

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
from Federal Communications Commission ) Docket No. 030851-TP  
triennial UNE review: Local Circuit Switching )  
for Mass Market Customers. )

**SURREBUTTAL TESTIMONY OF**

**MARK DAVID VAN DE WATER**

**ON BEHALF OF  
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC**

**JANUARY 28, 2004**

**REDACTED VERSION**

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1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND POSITION**  
2 **TITLE.**

3 A. My name is Mark David Van de Water. My business address is 7300 East  
4 Hampton Avenue, Room 1102, Mesa, AZ 85208-3373.

5 **Q. ARE YOU THE SAME MARK DAVID VAN DE WATER THAT**  
6 **PREVIOUSLY FILED DIRECT TESTIMONY IN THIS DOCKET ON**  
7 **DECEMBER 4, 2003, AND REBUTTAL ON JANUARY 7, 2004?**

8 A. Yes, I am.

9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

10 A. My Surrebuttal testimony responds to portions of the rebuttal testimony of  
11 BellSouth's witnesses Ken L. Ainsworth, Alfred A. Heartley, Milton McElroy Jr.,  
12 Ronald M. Pate, John A. Ruscilli, Eric Fogle, and A. Wayne Gray.

13

14 **I. BELLSOUTH'S REBUTTAL DOES NOT ADDRESS THE IMPAIRMENT**  
15 **CONCERNS RAISED BY AT&T.**

16 A. BellSouth Challenges the Very Concept that Hot Cuts Must be as  
17 Seamless as UNE-P Conversions.

18

19 **Q. ON PAGE 30 OF HIS TESTIMONY, MR. RUSCILLI DISCUSSES THE**  
20 **SEAMLESS NATURE OF UNE-P AND PIC CHANGES. PLEASE**  
21 **COMMENT.**

22 A. Mr. Ruscilli appears to agree with AT&T and MCI that UNE-P migrations and  
23 PIC changes are seamless, while hot cuts are not. Mr. Ruscilli's testimony reveals  
24 that he does not believe hot cuts are seamless and he does not believe they should  
25 be seamless. This position contradicts both the FCC and other BellSouth

1 witnesses. (See BellSouth Witness McElroy Rebuttal at page 2 and Ainsworth  
2 Direct at page 2.) In order to overcome impairment, the hot cut process must be  
3 seamless and low-cost.

4 **Q. ON PAGE 31 OF HIS TESTIMONY, MR. RUSCILLI STATES THAT THE**  
5 **FCC “FLATLY REJECTED AT&T’S ELP PROPOSAL” AND STATED**  
6 **THAT THIS COMMISSION SHOULD DO THE SAME? DO YOU**  
7 **AGREE?**

8 A. Absolutely not. Mr. Ruscilli ignores the part of the TRO in which the FCC states  
9 that although it declines to order ELP *at this time*, it may reexamine AT&T’s  
10 proposal if hot cut processes are not, in fact, sufficient to handle necessary  
11 volumes. TRO ¶ 419. Electronic loop provisioning would be both seamless and  
12 low cost, and could handle the volumes required by the mass market. AT&T is  
13 requesting that the Commission find that the ILECs’ hot cuts processes are  
14 insufficient, thus impairing CLECs without access to unbundled switching, and to  
15 initiate another proceeding to determine whether ELP would eliminate this  
16 impairment.

17 **Q. ON PAGES 8 AND 9 OF HIS TESTIMONY, MR. AINSWORTH**  
18 **RESPONDS TO TWO OF AT&T’S CONCERNS REGARDING**  
19 **BELLSOUTH’S BATCH PROCESS: (1) THAT THE PROCESS DOES**  
20 **NOT ALLOW AFTER HOURS CUTS, AND (2) THAT THE PROCESS**  
21 **DOES NOT INSURE THAT ALL END USER’S LINES WOULD BE**  
22 **PROVISIONED ON THE SAME DAY. DOES MR. AINSWORTH’S**  
23 **RESPONSE ALLEVIATE YOUR CONCERNS?**

24 A. No. Instead, it confirms my understanding of the shortfalls in BellSouth’s plan.  
25 For both issues, BellSouth’s response is that the CLEC “may request” after hours  
26 cuts and “may request” that all of an end-users lines be cut on the same day.  
27 BellSouth makes no commitment that it will provide the requested services. In

1 any event, BellSouth's promises are not adequate. The FCC clearly stated that  
2 "incumbent LECs' promises of future performance [are] insufficient to support a  
3 Commission finding that the hot cut process does not impair" CLECs. TRO at n.  
4 1437.

