO:

Q That would be correct?

A You would need to talk to Mr. Wolfe about whether it was correct or not.

Q BellSouth manual, could I rely on the manual or do I rely on Mr. Wolfe?

A Well, I think we are doing an interpretive question of what the manual means and that would be Mr. Wolfe.

Q Okay. Let me just look at my notes one last time and I think I have no more questions.

(Whereupon, a pause was had in the record.)

MR. BUSTILLO: I have no further direct questions.

THE WITNESS: Thank you, sir.

MR. MEZA: Just a couple.

EXAMINATION

BY MR. MEZA:

Q Mr. Ruscilli, do you know that -- do you know if when a CLEC submits an LSR for BellSouth to convert or migrate a customer from BellSouth to the CLEC, do you know if the LSR says both disconnect this customer as a BellSouth end user and establish service for this customer as a Supra end user or one or the other or what? Do you know at all?

Page 146

A With specifics, I don't know how the LSRs are set up today. I know at one time it was a two-part process and now there is a single C, but I don't know exactly what they said. That would be Mr. Pate.

Q Do you know if an LSR, whether or not -- whether the use of a single C or a D and an N is something that affects BellSouth's systems ability to generate information relating to a disconnect event, customer?

A No. I said that earlier today. The same information has to go to disconnect the customer from BellSouth's records so that we don't continue to market and bill.

Q You have heard Mr. Cruz-Bustillo talk about three people knowing information at one stage and the same three people knowing information and then the second stage, do you remember that?

A Yes.

Q Circle drawing of the wholesale retail distinction?

A Yes.

Q Your circle drawing, excuse me.

When it is a pending order what part of BellSouth knows of the existence of a pending order?

Page 147

A That's the wholesale group, the interconnection services group.

Q Okay. Does the retail side know about the existence of a pending order?

A No. There is nothing that's informing them there is a pending order.

Q After the order is completed does the retail side of the house know that the order has completed?

A Yes, they do. But it is a period of days afterwards before the MkIS knows and then it is a longer period of days before the marketing side knows.

Q So while it is pending, the three people that know the existence of a pending order are the customer, Supra and BellSouth wholesale, correct?

A Correct.

Q And after it is converted it is the customer, Supra and BellSouth retail?

A Yes.

MR. MEZA: No further questions.

MR. BUSTILLO: Can you read me back his -- the last statement on BellSouth's side of the table?

COURT REPORTER: And after it is converted it is the customer, Supra and BellSouth retail.

MR. BUSTILLO: I have no further questions.

Page 148

Does staff have any questions?

MR. CASEY: No. We have no questions.

MR. BUSTILLO: Then we are done.

MR. CASEY: However, I would like to bring to your attention that the hearing is a week from this Friday and staff needs a copy of the transcript today for both witnesses as soon as possible.

MR. BUSTILLO: We are getting ours on Friday, so I guess Monday morning you will get it. I mean, yes, both witnesses -- yes, we just spoke with them. They are going to get it on Friday, is that okay?

MR. CASEY: Could you give me a minute, please?

MR. BUSTILLO: Sure.

(Whereupon, there was an off-the-record discussion held.)

(Deposition concluded at 4:00 p.m.)

Page 149

August 22, 2003

James Meza, Esquire
BellSouth Telecommunications, Inc.
Museum Tower
150 West Flagler Street
Suite 1910
Miami, Florida 33130
Re: Supra/BellSouth
Deposition of John A. Ruscilli
Taken on August 18, 2003

Dear Mr. Meza,

Having received a copy of the deposition in the above-captioned matter, please have the deponent execute the attached Errata Sheet.

Upon execution, please return same to our office so that we may furnish counsel of record with the Original deposition transcript and the executed Errata Sheet. If we do not receive an executed Errata Sheet within thirty (30) days from the date of this letter, the Original deposition transcript will be forwarded to counsel of record.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Teri L. Caparas
Esquire Deposition Services, LLC
cc: Jorge L. Cruz-Bustillo

ERRATA SHEET

In re: SUPRA/BELLSOUTH; MONDAY, AUGUST 18, 2003.

Pursuant to Rule 30(7)(e) of the Federal Rules of Civil Procedure and/or Georgia Code Annotated 81A-130(B)(6)(e), any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

- - - - -

I, the undersigned, JOHN A. RUSCILLI, do hereby certify that I have read the foregoing deposition, and that to the best of my knowledge, said deposition is true and accurate (with the exception of the following corrections listed below).

Page_____ Line_____ should read:__________________
Reason for change:______________________________

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____
JOHN A. RUSCILLI

Sworn to and subscribed before me this
________ day of _______________, 2003.

____
Notary Public
My commission expires:

DISCLOSURE

STATE OF GEORGIA) DEPOSITION OF:
COUNTY OF FULTON) JOHN A. RUSCILLI

Pursuant to Article 8.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as a representative of Esquire Deposition Services.

Esquire Deposition Services was contacted by the offices of Supra Telecom to provide court reporting services for this deposition. Esquire Deposition Services will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

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Teri L. Caparas, August 20, 2003
Certified Court Reporter # B-2319
Registered Professional Reporter

CERTIFICATE

STATE OF GEORGIA)
COUNTY OF FULTON)

I Teri L. Caparas, a Certified Shorthand Reporter in and for the State of Georgia, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That said deposition was taken before me at the time and place set forth and was taken down by me in shorthand and thereafter reduced to computerized transcription under my direction and supervision, and

I hereby certify the foregoing deposition is a full, true and correct transcript of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action nor in anywise interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of August, 2003.

____
Teri L. Caparas, Notary Public
Expires 09-12-06
Certified Court Reporter B-2319
Registered Professional Reporter

SUPRA-1
EXHIBIT
2-18.03

Targeted Table (Sunrise.targeted)

SUPRA-2
EXHIBIT
8-8-03

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SUPRA-3
EXHIBIT
8-18-03

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO.: 0303049-TP
FILED AUGUST 19, 2003

IN RE: COMPLAINT BY
SUPRA TELECOMMUNICATIONS
AND INFORMATION SYSTEMS,
INC., REGARDING BELLSOUTH'S
ALLEGED USE OF CARRIER
TO CARRIER INFORMATION

DEPOSITION TESTIMONY OF:
EDWARD WOLFE
August 22, 2003
8:15 a.m.

STIPULATION

IT IS STIPULATED AND AGREED by and between the parties through their respective counsel that the deposition of EDWARD WOLFE may be taken before SHERI G. CONNELLY, Commissioner, at The Tutwiler, A Wyndham Grand Heritage Hotel, 2021 Park Place North,

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Birmingham, Alabama 35203, on the 22nd day of August, 2003.

IT IS FURTHER STIPULATED AND AGREED that the signature to and the reading of the deposition by the witness is waived, the deposition to have the same force and effect as if full compliance had been had with all laws and rules of proceedings relating to the taking of depositions.

IT IS FURTHER STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions, except as to form or leading questions, and that counsel for the parties may make objections and assign grounds at the time of the hearing, or at the time said deposition is offered in evidence, or prior thereto.

IT IS FURTHER STIPULATED AND AGREED that the notice of filing of the deposition by the Commissioner is waived.

0003

INDEX

EXAMINATION BY:	PAGE NUMBER:
MR. CRUZ-BUSTILLO	7
MR. MEZA	151
MS. DODSON	167

EXHIBITS:	PAGE NUMBER:
Petitioner's Exhibits:	
Exhibit 1	20
Exhibit 2	21
Exhibit 3	24
Exhibit 4	28

DOCUMENT NUMBER-DATE
08958 SEP 18 8
FPSC-COMMISSION CLERK

Exhibit 5		31
Exhibit 6		45
Exhibit 7		69
Exhibit 8		116
Exhibit 9		113
Exhibit 10	121	
Exhibit 11	121	
Exhibit 12	142	

0004

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****

I, SHERI G. CONNELLY, a Court

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Reporter of Birmingham, Alabama, acting as Commissioner, certify that on this date, as provided by the applicable rules of procedure and the foregoing stipulation of counsel, there came before me at The Tutwiler, A Wyndham Grand Heritage Hotel, 2021 Park Place North, Birmingham, Alabama 35203, beginning at 8:15 a.m., EDWARD WOLFE, witness in the above cause, for oral examination, whereupon the following proceedings were had:

MR. CRUZ-BUSTILLO: Good morning, everybody.
MS. DODSON: Good morning.
MR. CRUZ-BUSTILLO: Here we have myself on behalf of Supra and Dave Nilson and on behalf of BellSouth.
MR. MEZA: Jim Meza, Ed Wolfe, the deponent, and sitting in with me is my outside counsel, Matt Brown.
MS. DODSON: And here we have Linda Dodson.
MR. CASEY: Bob Casey.

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MR. HALLENSTEIN: Jerry Hallenstein.
MS. GILCHRIST: Jackie Gilchrist.
MR. ILERI: Levent Ileri.
MR. MEZA: Levent, can you say your name again?
MR. ILERI: Levent, L-E-V-E-N-T, and the last is Ileri, I-L-E-R-I.
MR. MEZA: Thank you. Usual stipulations?
MR. CRUZ-BUSTILLO: Yeah, do you want to go ahead and tell everybody what that is.
MR. MEZA: I think we've done it now for four times so if they don't know what it is, we're in trouble.

EDWARD WOLFE,
being first duly sworn, was
examined and testified as follows:

EXAMINATION BY MR. CRUZ-BUSTILLO:
Q. Could you please state your name for the record and spell your last name?

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A. Edward Wolfe, W-O-L-F-E.
Q. And Mr. Wolfe, where are you currently employed?
A. I'm employed at BellSouth Technologies Group, Birmingham, Alabama.
Q. In what capacity are you employed?
A. I'm the MKIS marketing operations manager for -- let me read it from my -- marketing operations manager in MKIS delivery organization.
Q. And how long have you been in this position?
A. Been in this position for approximately seven years.
Q. When Michelle Summers was director of MKIS, were you above her or below her in the chain of command?
A. Below.
Q. Okay. Would you consider yourself

in the same capacity as she was now in MKIS?

A. Help me understand what you mean by that.

Q. Are you the senior individual within

□0009

your MKIS group?

A. No.

Q. Okay. And who is that?

A. Are you asking for my supervisor?

Q. Yes.

A. David Fitts.

Q. And who is the senior individual before the MKIS group?

A. The senior director is Joe Borosh, B-O-R-O-S-H.

Q. Could you tell me what your duties are in your present position?

A. I manage the group that oversees generation of most of the marketing lead lists for the consumer or residential business unit.

Q. Did you say consumer or residential what?

A. Business unit.

Q. Does that mean that you generate leads for both residential and business?

A. No, residential only.

Q. Any particular reason why the title is consumer residential and business unit?

□0010

A. That's terminology that we've used at BellSouth for some time.

Q. Could you refer to page two of your testimony lines -- I'm sorry, it's actually page three -- no, it's page four, excuse me, page four, lines 19 and 20. Could you read me the first sentence on lines 19 and 20?

A. "When an end user's local service is disconnected from BellSouth for any reason, a disconnect or change order is generated."

Q. Can you tell me which order is generated when the order originates from a CLEC LSR?

A. What do you mean by which order?

Q. Well, are you aware that CLEC LSRs for conversions create a change order and not a disconnect order?

MR. MEZA: Object to the form.

A. What I know is that if a customer disconnects from BellSouth for any reason, then a disconnect order is generated or a change order is generated.

Q. Okay. I'm going to ask you to read

□0011

two sentences from Mr. Pate's rebuttal testimony, page 33, lines 14 through 18, starting with the word before.

MR. MEZA: You're asking him to read testimony provided by another witness?

MR. CRUZ-BUSTILLO: That's correct.

MR. MEZA: And you're going to ask him questions about what another witness said?

MR. CRUZ-BUSTILLO: I'm going to ask him to read it first.

A. Lines 14 to 18?

Q. Uh-huh, beginning with the word before.

A. "Before BellSouth implemented single C for UNE-P, two orders, new and disconnect orders, also known as N and D orders, were required to execute the local service request. The benefit of single C is that it eliminates the need for two internal BellSouth orders and associated coordination."

Q. Given that statement by Mr. Pate, wouldn't you agree that with respect to your testimony on page four, lines 19 and 20, that

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when you refer to a change order, that is an order that has its originations from a CLEC LSR?

MR. BROWN: Object to the form to the extent you're asking him to opine about Mr. Pate -- what Mr. Pate said.

MR. CRUZ-BUSTILLO: Go ahead and answer the question.

A. Repeat the question, please.

Q. Given the statement that you just read, wouldn't you agree that when you look at your testimony on page four, lines 19 and 20, that when you refer to a change order, you are referring to an order that originates from a CLEC LSR?

MR. MEZA: Same objection.

A. I know that a C order is a change order, and so this disconnect or change order, that's what it is, a disconnect or a change order.

Q. Okay.

A. Did I answer your question?

Q. No; no.

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A. Okay.

Q. Let me try again, okay. On page four, lines 19 through 20, your testimony that you prepared says that "When an end user's local service is disconnected from BellSouth for any reason, a disconnect" order, I'm adding the word order, or "change order is generated." My question is that when you refer to a change order, are you referring to an order that has its origins from a CLEC LSR?

A. I'm referring to a single C order as a change order.

Q. And single C orders are used to process CLEC LSRs; is that correct?

A. I don't know about that.

Q. Okay. Did you prepare your testimony?

A. Yes.

Q. Did you write the sentence on page four, lines 19 through 20?

A. Yes.

Q. Were you aware at the time that you wrote your testimony that a change order is an

00014

order that originates from a CLEC LSR?

MR. BROWN: Object to the form.

A. I was aware that there was such a thing as an LSR. I don't know exactly what it is.

Q. Okay. Let me ask a different question. Are you aware that a change order has its origins from a CLEC service order?

A. Are you referring to the single C order change order?

Q. That's correct.

A. What I know is it has its origins in the LCSC or the BellSouth operational support systems, the OSS, and I know that CLECs, one way -- one way that they initiate this process is by local service request, LSRs. That's what I know.

Q. Are you aware that retail -- BellSouth retail customer service representatives when they process a winback create an N order and a D order?

A. Bringing a customer -- a D order to disconnect a customer from someone else and a

□0015

N order to bring them back to BellSouth, is that your question?

Q. No. My question is when a retail customer service rep creates a service order through RNS, that that order automatically creates a D and an N to bring that customer back. Were you aware of that?

A. I know -- to bring that customer back to BellSouth?

Q. To process the order, yes, were you aware of that?

A. The customer service rep will do a D order to disconnect and an N order to bring that customer back, yes.

Q. Are you aware that the retail service rep service order will not generate a single C?

A. Yes.

Q. Thank you. Let's turn to page five of your testimony, lines four through six. Can you read lines four through six into the record ending with the word manually?

A. "For an LSR sent by a CLEC, a

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disconnect or change order and the appropriate disconnect reason code are generated electronically by BellSouth's OSS or generated by the LCSC if the CLEC has sent the LSR manually."

Q. My question is that when you refer to it's electronically generated by OSS, is that LESOG?

A. I don't know.

Q. Would Mr. Pate be the person that would have the most knowledge on that issue?

A. Yes.

Q. How about the code that's electronically generated at the LCSC, is that the JL code?

A. No.

Q. Well, what code does the LCSC -- what disconnect reason code does the LCSC generate if the LSR is submitted manually?

A. I know of two that could possibly come from the LCSC.

Q. Can you tell me what they are?

A. One is BR, BellSouth to resale; one

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is BC, BellSouth to facility base.

Q. You're saying those are generated by who, the LCSC?

A. I know those are generated by the LCSC or someone in operation support systems.

Q. Would BC include UNE-P?

MR. BROWN: Object to the form. There's no such thing as BC.

MR. CRUZ-BUSTILLO: Oh, I'm sorry. I thought he said BR and BC. Let's read back what he said, please.

THE WITNESS: I said BC. I said BC. It is BC.

MR. CRUZ-BUSTILLO: He did say BC. Thank you.

Q. (By Mr. Cruz-Bustillo) And does BC include UNE-P?

A. I don't know.

Q. What is the purpose of generating disconnect reason codes?

A. My understanding is that it tells why the disconnection occurred.

Q. Okay. Could -- is disconnect reason

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code and transaction code used interchangeably?

A. No.

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out of context. We're going to have to start on the page before. You'll want to start with reading line 25 on page five and then going on to the sentence that ends operations page six, lines one and two.

MR. MEZA: And just for the record, you're asking him to read a question and answer that was provided by Ms. Summers?

MR. CRUZ-BUSTILLO: Correct, because I believe that he might know the answer to it.

MR. MEZA: Okay.

MR. CRUZ-BUSTILLO: You're right, it is Ms. Summers.

A. "For instance, a disconnect order that results from a BellSouth retail customer calling BellSouth disconnect his service because he's moving would come from BellSouth's retail operations."

Q. Would that be a T order?

A. Possibly.

(Begin confidential.)

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Q. Okay. I'd like to refer to page -- actually this is a question I should have asked Ms. Summers. I did not because I had written down that Wolfe had said it but let me ask you. Page seven, lines 10 through 13 beginning with the words information relating to. Could you read that sentence so I can ask you a question?

A. "Information relating to Supra customers resides in the part of the SIW that is accessible to BellSouth's Interconnection Services, ICO organization, and is used by ICS in connection with BellSouth's provision of wholesale service to Supra."

Q. What Supra customer information resides in SIW that's used that's being referred to in that sentence?

MR. MEZA: Object to the form.

A. I don't know.

MR. CRUZ-BUSTILLO: Okay. Why don't we do this, why don't we take a five-minute break because I know where I'm going to start

0071

right now and we should be done very shortly.

(Whereupon, there was a brief recess taken from 9:59 a.m. to 10:08 a.m.)

Q. (By Mr. Cruz-Bustillo) Okay. We're on the record. Mr. Wolfe, how are you this morning?

A. So far so good.

Q. Okay. Let's turn to page ten of your testimony, lines 18 through 15 -- no, I'm sorry, eight through 15.

MS. DODSON: Could I check, are we ?

MR. MEZA: Yes.

MR. CRUZ-BUSTILLO: Yes. we're back When it's do certain people have to leave the room, is that what's going on?

MS. DODSON: No, we just want to clarify for the record.

MR. CRUZ-BUSTILLO: Okay, good.

Q. (By Mr. Cruz-Bustillo) Let me look

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at your testimony first before I -- okay. I'm going to ask you to read lines eight through 15 and so that the purpose of you reading the testimony here is I want to provide a context of the first of the three boxes that I envisioned in my mind, which is the Harmonize database, then you have the temporary database, and then the permanent and what goes on between each one, so if you could please read lines eight through 15 into the record, we'll start from there.

A. "Each night SOCS creates an extract file of all orders from the preceding 24 hour period. The extract file is posted to a main frame repository which resides in a computer environment separate from the SIW, and each night using the Harmonize feed, various types of orders, including retail and wholesale disconnect orders and orders of other types, are harvested from this extract file and downloaded into a database on the SIW called the Harmonize database. The Harmonize database is separate from the Sunrise database

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on the SIW."