5 **Q. ON PAGE 15 OF HIS TESTIMONY, MR. AINSWORTH ASSERTS THAT**  
6 **BELLSOUTH DOES HAVE A TIMELY PROCESS FOR RESTORAL OF**  
7 **CUSTOMER SERVICES. WHAT IS YOUR RESPONSE?**

8 A. Mr. Ainsworth asserts, "once the order is closed, the UNE-P records are purged  
9 and the only way to address a trouble on the unbundled loop is via a trouble  
10 ticket". However, Mr. Ainsworth's solution does not account for those times  
11 when the problem is due to CLEC issues. In those cases, it can be up to three  
12 days to get the service ported back to BellSouth. Other ILECs, such as SBC, are  
13 much more responsive to this customer-impacting issue.

14 **Q. ON PAGE ELEVEN OF HIS TESTIMONY, MR. PATE CLAIMS THAT**  
15 **YOU MISCHARACTERIZED DATA BECAUSE THE NUMBERS YOU**  
16 **USED TO COMPARE FLOW-THROUGH FOR UNE-P ORDERS VERSUS**  
17 **UNE-L ORDERS DID NOT IN FACT REPRESENT FLOW-THROUGH?**  
18 **DO YOU AGREE?**

19 A. Absolutely not. BellSouth described the percentage numbers I used from its  
20 responses to Interrogatories 28 and 32 as numbers for "fully mechanized" orders.  
21 Fully mechanized orders flow-through. Only fully mechanized orders flow-  
22 through; manually handled orders do not. Therefore, the terms are used  
23 interchangeably throughout the industry.

24 **Q. GIVEN THAT THE TERM FULLY MECHANIZED DOES NOT**  
25 **INCLUDE MANUALLY HANDLED, DID YOU HAVE ANY CONCERNS**  
26 **ABOUT USING BELLSOUTH'S FULLY MECHANIZED**  
27 **PERCENTAGES?**

1 A. When I reviewed the data, I determined that BellSouth had in fact included  
2 manual LSRs in its calculation of “percent fully mechanized.” Although that  
3 could only result in overstating BellSouth’s fully mechanized or flow-through  
4 performance, I decided to make use of the information, as it is particularly  
5 relevant for this proceeding. The information is particularly relevant because it is  
6 specific to migrations, while the flow-through performance reports produced  
7 monthly by BellSouth also include other categories of information such as feature  
8 changes and LNP stand-alone. My intent was to illustrate the vast disparity in the  
9 flow-through or full mechanization of UNE-P and UNE-L migration orders. The  
10 information provided by BellSouth that I used in my testimony does exactly that.

11 **Q. ON PAGES FIVE THROUGH EIGHT OF HIS TESTIMONY MR PATE**  
12 **DISCUSSES FLOW-THROUGH PERFORMANCE. PLEASE**  
13 **COMMENT.**

14 A. Mr. Pate’s analysis of UNE, resale, and talk of improvement plans appear  
15 intended to distract attention away from the issue I asked this Commission to  
16 consider: most UNE-P migration orders are fully electronic and thus flow-  
17 through BellSouth’s ordering systems; most UNE-L migration orders are  
18 manually created by BellSouth, and thus do not flow-through BellSouth’s  
19 ordering systems. Mr. Pate’s chart on page seven is particularly illuminating in  
20 this regard. It indicates that UNE-P LSRs comprise 78.6% of the LSR population.  
21 while LNP (which includes BOTH stand-alone LNP, and UNE-L migrations with  
22 LNP) comprise only 1.6%. BellSouth is asking this Commission to change the  
23 way that 78.6% of customer requests are handled and have them be treated as the  
24 <1.6% are treated, with abysmal flow-through performance.

1 B. BellSouth's Attempt to Suggest that its Bulk Ordering Process is an  
2 Acceptable Batch Provisioning Process is Contrary to the Evidence.

3 Q. ON PAGE 3 OF HIS REBUTTAL TESTIMONY, MR. PATE INDICATED  
4 THAT BELLSOUTH'S IMPLEMENTATION OF AT&T'S CHANGE  
5 REQUEST FOR A BULK MIGRATION PROCESS DID MEET AT&T'S  
6 STATED NEEDS. IS MR. PATE CORRECT?

7 A. No. As I pointed out in my rebuttal testimony, Mr. Pate selectively summarizes  
8 the change request. He only quotes from a portion of the change request, and  
9 omits, among other things, AT&T's request for weekend cuts. Nonetheless, Mr.  
10 Pate's rebuttal admits that any reasonable reader would have interpreted that  
11 AT&T had asked for "project managed provisioning." I agree. However,  
12 BellSouth and AT&T apparently differ on their views of project managed  
13 provisioning. AT&T does not believe that BellSouth provides project managed  
14 provisioning for its bulk ordering process. In response to the change request,  
15 BellSouth changed nothing about its provisioning process. Indeed, in Mr.  
16 McElroy's testimony, Exhibit MM-2 reveals that in BellSouth's "third party test,"  
17 the provisioning of 80% of the test orders were not even coordinated with the  
18 CLEC, much less project managed.

19 Moreover, BellSouth's own witness recognized that it does not have a  
20 batch provisioning process. In Mr. Ainsworth's direct testimony at page two, he  
21 described BellSouth's batch process as "BellSouth has in place a batch hot cut  
22 process that provides *additional ordering capabilities* and the *same* proven  
23 seamless quality *migrations as individual hot cuts.*" BellSouth's batch ordering  
24 process does not and cannot reduce or eliminate impairment. Finally, any  
25 "reading" of the change request document issued in 2000 aside, BellSouth knew

1 that AT&T was not satisfied with the process it planned to implement when it  
2 began implementation.

3 **Q. HOW LONG HAS BELLSOUTH BEEN AWARE THAT THE PROCESS**  
4 **IT DESIGNED IN RESPONSE TO AT&T'S CHANGE REQUEST WAS**  
5 **NOT SATISFACTORY TO AT&T?**

6 A. BellSouth has known since at least mid-2002 that AT&T was dissatisfied. In  
7 BellSouth's September 20, 2002 response to Ms. Denise Berger of AT&T,  
8 BellSouth stated "During our conversation you indicated that the new process  
9 resulting from CR0215 would not meet the needs of the internal AT&T  
10 organization. Those needs apparently have prompted the request for a different  
11 new process as outlined in your August 30 letter." BellSouth even suggested in  
12 the letter that AT&T submit another change request. (See Exhibit MDV-SR1.)

13 **Q. PLEASE SUMMARIZE AT&T'S EXPERIENCE WITH THE**  
14 **IMPLEMENTATION OF "BATCH" OR "BULK" HOT CUTS IN**  
15 **BELLSOUTH**

16 A.  
17 • Well over three years ago, AT&T requested that BellSouth provide a process  
18 that would accommodate both bulk ordering and provisioning of its customers  
19 from UNE-P to UNE-L.  
20 • Dissatisfied with the process BellSouth planned to implement, on August 30,  
21 2002, AT&T wrote a letter to BellSouth requesting that it develop a bulk  
22 conversion process. (See Exhibit MDV-5 of Van De Water Direct  
23 Testimony.)  
24 • BellSouth responded that AT&T should submit a second change request or a  
25 new business request.

- 1           • AT&T submitted a new business request for a bulk conversion process, to use  
2           at its option, to migrate its customers from UNE-P to UNE-L.
- 3           • BellSouth agreed that AT&T's request was feasible, but required exorbitant  
4           fees in addition to the usual high hot cut charges, and refused to commit to a  
5           number of conversions to be implemented per day.
- 6           • BellSouth's prices and lack of willingness to make volume commitments  
7           prevented AT&T from moving forward with its new business request for bulk  
8           conversions of its customers from UNE-P to UNE-L.