Q. Okay. Now, before I get to my question, can we turn to page five, lines ten through 13, and can you read me the sentence that begins with the word all?

A. "All disconnect orders insert a new, change, and transfer orders flow nightly into the Harmonize database on the strategic information warehouse, a data warehouse via a data feed called the Harmonize feed which is sourced from SOCS."

Q. So these two sections of your testimony is consistent with what you told me earlier that all different types of orders are pulled out to this first Harmonize database; is that correct?

A. SOCS contains all orders and certain orders -- order types are pulled out into Harmonize, yes.

Q. And like on page five lines ten through 13, that's new orders, change orders, transfer orders?

A. Where does it say -- it says --

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Q. Lines ten through 13.

A. Right, all disconnect orders and certain new, change, and transfer orders.

Q. And earlier when you talked to me about D orders, N orders, C orders, T orders, did that reflect your testimony on page five, lines ten through 13?

A. Disconnect orders, right, new orders, change orders, and transfers, yes.

Q. And while you wrote change order,

just so that we are clear, included in that category would be single C orders; is that correct?

A. C orders are included, yes.

Q. Thank you. Okay. Now let's turn to page ten beginning on line 17 through 19 and then -- actually all the way through 24. This section has to do with or is it not that this section has to do with what information is moved from the Harmonize database to the temporary Sunrise table; is that correct?

A. Yes.

Q. Could you read that section into the

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record, lines 17 through 24?

A. "Once each week Operation Sunrise downloads from the Harmonize database all of the completed residential orders from the preceding seven days into a temporary table. If an order has not completed or is not associated with a residential account, Sunrise does not download it into the temporary table."

Q. Okay. Let's stop there right there. So business accounts won't make it to the temporary Sunrise table. Would that be correct?

A. That is correct.

Q. Okay. Please, go on.

A. "Next, Sunrise eliminates all orders except D and C orders."

Q. Okay. Let's stop right there. So the only thing moving down -- the only orders moving down to the temporary Sunrise table are disconnect orders and C orders; is that correct?

A. Actually at that point it's all in

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the temporary table and we are eliminating all orders but D and C orders.

Q. Okay. Let me ask you, when you said C -- the sentence reads, "Next, Sunrise eliminates all orders except D and C." Is it correct to say that the -- at the completion of this filtering process that the temporary Sunrise table will only contain, according to your testimony, D orders and C orders?

A. Correct.

Q. Okay. C orders there, are you referring to single C?

A. Those would be included.

Q. Would product changes be included in there?

MR. MEZA: Object to the form.

A. Yes.

Q. And what is the basis of that answer?

MR. MEZA: Object to the form.

A. I don't understand your question.

Q. Okay. It's my understanding from your testimony that all residential accounts

0077

with a disconnect reason code of a competitive switch -- strike that.

When you say C orders, do you mean change orders too?

A. Yes.

Q. How do you define change orders?

A. A change order is an order that the retail unit could use to make a product feature change, a PIC change -- an LPIC change on a BellSouth residential retail account.

Q. I thought all LPIC changes flow from CARE into Operation Sunrise; is that correct?

A. Operation Sunrise, for the purpose of its local toll reacquisition activities, uses only CARE.

Q. Okay. And then from CARE it flows into -- from CARE does it flow to the Harmonize database?

A. No.

Q. Okay. So then the LPIC change you just talked to me about wouldn't move from the Harmonize database to the temporary Sunrise table; isn't that correct?

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A. Not from CARE it wouldn't.

Q. Well, you just told me that a LPIC wouldn't move from the Harmonize database to the temporary Sunrise table, and now you just told me that it moves from CARE and it doesn't go to the Harmonize table, so my question is, how can an LPIC move from a Harmonize database to the temporary Sunrise table?

A. LPIC --

MR. MEZA: Wait a minute. I'm going to object to this line of questioning, but go ahead.

A. CARE is one source of identifying an LPIC change. Service orders, specifically change orders, would be another way to identify LPIC changes.

Q. Okay. Let's go to lines 21 through 24. Could you read me that last sentence?

A. "Next, Sunrise eliminates all orders except D and C orders. At this point, the temporary table contains all orders and SOCS from the previous seven days that involve completed disconnections of residential retail

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service, both CLEC initiated disconnections and those initiated by BellSouth's retail operations."

Q. Okay. So if completed disconnects are only moved to the temporary Sunrise table, would it be correct to say that a single C while pending would remain in the Harmonize database?

MR. MEZA: Object to the form.

A. This temporary database contains only completed orders.

Q. So would a noncompleted order be moved from the Harmonize database to the temporary Sunrise table?

A. No.

Q. On page five, lines 13 through 16, I

believe that's your testimony, yes, lines 13 through 16, could you read me that last sentence beginning with the local service?

A. "The local service reacquisition function of Sunrise processes data from the Harmonize database on a weekly basis in a manner that filters out any information that

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could even arguably be considered CPNI or wholesale information."

Q. What information is filtered out that you consider to be CPNI or wholesale information?

A. Disconnect reason codes.

Q. What else?

A. That's all.

Q. That's the only thing that's filtered out?

MR. MEZA: Object to the form.

Q. Is that the only thing that's filtered out?

MR. MEZA: Object to the form.

A. That is the only criteria used for filtering is disconnect reason codes.

Q. Do you consider the name of the competitor to be wholesale information or CPNI information?

A. I don't know.

Q. For the purposes of generating leads to market to a former customer, does it matter to you what competitor the customer went to?

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A. Operation Sunrise has no idea about that.

Q. Well, I'll get back to that question. You're saying that the MKIS employee dealing with the records that populate -- the permanent Sunrise table have no idea. Is that what you meant by that answer?

A. Operation Sunrise and the employees therein have no idea who the carriers are.

Q. Okay. Well, that wasn't my question. Let me ask you this, is -- when you say Operation Sunrise, do you mean the feed beginning from SOCS and including the three tables we discussed? Is that all included in Operation Sunrise?

A. When I refer to Operation Sunrise, I mean the part of the process that begins with the weekly extraction of data from Harmonize.

Q. You mean the information that's moved from the Harmonize table to the temporary Sunrise table?

A. That is the beginning of Operation

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Sunrise in my view.

Q. Okay. What about the Harmonize feed that brings the information from the SOCS to the Harmonize database? Is that part of Operation Sunrise?

A. I don't consider that a part of Operation Sunrise.

Q. But the Harmonize feed itself was developed to support Operation Sunrise; isn't that correct?

A. Not to my knowledge.

Q. Okay. So the Harmonize database contains disconnect reason codes that can identify where the order has its origins from; that's true?

A. Yes.

Q. Okay. The temporary Sunrise table has identifying codes still attached to those account records identifying the origins of that order; that's correct?

A. Yes.

Q. So when it finally reaches the Sunrise permanent table and those disconnect

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reason codes have been filtered out before that file hits that permanent table, your testimony is, is it correct, that the person now viewing those files in that table have no idea of the origins of the order; is that correct?

A. My testimony is personnel never see any of that because it's a program.

Q. Okay. But then Operation Sunrise above the personnel where all the filtering takes place, those systems, computer systems, do have criteria that would allow it to know where the orders had its origins from?

MR. MEZA: Object to the form.

MR. CRUZ-BUSTILLO: Okay. You can answer the question.

A. Okay. Ask that again, I'm sorry, to be clear.

Q. Okay. You told me at the beginning of this line of questioning that Operation Sunrise in higher corporate program of activities didn't know where the orders originated from, whether it be retail or

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wholesale. But now through this line of questioning, you've acknowledged that the Harmonize database can tell where the orders have their origins from -- the temporary Sunrise table can tell where the origins of the orders -- where the origins are from, but that the only time the origins of that order -- where you cannot identify the origins of that order is when it hits the permanent Sunrise table, so my question is, it's not accurate to say that Operation Sunrise, the entire group of corporate activities, doesn't know the origins of those orders. Portions of -- is it not correct that portions of Operation Sunrise do have codes that would allow you to identify the origins of those orders; isn't that correct?

A. No, Operation Sunrise is a set of programs that runs and it does the filter. No one knows -- Operation Sunrise does not track the origin of orders.

Q. Okay. I just want to be clear and

be accurate. You said Operation Sunrise again

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versus personnel in the MKIS office or group, and that's where I'm confused because I have already asked you the question that the Harmonize database contains orders that have identifying codes allowing you to determine the origins of the orders; is that a yes?

A. Yes.

Q. And we have also now determined that the temporary Sunrise table contained codes allowing you to identify the origins of the order; correct?

A. Correct.

Q. Both the temporary Sunrise table and the Harmonize database are within Operation Sunrise?

A. No, I meant --

Q. Wait; wait; wait. My question is, not what you meant, my question is, is the temporary Sunrise table and the Harmonize database within Operation Sunrise?

A. Temporary database is within Operation Sunrise. The Harmonize database is not.

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Q. Okay. Earlier in your testimony you made a distinction between a Harmonize database being within Operation Sunrise but the Harmonize feed not being within Operation Sunrise. Are you now changing your testimony?

A. I don't remember what I said. The fact is is that Operation Sunrise in my view and in this testimony starts with the temporary database, and Operation Sunrise, the feed that comes -- weekly feed out of Harmonize. That Harmonize database -- that Harmonize database is outside Operation Sunrise.

Q. You just said that your testimony starts with the temporary Sunrise table. I thought I had you begin on page ten, lines eight through 15 where we began discussing the Harmonize feed and that the Harmonize database, quote, on line 14 and 15 is separate from the Sunrise database on SIW?

A. Right, Harmonize database is separate from the Sunrise database.

Q. Okay. Well then, let me ask you

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this question, would you admit that the temporary Sunrise table is within Operation Sunrise?

A. Yes.

Q. Okay. So it would not be correct to say that Operation Sunrise does not know at some point in time the origins of an order?

MR. MEZA: Objection, argumentative.

MR. CRUZ-BUSTILLO: Answer the question.

A. Operation Sunrise at that point in the temporary table has disconnect reason code information in it.

Q. Thank you. Now, let me go back to my original question before we even went down this line which was, when you're generating a lead for an outside vendor, the knowledge that the person has switched in the last seven days is -- strike that.

When you're generating a lead, is it relevant to you who the customer switched to?

A. No.

Q. You just want to know that they

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switched?

A. Yes.

Q. Thank you. You told me earlier that for a competitive disconnect generated from the retail side of BellSouth operations that the disconnect reason code is a CO; is that correct?

A. That is one code that could be used, yes.

Q. What other code could be used for a customer on the retail side moving from one -- from BellSouth to a competitor?

A. I don't know -- I don't know what possible codes could be used in their entirety. I know of one other one that could potentially be used.

Q. What's that?

A. That code is NF.

Q. And what does NF stand for?

A. No further use.

Q. Okay. So that would be a -- that would be a complete disconnect?

A. They're all complete disconnects.

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Q. Okay. But that wouldn't be a switch to a competitor; isn't that correct?

A. I don't know -- I don't know. All I know is that it could be used for that purpose.

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(Whereupon, a discussion was held off the record.)

Q. (By Mr. Cruz-Bustillo) Let's turn to

□0105

page nine of your testimony, lines five through ten, where it ends with the word competitors. Can you read that into the record, and I'll ask you a question or let your counsel look at it first, please, and this will be the last question before the break.

MR. MEZA: Okay.

A. Lines five through ten, is that what it was?

Q. Ten, right, ending with the word competitors.

A. "Using the Harmonize feed, Sunrise eliminates those orders for which certain BellSouth retail reason codes exist that indicate that the disconnection occurred for some reason other than the switch to a competing CARE."

Q. Read the next sentence.

A. "It assumes that the remaining orders represent customers switching to other carriers. BellSouth chooses to regard all such losses as losses to competitors."

0106

Q. Okay. My question is that -- is it your position in this testimony that you don't -- that the personnel in the MKIS office don't know that these are competitive switches, that they just assume that they're competitive switches? Is that the point of that testimony?

A. Yes.

Q. You know that they're competitive switches, don't you?

A. Operation Sunrise in the process does not know that information, does not know.

Q. Okay. Well, that's back to the distinction we were making earlier between Operation Sunrise and personnel at MKIS. I'm asking about Mr. Wolfe. Mr. Wolfe works at MKIS. Mr. Wolfe drafted his testimony and Mr. Wolfe is the author of the Sunrise manual. I want to know -- and Mr. Wolfe said that you filter out disconnect orders from the retail side with the CO disconnect reason code. I want to know if Mr. Wolfe knows that all the records that ultimately populate the permanent

0107

Sunrise table are in fact switchers that have left BellSouth in the last seven days to a competitor.

A. What Mr. Wolfe knows is that the disconnect -- the disconnect records are -- we assume that they're competitive disconnects and it's -- assumed competitive disconnects and unknowns in that final -- when we move it to the permanent table.

Q. Hand me that testimony right there.

A. Okay.

Q. Mr. Wolfe, let me ask you again, okay.

A. Okay.

Q. I didn't hear an answer to my question.

A. Okay.

Q. You work at MKIS?

A. I do.

Q. You authored the document of the Operation Sunrise manual?

A. You're referring to the one in 2001?

Q. That's correct.

0108

A. Yes, I did.

Q. You know, Mr. Wolfe, is it not correct -- you know what information flows from SOCS to the Harmonize database; correct?

A. I know much of that. I don't know all of it but I know most of it, yes.

Q. Okay. You know how the filtering process works when information moves from the Harmonize database to the temporary Sunrise table. You have personal knowledge of that; correct?

A. I do.

Q. You have personal knowledge of

information that moves from the temporary Sunrise table to the permanent Sunrise table?

A. I do.

Q. You told me that disconnect orders with a DCR of CO are filtered out and it doesn't make it to the permanent Sunrise table; isn't that correct?

A. That's correct.

Q. So isn't it correct to conclude that Mr. Wolfe does know that the records that ultimately populate the permanent Sunrise table are competitive switches, not Operation Sunrise, Mr. Wolfe?

A. I know that those records populating the permanent Sunrise table will include competitive disconnects, yes.

Q. It won't include anything else; isn't that correct?

A. No.

Q. We're not talking about product changes or local toll. We're only talking about local service switches.

A. We're talking about local service switches, yes.

Q. Because you already told me that the Sunrise database will contain for each of those files that deal with local service, toll, or product certain codes so you can distinguish between those three groups. I'm only talking about local service.

A. Right.

Q. If have you service orders regarding switches with a disconnect reason code that makes it to the final table that had a BR and RT that was assigned by LESOG or the LCSC and the CO is filtered out and that comes from the retail side, isn't it true that Mr. Wolfe has actual knowledge that the ultimate records for local service switches on the permanent Sunrise table all have their origins from CLEC service orders; isn't that correct?

A. I know that the records in that final permanent Sunrise table will contain competitive disconnects, yes.

Q. Originating from the wholesale side of the fence?

A. The orders would have originated from the wholesale side of the fence, yes.

MR. CRUZ-BUSTILLO: Thank you. Let's take a break.

(Whereupon, there was a brief recess taken from 11:05 a.m. to 11:14 a.m.)

Q. (By Mr. Cruz-Bustillo) Mr. Wolfe, how are you again?

A. I'm fine, thanks.

Q. Let's go to your testimony on page nine, lines ten through 12, and I don't know what we did with your testimony.

(Whereupon, a discussion was held off the record.)

Q. Page nine, lines ten through 12, which begins before and ends with the word suppressed. I just have one question about that. Could you read that sentence, please?

A. "Before any reacquisition list is generated using these assumed competitive disconnects, the actual reason codes, regardless of origin, are suppressed."

Q. This is asked and answered actually.

MR. MEZA: Go ahead.

Q. They're suppressed before they hit the Sunrise table; is that correct?

MR. MEZA: Now, currently, as of today?

A. As of today.

Q. Yeah, correct, as of now. Actually

□0112

my question was, just to let you know, the way I read the sentence before we had gotten into the line of questioning before was I wanted to know if they were suppressed prior to the creation of the marketing list or prior to the permanent table but we've already done that, so let me move on. Can you read me lines 12 and 13 beginning with through this?

A. The entire sentence?

Q. Yes, please.

A. "Through this productive process, BellSouth's retail marketing organization receives exactly the same information any carrier receives, information that a retail customer has been lost."

Q. Does Supra or any CLEC have access to the information that MKIS has?

A. Are you talking about to the actual tables themselves?

Q. Or to the -- that will be one question, and the second question so you can answer them both is or to the actual list that you send out to the third-party marketing

□0113

vendors. Does Supra have access to either of those lists?

A. No.

MR. CRUZ-BUSTILLO: No, not really.

(Whereupon, there was a lunch recess taken from 12:07 p.m. to 1:01 p.m.)

MR. MEZA: Staff.
MS. DODSON: Yes.

00151

MR. MEZA: Jim Meza, I'm about to start my redirect, and for planning purposes, we were wondering if you guys had any questions at this time.
MS. DODSON: Yes, we do.

00152

00153

0172

0173

Business Transaction Description

PLAIN F'S
EXHI

1 E. Wolfe
8/22/03

Private/Proprietary -Contains Private and/or Proprietary Information. May not be used or disclosed outside the BellSouth Companies except pursuant to a written agreement.

BELLSOUTH®

Business Transaction Description

Private/Proprietary -Contains Private and/or Proprietary Information. May not be used or disclosed outside Companies except pursuant to a written agreement.

PLAINTIFF'S
EXHIBIT
E. Wolfe

AINTIFF'S
EXHIBIT
E. Wolfe
8/22/03

PLAINTIFF'S EXHIBIT
4 E. Wolfe
8/22/03

How switchers are identified

PLAINTIFF'S EXHIBIT

5 E. Wolfe 8/22/03

Private/Proprietary-Contains Private and/or Proprietary Information. May not be used or disclosed outside the BellSouth Companies except pursuant to a written agreement.

LAINTIFF'S
EXHIBIT
F. Wolfe
8/22/03

PLAINTIFF'S EXHIBIT

8 E. Wolfe 8/22/03

Targeted Table (Sunrise.targeted)

PLAINTIFF'S EXHIBIT
9 E. Wolfe
8/22/03

Consumer Technology

Project Sunrise Work Request

Business	Establish and implement

AINTIFF'S
EXHIBIT
E. Wolfe
8/22/03

Qualification of Residential Local Service Winback Lead Candidates

2. Make a copy of this entire database to a new temporary database. Each day copy new daily data to this new temporary database.

PLAINTIFF'S EXHIBIT
11 E. Wolfe
8/22/03

AINTIFF'S
EXHIBIT
E. Wolfe
8/22/03

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Docket No.: 030349

In re: Complaint by Supra Telecommunications)
And Information Systems, Inc., regarding)
BellSouth's Use of Carrier to Carrier Information)
____)

DEPOSITION OF
RONALD M. PATE
ATLANTA, GEORGIA
MONDAY, AUGUST 18, 2003

REPORTED BY: TERI L. CAPARAS,
CCR-B-2319

FILE NO. 410660

DOCUMENT NUMBER-DATE
08958 SEP 18 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Docket No.: 030349

In re: Complaint by Supra Telecommunications)
And Information Systems, Inc., regarding)
BellSouth's Use of Carrier to Carrier Information)
____)

Deposition of RONALD M. PATE, taken on behalf of Supra Telecommunications & Information Systems, Inc., pursuant to the stipulations agreed to herein, before Teri L. Caparas, Certified Court Reporter and Notary Public, at 1100 Spring Street, Northwest, Atlanta, Georgia, on the 18th day of August, 2003, commencing at the hour of 9:00 a.m.

FILE NO. 410660

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- - -

INDEX

WITNESS: RONALD M. PATE

Examination	Page
BY MR. BUSTILLO	5
BY MR. MEZA	105
BY MR. BUSTILLO	109

EXHIBITS:

Supra Exhibit	Description	Page
1	Initial User Interfaces, Bates No. 000775	67
2	Business Transaction Description, Bates No. 000761	69
3	CLEC Service Order Tracking System	87
4	Other User Interfaces, Bates No. 000797	101
5	Business Area Operations Model, Bates No. 000755	104

ATLANTA, GEORGIA, MONDAY, AUGUST 18, 2003
9:00 A.M.

PROCEEDINGS

- - - - -

WHEREUPON,

RONALD M. PATE,

being first duly sworn, testified as follows:

EXAMINATION

BY MR. BUSTILLO:

Q Could you please state your name for the record and spell your last name?

A Sure. The name is Ronald M. Pate. The last name is spelled P-A-T-E.

Q Mr. Pate, where are you currently employed?

A I am employed with BellSouth Telecommunications in Atlanta, Georgia.

Q And what's your current position?

A I am a director in their InterConnection Services Division.

Q And what do the scope of your duties include in that position?

A My duties primarily focus on regulatory issues around BellSouth's operating support systems, primarily focused on the electronic interfaces that are used for order submissions as well as trouble reports and also get involved in some of the provisioning.

In that role I work with regulatory issues before the state commissions as well as FCC and I work with the operating groups within BellSouth's InterConnection Services Division to make sure they are in compliance with any regulatory issues.

Q Is there an acronym for the InterConnection Services?

A ICS.

Q Do you consider yourself as part of your expertise in your position to know the flow-through of service orders?

A Yes.

Q Also the flow-through of a CLEC LSR before it becomes a service order?

A Yes.

Q I am holding here in front of me testimony that was filed in Docket No. 030349 by you. Could you verify -- I am holding a document of testimony. Can you verify that this is, in fact, the testimony that you filed in docket 030349 (indicating)?

A Quick thumb, it looks like it. That's the document.

Q Okay. Did you draft this testimony

yourself?

A I drafted, along with my staff that supports me in putting testimony together so they -- I have a staff that works under my direct supervision.

Q How many people are included on that staff?

A I have a staff total of 10 individuals, but not everyone worked on this particular testimony.

Q How many worked on this particular testimony?

A Two primarily and there could have been a third that assisted, but two primary individuals.

Q Could you tell me their names?

A Sure. It is Leanne Griffin and Caroline Watkins.

Q And what are their positions? What is Ms. Griffin's position?

A They both have the same position. They are managers within the -- within my group and they report to me, providing direct support on regulatory issues for Operation Support Systems.

Q And is your group the ICS?

A No. ICS is a more expanding term of InterConnection Services. My group is specifically the team that works in Operating Support Systems within ICS once again as I kind of described my duties

for regulatory support.

Q So is the team within ICS, does that team have a name, your team, your group within ICS?

A I have never put just a name to it from that standpoint. There is not a specific name. Bill Stacey's organization which is InterConnection Operations, he has more -- more responsibility obviously than just myself. He is the vice president.

And this group is particularly focused on regulatory support for OSS. And that's the way I refer to myself. That's the way I refer to the team.

MR. MEZA: George, do you have a calling number? I would like to get my regulatory staff.

MR. BUSTILLO: Absolutely.

Let's take a break and go off the record for a moment.

(Whereupon, a pause was had in the record.)

BY MR. BUSTILLO:

Q We are back on the record.

I am going to turn to your testimony and I will try to show you the testimony before I ask you the question.

A I brought a copy as well.

Q Did you? Oh, great. Do you want to pull it out?

A (Witness complied.)

Q While you are pulling that out, did you review any material in preparation for this deposition?

A I reviewed the testimony filed, Mr. Neilson's testimony. I reviewed in Mr. Neilson's testimony the -- there is a deposition. I have forgotten the date. But that deposition, it was for me in particular. And I reviewed Supra's flow-through results.

Q What does that mean, Supra's flow-through results? Is that something that's part of the testimony or something internal to BellSouth, something internal?

A It is really not internal. It is a report of your transactions, just number you submitted and how those transactions from a flow-through, official calculations and measure and what your results were on those measures.

Q Okay. What were those -- what were the numbers submitted from what you reviewed for Supra?

MR. MEZA: Object to the form.

A (Continuing) I can't recall off the top of my head. What I looked at is the past few months of the number of electronic transactions you submitted.

I can tell you roughly because I just recall it.

You submitted in the upper 67,000 number of LSRs that you be submitted and the flow-through rate was 92, 93 percent range and I looked at it. You were primarily submitting UNE-P transactions.

Q Okay. So flow-through rate would be those that weren't -- have to be processed manually?

A That's correct.

Q Okay. And do you know offhand how many of those LSRs were conversions? Oh, you said flow-through rate was UNE-P?

A UNE-P, yes.

Q Most of the 70,000 were UNE-P conversions?

A Yes. From the date I looked at, that's primarily what you were submitting. When you say conversions, I can't say they are conversions, but they are transactions associated with UNE-Ps. There is other transactions. You can submit a change order, for example.

Q That's what I was going to ask you. Were they all conversions or change orders or adding a product or --

A I didn't look at it that way.

Q Okay.

A Just looked at the total numbers.

Q Okay. Let's get back to your testimony.

On page 2, lines 18 through 20 you say, as I will be establishing in my testimony, Mr. Neilson has provided no evidence that BellSouth's retail and wholesale Operation Support System function improperly with each other.

My question is is it your position that the -- let me ask you this: Are you -- are you aware of the existence of Operation Sunrise?

A Rephrase. I am sorry. I didn't catch you.

Q Are you aware of the existence of Operation Sunrise?

A Yes, through the testimony that's been filed in this proceeding.

Q Are you aware of the existence of the Harmonize feed?

A Yes.

Q And how it functions, interacts with SOCS?

A Through the testimony that's been filed. That's the extent of my knowledge on that.

Q Prior to the testimony being filed you had no knowledge of the Harmonize feed?

A I have heard the term Harmonize, but I didn't have any knowledge of what it was and never worked with it.

Q Are you the individual responsible for testifying before public service commissions regarding OSS systems?

A Yes.

Q Is the Harmonize feed connected to SOCS?

A Based on the testimony that I read, it appears to be.

Q So then before the testimony you didn't know that it was connected into SOCS?

A No. And recognize that my focus is on the wholesale side of the Operation Support Systems and Harmonize dealt with retail from my reading of this. I never had any familiarity with it.

Q Is it your position that the means of sharing information between SOCS and the retail sides of the operation are a proper form of sharing information?

MR. MEZA: Object to the form.

A (Continuing) Restate it for me, please.

Q Is it your position, BellSouth's position, that the use of the Harmonize feed from SOCS is a proper means because here your testimony is that Mr. Neilson has provided no evidence that BellSouth's retail and wholesale Operation Support System function improperly with each other.

So is it your position that the way in which the retail and wholesale operations function with respect to the Harmonize feed is a proper sharing of information?

A Yes.

MR. MEZA: Object to the form.

BY MR. BUSTILLO:

Q Yes?

A Yes.

Q Thank you.

Let's turn to page 3 and now we are just going to get into your -- what I consider hopefully to be your expertise. On page 3, lines 12 through 17, you wrote the following, OSS includes manual, computerized and automated systems together with associated business practices and up-to-date -- and up-to-date data maintained in those systems. Specifically the Commission identified five functions of OSS, goes on.

My question with you is background. When you say OSS includes manual systems, is that LCSC?

A LCSC is one component, but there are others as well.

Q Can you give me have a couple of others?

A You have the ability if you have trouble reports, for example, you would be submitting those trouble reports manually if you chose not to use the electronic interfaces. So there is processes for someone to take your calls on trouble reports as well.

You could have situations where there is billing inquiries and trying to get some billing reconciles and you are facing some manual processes.

Q So it would be wholesale-to-wholesale interface, meaning it would be a -- it would Supra calling in to BellSouth?

A Yes. The whole answer was based on a wholesale relationship.

Q Okay. Next you say computerized. Can you give me some examples of computerized systems?

A Yes. We talked about SOCS. That's one of the systems that's computerized. We talked about your electronic interfaces that we make available to CLECs, BINs (ph), EDI, TAG. Those are computerized systems.

In my exhibits I point out several other steps that an LSR goes through, but I consider those computerized systems in the LSRs, et cetera.

Q Okay. It says here together with associated business practice an up-to-date data maintained in those systems. Are you referring to CRIS there?

A With respect to what statement?

Q The OSS includes manual, computerized and automated systems together with associated business processes and up-to-date data maintained in those systems.

What did you mean by up-to-date data maintained in those systems?

A CRIS as you illustrated has data in that. If you were doing a transaction, if you want to submit a Local Service Request, you are going to have to get certain information from us in order to complete that transaction, particularly under migration from BellSouth retail to Supra where you have won that service to that end user.

You are going to have to get certain information. CRIS gives you customer service record information. You have to go in and get some address information. That comes from a database called RSAG. There may be a due date calculation associated with this. There is databases involved with that.

You may be looking at what is available to serve based on the particular area where that person resides. There is database involved with that, P/SIMS, for example. Those are type of things we are talking about where you have to have that information

to do a transaction.

Q Thank you.

One second. One other question with respect to that statement. Can you give me some examples of associated business processes? Here you say OSS includes manual, computerized and automated systems together with associated business processes.

What was meant by associated business processes?

A We have to define process as everything from business rules, you have programming, the interfaces, how to use the interfaces. There is a lot of manuals and documentation associated with that. There is processes, how you submit a service request manually if you want to submit that directly to the Local Carrier Service Center, the LCSC.

It is all of those business processes associated with you being able to serve your customers by submitting your transactions to BellSouth. Those were well laid out and defined in the various manuals and practices.

Q Okay.

Would you say a majority of orders submitted through LENS are for residential services?

MR. MEZA: Object to the form.

A (Continuing) I don't know. They can -- the data that I see just periodically, what I can say to you is the majority of our transactions right now are UNE-P and I really can't tell whether UNE-P is a business or a residential transaction, just UNE-P. So it would be an assumption on my part so I am not sure. I have never looked at it that way.

Q You stated in your testimony that in the first quarter of 2003 BellSouth converted electronically approximately 670,000 CLEC LSRs and I will tell you where you can find that. That's on page 10, lines 12 through 15.

A I see that.

Q Now, can you tell me about approximately how many of those were conversions?

MR. MEZA: What do you mean by conversion?

BY MR. BUSTILLO:

Q Somebody switching away from BellSouth to another competitor as opposed to simply a change in a product or some other order.

A The answer to the question is no. I didn't look at that data and make that break down. I have done it in the past, but I haven't done it in a long time.

Q When a customer migrates away from BellSouth or leaves BellSouth to another carrier, what is the term that BellSouth uses to identify that customer?

A The term for the transaction, I am not quite understanding your question.

Q How would you refer to how the person -- how would you refer to that customer?

MR. MEZA: Object to the form because he is not here -- I think it is outside the scope of his corporate capacity. To the extent he has personal knowledge, he can answer it.

MR. BUSTILLO: Right, to the extent he knows.

BY MR. BUSTILLO:

Q Okay. Withdraw that question for right now.

When you say that the CLEC LSRs were processed electronically via LENS, does that mean that there was no manual intervention?

A No. That means they were submitted electronically, the evidence.

Q Okay. If there was manual intervention would that likely be because it was a complex order?

A That's one reason. There are other reasons as well.

Q What would be other reasons?

A You could have manual intervention because

of the type of transactions not designed to flow-through, complex. It is just one of those reasons. You could also have manual intervention because there is an error on that transaction and the systems aren't programmed to reject that electronically back to you recognizing it is your error, type of errors such that someone in the Local Carrier Service Center has to look at it.

Q Is that an edit -- isn't that a check done by LEO that might kick it out?

A LEO or LESOG. Both of them do edits. But LEO is where some of your first level of edits as what we refer to is done, but it results in a lot of rejections.

Q You said in your testimony that 4 percent are submitted manually. Give me some examples of orders that would be submitted manually.

A It could be a complex transaction where we have not programmed interfaces. I can't come up with a particular product for you. Some of the more design loops fall into that category as well as it does include there is a lot of smaller CLECs in particular that they haven't put any effort into submitting electrically. They submit everything manually. So it includes those by choice that have decided to submit

the transactions manually.

Q Okay. When a firm order confirmation is sent back to a CLEC does it contain an identifier C referencing that the CLEC LSR is being processed as a change order?

A I don't recall what's on the the FOC from that standpoint, if it actually says the change, the type of transaction. It gives you the PON (ph) number so you can relate it back to what you submitted to your transaction, but I just don't recall whether that is a census of change versus a migration, versus a new installation. I don't recall.

Q Okay. On page 33 of your testimony, lines 18 through 20, you wrote the only change that a CLEC saw when a single C order was implemented was a C instead of an N on the FOC in completion notifications.

A Yes.

Q Can you comment on that now -- or let me just ask you a question.

A I am just reading the whole paragraph.

Q My question again would be after reviewing your direct rebuttal testimony does the FOC contain an identifier of the letter C referencing that it is being processed as a change order?

A Where it is going to contain that, it gives the order number and the order number is going to indicate that and that is what it is implying here.

Q What do you mean order number?

A You get your service order number in the FOC if I recall correctly, but I have to look at it again to be 100 percent certain. But obviously we have an indicator of the type of transactions in there. I am trying to remember in my mind where it is in the FOC and I thought it was in the service order number itself because the whole configuration of the service order number, which is BellSouth's internal number, designates the type of transaction it is.

Q When a CLEC LSR is accepted, is transformed into a service order and accepted by SOCS --

A Yes.

Q -- is it at that point that the firm order confirmation is electronically transmitted back to the CLEC or is it at some point further downstream?

A It is at that point, but let me make sure one point is clear with respect to Florida. We implement what's referred to as a facility check before the FOC, so it differs in Florida than it does in certain other states.

The order has to get to a different status,

Page 22

but it is still all within the SOCS area where that status is achieved.

Q Is that status an OA or an AO?

A OA -- excuse me -- AO, assignable order, is what that stands for is what the status it would get prior to facility check.

Now with facility check it has to get to a different status, a status that indicates that facilities are available. Trying to remember the status. So many different status orders.

Q So how many stages are there within SOCS before there is -- the FOC is sent?

A The way I am defining it is really two distinct stages with respect to the FOC. If it gets in that AO status for certain states, it is sent then. And then the other status deals with it being a check for facilities.

And the status, it is going to get one or two statuses. One is a PF, pending for facilities, and the other is PD, pending dispatch. And all that is doing is going back and verifying with our inventory systems that facilities are available and that just takes a few more edits to be applied and balanced in the SOCS process before that could be delivered.

Page 23

Q Can you think of that answer for Florida now because I know you said that's for other states?

A I am sorry. I was trying to describe both.

Q Just describe Florida.

A Florida is the one where I just described where it gets the PF or PD status.

Q It will get either one of those or, I guess, both?

A It will get one or the other.

Q Okay. Pending dispatch, does that mean that the order is pending?

A Yes. It means that we have identified that facilities are available and it is pending to be dispatched for provision.

Q Okay. Once it hits PD is that when the FOC is generated back to the CLEC?

A Yes. The facilities were at issue and it hit PF, that means pending facilities. We have a facilities problem. The FOC would also be would generated back at that time and you have that indicator that it is PF status.

Q Oh, it would indicate -- you would get a FOC even if it were a PT status?

A That's correct.

Q Would you get a PT status in a case where it

Page 24

is simply a migration over UNE-P or resale?

A I am sorry. Ask the question of me again, please.

Q Non-DSL, non-LNP, a straight migration over a UNE-P or resale, I likely wouldn't get a PF?

A That's correct because you are re-using facilities.

Q Okay. When I say CLEC service order, am I correct in saying that SOCS has accepted it, accepted the CLEC LSR?

A You have used a new term, CLEC service order. You have got to help me better understand your term.

Q Once the CLEC LSR has gone through LEO, LESOG, it will be transformed at -- I guess maybe I am testifying right now.

Let's back up a second, all right. Let's do it step by step and then we will get there because I got a question on it. I need to come back here. Okay. Let me jump ahead here and ask you the questions.

Just for some background, when an LSR is submitted through LENS or through TAG I have from your direct testimony that it goes to the ServiceGate Gateway?

Page 25

MR. MEZA: Object to the form. Rebuttal.

MR. BUSTILLO: Rebuttal testimony, stand corrected. Thank you, Mr. Meza.

BY MR. BUSTILLO:

Q Please tell me what the ServiceGate Gateway is and what it does?

A ServiceGate Gateway is a platform we put in place that was developed by Telcordia and its whole purpose is just a configuration of platform for routing the Local Service Request. And it has got components within the Gateway that based on the type of transactions could perform certain edits and decide which way to send the transaction. There are several different scenarios that can go through ServiceGate Gateway, so I tried to lay it out in the exhibits and describe it in my testimony.

Q In the acronym that you write in the back, it says something about providing security. What did that mean? I will give you the exact. The SGG provides security for BellSouth to both receive and send interconnection requests.

A I have actually look at the acronym list to make sure.

Q I think it is right there. If you will refer to it a minute.

A The security aspect of that is just to make sure that the transaction being submitted to me is going to validate based on the user submitting that transaction, the R value user. They always have to have passwords to be able to get into the system. So it is just basic security checks to make sure we don't have anyone trying to have unauthorized access into our systems.

Q Okay. It is my understanding from your testimony that an accurate and complete LSR flows mechanically to LEO?

A Well, it depends.

Q That's on page 21, line 16 through 23. My question was just for understanding here is -- the next line is that LEO performs edit checks to determine if the required fields have been populated and if not it is rejected.

So my question is how can an accurate and complete LSR flow into LEO if it is LEO's job to do the edit checks? I just want you to clear that up for me just so that I understand the flow. How is it determined that it is accurate and complete if LEO's job is to determine if the fields are accurately -- are populated?

A You must be confused by my testimony, so you

are going to have to help me a little bit where the confusion is.

Q Line 21, page -- I am sorry. Page 21, line 16 to 23, on 16 you write LEO is the Local Exchange Ordering system. Accurate and complete, non-LNP, non-LSRs which I presume are UNE-P and resale --

MR. MEZA: You skipped non-DSL.

MR. BUSTILLO: No. I just said non-DSL.

MR. MEZA: You said non-LSR.

MR. BUSTILLO: No, no, no. Non --

MR. MEZA: If you are going to quote, if you are going to let him read it, that's fine.