9           C.     BellSouth Does Not Allow CLEC-to-CLEC Activities

10    **Q.    ON PAGES 20 MR. PATE INDICATES THAT THE CLEC-TO-CLEC**  
11    **MIGRATION ISSUES RAISED BY CLECS ARE EXTRANEIOUS TO THIS**  
12    **DOCKET. DO YOU AGREE?**

13    A.    No. As an initial matter, BellSouth refuses to include CLEC-to-CLEC migrations  
14    in its batch process, which this Commission must approve in this docket.  
15    Moreover, BellSouth is seeking to have this Commission eliminate switching as a  
16    UNE it must provide, therefore any problems a CLEC experiences when  
17    attempting to move a customer to its switch from another CLEC are relevant to  
18    this proceeding.

19    **Q.    DO YOU AGREE THAT A COLLABORATIVE ADDRESSING CLEC TO**  
20    **CLEC MIGRATIONS IS UNDERWAY IN FLORIDA?**

21    A.    Yes. BellSouth, however, is responsible for many areas of concern that are not  
22    being addressed by the collaborative including:

- 23           • CLEC-to-CLEC migrations are not included in the batch process,  
24           • CLEC to CLEC UNE-L orders must be submitted manually,



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6       **\*\*\*End Confidential**

7    **Q.    ON PAGES 15-18 OF HIS TESTIMONY, MR. GRAY DISCUSSES**  
8    **BELLSOUTH'S POLICY REGARDING THE USE OF MULTIPLE**  
9    **COMPANY CODES AND RECOMMENDS ACTION THAT AT&T TAKE**  
10   **TO ADDRESS THIS ISSUE. PLEASE COMMENT.**

11   A.    On page 15, lines 19 and 20 of his testimony, Mr. Gray succinctly describes the  
12        root cause of the problem I described on pages 54-57 of my direct testimony: "It  
13        is BellSouth's policy not to accept assignments from CLECs other than the owner  
14        of the collocation space. . . ." (Mr. Gray does not indicate how he thinks the  
15        ordering CLEC could have the assignments to provide them to BellSouth without  
16        first having obtained them from the owning CLEC). Mr. Gray goes on to say that  
17        the reason for this policy is "to protect a CLEC's assets/property," and that  
18        "BellSouth's ordering and provisioning systems contain edits that prevent  
19        unauthorized assignment of its customer's collocation assets." Incredibly,  
20        BellSouth takes this position when AT&T attempts to use its own assets that have  
21        differing codes, although it knows full well that AT&T owns the equipment and is  
22        therefore fully "authorized." Instead, it offers extremely costly and burdensome  
23        options to remove protection AT&T has not requested.

24   **Q.    DOES MR. GRAY ACKNOWLEDGE THAT BELLSOUTH'S POLICIES,**  
25   **PRACTICES, AND SYSTEMS EFFECTIVELY PREVENT A CLEC**

1 **FROM BEING ABLE TO ORDER A LOOP FROM BELLSOUTH AND**  
2 **SWITCHING FROM ANOTHER CLEC?**

3 A. Yes, he does, although it follows his initial answer of no. The net of Mr. Gray's  
4 response (on pages 16 and 17) is that BellSouth will permit a DS1 loop to be  
5 ordered from BellSouth by one CLEC and delivered to the collocation space of  
6 another CLEC, but will *not* permit a DS0 loop be ordered from BellSouth by one  
7 CLEC and delivered to the collocation space of another CLEC. DS0 loops are the  
8 loops used to serve mass market customers. DS0 loops are thus the subject of this  
9 proceeding. It is unclear why Mr. Gray felt it necessary to include enterprise  
10 loops in his response.

11 **Q. PLEASE SUMMARIZE THE RELEVANCE OF THIS PROBLEM TO**  
12 **THIS PROCEEDING.**

13 A. Any CLEC who wanted to order wholesale switching, should it become available,  
14 to use with analog UNE loops (DS0) for mass market customers would encounter  
15 the problems described in my direct testimony and the testimony of Mr. Gray.  
16 These difficulties are caused solely by BellSouth's claimed policy decision to  
17 provide unwanted protection to CLECs. If BellSouth's interest is truly to protect  
18 CLECs, as well as itself, it could require that a letter of authorization between the  
19 two company entities/CLECs be provided before service is provisioned.  
20 BellSouth does this today for DS1 or higher level of service. It simply refused to  
21 do so for DS0 service.