MR. BUSTILLO: I am quoting. Maybe you didn't hear it.

BY MR. BUSTILLO:

Q Accurate and complete, non-LNP and non-DSL LSRs. I am assuming, my first question would be are you talking there about UNE-P and resale if it is non-LNP and non-DSL LSR?

A Yes.

Q Thank you.

Flow mechanically to the LEO --

A Let me qualify. Somebody could say -- you said UNE-P. I want to make sure I heard you correctly. DSL is a type of UNE, but it is UNE-P.

Q Right. UNE-P and resale flow mechanically to the LEO system. So just for background if it is accurate and complete, my assumption was that all the fields were properly populated, but then your next sentence says LEO system receives the LSR and mechanically performs the edit checks to determine if all the required fields have been correctly populated.

So please just clear that up for me. What does accurate and complete mean before it gets to LEO, and what does LEO do differently other than what was done before it got there? Do you understand?

A Yes, I think I do. And I can possibly see some confusion.

Let's assume this is coming in via LENS. LENS has some built-in edit checks itself. So it passed all of those edits when say Supra's service representative put in your systems for LENS to set the transactions to submit to us.

So there was a certain level of edits that's built in there that it accepted. Just like if you were using TAG, there is some edits built into it. If you are using TAG API, there is a certain level of edits built in.

So we are saying it passed those edits. So from that standpoint it was accurate and complete.

And now it gets to LEO in the flow that we are describing. There is additional edits that are implied and it is going to have to pass through those edits for it to be transacted further downstream.

Q And is the edits that LEO does only look at whether or not all the fields are populated?

A It is not just all are populated. It also does some -- what I refer to as a first level or high level edit checks. It may look at a field to say if it is alpha characters only and got a numeric character in it, it would reject it from that. It doesn't look any more sophisticated behind that.

Q Okay. Next the LSR goes to LESOG, correct?

A Under the flow we are talking about here, yes.

Q What edit checks does LESOG perform?

A It gets into some more edit checks in-depth, uses some more programming logic to look at relationships, USOCS, FIDs, Field IDentifier is what a FID is, to make sure that the data is populated not only -- that it is populated, but it is populated properly through some of the program edits built in there. A lot of it is relationship based.

Q Okay. On page 22, line 6 through 17, you say if an LSR is passed by LESOG, LESOG will mechanically transform that LSR into the service order format?

A Yes.

Q Okay. That can be accepted by SOCS?

A That's correct.

Q And by other downstream BellSouth systems?

A Yes.

Q Okay. Now we are back to using the word service order. Remember I used it earlier. That's what I want to get to.

A I am with you.

Q So now when I say a CLEC service order, we are talking about the CLEC LSR that has now been -- what is the word you used -- transformed into a service order?

A Yes. So make sure we are on the same page. We are talking now about an industry standard LSR format which is what the competitive carrier community submits. It has been accepted by the BellSouth systems. And by acceptance means it is transformed into what we have to have for processing in our legacy systems and we refer to that as a service order.

Q And it doesn't become a service order until it has been accepted. Does the transforming take place in LESOG and then it is accepted by SOCS or does

the transforming take place in SOCS?

A The transforming takes place in LESOG and then SOCS has to accept it. SOCs will apply some additional edits. Actually the way it is designed, SOCS will apply all the same edits that LESOG had already applied, just talking about seconds to do it, and then apply some additional edits to get to the status that we talked about earlier so that it can accept it.

Q Okay. Now it is in there, now it is in SOCS and it is either going to do -- it is either going to assign a transaction code of PF or PD that we talked about earlier.

What additional edits does SOCS do on top of LESOG?

A There is a whole base that is called SOER. It stands for Service Order Edit Routines. That's S-O-E-R. All of those SOER edits are applied in SOCS.

Q Can you give me an example of a SOER edit?

A We are talking about thousands and thousands. It could say you order this particular product and based on this product you have to have certain fields populated and those fields have to be populated with any certain type of information.

It gets into some very intelligent type of

edit checks and those are the things that I am referring to when I say SOER.

Now, in LESOG there is a subset of those SOER edits built. It is just not every single one of them. We try to identify the most common ones with the wholesale transactions that we receive in bulk of the orders being submitted today so that we can move those edits up front and get that check done there.

It is more quick in the process, but all those SOER edits that I just referred to get applied again in SOCS.

Q Okay. Now, I want to go back to the question I was going to ask you earlier regarding a CLEC service order. That service order has been accepted by SOCS. Once either PF or PD have been assigned to it we discussed earlier that a FOC is sent back?

A Yes.

Q Indicating that this is a change order?

A Indicating it is an order that's been accepted. Change order is just one of the types of transactions.

Q Prior to March 23rd, 2002 did BellSouth used to issue a change order or did they issue two orders?

A Let me see if I can better understand the

question by adding something.

Q Sure.

A If you are referring to a conversion only, that's one answer. If you are referring to you can have a new installation where it is just submitted as a new order, that's a different answer. That's why I am trying to understand your question.

Q When you say conversion, we will say non-complex conversion.

A Doesn't matter whether it is complex or not. Conversion is a conversion. What I mean by conversion, if you are converting it from a BellSouth retail to Supra or even from another competitive carrier to Supra because you won that account, that's what I mean by conversion.

Q And in both of those instances a -- that service order would be considered a change order?

A Both of the --

Q BellSouth to Supra, CLEC to CLEC?

A Yes, except for a couple of exceptions that I pointed out in my testimony. There is some exceptions in there, but otherwise, yes, it is a -- what is referred to as the single C for a change order process that we put in place in the first quarter last year.

Q And why did you move to the single C?

A Prior to that for UNE-P transactions there was two distinct orders that were built, a new, an N order, and a D for disconnect order. There was concern in the community that these orders were not getting sequenced properly and it was resulting in some disconnections of some end users when that transaction -- that conversion transaction was taking place.

So as a result BellSouth agreed and did implement a single C so that that single C transaction did what both that N and D did in the past. So instead of having two separate and distinct transactions, you have to merge under the one and that process was to minimize, if not at least try to eliminate, any improper sequencing of that N and D that occurred before that could result in someone being out of the service for a period of time.

And as I explained -- say a little bit of background for you is from the analysis and studies that we did, and I reference at some point in time in my testimony there really was not an impact on out-of-service situations where an order was flowing through the transactions, no human intervention.

But there had been some occurrences where there had to be human intervention. A service rep would get the sequence out of order and it was resulting in some of those disconnects or out-of-service situations and we worked extensively on that and saw a lot of improvement there.

This program effort that I just described was, of course, when you don't have humans involved you hope that there is even less opportunity for error.

Q So the change order applies in both the electronic flow-through and LCSC flow-through?

A Yes, it does.

MR. MEZA: Let me -- when you mean change order, are you talking about single C?

MR. BUSTILLO: When I say a change order, I am calling a single C, correct, single because it is no longer two orders.

A (Continuing) Just for clarification, you can submit a change order just to change something. What we have just discussed about was the conversions and the use of single C for conversions and that's what my answer was all about.

Q So when you say single C, what does C stand for in your mind?

A Stands for change.

Q We are on the same --

A Just trying to clarify, you can submit just a change order. If you have one of your end users and they just want to change something on their existing account, add a feature, take a feature off, that's a change order too. That's not a single C transaction.

Q So from now on if I say change order and forget to say single C, you and I both agree that unless it is qualified any other way that it is a conversion?

A Between you and I and my attorney, I am sure we will get there.

Q When a BellSouth retail CSR customer service representative takes an inbound call from somebody who wants to convert back to BellSouth --

A Yes.

Q -- the CSR processes that residential -- that's why I say it is residential, would it be through RNS or ROS?

A Residential would be through RNS.

Q And they submit a -- does the retail CSR submit a request through RNS or is it a service order, do they process?

A Well, a service order is generated out of that. It really becomes a service order once SOCS accepts it, just like it would be for the wholesale community, but they generate the service order and submit it to SOCS in a service order format. They don't have to deal with the Local Service Request like you do in the wholesale community.

A Think of it this way, that in the same set of RNS and ROS, that's a service order negotiation system. They are negotiating a service order for acceptance with the provisioning systems.

Q Okay. And is that service order retail -- I will call that a retail service order.

A Okay.

Q Is that as close to a CLEC service order? Is that retail service order considered -- is that a single order or is that now a D and an N? Is that a simple C -- strike that.

My question is is the retail service order considered by you to be a simple C or it is a D and an N issue?

MR. MEZA: Object to the form because you are throwing in a new phrase, simple C.

MR. BUSTILLO: Single C. Thank you, Mr. Meza.

A (Continuing) Mr. Neilson used simple C in his testimony too and I know we have a lot of confusing acronyms and terms. But it is single C and the answer to your question is no, retail does not use a single C. They would negotiate an N and a D to win back a transaction, win back a customer.

Q Is there a substantive difference between -- for BellSouth that some people use simple and single interchangeably?

A I have never heard simple until I read Mr. Neilson's testimony, so I don't know where simple came from. But in the course of many conversations, who knows what trickles over so much time. But anywhere that I filed testimony on this topic it was single C.

Q Was that part of an order and that's why you and they called it a single as opposed to simple or --

A Are you asking me where the term comes from?

Q Yes.

A The term -- I can't really specify exactly who invented the term, but the term was generated through discussions either internal and in conjunction with regulatory bodies. Single C is a term that emerged. I can't give you the exact roots of it. What I can say is we have been single C on the resale side for a long time and probably that's where the roots go back too.

Q You have done single C on the retail?

A Resale.

Q Oh, on resale. Got it.

A When we were converting resale accounts that would have been single C well before the UNE-P.

Q I thought you just implemented that back in March of 2002.

A That was for UNE-P.

Q That was for UNE-P, okay. And you are saying that for resale prior to that it was the single C?

A Yes.

Q See, I am used to saying simple.

Can you remember how far back you have been doing the single C for resale?

A That was years. I really don't even have a date in mind.

Q Let's get to the hunt groups, DID groups and partial migrations. For a multi-line hunt group first tell me what it is?

A Hunting just deals with when you take a call and when your line is busy, you just route it to different lines until one can -- one is open for somebody to answer.

Q Is a single C issued for that?

A You read from my testimony. I know it is in here.

Q Let's go to page 34, lines 4 through 7.

A I am with you.

Q And actually now I am paraphrasing so I have to see what you said. Here you go. Page 4 through 7, I am not going to read it. Just take a second and look at it and I will ask you a question.

A I have. I have looked at that.

Q Okay. So for a multi-line hunt group my question is is a single C issued or a D and an N?

A It is a D and an N.

Q Why is that?

A I can't tell you the specifics. There is some programming issues associated with just being able to get that transaction to work properly. I would have to sit down with the programming to give you a -- if you wanted particularly an IT-type explanation, but it is something to do with programming systems.

Q Well, maybe you can clear this up. If I have 10 lines on my multi-line group and I have -- would that be -- well, can I have that under one account?

A Yes.

Q What if somebody called up Supra and they wanted to just move that whole multi-line group over to Supra, it is just -- my question is is that as simple as a single line migration?

A Not from a programming standpoint. We have not been able to make it as simple using a single C process. To us it is a simple process, but we have to use an N and a D transaction to electronically do it.

There is for some reason -- and, once again, I can't tell you exactly what it is, haven't even thought about it for awhile, talked to the programmers, but there is a program issue for being able to make that transaction happen just on single C.

Q Okay. Can you tell me who is responsible for that programming, who is responsible for deciding that this is -- there is some programming problems and requires an actual disconnection?

A When you say problems, maybe I used the word -- let me rephrase problem. Say programming complexity. It does not make it feasible for some reason for us to program it and we are using the same approach that we had in the past before the single C. And to answer your question who is responsible --

Q So I can find out about the programming complexity.

A I don't have a particular name for you. If I wanted to know that, I would go back to someone in our IT group. We have various contacts. I may start with a lady by the name of Audrey Thomas and then have to talk to someone in IT.

We have the actual program out-sourced to Censure. Probably be -- we would end up sitting across from a desk level programming person before it is all said and done.

Q Would you agree with me that if it is all on one account that it would be fairly simple?

MR. MEZA: Object to the form.

A (Continuing) If it is fairly simple, we would have programmed it. We don't want to do -- have all of these different exceptions. It makes our life more difficult when you have exceptions every time you have to go back and implement something new for a product.

We would like to have it all the same. So there is a reason that it is not simple to make it on a single C. But, once again, if the transaction is being done electronically, it is just using an N and a D.

Let me add to you also just for what it is worth, I think I made reference to it earlier, when we

did the study on the N and D transaction for UNE-P transactions, when it went through electronically the programming was working. I remember seeing a result 99.6 percent of the time -- and the only reason it wasn't 100 percent is because we couldn't identify on the two items, we couldn't tell so we just said all right, something is there, 99.6 percent. The issue is when there was intervention by the center.

Q The LCSC?

A Yes.

Q The next group was the DID group. Can you tell me what the DID group is?

A Just Direct Inward Dial.

Q Can you say that again?

A Direct Inward Dial.

Q And what does Direct Inward Dial mean?

A That's just where you have lines set up for -- usually for your customers, maybe an 800 line where they are just dialing inbound calls to you, service centers and such.

Q Again, do you know the reason why there would be program complexities requiring a D and an N?

A No. I don't know specifically.

Q The next one, partial migrations, can you tell me what that is?

A The partial migration is where you have several lines or accounts or -- excuse me -- lines on that account and you have won from that end user -- maybe there is 10 and they say okay, I am going to let you go ahead and migrate or convert 5 of those. So that would be a partial migration.

Q Use an example of 10, somebody has 10 lines?

A Yes.

Q Would there be a -- could you make an account for each working telephone number?

A Say that to me one more time.

Q Let me see if I understand your -- I was writing some notes. Let me see if I understand your answer. A partial migration would be somebody that has let's just use 10 lines with 10 different telephone numbers?

A Yes.

Q So there wouldn't be any issue about routing calls or something like that.

A Okay.

Q Does BellSouth consider somebody that has 10 lines in one account, do they consider each line, each working telephone number to be a separate account within that main account?

A Not the way you described it. It is still

identified under that account. There is one primary number which is the overall account number and you have the other lines established, the telephone numbers under that account, as opposed to having 10 separate individual accounts established.

Q Okay. Do you know the program complexity that would exist with partial migration that would prevent a single C?

A No. I don't recall what the issue there was either.

Q Did you know at one time?

A I have heard discussions, but I have never internalized it because it hasn't been that big of an issue for anybody raising that as a concern.

Q Can you give me your hearsay?

A No. I just don't even recall. It has been so long since this has been a discussion. I don't even recall.

Q Does the BellSouth retail CSR after submitting a retail service order receive some equivalent of FOC?

A No.

MR. BUSTILLO: For the court reporter when I say FOC, that's F-O-C, firm order confirmation.

BY MR. BUSTILLO:

Q The answer to my question was?
A No.
Q How do they know that the service order is being processed?
A They would get reports back if it wasn't being processed. Those error reports would come back. Otherwise, they were under the assumption that it is steaming along, it is being processed.
Q When you say a report, would that be a field as populated on the screen that the CSR would have access to?
A I don't understand, CSR having access to a screen.
Q Let me strike that. Let me ask it this way: A customer is called in, retail CSR has submitted the service order, customer calls back, hey, what is going on with my line, how does the retail CSR know that the order is being processed? Is there something that he looks at? I have never been in your service center so --
A I apologize. A lot of times when I hear the term CSR I think of customer service record.
Q And I am saying customer service representative.
A You are saying CSR looking at a screen so

that's what confused me.
Yes, I mean, they can go back and take a look at the status of that order. They can go right into their RNS or ROS system and it will tell them what the status is.
Q And what do they look at to determine the status of the order?
A I don't know exactly which screen or field, but they would be able to get some basic information like the telephone number of that individual. And if they don't have a phone number, they can probably get there eventually by calling them up by their address. Get the account up and based on getting the account up, it will show what pending service orders are out there and the associated status of it.
It gets back to the status as we were talking about earlier, when I talk about pending facilities, pending dispatch, there are statuses beyond that as well. And they can -- it is going to show when the due date is for that transaction and it would give them any information if that was the -- term I refer to -- in jeopardy if something had come up, missed an appointment, missed appointment statuses, technician goes out through there to service and nobody is home, that's a missed appointment, they

go out there and we have facility problems, everything looked good, but goes to connect it and something is wrong. There is codes associated with that.
So the reps are trained, the customer service reps are trained to be able to read those codes in their system and tell the end customer the status in that particular transaction.
Q When you say that they pull up a screen or a field through the use of the telephone number or address, are they looking at CRIS?
A They go into CRIS as well. CRIS is one way or they can go into RNS, ROS. CRIS is going to give them what is actually on the account. I don't think CRIS is going to show up, but I am not certain if it is a pending transaction. I am not certain what it shows. It definitely shows their existing account. For the pending transactions I think they are going to have to go back through RNS and ROS.
Q Let's jump back to SOCS. The order leaves SOCS -- let me withdraw that. We are at SOCS. We are now talking about a CLEC service order. It leaves SOCS on its path downstream. Where does it go?
A It goes to SOAC next. I have that is all laid out I think in one of my exhibits as well, Service Order Analysis & Control system.

Q Let me ask you a few questions about that. Here we go. Page 31, line 6 through 20, you talk about the Service Order Activation & Control system.
What does -- how do you pronounce that acronym?
A SOAC.
Q SOAC.
A S-O-A-C.
Q Tell me what SOAC does.
A SOAC is managing that request, that service order based on what has happened. It is deciding what -- where these -- what other systems it needs to send it to as part of provisioning that service.
For example, some are transactions. You just have to do a translations work and switch. It requires no need to dispatch an outside technician.
SOAC recognizes that and only sends it to those systems. And if it has to be dispatched because you were doing some installation, it recognizes that based on the transaction, sends it to those systems. So it is managing where it should go to in the flow of that order.
Q Let's take a residential, non-complex, single C order. What does SOAC do with that?
A Let's go to the -- I think this is my third

exhibit. Let me have that in front of me to try to help you follow that transaction.

Q Not 0203?

A Yes.

Q I am looking at it.

A In that case, make sure I heard you correctly, we are talking about a UNE-P conversion; is that correct?

Q UNE-P.

A So you are converting --

Q And then tell me if there is any difference with just resale, but UNE-P, non-complex, single C.

A What SOAC is going to do, it is going to say that's the order, all we need to do is change some information in our systems and make sure it is identified properly for the user.

So in this case where you see LFACS, it doesn't need to go there, there is not any -- we talked about it earlier. You don't have facilities. That involves facilities. So it is not going to send anything there.

SWITCH is the CO equipment and inventory assignments. Well, yes, it has to go down to SWITCH because we are going to have some -- just changes in inventory. It is not going to dispatch anything which

is where it is trying to send the rest of it, that bottom right-hand corner where it says TURF. TURF is a term for a field.

No need to dispatch here, but we do have some equipment inventory assignments that may need to be changed because now we have gone from a different class of service, from a BellSouth retail account to a UNE-P account served by you. It will go down through that and it will come back to SOAC.

And based on that --

Q Is that a database, the SWITCH? Are you saying that in the database that change takes place?

A It is a database as well as it is a dispatch potential system as well. Most of the dispatches are coming through LMOS as you see that over here, but this is the Central Office equipment inventory and assignment.

So it is going to have to recognize just from an assignment standpoint that that is a UNE-P transaction that is owned by Supra. So if I recall there is an updated SWITCH. It is going to be an update in that database.

Q Why does it need to make that change? Why does that assignment have to be made in order for the order to be processed?

A Well, because in a UNE-P transaction it is a different type of class of service. Specifically the issue here is you have a -- I am sure you are aware. You have a loop, you have a switching port and you have transport, but the difference is this is based on a measured rate as opposed to a flat rate.

Flat rate is when it is on the retail side and now a UNE is measured. It is like a class of service change. And we have to make that update in our systems. And I don't think it does anything to MARCH, but it may as well, but I just don't recall for a UNE-P transaction. You see MARCH in the upper right-hand corner.

So flow back, SOAC, MARCH. And each time it is sending, you know, messages. SOAC is really managing, telling each of these systems what to do because of the type of transaction. Once it is done, it goes back to SOAC.

Q Stop right there. Let's go up to MARCH. You have an arrow leaving SOAC that goes to MARCH. What does MARCH do?

A It converts the service order data into a SWITCH compatible format. In other words, if you are making a change in the SWITCH itself, translations change, that's what March is going to do.

Q What is that, UNE-P or UNE-L?

A That would result in a translation change most likely as well.

Q Okay. So let's go back to my example which is a non-complex, UNE-P, single C. Would it go to MARCH?

A I think it does, but I am not 100 certain because resale it wouldn't have to. But because of that measured versus flat, I think there is a change in SWITCH. You get into an area, I would have to get someone with provisioning systems to get into that detail.

Q I thought the difference between resale and UNE-P was just a billing change?

A No. It is more than that. Billing is a piece of it, but that class of service change drives changes to our inventory system to recognize it and that's being driven primarily by that measured versus flat rate. So a big component is the billing change, but that class of service is just as well.

Q Tell me the difference between measured and flat rate as your answer -- as it relates to your answer.

A Flat rate for the call plans calling, you start to get even beyond my expertise a little bit, but I will talk to it in general.

In the flat rate there is no charges for any of that. It is part of the overall service. UNE-P, you are deciding how to charge the end user, but you get billed by us based on usage, measured, measured, the use is measured. And I can't get much more beyond the technical aspects than that. That's the difference that I am describing.

Q So you are making this change to update your records so that you can bill on a wholesale side at a measured rate?

A That's the driver. So you have got to inventory that properly to say in the SWITCH, in the inventory that's a UNE-P transaction that will then drive back to the billing systems.

Q Okay, okay. So it is gone -- it doesn't need to go to LFACS. It has been in SWITCH, maybe it goes to MARCH. Where in this diagram is the conversion complete?

A After it gets back it from SWITCH, MARCH, whatever has to be done, comes back to SOAC, that's -- all of that has taken place. SOAC will send the message back to SOCS, that's your --

Q That's the double arrow?

A That's the double arrow. And that

information back to SOCS then updates the billing systems. Here we depicted it as CRIS as being your Customer Record Information System. That's your billing systems. That indicates when the transaction is complete, all of these systems have worked it, and it then sends the message to CRIS saying we are done here and now start billing.

Q Is CRIS updated twice or -- let me separate the question.

Does SOCS update CRIS once the service order has been accepted?

A No. Here the double arrow is just showing it may have information from CRIS for processing a service order, but it is not an update of any sort.

Q So does -- so CRIS is updated from your knowledge after the conversion has been completed?

A That's correct.

Q Do you know anything about the Harmonize in the database?

A No.

Q Do you know how CRIS is updated when the conversion is complete, what symbol, what transaction code is provided to CRIS so that CRIS knows that the conversion has been complete?

A There is -- there is a couple of things.

First, CRIS is going to contain your customer records. So in the transaction we are talking about on the UNE-P conversion, it is going to be doing two things. It is going to be sending messages to the customer record for the retail associated with that transaction and sending messages to the customer record as a result of that completion to say now you establish a new customer record for CLEC.

So you have got two records. You are establishing a new record as a result of that conversion and then you are updating, using your term, the retail record to say -- in this set of billing update that says you no longer own this account BellSouth. It is sending that message through information on the service order, on the billing section of that service order.

Q Did you -- - let me see if I understand that correctly. CRIS will have two new screens, one for showing the account for wholesale and then the other screen will be updated showing that it has been changed to a local service provider?

A Let me rephrase it. You said two new screens.

Q Right. I didn't know how to articulate exactly what you said. Tell me that again.

A Think of the transaction before and after. Before the transaction is complete there is a customer service record and billing processes pushed out of that just for BellSouth retail.

Now, you are saying I no longer own that account, BellSouth retail. It is being converted to Supra. So you have to update that existing retail record that says quit billing, you don't own anymore.

So as a result of that from the billing section of the service order that information is triggered to say that very thing. At the same time it is going to say now establish this new record that says Supra owns this account as a UNE-P transaction, build a customer service record and therefore it is dry billing for them. It is a UNE-P.

That's all done as a result of the completion of that order. That's what triggers all of that. Once that order is completed, SOCS would be the one to see if it was completed.

Q Give me a minute.

Once a retail service order is submitted by a BellSouth retail customer service rep through RNS, SOCS, and it gets to SOCS and the CLEC LSR that's accepted by SOCS because it is transformed into a service order, do both of those service orders follow

the same path downstream for conversion?
A Yes, identical paths.
Q Are there differences between a CLEC service order and a BellSouth retail service order on its face?
A There is some minor differences. For example, the billing section of the order, when BellSouth retails, the bill is going to the end user and it is going to designate that end user.
On wholesale, CLEC order, we bill you, you bill the end users, changes to you. We don't do things like conversions. We talked about that earlier. We don't have a single C.
So a single C order will have items, line items on that service order different because it is a transaction built for the wholesale community where BellSouth retail you have N and D.
So there is some unique things because of that, but the overall format of the order and the way it is laid out and reads pretty much about the same other than those. Those are things that come to mind.
(Whereupon, a short recess was taken from 10:07 a.m. to 10:22 a.m.)
BY MR. BUSTILLO:
Q We are back on the record, Mr. Pate.

A Very well.
Q Before we get back to what we were talking about, do you consider a pending order to be wholesale information? Strike that.
Do you consider a pending CLEC service order to be wholesale information?
A Yes.
Q On page 20, lines 1 and 2, if you can turn to page 20, lines 1 and 2, just a couple of clean-up questions that I need clarification before we move on to the subject I want to address.
I am paraphrasing here. He can correct me, Mr. Meza. Three basic order flows for CLEC requests, one for DSL orders, one for LNP orders, and one for the remainder of the requests.
Is it correct for me to interpret one for the remainder of the request to be non-DSL, non-LNP conversions?
A Conversions as well as other transactions. Conversion is just one type of transaction.
Q Voice service?
A Yes, yes. Change orders, establishing new accounts. It is all those transactions you can do.
Q Complex and non-complex voice conversions?
A Yes, yes.

Q Okay.
A And the way I described it here for simplicity, DSL orders -- I think it encompassed EELs and EDC (ph). That's what we are implying here.
Q Do you consider a completed conversion, CLEC -- do you consider a completed service order, CLEC service order to be wholesale information?
MR. MEZA: Assuming --
MR. BUSTILLO: Please don't answer. Please give your objection because I don't want you to pollute. Don't give a speaking objection, please.
MR. MEZA: But I can give you my objection.
MR. BUSTILLO: Leading --
MR. MEZA: No, I don't care --
MR. BUSTILLO: -- the grounds for objection and give him the answer.
MR. MEZA: Object to the form. It is vague and ambiguous.
MR. BUSTILLO: Thank you; thank you. I like those objections. Great.
MR. MEZA: And I ask that you characterize it to make sure the witness understands the definitions you are throwing around. And to the extent you are using legal terms, I object to

that as well without clarifying what they are.
MR. BUSTILLO: I consider all of those objections to be proper and I will clarify.
A (Continuing) Will you restate it now, please?
Q I will restate it.
CLEC service order, upon its completion meaning the conversion has been complete --
A Yes.
Q -- do you consider that CLEC service order to be wholesale information?
MR. MEZA: Same objection.
A (Continuing) Yes. The information specific to that transaction for the CLEC service order, all of that dealt with the order itself is wholesale information.
Q What about the knowledge that the individual was actually converted to a competitor?
MR. MEZA: Object to the form.
A (Continuing) I don't think that's wholesale information. BellSouth's records have to be updated. And from that standpoint through just a -- that's our regular process, just like we provide to Supra when you lose through your loss notification report. I think that information is normal and that's not.

Page 62

Q So updating CRIS, aside from updating CRIS --

A CRIS, customer service records?

Q Updating CRIS that the customer has switched, is there any other proper use of that information?

MR. MEZA: Object to the form.

A (Continuing) I don't understand what you mean by any other proper use. Just help me.

Q I think it is reasonable for you to update CRIS. I think you need to.

A Right.

Q Okay. Can you think of any other proper use of wholesale information?

MR. MEZA: Object to the form.

A (Continuing) Retail doesn't use the other information associated with the order.

Q Except for updating CRIS?

A Updating CRIS, which says that you have lost a customer due to competition, competitive loss.

Q Is that so that when a retail customer service representative logs onto the screen, do they get a message that says -- I am going to show you BellSouth's interrogatory response through the staff's first interrogatory.

Page 63

It says here RNS returns a screen that states account belongs to a local service provider. Could you review this before you answer the question?

A Sure.

MR. MEZA: Object to the line of questioning. It is clearly indicated by a response to item No. 1 of staff's first interrogatories. Mr. Pate did not provide the response. So if he has personal knowledge, he can provide it, but he is not speaking on behalf of the company.

BY MR. BUSTILLO:

Q Wonderful. All I want is personal knowledge.

A Now, ask me the question again so I get the thought. I am sorry to do that to you, but you guys objecting with each other, I have to get back to the question.

Q Is CRIS updated so that a retail customer service representative will get that line on their screen?

A Yes. I remember the question. That's correct. They have a flag that comes back to them saying that this account belongs to a CLEC.

Q Can you think of any other -- I think I have

Page 64

already asked you this, but can you think of any other proper use of CLEC's service order?

MR. MEZA: Object to the form. Mischaracterizes the previous question and his answer.

A (Continuing) To my knowledge we don't use it in any other way, we being BellSouth retail.

Q Thank you, okay.

Is a CLEC service order assigned a code identifying it as a competitive switch? I think we started to address this before the break.

A I am not understanding your question so help me, please.

MR. BUSTILLO: Okay. I have here an exhibit, Mr. Meza.

Let me go off the record for one second.

(Whereupon, a pause was had in the record.)

BY MR. BUSTILLO:

Q Let's go back on the record. From this point forward I guess we are treating this question as confidential.

Page 65

could --

Q Okay. We left off last -- now, we are no longer going to discuss confidential stuff, okay. So now we are back to the open.

Now, on a CLEC service order --

A Okay.

Q -- are you familiar -- what does the acronym FID stand for to your knowledge?

A FID stands for Field IDentifier.

Q Do CLEC service orders contain Field IDentifiers?

A Yes.

Q Do one of those Field IDentifiers have an acronym RESH, R-E-S-H?

A Yes.

Q And what does the Field IDentifier of RESH, what data is associated with that Field IDentifier?

A It is usually just a number, a number that identifies you as the resaler, you being the competitive carrier.

Q Is that the OCN number?

A I don't know if that's the same number or not. I think it is, but I am not sure. It could be a different number. Could operate a company number. OCN is one as well.

Q Can I show you a document? You can look at it to refresh your recollection and maybe you could answer it with more specificity. I am going to show you a document -- you don't have to identify it, just -- and look at page 9 (indicating).

MR. MEZA: Where did this come from?

MR. BUSTILLO: Came from my office, but I am sure it was one of our previous arbitrations.

MR. MEZA: Do you know if it is -- do you

remember seeing this?

MR. BUSTILLO: I don't know if it is 1, 2, 3 or 4. It is not from this case and it hasn't been introduced in this case so I don't want him to identify it. I just want him to look at it.

MR. TURNER: It is June '01, probably 3 or 4.

MR. MEZA: What page do you want him to look at?

BY MR. BUSTILLO:

Q 9, at the top left-hand corner, top of the page, the top field.

MR. MEZA: Take a look at the whole thing if you need to.

A (Continuing) Based on this, it appears that OCN/RESH was one in the same. I just wasn't certain. That's the way I would interpret this document reads. I would still verify that; but based on this, it appears they were one in the same.

Q So am I saying it right when I say RESH, is that how you would --

A That's how I would say it. R-E-S-H is the acronym. I would say RESH.

Q So the RESH is a letter filed -- followed by a four digit number, is that correct?

A This says it is laid out that way. You have R, resale, four digit for your OCN.

Q And the OCN is the -- is the OCN what? What does OCN stand for?

A Operating Company Number. That's what I think. It could be something different. That's how I refer to it.

Q Okay.

A And I customarily work with an OCN because they are pretty much -- I think they are interchangeable between that and the carrier's numbers.

Q So this may be asked and answered, but a CLEC service order will contain a field with associated -- with a RESH field populated?

A Yes.

Q What is the difference between an O RESH and an I RESH?

A I don't know.

Q Look at this first line.

A Certainly.

Q And I tell you what, this is just clarification, I don't know necessarily that it has any relevance to this case unless your answer tells me it has relevance, but I was just curious.

MR. MEZA: Let me ask for the record if you could just identify the document you are asking him to use to refresh his recollection so the record is clear.

MR. BUSTILLO: You want me to?

MR. MEZA: Yes.

MR. BUSTILLO: It is a BellSouth document.

MR. MEZA: This could be -- if it is produced in arbitration, it is confidential so we will have the same problems.

MR. BUSTILLO: That's why I don't want to identify it. I just want him to look at it and see if it jogs his recollection. Just let him look at it and see because I don't know if the answer has any relevance to our case, but I just want to know if it does. And if he looks at it, it might jog his memory and say oh, yeah, that's what this is. It is just this line right here (indicating).

A (Continuing) The way this reads -- is it okay if I say what this says right here?

MR. MEZA: No. Don't read the contents.

A (Continuing) My interpretation is this on a service order you have outbound activity and inbound activity. So what we are talking about here in this particular transaction, you have an O RESH and an I RESH. You have somebody that you are moving something outbound from and someone is acquiring, that's the inbound, and that service order would indicate that activity.

Q So an O RESH might be leaving BellSouth and then an I RESH field would be populated with the name of the company that it is going to?

A That's how you code and there may be some -- put the name as well. That's the intent. You are going to see outbound and inbound activity in these conversion transactions.

Q You said you weren't familiar with the disconnect reason code of SE, is that correct?

A Well, I see from documents you have shared with me switched in error, but I couldn't recall at the point in time.

Q Do you know under what circumstances an SE would be assigned to a service order?

A Certainly a circumstance comes to mind is when someone actually submits a transaction to switch one and they could have fat fingered it and switched the wrong person, the wrong end user. That end user calls in complaining, I don't want to be with to Supra, I love BellSouth, I always want to stay there,

I don't want to go to Supra and so that's a switch in error. We have to reverse the transaction.

Q So that the retail customer service rep would manually input the transaction code of SE at that point, is that correct?

A I think so. It could be a CLEC. Could be CLEC to CLEC, and I am not sure how they do the transaction itself. I mean, I would never get involved with the retail doing a switch in error transaction, but they would have to initiate something to get that end user back on BellSouth.

Q But the SE appears as a transaction code, a disconnect reason code that's assigned to a service order?

A Yes.

Q So I was just trying to figure out that if it is an inbound call to a retail BellSouth rep, they would input because that's the first time they would learn that it was -- that the customer believes that they were improperly switched, is that correct?

A I think so, but I can't say that with certainty. They may have to coordinate something with the Local Carrier Service Center. I am just not familiar with that process, but retail would obviously be involved to some extent.

Q Do SOCS electronically generate a disconnect reason code for CLEC LSRs?

A Not to my knowledge SOCS does not.

Q Does LCSC personnel manually input a disconnect reason code on a CLEC LSR?

A For the -- for migration that we talked about, yes.

Q Because when -- let me get this straight. A BellSouth personnel and LCSC would be dealing with the LSR?

A Yes.

Q And then once they send it off, it will be transformed into the service order so SOCS can accept it?

A The LCSC actually builds a service order and submits it through their interface directly into SOCS. So they will take that LSR format and put it in the SOCS format.

Q So -- I am sorry.

So any inputs they do would be in fields prior to it being transferred to a service order, is that correct?

A Let me state it to you this way: They are going to be using an interface and they are going to have to populate all of those fields in that

interface. That interface then sends it to SOCS.

So from that standpoint they are taking information on the Local Service Request. We can that information into another interface that puts it in that SOCS compatible format that I referred to you so SOCS can accept it.

Q Okay. Does a retail customer service rep on the BellSouth side when they take a customer call coming in that wants to switch back to BellSouth, does that retail CSR, customer service rep, assign a code to that service order identifying that it is a switch-back?

A Yes.

Q Do you know what that code is?

A No.

Q Do you know who would know?

A I could go back and ask someone in the retail side the specific code or look up in the business rules those codes.

Q It is in the business rules?

A It would be for the retail's business rules. They have rules that document for their RNS system and ROS system what to populate in those fields.

Q Will that code in the business rules that the retail customer service rep signs be the same as the code that the LCSC personnel assigns to that CLEC LSR?

MR. MEZA: Object to the form. You are mischaracterizing the testimony.

MR. BUSTILLO: Well, I didn't mischaracterize it, but I will restate it, okay. I will restate it shorter but exactly the same way.

BY MR. BUSTILLO:

Q Is the code that the retail CSR assigns for the winback to that service order the same code as the code that's entered for a winback, for a -- for a switch by the LCSC?

MR. MEZA: Same objection.

A (Continuing) Got two different processes, got a winback and we got a migration. So you got a situation with LCSC getting -- they are taking it from retail to either resale. We have gone over those codes.

Now you got a situation for winback. The codes we just went, they are not -- they don't have the same meaning. You are not going that same direction with that flow, that transaction. It is by definition a different code.

Q Okay. There are certain action codes, okay. What is an action code?

A You have to tell me what you mean by action code.

Q Do certain -- are certain fields in a CLEC service order, do they contain certain action codes with the letters O, C or T?

A Yes. I am familiar with that. I am trying to remember what 0, C and T stands for, but, yes, transaction.

Q Are they removed when we are dealing with a single C order?

A Your question is a little confusing.

Q Tell me what you think I am asking.

A You are asking me is input, the action code, the O, C and T input from a CLEC service rep removed as part of that transaction being processed when it actually gets a service order, is that what you are asking me?

Q Well, are they removed and who removes them? Are they removed by the CLEC or is it removed by SOCS or some other downstream function?

A See, there is nothing removed. It may be supplemented for lack of a better term or interpreted to put it in a proper format in SOCS. It is all input

that's used.