22 **Q. ON PAGE FOUR OF HIS TESTIMONY, MR. FOGLE ASSERTS THAT**  
23 **YOU MISCHARACTERIZED LINE SPLITTING AS UNE-P BASED.**  
24 **PLEASE RESPOND.**  
25

1 A. Based on his response, Mr. Fogle does not appear to take issue with my detailed  
2 description of line splitting, only the “UNE-P based” label. Further, as he did not  
3 take issue with the substance of my description, it is unclear why he believes I  
4 was operating under a “misconception”.

5 **Q. DO BELLSOUTH EMPLOYEES ALSO REFER TO “UNE-P LINE**  
6 **SPLITTING?”**

7 A. Yes. For example, in the bracketed section of the second page of BellSouth-  
8 generated meeting notes from the December 11, 2003 BST Line sharing/Line  
9 Splitting Collaborative, BellSouth reports “Readily identified as high importance  
10 were a) migrating *existing UNE-P with line splitting* to UNEL and retain  
11 DSL...” (emphasis added) (See Exhibit MDV-SR2.)

12 **Q. ON PAGE ELEVEN OF HIS TESTIMONY, MR. FOGLE REFERENCES**  
13 **THE FACT THAT DEDICATED WIRING DOES NOT MAKE SENSE**  
14 **FOR A 10% TAKE RATE OF DSL. PLEASE RESPOND.**

15 A. AT&T never indicated that it “made sense.” only that installing dedicated CLEC  
16 collocation cage to CLEC collocation cage cabling was the only process available.  
17 Further, it appears that Mr. Fogle does not share the same optimism as other  
18 BellSouth witnesses about CLECs’ ability to attract DSL customers. For example,  
19 in her testimony at Exhibit DJA-05, Dr. Aron indicates that in three years a single  
20 CLEC would obtain a 15% penetration rate of the DSL market, and 25% of the  
21 small business DSL market.

22 **Q. ON PAGE TEN AND AGAIN ON PAGE THIRTEEN OF HIS**  
23 **TESTIMONY, MR FOGLE SUGGESTS THAT AT&T DISPATCH ON**  
24 **EVERY DSL ORDER INSTEAD OF WIRING DEDICATED CABLING.**  
25 **PLEASE RESPOND.**

1 A. As I indicated in footnote 25 of my direct testimony, AT&T is aware of the  
2 dispatch option, but views such an arrangement as both economically and  
3 operationally infeasible. Therefore, Mr. Fogle simply offers to exchange one  
4 inefficient process for another. He does thoughtfully recommend that we  
5 approach BellSouth to provide technician dispatches at undefined “market” rates.  
6 However, in calculating our “savings” if we do not deploy some of the equipment  
7 I described in my direct testimony, he fails to provide the additional costs of the  
8 required dispatches.

9 **Q. GIVEN THE OPERATIONAL AND ECONOMIC HURDLES OF LINE**  
10 **SPLITTING USING UNE-L YOU HAVE DESCRIBED IN YOUR**  
11 **TESTIMONY, WHAT DO YOU RECOMMEND?**

12 A. Those hurdles are an additional source of impairment to an already impaired  
13 UNE-L process. As such, a finding that CLECs are impaired without access to  
14 unbundled switching would certainly address the problems of being forced to use  
15 such a process.

16 **Q. FOR ANY CASES WHERE A CLEC CHOOSES TO PROVIDE DSL VIA**  
17 **UNE-L LINE-SPLITTING, HAS BELL SOUTH MET ITS OBLIGATIONS?**

18 A. No. The TRO at ¶514 specifically determined that “an incumbent LEC’s failure  
19 to provide cross connections between the facilities of two competitive LECs on a  
20 timely basis can result in impairment.” Not only does BellSouth not provide cross  
21 connects between CLECs for UNE-L line splitting on a timely basis, it currently  
22 does not provide them at all. BellSouth’s existing “Co-carrier Cross Connection  
23 Arrangement” is not, in fact, a cross connection offering at all, it is only

1 BellSouth's authorization for two CLECs to install a dedicated cable between the  
2 respective collocations in the same central office.