Q Let me just have you read a paragraph and then you tell me what -- see if it helps refresh your recollection and then I will ask you the question again. Let me show it to Mr. Meza first. It is the top paragraph.

MR. MEZA: The same document we previously chose not to identify?

MR. BUSTILLO: That's correct.

A (Continuing) I am not clear on what this is saying to me. It is talking about action codes and driving it to the service order. And the single C transaction itself as it was programmed to essentially do what the N and D used to do, it is obviously having something to do with these three codes.

Q I just wanted to know if you knew what those codes were.

Do you know who would know about this subject matter?

A I would go back to the project manager that did single C transactions and I can't tell you who that individual is off the top of my head. Once again, I worked closely with Ms. Thomas that I referred to and I would go to her and she would point me in the right direction and I would go to the

individual that headed up that.

Q Ms. Thomas is in what group?

A Same organization I am in.

Q Is that the ICS?

A Yes.

Q And you are in a group under the ICS umbrella?

A The ICS is a larger umbrella and I am in one group, interconnection operations that Bill Stacy has.

Q Let's take a step back here. Let's go to page 31 -- yes, page 30, I am sorry, of your testimony, lines 19 through 25 and then I will be looking at page 31, lines 1 through 4.

Take a look -- let me ask you the question so you can look at what you wrote. You state that SOCS is responsible for among other things the storage of CLEC service orders.

My question is where are these orders stored and for how long? And I think it is on line 19, SOCS is responsible for collection, storage. So my question focuses on storage.

A SOCS is storing this order while it is being processed is what I am trying to say here. That's why I said it is collections, storage and distribution of service orders.

And throughout the life of that service order being processed it would be resident in SOCS with its current status. All of these other systems keep talking to what is the status each day and now up to the point when it gets completed and the billing system gets posted and updated, then SOCS doesn't keep it long. You are talking days is all, less than a week. I can't give you the exact date.

And if you have a problem with a transaction, getting it posted to CRIS, there are errors, it will stay until that gets cleared up, and then it is out of SOCS once it is a completed transaction.

Q So it is -- when you say it is out of SOCS, are you saying that it is deleted; is that correct?

A It is purged, yes.

Q And where does this purge file go? Like sometimes when I hit delete on my computer it goes to a trash bin, but I can still get it again. Where does it go when you purge it?

A The order itself goes to a system called Mobi, a database called Mobi, M-O-B-I. I think it stands for Mechanized Order Billing Information and it is housed there I don't know the exact period but a couple of years probably so that we can look at that

service order.

And you can also get information out of CRIS that would be -- show you what happened, but it wouldn't be the order itself. You could see the life of the order because it is updating your customer service record in CRIS.

Q Why would you want to look at the order a year down the road?

A We do all sorts of analysis type of orders. We were trying to be a more efficient operation. If there was some particular order we have a lot of, a particular service, and if it -- some way to improve our internal efficiencies with some program, it could be an abundance of reasons. Just data on the type of transaction, how many change requests versus conversions, just analysis.

Q Where is Mobi housed? You said this information is housed in Mobi. Where is Mobi housed? What does it sit in? What database? Does it sit in a larger database?

A I don't think of it in terms of a database. I think in terms as part of operating support systems. I don't have a clear answer to say this is an umbrella of this data base. I don't have an answer for you there.

Q Does it sit within the strategic information warehouse?

A I am not that familiar with the strategic information warehouse. I am not aware of the sitting now. I don't know whether it does or does not.

Q Let me see -- I don't want to mischaracterize your testimony a moment ago, but you used this information to look at trends in the industry?

A Trends in our particular information with respect to industry and this is bigger than BellSouth. There could also always be a need, have to go back and look if someone said something was wrong, we have had that come up, I have been billed for six months on this and I never ordered it, have to go back and look and that's where all the information is.

Q Using the information for winback purposes, would that be appropriate?

MR. MEZA: Object to the form.

A (Continuing) No.

Q You state that SOCS is responsible for right there in that same thing, service order driven mechanized system. I think that's line 21.

A I see it.

Q Can you give me an example of service order

driven mechanized system?

A Well, what I am trying to describe here is all that encompassed was that my -- I think Exhibit 3, yes, Exhibit 3. We are talking about it is driving using the service order, the mechanized provision of that request.

Q Oh, stop. Let me look at Exhibit 3.

A Exhibit 3.

Q Because I was writing something down.

And then please answer. Go ahead now.

A It is saying -- I am really talking about -- let's go back to my word, to all user departments. Well, these systems and databases here in this Exhibit 3 impact various user departments.

So we are saying include in the service order driven mechanized systems. These are the mechanized systems that drive a provision of that request. That's what I am referring to, is the update of all the systems, the actual transactions taking place, dispatch, and then getting the final completion and update of CRIS.

Q Two more clarification questions. You talk about on line 23 SOCS, there is a SOCS daily off line -- in addition to the SOCS on-line program, the SOCS daily off-line cycle performs database maintenance, report generation functions necessary to administer pending order file.

A Yes.

Q What did you mean by that?

A Well, the pending order is all the transactions that's in process. So if there is -- SOCS can generate reports from that being used as a database approach to say we have this pending order and there is a problem with it.

So it generates reports that says you got to go do something to this particular transaction. Otherwise, it is never going to be provisioned and that's what I mean by that.

Q And then, okay, what is off-line? What do you mean by off-line, between off-line and on-line?

A Off-line just means to me, you got an individual that can go pull these reports as opposed to something that's mechanized happening. The report itself is generated, but an individual can go in there and pull these reports and look at these reports as well as they might be able to query information to help resolve and understand and do some other report generation. That's what I mean by off-line.

Q Are you familiar with what information the Harmonized feed extracts from SOCS?

A No more than what I read in the testimony. That's all my familiarity.

Q I am going to come back to that one.

Let me go to those questions now, just a few more questions, probably about 10 minutes. Give me one minute.

(Whereupon, a pause was had in the record.)

BY MR. BUSTILLO:

Q We are back on the record. I am going to show you an exhibit that I guess we will mark Exhibit 3.

(Supra Exhibit Number 3 was marked for identification.)

BY MR. BUSTILLO:

Q I am going to show you a copy of a document that I am going to ask for it to be sealed because it contains customer -- our customer's information that we don't want disclosed. So please don't read -- if I ask you to refer to something, please don't read the customer's information.

A I understand.

MR. MEZA: Not a problem.

MR. BUSTILLO: Okay.

MR. MEZA: Just for clarification, what are you proffering this is?

MR. BUSTILLO: I was going to ask him -- let me ask him what it is.

BY MR. BUSTILLO:

Q Do you recognize this (indicating)?

A Yes. What it is, it is a copy of a service order on behalf of Supra that you retrieved from the CLEC service order tracking system, CSOTS, which is a tool that BellSouth provides to follow your service orders, statuses.

Q Can you read the date at the bottom right-hand corner of the front page?

A Yes. There is a date that appears August 18, 2003.

Q Up on the -- upper left-hand corner, third line down, there is an acronym ORD. Can you tell me what that stands for?

A That's referring to the order number, so that would be BellSouth's order number if I am reading this correct.

Q And what do you mean by BellSouth's order number?

A Service order number, CLEC service order and here and me mentioning how the order number had an N or a C. This looks to be an N order, but it could be a C order.

Q Is that a C at the end there?

A What I frankly have to do myself because these things get so involved, there is a gouge in the manual that goes with the CSOTS system, the person pulls it out, looks at it himself and follows it through because there is a lot of information.

Q Okay. Can we get a copy of that manual?

A It is on-line for you now.

Q Okay. We will get that. I am sure our staff people know. Okay.

Your best guess to your knowledge would the C indicate what?

MR. MEZA: Object to the form.

MR. BUSTILLO: That it is leading?

MR. MEZA: That you are asking him to guess.

MR. BUSTILLO: Okay.

BY MR. BUSTILLO:

Q With your knowledge --

MR. MEZA: Do you know.

BY MR. BUSTILLO:

Q -- do you know?

A Give me a second. I am trying to study the order itself to see if I can remember what all the different things are.

Just -- I would have to pull out the

manual. I don't read service orders. I know the basic service order information there. I can tell that this is a UNE-P transaction.

What I am looking for is I can't tell whether this is where you done a change on that individual or, you know, or migrate, and I can't tell as I look at this. I am sure there is an indicator on here to tell you that and I can't find it.

Q How do you know that it is a UNE order?

A I see on the third down line going over to CS, that UEPRX, that's UNE-P.

Q UNE-P?

A Yes. There is a lot of things I just recognize. You see that same appear down below under your IAECN.

Q That was going to be my next question. What does IAECN stand for?

A That's inbound. Remember we talked about the resell, the AECN is for a facility base, I think that's correct. So this is where you are being -- I don't want to say it on the record, but that's your code.

Q Don't say the number on the record.

A So inbound activity and I would have to look at the gouge, it is giving you a code, and something

to relate to this UNE-P transaction.

Q What is AECN just so I can write it down? Before our code number it says --

A We defined it in one of the discovery requests for you. If you want me to look, give me a second and I will find it.

Q Sure.

A I can't even keep up with all the different acronyms.

I didn't do as good a job as I thought I did. It is a four-digit code for a facility base carrier, but I didn't find what the AECN actually stands for. It is my item No. 3, discovery response to you dated --

Q Since you wrote that response in your mind as facility base carrier must, does it include UNE-P?

A Yes. We talked about that earlier. This would imply it does.

Q Okay. Wait one second. Let's go back up to the third line, the CS and then you said the UEPRX, would that appear in a BellSouth retail service order?

A No.

Q Let's go down to the -- let's go to the directory section or DIR. What does DIR stand for?

A Director.

Q Don't read the first line, okay. But the second line, what does the IDEL acronym stand for?

A It is delivery if I recall correctly, remember the gouge that I mentioned to you, and these are codes saying what directory.

Q And do you know what A1 and B1 stand for?

A No.

Q And how do I -- it is a gouge, is that what you were saying, you check the gouge?

A You have gouge being the CLEC service order tracking system manual. That means it is on the website and it is going to tell you how to read a service order. That's in different sections. But then you may have to go to the business rules which are populated in various manuals to see what A1 and B1 actually mean. I don't know. I don't remember what is in that particular manual.

Q Okay. Hypothetically if somebody were migrating on UNE-P and it is just a straight conversion, non-complex, and they were a BellSouth customer would they need a new directory?

A No, but there are provisions for you to request new directories.

Q You mean -- when you say you, you mean who?

A Supra in that case. And this may be that we

need to still keep our systems updated for what directory to be delivered to them. I don't know if that's a requirement or not. I would have to go back and read up on it.

Q So unless the CLEC asks for it, there wouldn't be a reason really to send a new directory?

A Not send a new one, but there would be a reason to make sure our systems are updated, what directories do you get.

Q And when are directories sent out, every year, right?

A I really don't know, directories. I feel like they come out too often because I end up getting too much in my own house, but I don't know how to answer your question.

Q Let's go down to the acronym BILL, what does that acronym stand for?

A Bill, talking about the billing section of the service order.

Q And what does that mean, billing section of the service order?

A This is who BellSouth bills for this record.

Q Is that on a wholesale basis?

A Wholesale as well as retail. Here it indicates who we are sending the bill too. Here, okay, send the bill to Supra. If it was on a retail account, it would have the end user listed.

Q Okay, okay. So in this section, just clarify, the end user's information would be there?

A For retail.

Q Okay. Can you drop down to the acronym third from the bottom, IMAN, do you have knowledge of what that stands for, IMAN?

A No. I can see that part of the codes besides it represents your OCM or AACM.

Q And do you know what the C stands for?

A No.

Q Could I find it in that CSOTs manual?

A I am not sure. There is a lot of information there. I am not sure. Sometimes you -- we provide a wealth of information, customer service reps that do that day in and day out, also information in various manuals. They would know where to look if it is not more definitive there. The gouge is in the back of the CLEC service where tracking systems just help you generate, understand what you are reading.

Q This service order then once the conversion is complete is a service order that's stored in Mobi?

A Yes. The service order is stored in Mobi. And you refreshed my memory also, we saved it for a

period of time in CSOTS for your access and I don't know how long it stays in there, but I know you can go 90 day periods. You can retrieve 90 days worth of information. So it stays in there as well so you can only get access to your information.

Q Can you tell me what fields are different between this service order and a BellSouth retail service order?

A We had a similar question earlier and really there isn't any difference in the field, just some of the information in the fields. And you get a few new things because it is different for a CLEC.

Let's use this, for example, thumb down here. We have already talked about the billing section and the differences there. There is also a place in here somewhere where your purchase order number is. I am trying to find it.

It comes up, your -- I see IPON on the billing section. I think that's your purchase order number. It may come up in some other areas as well.

Q Okay. Let's go back to the top. Can you tell me where the completion date is? I don't know if it is at the top. Actually I am looking at the bottom and the top.

A It is in that top section and this is what

the gouge tells you. You have a due date I can see on the third line down, 7-25.

Q That is due date?

A Yes. That's what I recall, and I think that if you go almost second line up above and to your left, you see CD.

Q Right.

A I think that's it, but I would have to once again go back and verify.

Q Completion date, CD?

A But the so-called gouge I have referred to, that would tell you that.

Q On average how long does it take to convert a CLEC service after it has been accepted by SOCS?

A Talking a UNE-P conversion?

Q Right, straight UNE-P or resale and if there is a difference between UNE-P and resale.

A I don't think there is a major difference, and I don't remember what the interval guide is, but it is one or two days. That depends upon when you get the order in. It used to be at one point in time it could change. You have it in by 3:00, be done by the next day.

Q I didn't ask you this before, slight variation from the previous question. What fields --

are the fields different in a CLEC service order as opposed to a retail service order?

MR. MEZA: Object; asked and answered. The fields itself in the service order are not different. Some of the information is different and you may have some additional things like the purchase order numbers I mentioned for CLEC community where for us we just work under the service order number which is also in here. So for you, you can have your purchase order number and the service order number.

BY MR. BUSTILLO:

Q Okay. Let's go down one, two, three, four, the fifth line, the IAECN.

A Yes.

Q What would be the field there in a BellSouth retail service order?

A I am not sure what our -- we have codes ourself and I am not sure if that's populated or not. There are some many little -- I use a technical term -- tweaks that could be different. But the overall format and layout of the order is the same, but we have a code too that recognizes BellSouth. I mean, we have our own.

Q So there would be a BellSouth code in there?

A Well, I am not sure if it is populated IAECN or not because the code somewhere on this order indicates this is BellSouth, this is a retail account, we own the account, and it may be that same one. I just can't sit here and swear it is the exact same.

Q You don't know what that code is?

A AECN. I told you what it was. I just couldn't remember --

Q No, I mean the BellSouth retail.

A No.

Q Field code?

A No. I don't know what our --

MR. MEZA: OCN, you want our OCN?

MR. BUSTILLO: No. I don't want your OCN, Mr. Meza.

BY MR. BUSTILLO:

Q I want to know, for example, before you get to the OCN we have a field IAECN, I was just asking what would be the acronym for the BellSouth retail field?

A It may be the same. I am just standing here saying I don't know.

MR. BUSTILLO: Okay. As an aside, this is not a question. In my request for production I have requested service orders, both CLEC LSRs -- I mean, CLEC service orders and retail.

Is that included in your discovery?

MR. MEZA: I don't know. It is being looked at right now.

BY MR. BUSTILLO:

Q Let me just look here one second. We may be done.

What is the system called GIMI, G-I-M-I? Are you familiar with that?

A Yes. We described in testimony, let me refresh myself because I think that's on the retail side. Do you have the reference page written down?

Q Well, yes, I am actually getting to it. I just realized that it is not here. It is kind of --

A We have it in the acronym list.

Q Let me see if this -- Geographic Integrated Market Intelligence System, are you familiar with that?

A Basically. I mean, my knowledge is just a working knowledge of that being part of the retail system. I think it is specific to RNS. Yes, it is. Specific to RNS.

Q What does -- how do you pronounce it?

A Just like you say gimme.

Q What does GIMI do?

A Even implied here in the acronym list, I mean, this is meant for marketing intelligence. So this is a system that they use for their customers or the residential side. And they are going to as they work customers get certain answers to questions that the reps are trained to ask questions, build customer profile information as a result of that.

And this system is -- GIMI retrieves all of this information and based on the type of things that customers are ordering and what our records have, it will present a rep -- once it asks certain questions, it could present the rep, hey, you may want to ask or represent this product or this service.

So it is meant to gather information, develop profiles from a marketing standpoint and then assist for the customer service rep for BellSouth retail in the marking of products and services.

Q Does GIMI electronically identify accounts that have switched away from BellSouth?

A Not to my knowledge. It is not working really at the -- necessarily account information. It is more profiling information.

Q Let me show you a document here which is one of the exhibits in this case, docket 000797. We were going to make this part of the record confidential.

MR. MEZA: That's fine.

(Supra Exhibit Number 4 was marked for identification.)

BY MR. BUSTILLO:

Q So this portion of the record is confidential.

(Whereupon, a pause was had in the record.)

(Supra Exhibit Number 5 was marked for identification.)

BY MR. BUSTILLO:

Q We are no longer confidential.

Do you have any personal knowledge of the Sunrise table?

A No.

Q Except to the extent of the testimony that's been filed?

A I mean, I read the testimony filed in the case and did the work on that and that's -- to my knowledge it's only to the extent of the testimony filed.

MR. BUSTILLO: I have no further questions.

MR. MEZA: I just have a few.

EXAMINATION

BY MR. MEZA:

Q Mr. Pate, Mr. Cruz-Bustillo asked you a series of questions relating to how CRIS was updated when a CLEC order is processed.

A Yes.

Q Do you remember that? Can you please explain to me what information is given to CRIS for the retail side in order to implement any changes associated with the loss of a customer?

A It was only two things given to the retail side to my knowledge. And that is, one, it is a bill change and that bill change indicates it has gone somewhere else. It is no longer BellSouth's customer. So it is telling you quit billing this end user and get the final bill out. The second is their account will get updated with the disconnect reason code that indicates it was lost to competition.

Q Do you know the source of the information that is given to the retail side? Do you know where it comes from?

A It comes as a result of the transaction being completed for that conversion, completion of that service order, so it is coming out of SOCS.

Q This is confidential. One quick question relating to Exhibit 1.

Q It is no longer confidential.

The vast majority of orders, CLEC orders, do you know if it is -- the LCSC is involved in the processing of those orders?

MR. BUSTILLO; The what?

MR. MEZA: The LCSC.

A (Continuing) Definitely not. The mass majority is processed electronically.

Q So when you and Mr. Cruz-Bustillo were talking about the insertion of disconnect reasons coded by the LCSC, is that one facet of how disconnect reason codes can be submitted by an LSR?

A Yes, and that should be a minority.

Q What is the majority of the time how are disconnect reason codes inputted in an LSR?

A It is part of the system itself processing it and the -- as a result of that type of transaction, migration or conversion transaction, LESOG, Local Exchanges Service Generator, populate that order.

Q And do the CLEC themselves input information relating to why the account is disconnected on the LSR?

A No. I mean, it is just implied by the fact that there is a conversion account so they don't put a specific code.

Q Do the CLEC's and the LSR put any information relating to why the customer left?

A Not to my knowledge, no.

Q Do you know anything about the PMAT (ph) loss notification report?

A Yes.

Q How that's created?

A Yes.

Q Can you provide some information on that?

A Yes. It is created from a -- out of SOCS as well. It is a -- a batch process feeds to that. Just pick it up the same type of information off the service order to then go and generate a report to each individual competitive carrier and it will break it down by the type of loss it was or it was a switch to another carrier, even switch in errors, it breaks it out in those categories and shows to them the telephone number, the name and the loss. I think Mr. Ruscilli even had a copy of this in his testimony.

Q How does the PMAT line loss notification report identify the specific reason for the loss to the customer? Do you know what the source of that data?

A Well, it is going to be based on the same process. Mechanically flowing through LESOG is going to populate the code based on what the transaction is.

Q If it is electronic, how does LESOG know that it is an abandoned station and that's why the customer left?

A An abandoned station is a different situation. That's a disconnect code and I think there are reasons out there that they indicate, they being the competitive carrier, that this is an abandoned station that is going to drive a code and I don't know whether they put the code on itself or the system because it is some other indicator that puts that code on there.

Q So am I correct in saying that there are some disconnect reason codes that are supplied by the CLEC and the LSR?

A I think so. I would have to go look and see do they put the code in or do they put some other indicator that would drive the code, but it is one of those two.

Q How does LESOG know that it is a competitive disconnect in order for it to report it on the PMAT line loss indication report?

A Well, even whether it is a competitive carrier going from one carrier to the other or take it from BellSouth, it gets back to that billing section that we talked about. That billing change is driving that -- you are moving from one carrier to another. That's a competitive loss.

Q How often do -- does BellSouth provide the CLEC line loss report to CLEC?

A It is provided daily. It is in that PMAT base where all the measures -- excuse me -- all the performance measure reports are and they have a code, they can only obviously get access to their line loss report that's right here.

MR. MEZA: I have no further questions.

EXAMINATION

BY MR. BUSTILLO:

Q Did I hear you correctly because I am not sure, I was actually writing something down, that you said that SOCS does electronically generate a disconnect reason code?

A No. You mis-heard me. SOCS does not. Local Exchange Service Order Generator generates it and SOCS would be the feed of that code.

Q Local service?

A Local Exchange Service Order Generator, LESOG.

Q LESOG electronically generates a disconnect reason code?

A Yes.

Q And populates that field and then it is in SOCS?

A And then it is in SOCS as part of the service order at that point for the update.

Q Okay, all right. So it wasn't SOCS that actually --

A No. And that is even provided in one of our discovery responses.

Q What's the percentage of abandoned stations? How often is that --

A I have no idea.

Q The line loss report deals only with -- is it correct that the line loss report only deals with migrations away from the CLEC?

A That's correct.

Q Does an individual CLEC like Supra have access to the disconnect reports for AT&T, MCI, FD and every other CLEC in BellSouth's Florida territory?

A No. That's proprietary information.

Q Why is it proprietary information?

A That's information just to their accounts, you know, what they have lost. We are not going to tell industry-wide what accounts go to what carriers, showing the accounts that you have lost.

Q So you said the line loss report contains the working telephone number and name?

A I think it has the -- I know it has the telephone number. I think it has a name on it too.

Q That's proprietary to the CLEC?

A No.

MR. MEZA: Object to the form.

A (Continuing) No, I don't think -- telephone numbers are not proprietary to a CLEC.

Q Did you just state that the line loss report is proprietary to the CLEC?

A The line loss report indicates that you have lost the line. The status of the fact that you have lost it is what I am indicating is proprietary to CLEC.

MR. BUSTILLO: Thank you, Mr. Pate. I have nothing further.

MR. MEZA: Okay, great.

We are still on the record. Let me just get this on the record. We forgot to put this in the beginning about stipulations. I presume the usual stipulations apply?

MR. BUSTILLO: I don't know. What are the usual stipulations?

MR. MEZA: You preserve all objections except for form of the question until the time you intend to introduce this at the hearing.

MR. BUSTILLO: That's fine.

Are you going to waive signing and reading?

MR. MEZA: No. We are going to sign and read, but you may want to ask if staff has questions. They sometimes have their own cross.

MR. BUSTILLO: Oh, thank you, Mr. Meza.

Staff?

MR. CASEY: Staff doesn't have any questions of this witness.

MR. BUSTILLO: Okay. We are done.

(Deposition concluded at 11:40 a.m.)

August 22, 2003

James Meza, Esquire
BellSouth Telecommunications, Inc.
Museum Tower
150 West Flagler Street
Suite 1910
Miami, Florida 33130

Re: Supra/BellSouth
Deposition of Ronald M. Pate
Taken on August 18, 2003

Dear Mr. Meza,

Having received a copy of the deposition in the above-captioned matter, please have the deponent execute the attached Errata Sheet.

Upon execution, please return same to our office so that we may furnish counsel of record with the Original deposition transcript and the executed Errata Sheet. If we do not receive an executed Errata Sheet within thirty (30) days from the date of this letter, the Original deposition transcript will be forwarded to counsel of record.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Teri L. Caparas
Esquire Deposition Services, LLC

cc: Jorge L. Cruz-Bustillo

ERRATA SHEET

In re: SUPRA/BELLSOUTH; MONDAY, AUGUST 18, 2003.

Pursuant to Rule 30(7)(e) of the Federal Rules of Civil Procedure and/or Georgia Code Annotated 81A-130(B)(6)(e), any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

- - - - -

I, the undersigned, RONALD M. PATE, do hereby certify that I have read the foregoing deposition, and that to the best of my knowledge, said deposition is true and accurate (with the exception of the following corrections listed below).

Page_____ Line_____ should read:__________________
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RONALD M. PATE

Sworn to and subscribed before me this
________ day of _______________, 2003.

____
Notary Public
My commission expires:

DISCLOSURE

STATE OF GEORGIA) DEPOSITION OF:
COUNTY OF FULTON) RONALD M. PATE

Pursuant to Article 8.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as a representative of Esquire Deposition Services.

Esquire Deposition Services was contacted by the offices of Supra Telecom to provide court reporting services for this deposition. Esquire Deposition Services will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

Esquire Deposition Services has no contract or agreement to provide court reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition.

Esquire Deposition Services will charge its usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.

Teri L. Caparas, August 20, 2003
Certified Court Reporter # B-2319
Registered Professional Reporter

CERTIFICATE

STATE OF GEORGIA)
COUNTY OF FULTON)

I Teri L. Caparas, a Certified Shorthand Reporter in and for the State of Georgia, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That said deposition was taken before me at the time and place set forth and was taken down by me in shorthand and thereafter reduced to computerized transcription under my direction and supervision, and

I hereby certify the foregoing deposition is a full, true and correct transcript of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action nor in anywise interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of August, 2003.

____
Teri L. Caparas, Notary Public
Expires 09-12-06
Certified Court Reporter B-2319
Registered Professional Reporter

SUPRA - 1
EXHIBIT
8-18-03 (TLC)

BELLSOUTH®

SUPRA-2
EXHIBIT
2-18-03

BELLSOUTH

SUPRA -3
EXHIBIT
8-18-03 RC

BELLSOUTH®

SUPRA-4
EXHIBIT
8-18-03 (TLC)

BELLSOUTH®

SUPRA - 5
EXHIBIT
9/18/03 (TLC)

BELLSOUTH®

SUPRA - 1
EXHIBIT
8-18-03 (TLC

BELLSOUTH®

SUPRA-2
EXHIBIT
8-18-03 (FLC

BELLSOUTH®

CLEC Service Order Tracking System

SUPRA - 3

EXHIBIT

8-18-03 TLC

BELLSOUTH®

SUPRA - 4
EXHIBIT
8-18-03 (TLC)

BELLSOUTH®

SUPRA - 5
EXHIBIT
9-18-03 (TLC)

0001

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

CASE NUMBER: 030349

SUPRA TELECOMMUNICATIONS,
Plaintiff,

vs.

BELLSOUTH TELECOMMUNICATIONS, INC.,
Defendant.

STIPULATION

IT IS STIPULATED AND AGREED by and between the parties through their respective counsel that the deposition of MICHELLE SUMMERS may be taken before Tanya D. Cornelius, Certified Shorthand Reporter and Notary Public, at the Tutwiler Hotel, 2021 Park Place North, Birmingham, Alabama, on the 21st day of August, 2003.

IT IS FURTHER STIPULATED AND

0002

AGREED that the signature to and the reading of the deposition by the witness is waived, the deposition to have the same force and effect as if full compliance had been had with all laws and rules of Court relating to the taking of depositions.

IT IS FURTHER STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions, except as to form or leading questions, and that counsel for the parties may make objections and assign grounds at the time of the trial, or at the time said deposition is offered in evidence, or prior thereto.

IT IS FURTHER STIPULATED AND AGREED that notice of filing of the deposition by the Commissioner is waived.

0003

INDEX

EXAMINATION BY:	PAGE NUMBER:
Mr. Cruz-Bustillo	6

EXHIBITS

Plaintiff's Exhibit 1	38
Plaintiff's Exhibit 2	50
Plaintiff's Exhibit 3	61
Plaintiff's Exhibit 4	67

DOCUMENT NUMBER-DATE
08958 SEP 18 8
FPSC-COMMISSION

0004

A P P E A R A N C E S

FOR THE PLAINTIFF:
Jorge L. Cruz-Bustillo, Esq.
Supra Telecommunications
2620 SW 27th Avenue
Miami, FL 33133

FOR THE DEFENDANT:
James Meza, III, Esq.
BellSouth Telecommunications
Museum Tower Building
150 West Flagler St. #1910
Miami, FL 33130

ALSO PRESENT:
Staff, Florida Public Service Commission (via telephone)

0005

I, Tanya D. Cornelius, Certified Shorthand Reporter and Notary Public, acting as Commissioner, certify that on this date, as provided by the Rules of the Florida Public Service Commission, and the foregoing stipulation of counsel, there came before me at the Tutwiler Hotel, 2021 Park Place North, Birmingham, Alabama, beginning at 9:00 a.m., MICHELLE SUMMERS, witness in the above cause, for oral examination, whereupon the following proceedings were had:

MR. CRUZ-BUSTILLO: Mr. Meza, do you have any preliminary matters before we swear in the witness?

MR. MEZA: I just want to agree with Mr. Cruz-Bustillo and staff lawyers that this deposition is being conducted pursuant to the usual stipulations, and we reserve all objections except for form. Is that agreeable?

0006

MR. BUSTILLO: That's agreeable.

MR. MEZA: Thank you. That's it.

MICHELLE SUMMERS,
being first duly sworn, was examined
and testified as follows:

EXAMINATION BY MR. BUSTILLO:

Q. Could you please state your name for the record and spell your last name?

A. Michelle Summers, S-u-m-m-e-r-s.

Q. And where do you work, Ms. Summers?

A. BellSouth.

Q. And what is your position with BellSouth?

A. I'm a director.

Q. A director of what?

A. In the technology group.

0007

Q. And how long have you been in this position?

A. My current position, approximately one year.

Q. Do you know about when you started, what month?

A. August of 2002.

Q. And before that? What was your position before August 2002?

A. Director of marketing information support.

Q. And does that go by an acronym of any sort?

A. Yes. It's referred to as MkIS.

Q. What were your duties involved as director of MkIS?

A. I had responsibility for supporting the consumer marketing organization with their campaigns and promotions. In addition to that, I was responsible for supporting their analytic needs, reports, business analysis, and so

0008

forth.

Q. When you said consumer -- did I get this correctly? Did you say consumer marketing campaign?

A. I said consumer marketing, yes.

Q. Okay. Is consumer marketing separate than MkIS?

A. Yes.

Q. Okay. And do they have an acronym, or how are they known as?

A. I know them as consumer marketing.

Q. Okay. And how did you support consumer marketing?

A. We helped consumer marketing in regard to their list generation for campaigns and promotions is one way that we supported them.

Q. So MkIS generated the lists?

MR. MEZA: Object to the form.

A. MkIS would get criteria, business rules, from marketing with which

0009

to extract data, and we would do the physical extraction of data with the end result being a list.

Q. Okay. When you just said that you got the data from marketing, was that the consumer marketing group?

A. No, I don't believe I said I got data from marketing. We would get criteria from marketing by which we would pull data. They would tell us business rules for how they wanted data pulled.

Q. And can you give me an example of some of that criteria?

A. A hypothetical example of a list pull, they would tell us the types of customers that they would want to be involved in a campaign. They might tell us to pull customers that had certain features or who had certain segment codes or who did not have certain features.

Q. Give me an example of types.

A. Oh, well, all the customers were retail customers, but a customer type

0010

to me would be -- they would say residential, and then they would tell us further whether they wanted a customer who was in a specific segment code or who had specific features or did not have certain specific features.

Q. Can you give me an example or explain to me what a segment code is?

A. A segment code is a code derived by marketing where they placed their retail customers based on certain behavioral attributes or spend attributes.

Q. Revenue attributes? Would that be the same as spend attributes?

A. It could be. It could be, yes.

Q. What are your current duties? What are your duties in your current position as director of technology?

A. Yes. Currently in my position as director in BellSouth technology group, I'm responsible for the small business chief information office. So I direct the

0011

strategy and planning for small businesses' back office systems.

Q. And was this a promotion?

A. No.

Q. And who took your place as director of MkIS?

A. I don't think anyone took my place. That position was not back-filled.

Q. When you were director of MkIS, did you have employees under you?

A. Yes.

Q. And how many did you have?
A. I would say approximately fifteen.
Q. Okay. And you were the -- as director, you were the top individual in MkIS?
A. No. I was responsible for those particular functions, but I reported to a senior director who is the top person over all the MkIS functions.
Q. And who is that person?
A. Joe Borosh.

0012

Q. Is that B-o-r-s-c-h?
A. No. It's B-o-r-o-s-h.
Q. The rebuttal testimony that you filed in 030349 was directed towards Operation Sunrise and its databases; is that correct?
A. Yes.
Q. Okay. In Operation Sunrise, what are the target groups that Operation Sunrise pursues?
A. I'm sorry. Could you clarify what you mean by target groups?
Q. I'll ask you generally. Operation Sunrise is designed to target which groups?
MR. MEZA: Object to the form.
A. I'm still not understanding what you mean by groups.
MR. MEZA: Do you mean customers, by groups?
MR. CRUZ-BUSTILLO: Yeah. Let me change the word. Yeah, customers instead of groups.

0013

Q. (By Mr. Cruz-Bustillo) What customers?
A. BellSouth's retail residential customers.
Q. Is there a further breakdown, such as individuals who have had a product change?
A. During the time that I was involved, there were three different types of subprograms under Operation Sunrise. One of those programs dealt with existing retail customers who had certain products already who dropped those products. Another was existing retail customers who had chosen BellSouth for their local toll carrier who ceased to have -- who then dropped that service. And then the third is -- dealt with local service, people who had BellSouth's retail local service for residential services, who then subsequently dropped that service.
Q. Okay. You say in your testimony that you are responsible for

0014

managing the lists for the former customers that have switched. What did you mean by managing?

A. I have, at that point in time, oversight responsibility for all of the functions under my responsibility, and this was one of those functions.

Q. Can you give me an example of managing?

A. Day-to-day management of the employees and the contractors and any issues or projects that are going on, knowing what's going on, ensuring that they are within budget, things of that nature.

Q. Is the Sunrise database a computer screen?

A. No.

Q. When you would go pull a record from the Sunrise database, what does that mean to pull a record from the Sunrise database?

MR. MEZA: Object to the form.

0015

A. I don't actually have direct access to those tables. There are folks who worked for me who did. And to me what that means is they would write a program with instructions to read a row of a table or read tables and pull back a result set of that query.

Q. In your testimony, and it may have been Mr. Raeul's testimony, the rebuttal testimony indicated that Sunrise -- records from the Sunrise database would be used to retrieve records from CRIS. How was that actually done?

A. In reality, Sunrise tables specifically does not pull records. We have programs that correlate information from a Sunrise table to information in our tables for CRIS information, billing information.

Q. That program -- does that program have a name?

A. I don't know.

Q. That program, would it run --

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did I understand you correctly to say that the program to retrieve information from CRIS would not be employed until the Sunrise database was populated -- Sunrise table?

MR. MEZA: Object to the form. And I'm not issuing a speaking objection, but is there an understanding -- I don't know if there's an understanding of what is a Sunrise table, because -- and it's a proper question. I think it's a proper question, assuming that there's a mutual understanding.

Q. I'll allow Ms. Summers --

MS. DOTSON: Jim, this is Linda Dotson. When you cite to her testimony, could you refer to page and line number?

MR. CRUZ-BUSTILLO: Sure. Right now I wasn't looking at any page. I was doing it off the top of my head.

Q. (By Mr. Cruz-Bustillo) But before I go on to citing testimony, do you
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want to provide your explanation of what the Sunrise table is?

A. You would really need to talk to Ed Wolfe specifically about each table. My understanding there could be multiple tables, and that's not something that I dealt with day to day. In general, Sunrise holds information about those customers who have disconnected a product or disconnected their toll service or disconnected their local retail service with us.

Q. Okay. Let's refer to Page 1 of your testimony. Here's a copy (indicating).

MR. CRUZ-BUSTILLO: Do you have a copy of her testimony? You can use mine.

MR. MEZA: Thanks.

Q. (By Mr. Cruz-Bustillo) Page 1 of your rebuttal testimony, Line 25, and then going to Page 2, Lines 1 and 2. Could you read -- actually, from Line 24
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where it says, My role with respect. Could you read that sentence all the way down to Line 3 on the following page so that the staff can follow?

A. Yes. The sentence on Line 24 on Page 1 states, My role with respect to Operation Sunrise involved various marketing support functions, including, 1, the generation of lists of existing and former BellSouth retail customers for various reacquisition campaigns; 2, the management of such lists; and, 3, the storing of data for various marketing campaigns.

Q. My question is: Where was the data stored for various marketing campaigns -- or let me restate that.

Where is the data stored for various marketing campaigns?

A. At the macro level, it's on the strategic information warehouse and specifically within the Sunrise tables.

Q. So -- are you aware of which
0019
-- strike that.

How long is the Sunrise table -- how long is the data in the Sunrise table stored for?

A. I'm not sure. We would have to check.

Q. Is Operation Sunrise related to residential services only?

A. Yes.

Q. Is Operation Sunrise a computer program or a corporate program of activities?

MR. MEZA: Object to the form.

A. Operation Sunrise is a corporate program of activities. It includes marketing, technology, operations specifically.

Q. Okay. Is it correct to say that the first objective in contacting a customer who has switched away from BellSouth is to make sure that the customer hasn't switched in error?

A. Yes.

Q. Okay. Is the second objective for contacting the customer a desire to reacquire that customer?

MR. MEZA: Object to the form.

A. Could be.

Q. Let me restate that question. Is the objective of Operation Sunrise -- is the second objective in Operation Sunrise a desire to reacquire that customer?