3 **Q. ON PAGE 17 OF HIS TESTIMONY, MR. FOGLE APPEARS TO**  
4 **INDICATE THAT THE CLEC'S "INTEREST" IN UNE-L LINE**  
5 **SPLITTING HAS BEEN LIMITED AND RECENT. IS THAT YOUR**  
6 **UNDERSTANDING?**

7 A. No. A review of BellSouth's line-splitting collaborative meeting notes indicates  
8 that in the February 27, 2003 MCI agreed to provide information to the group  
9 about UNE-L or loop-splitting. Further, it is clear from the attached July 2003 e-  
10 mails from Denise Berger of AT&T to various BellSouth employees that  
11 discussions on this topic occurred in the May and June 2003 collaborative  
12 meetings. Finally, the July 30, 2003 e-mail from Denise Berger asked a series of  
13 questions attempting to gain information on this topic. (See Exhibit MDV-SR3.)  
14 Ms. Berger received no response from Bellsouth to her July request until  
15 December 19, 2003 in which her questions were still not answered, but she was  
16 referred to an upcoming tariff. (See Exhibit MDV-SR4.)

17 **Q. HAVE YOU OBTAINED ANY INFORMATION FROM BELLSOUTH**  
18 **REGARDING ITS PLANS TO PROVIDE CROSS-CONNECTS TO**  
19 **ENABLE UNE-L LINE SPLITTING?**

20 A. While falling woefully short of the information requested by AT&T, BellSouth  
21 has recently provided some additional information in the monthly line-sharing  
22 collaborative meetings.

23 **Q. WHAT IS YOUR REACTION TO WHAT YOU HAVE LEARNED?**

24 A. BellSouth's new FCC tariffed "Special Access product" will require that the  
25 CLECs wishing to have BellSouth provide a cross connection on BellSouth's

1 frame between a connecting facility assignment ("CFA") from one CLEC's  
2 collocation to a CFA in a second CLEC's collocation to engage in "line splitting"  
3 of a local loop (not otherwise subject to the FCC's jurisdiction) certify that the  
4 traffic carried on that CFA to CFA connection (a frame jumper wire) meet the  
5 FCC's de minimus (10%) interstate rule. This unnecessarily subjects a non-  
6 complex POTS mass market line to cumbersome procedures such as certification  
7 and audits, and irrelevant obligations such as the requirement that the line carry at  
8 least 10% interstate traffic.

9 Further, BellSouth's new "product" cannot be ordered efficiently. UNE  
10 local loops are ordered on a Local Service Request ("LSR"). When such a loop is  
11 to be "split" between two CLECs, BellSouth will require that the connection  
12 necessary to accomplish the "split" be ordered and provisioned out of its FCC  
13 Access Tariff using an Access Service Request ("ASR"). There will be no means  
14 of electronically ordering such an arrangement and the coordination, through  
15 relating the LSR and ASR, that will be required to establish working services  
16 (voice and ADSL) for the customer. Thus the voice CLEC must issue an LSR,  
17 the data CLEC must issue an LSR, and one of the CLECs (depending on the  
18 routing of the loop between the two) must issue an ASR. Manual processing will  
19 be required for all three ordering documents. Such a manual and restrictive  
20 process creates operational and economic barriers to providing DSL services to  
21 mass market customers. BellSouth's proposed policies and practices for this  
22 service are designed to complicate and hinder the provision of line splitting  
23 service to CLEC customers and should be rejected by this Commission.

1

2 **Q. YOU MENTIONED THAT AMONG OTHER OBSTACLES, THE USE OF**  
3 **AN ASR WILL BE REQUIRED IN BELLSOUTH'S OFFERING.**  
4 **DOESN'T THAT DIFFER FROM MR. FOGLE'S TESTIMONY ON PAGE**  
5 **14?**

6 A. No. Mr. Fogle only says ASRs are not needed for any *currently* available  
7 components needed for Line Splitting. The process BellSouth is planning to offer  
8 to obtain cross-connects for UNE-L line splitting does require ASRs.