MR. MEZA: I'm going to object to the form of the question, but you can answer.

A. The secondary objective of the local service component of Operation Sunrise would be to try to winback that local service line.

Q. Does the Harmonize feed provide both retail customer changes and LPIC changes?

A. Yes.

Q. Okay. Let's turn to Page 3, Lines 14 through 22. Could you read me the first sentence between Line 14 and 16, please?

A. Okay. On Page 3, Line 14, the sentence reads: M-KIS or MkIS is an organization within BellSouth that supports the marketing organization by providing various statistics and information about the sales performance of various BellSouth retail products and services.

Q. Who does MkIS provides its statistics about sales performance of various BellSouth retail service and products?

A. Generally, to the marketing units, the marketing managers.

Q. Does the Harmonize feed -- does the Harmonize feed connect to SOCS?

A. Yes.

Q. What types of orders are extracted from SOCS?

A. My understanding is the Harmonize feed contains disconnect orders

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for retail customers.

Q. And how did you come about this understanding that it contains disconnect orders?

A. Through the daily activities in my role as director of MkIS.

Q. Have you ever conferred with Mr. Pate or anybody on the wholesale side regarding what types of orders originate for switches from the wholesale side?

A. No.

Q. Okay. Would it surprise you to know that conversions of a resale and UNE do not generate a disconnect order?

MR. MEZA: Object to the form.

A. I don't know what happens upstream from the Harmonize feed.

Q. Does the Harmonize feed extract orders regarding -- to your understanding, regarding retail -- BellSouth retail customers who are switching away from BellSouth?

A. My understanding of the

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Harmonize feed is that it extracts completed service orders of retail customers who have already switched from BellSouth's retail unit -- retail residential unit to another carrier.

Q. So when you say disconnect orders, is that the definition that you are associating with the phrase disconnect orders?

MR. MEZA: Hold on. Object. That was circular.

Q. Okay. I'll ask it again. When you said disconnect orders, did you mean in the answer that you just gave regarding that these are orders regarding -- completed orders regarding individuals that were BellSouth customers that have switched to a competitor?

A. When I said disconnect orders, my understanding of that was completed disconnect orders for BellSouth residential retail customers.

Q. Okay. And then my follow-up

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is: Did you know that competitors don't -- a competitor of -- competitors submitting CLEC LSR do not generate disconnect orders? Did you know that?

A. No.

Q. Once the orders are extracted from SOCS, where are they placed -- strike that.

Once the orders are extracted via the Harmonize feed, where are those orders -- where is their first stop?

A. They are placed into a temporary table on the strategic information warehouse.

Q. And why are they placed on this temporary table?

A. I'm not sure.

Q. Who would know the answer to that?

A. Ed Wolfe.

Q. Okay. Do you know what information the Sunrise table receives from SOCS?

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MR. MEZA: Object to the form.

A. Are you asking about the SOCS to Harmonize feed or the Harmonize to Sunrise feed?

Q. Well, it was always my understanding -- and please correct me if I'm wrong to make sure I have it -- is I picture the Harmonize feed like a tube coming out of SOCS, and that it dropped information into a first database, which you have called a temporary table.

How do you -- is that a correct interpretation for me to have, or is the Harmonize feed a table, also?

A. I don't know what happens in the SOCS side of things. I know that we get a data feed from SOCS called the Harmonize feed that goes into a temporary table on the strategic information warehouse. And then from there, I believe there's some processing that happens before data is then inserted into a permanent table in Operation Sunrise.

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MR. CRUZ-BUSTILLO: Okay. I'm going to introduce an exhibit that I guess we're going to put under rules of confidentiality. Is that what we're going to do?

MR. MEZA: Right. And for the court reporter's benefit, portions of this deposition transcript, questions on a going-forward basis will be marked as confidential and will not be able to be accessed by the public, and any exhibits attributed to this portion of the testimony will be sealed and also not available.

STAFF MEMBER: Excuse me. Counselors, the Public Service Commission here. Did you already request that these exhibits be marked confidential?

MR. MEZA: Yes. And they have already been determined to be confidential.

STAFF MEMBER: Okay. Thank you very much.

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MR. CRUZ-BUSTILLO: Well, there wasn't an order.

MR. MEZA: Yes. There was an order on the exhibits as well as testimony.

MR. CRUZ-BUSTILLO: Really? Was there an order? I thought Deason said he was going to reserve ruling, and it was -- just because there was a request for confidentiality, that's why they were confidential.

MR. MEZA: They had two sets of exhibits in the direct testimony. The request for confidential classification, according to my understanding, was granted. It's still pending as to your rebuttal exhibits.

MR. CRUZ-BUSTILLO: Staff, was all of the requests for confidentiality -- was there an order issued on that, Linda?

MS. DOTSON: There was one order issued on -- I believe it was the exhibits to the direct testimony.

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MR. CRUZ-BUSTILLO: Oh, okay. That's really a technical point, because I was treating everything confidential because Commissioner Deason said, Until I make a ruling, it's confidential. I just wasn't aware of an order being issued.

MS. DOTSON: That's correct.

MR. CRUZ-BUSTILLO: Oh, is that the order?

MS. DOTSON: Commissioner Deason did say that everything would be confidential until he ruled on it.

MR. CRUZ-BUSTILLO: Has he ruled on it, Linda? Is that what the order is?

MS. DOTSON: He has only ruled on the exhibits to the direct testimony, I believe.

MR. CRUZ-BUSTILLO: All right. Thank you, Linda.

Okay. This, for the benefit of staff, is Dan 18, and I'm looking at Bates stamp 001566. And I'm going to

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read --

MR. MEZA: Can you identify whose deposition transcript it is?

MR. CRUZ-BUSTILLO: Sure. This is Dan 18. It's the deposition transcript of Michelle Summers on October 9, 2002. And it's Bates stamped Page 001566. And I guess this portion of the transcript will be sealed.

(Whereupon, the following testimony is confidential and has been placed under seal.)

A. All product changes except for local toll.

Q. And local toll information goes to CARE?

MR. MEZA: I'm going to object to the form.

A. It comes from a CARE feed.

Q. Okay. Please explain: What is SIW?

A. SIW stands for strategic information warehouse.

Q. And what kind of information is stored in SIW?

A. It's a vast computer system that contains all kinds of information. My understanding is both retail and wholesale information.

Q. Billing information?

A. I can only speak for the data on the retail side. For retail, we do keep records of our retail customers' past billing -- some billing information.

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Q. What about demographic information?

A. For retail customers, yes.

Q. What is CRIS to your knowledge?

A. I don't know what the acronym stands for, but it's our billing system.

Q. And what is BOCRIS?

A. It's the business billing part of CRIS that bills business customers.

Q. When MkIS -- or employees under you at MkIS use the Sunrise database to retrieve records from CRIS, do they also do it with BOCRIS?

A. Operation Sunrise does not support business customers. So we would not correlate Sunrise information to information from business CRIS.

Q. If the Harmonize feed extracts residential retail information and there's a separate feed for product change information, is there another feed for business switches, business customers of BellSouth that have chosen to go to a competitor?

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A. I don't know.

Q. Who would know the answer to that?

A. I'm not sure.

MR. MEZA: Counselor, just for your information, it's Tamara Scoech.

THE WITNESS: Scoech.

MR. MEZA: Scoech. That's why we included her testimony.

Q. You may have already answered this question. The Sunrise database sits within the SIW; is that correct?

A. That's correct.

Q. Okay. When you say Operation

Sunrise, do you mean a group of activities designed to support marketing efforts designed to residential retail customers who have left BellSouth to a competitor?

A. No. To me Operation Sunrise is all aspects of Operation Sunrise

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inclusive of the three areas I mentioned earlier. It's product winback, local toll winback, and local service winback.

Q. Okay. That's what I thought, but I wasn't sure. I need to pull out another exhibit. Hold on a second.

MR. MEZA: Excuse me, Counselor. I don't want to interrupt you. Are you going to mark that page as Exhibit 1?

MR. CRUZ-BUSTILLO: Yes, we will.

MR. MEZA: Does the court reporter have it?

MR. CRUZ-BUSTILLO: No, she doesn't.

(Whereupon, Plaintiff's Exhibit No. 1 was marked for identification.)

MR. MEZA: I believe we're no longer confidential.

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MR. CRUZ-BUSTILLO: We're going to go back and undesignate it at the point we stopped asking about the prior deposition.

MR. MEZA: Exhibit 1.

MR. CRUZ-BUSTILLO: After Exhibit 1. All of her answers after that will be public.

MR. CRUZ-BUSTILLO: Staff, I'm eliminating questions that she's already answered. So that's the silence going on.

MS. DOTSON: That's great.

Q. (By Mr. Cruz-Bustillo) Ms. Summers, you said that there was a separate feed for product changes. When I -- is it correct for me to understand that the permanent Sunrise table contains only those customers that have gone to a -- current BellSouth retail customers that have gone to a competitor, past tense. Is that the only information on that Sunrise database, or does the separate feed

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pulling out product changes feed those records into that same database?

MR. MEZA: Object to the form.

Q. I'll ask it again. Tell me if you understood it first.

A. I believe I understood the question.

Q. Okay.

A. But I don't know the answer. You would have to speak with Ed Wolfe.

Q. Okay. Thank you. To your knowledge, did your staff under you at MkIS ever utilize -- strike that.

Are there several different permanent Sunrise databases?

A. I'm not sure. You really need to check with Ed Wolfe on the specific data structures.

Q. Okay. What's Mr. Wolfe's current title? Do you know? Is it there? I've just forgot.

A. It says here that he is the marketing operations manager within the

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MkIS delivery organization.

Q. What is the Teradata platform?

MR. MEZA: Object to the form.

A. Teradata.

Q. Is that it, Teradata?

A. Uh-huh (positive response). Is the manufacturer. That's the server name for the SIW. It's the hardware component. It's manufactured by NCR.

Q. How long were you in the position as director of MkIS?

A. From June of 1998 until August of 2002.

Q. How long has the Harmonize feed been in operation?

A. I don't know.

Q. Can you guess when you started utilizing the data coming from the Harmonize feed?

A. No. I'm sorry. I couldn't guess.

Q. How long were you generating lists at MkIS?

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A. What type of lists?

Q. The lists for the consumer marketing group.

A. Again, I would ask if you could be more specific. Lists in general or lists relative to Operation Sunrise?

Q. Lists relative to Operation Sunrise.

A. I believe, and we would have to verify this, that the product winback aspect of Operation Sunrise and the toll aspects were -- the local toll winback were in place when I came on board, if I'm not mistaken. We would need to verify that. But the local service winback portion didn't start until 2001.

Q. And I think I asked you the wrong question. I think I asked you how long was the Harmonize feed in operation. I guess I should have asked you: How long was Operation Sunrise in operation?

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A. I don't know exactly when the program started. It started -- the program, the corporate program of activity, started before I came into play in '98. So I was not there at the inception of it. You would have to check.

MR. CRUZ-BUSTILLO: All right. Do you want to take a five-minute break?

MR. MEZA: Sure.

(Whereupon, a discussion off the record was held.)

(Whereupon, a brief recess was taken.)

Q. (By Mr. Cruz-Bustillo) Does the Harmonize feed extract orders from SOCS on a nightly basis?

A. We receive the Harmonize feed daily to the strategic information warehouse, yes.

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Q. When you say daily, are you talking about the permanent Sunrise table in the SIW?

A. No. When -- we receive the SOCS Harmonize feed to the warehouse to the temp tables on a nightly basis.

Q. When you say we, who are you referring to?

A. I'm sorry. I'm referring to the strategic information warehouse. It goes from SOCS through the Harmonize feed to the temp tables on the strategic information warehouse nightly.

Q. How long between the time that the data moves from the temporary table to the permanent table?

A. My understanding, and I would ask that you validate this with Ed Wolfe, is that we do weekly processing of all the files that have been appended to the temp tables and do the processing that happens between the temp tables to the permanent Sunrise tables on a weekly basis.

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Q. So on a Friday morning, you would have all completed switches for the prior Friday through Thursday?

A. I don't know the exact schedule for how that happens whether the calendar week is Saturday to Saturday or Sunday to Sunday. You would have to really check with Ed. He would be able to give you that detail.

Q. Thank you. Apart from the Harmonize feed, is there any other method by which MkIS is notified that a customer has left BellSouth to take its local service from a competitor?

THE WITNESS: Could you read that back please?

(Whereupon, the requested portion of the record was read back.)

A. In regards to Operation Sunrise local service program, no. I can't speak for MkIS overall if anybody

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gets anything. But for Operation Sunrise, we only get the local service disconnect information from the Harmonize feed.

Q. Thank you. Does MkIS generate leads for local service winback?

A. For residential local service winback, yes.

Q. Thank you. Do you send these lists of customers to an outside direct-mailing company?

A. Yes.

Q. Do you happen to know the name of that company?

A. Performance Direct.

Q. And how long between the time that you receive the data in the permanent table and the time that you send the lists to the direct-mailing company? How much times elapses?

A. I'm not sure. We would have to check with Ed.

Q. Like is it that Friday morning, Friday afternoon for switches

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that have occurred in the previous seven days?

A. I'm really not sure.

Q. Okay. Thank you. Are the marketing lists generated for the outside mail companies archived in the strategic information warehouse?

A. Yes. But I'm not sure for how long.

Q. Okay. Do you know how this information is -- strike that.

Have you ever seen a layout -- have you ever seen a file layout for an individual record in the permanent Sunrise table?

MR. MEZA: Object to the form.

A. I've seen the layout that is in the exhibit that you have in front of you that's dated June 14th, 2001.

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(END OF SEALED PORTION)

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Q. Tell me if Line 4 -- let me see. That's Mr. Wolfe's testimony. Okay. Strike that. I don't want to ask her questions regarding Mr. Wolfe's testimony.

Could you look at Page 11, lines -- can you tell me if the testimony on Page 11 is your rebuttal testimony or Mr. Wolfe's?

A. I believe that's Mr. Wolfe's. If you back up to Page 9 --

Q. It has Mr. Wolfe there?

A. Uh-huh (positive response).

Q. Let's go to Page 11, Lines 10 through 15. Let me ask you anyway, because I want to see if you just happen to know. For the purposes of the record, can you read Lines 10 through 13, and then you don't need to read the last sentence, unless your counsel would like you to.

But for the purpose of my question, I only want to ask about the content of that sentence.

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A. Okay. On Page 11, Line 10, it reads, Next, Operation Sunrise copies into a permanent table in the Sunrise database certain data from each remaining disconnect order, the NPA, the NSX, the line, the customer code, and the date the data was extracted from SOCS. The temporary table is then purged completely.

Q. Can you tell me, do you have knowledge of what the customer code is?

A. No.

Q. And do you know who would have knowledge of the customer code?

A. Ed Wolfe.

Q. Thank you.

(Whereupon, a discussion off the record was held.)

Q. Ms. Summers, when you were director of MkIS, did you sit through any training regarding Operation Sunrise?

MR. MEZA: Object to the form.

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A. I'm not sure what you mean by training.

Q. Did you ever review this manual that I'm holding here? It's Dan 9, and I'm going to hand it to your counsel. One question at a time. Have you ever reviewed that manual in your position as director of MkIS is the standing question?

MR. MEZA: I'll just note for the record that the pages aren't sequential, but it looks like we gave it to you in this order because of the BST Bates stamp. So I don't know if this is the entire document.

MR. CRUZ-BUSTILLO: No. In fact, it's bigger. That's just really the beginning part of it. It was actually almost like a thousand pages.

MR. MEZA: Okay. And this is confidential, this exhibit.

MR. CRUZ-BUSTILLO: But I'm not going to attach it as an exhibit. I

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just want to know if she knows it, because it's already part of the record.

A. Yes, I've seen this document.

Q. (By Mr. Cruz-Bustillo) Did you see that document when you were in your position as director of MkIS?

A. Yes.

MR. CRUZ-BUSTILLO: Okay. There's a chart in there. Can you find that chart for her?

MR. MEZA: Sure.

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(END OF SEALED PORTION)

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MR. CRUZ-BUSTILLO: Okay. From here we're going public.

MR. MEZA: Do you need this back, Jorge?

MR. CRUZ-BUSTILLO: Yeah. We can give it to her.

Q. (By Mr. Cruz-Bustillo) When you examine a record on this permanent

Sunrise database, can you identify a disconnect reason code?

A. My understanding is there are no disconnect reason codes in the permanent database, but Ed would be able to verify that point specifically.

Q. Okay. Thank you. I may have already asked this question, but I didn't write down the answer. How long does it take to generate a profile of a former customer to determine -- or to qualify the marketing campaign that you want to associate with that customer?

A. I don't know. Each campaign is different. Ed could probably give you

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an average.

Q. Okay. What's the shortest amount of time?

A. I don't know.

Q. Okay. When you generate those leads for the outside marketers, how is that information sent? Is it on a disk? Is there an electronic feed process already set up flowing from BellSouth directly to them, computer to computer?

A. My understanding for local service is that it's in a file transfer protocol called FTP.

Q. Would it be correct for me to interpret that as, at a certain period of time, there's an automatic like e-mail from BellSouth to them?

MR. MEZA: Object to the form.

A. I don't know whether it's an e-mail or not. I know that we use the FTP, or file transfer protocol, to send it to them. Ed could tell you specifically whether it's dropped into a mailbox and

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picked up or whether it goes point to point.

Q. Point to point. Yeah. I'm not a computer guy. Our computer guys would probably tell me you don't need to ask that question.

(END OF SEALED PORTION)

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Q. (By Mr. Cruz-Bustillo) Okay. Let's turn to Page 8, Lines 6 through 8 in your testimony. And can you read lines 6 through 7, just that one sentence?

A. Yes. On Page 8, Line 6, it reads: No. Operation Sunrise only tracks disconnect orders that have been completed; that is, orders in which the service has actually been disconnected.

Q. Okay. Here's my confusion. If orders of whatever kind are extracted on a nightly basis to a temporary table, isn't it correct that that temporary table must contain orders that are pending?

A. No. That is not correct.

Q. Tell me why you say no, and then I'll tell you where I'm still confused. Why do you say no?

A. The Harmonize feed does not send pending orders to the SIW is my understanding. It only sends completed disconnect orders.

Q. Okay. The other day -- I'm

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just going to -- maybe I need to ask Mr. Wolfe this, but I want to ask you this. If there's a nightly feed from SOCS to this temporary table?

MR. MEZA: Object to the form.

Q. If the Harmonize feed on a nightly basis extracts orders from SOCS and it takes two or three days for a CLEC service order to be converted downstream, that means that the service order sitting in temporary table must be pending until a signal is sent back up to SOCS confirming that the conversion has been completed; and then on that third night, that order will be matched up with the pending order sitting in the temporary table showing that it's complete.

MR. MEZA: Is that a question?

Q. So my question is: Wouldn't you agree, assuming you can check that with Mr. Pate, because that's what Mr. Pate said --

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MR. MEZA: I object.

Q. Okay. Wouldn't you agree that logically the temporary table would have to contain pending orders at some period in time?