9 **Q. ON PAGE 19 OF HIS TESTIMONY, MR. FOGLE INDICATED THAT**  
10 **THE CLECS HAD NOT FORMALLY REQUESTED BELLSOUTH TO**  
11 **BEGIN WORK ON ESTABLISHING PROCEDURES, ETC FOR HOT**  
12 **CUT MIGRATIONS TO UNE-L. PLEASE RESPOND.**

13 A. While I am unsure what sort of "formal" request BellSouth requires, I assume Mr.  
14 Fogle is not insinuating that CLECs have not repeatedly communicated with  
15 BellSouth on the need for a viable means of loop splitting and attempted to move  
16 forward to implementation, as it is absolutely clear that is not the case. For  
17 example, as I described earlier in my testimony, AT&T attempted in writing to  
18 obtain more information from BellSouth in July 2003 by posing the following  
19 questions:

- 20 1. How does BellSouth plan to solicit and incorporate CLEC input into  
21 the development of this capability and the subsequent offering? In  
22 which CLEC forum will this be discussed?
- 23 2. What is the timeframe for delivery of this service?
- 24 3. How does BellSouth plan to provide procedures and business rules for  
25 ordering and provisioning?
- 26 4. How does BellSouth plan to provide CLECs with information around  
27 cost/price?
- 28 5. Does BellSouth plan to provide a mechanized ordering option for  
29 CLECs? Will this interface require systems upgrades or systems work  
30 by CLECs? When does BellSouth plan to provide such information?
- 31 6. Will there be a manual ordering option for CLECs?

- 1           7. Will CLECs be able to order this functionality via a single LSR?  
2           8. Will BellSouth require CLECs to install any special or additional  
3           collocation equipment?  
4           9. If special equipment is required, will BellSouth offer the access to  
5           such equipment as an unbundled network element?  
6

7           To date, BellSouth has not answered our questions nor referred us to the  
8           appropriate forum to place a “formal” request. The Commission should require  
9           that BellSouth answer these legitimate questions regarding a local service they are  
10          obligated to provide to avoid CLEC impairment, and to put in place an efficient  
11          electronic Operations Support System upgrades to allow the ordering and  
12          provisioning of this local service using the Local Service Request (LSR) process.

13

14          D. BellSouth’s Rebuttal Does Not Demonstrate That BellSouth Can  
15          Complete Bulk Migrations at a Sustainable Pace for the Mass Market.

16          **Q. ON PAGE SEVEN OF MR. HEARTLEY’S TESTIMONY, HE DISCUSSES**  
17          **THE IMPACT OF ILDC. PLEASE COMMENT.**

18          A. While Mr. Heartley discusses the impact of IDLC on work loads, his information  
19          is also useful to the Commission for other reasons. He states that “based on  
20          regional estimates of 4,827 daily outside dispatches, well over 2.2 million  
21          dispatches could be required to complete the conversions and handle the growth.”  
22          Using BellSouth’s information that each IDLC cut-over (which is only one part of  
23          the hot cut process and thus the costs of the hot cut process) takes 1 hour, and  
24          multiplying that by a salary rate of approximately **\*\*\*Begin Confidential**  
25          **End Confidential\*\*\*** per productive hour,” the costs to CLECs and their end-  
26          users is **\*\*\*Begin Confidential** **End Confidential\*\*\***.



1           Importantly, this figure does not include non-salary costs that CLECs would also  
2           have to bear.<sup>1</sup> Critically, CLECs would be paying these millions of dollars for an  
3           activity that adds no value to the customer's service, and in fact may degrade it.

4   **Q.   SEVERAL OF BELLSOUTH'S WITNESSES (AINSWORTH AT PAGE 9,  
5   HEARTLEY AT PAGE 5, MCELROY AT 10-11) DISCUSS VOLUMES OF  
6   125 UP TO 263 CUTS ON A SINGLE DAY. HOW DO YOU RESPOND?**

7   **A.**   It appears, that in certain central offices, for a single day, using extraordinary  
8           forcing (and likely unsustainable) methods, with their accompanying  
9           extraordinary costs, BellSouth can cut 125 lines and even up to 263 lines in a  
10          day.<sup>2</sup>

11                 However, unusually executed, occasional events, while interesting, are not  
12           dispositive in a proceeding which is designed to determine if CLECs are impaired  
13           in providing day-to-day service to mass market customers. No evidence was  
14           provided that this same level of volume of work (as well as the central office  
15           work that must be done that is not related to hot cuts) could be sustained on a  
16           regular basis. In addition to be able to sustain handling large volumes of  
17           customers, the batch process must also deliver seamless and low cost service. As  
18           I describe in my testimony, PWC observed numerous instances of service  
19           impacting deficiencies in BellSouth's performance during the test. And, as I  
20           described earlier in this testimony and in my rebuttal testimony, BellSouth is  
21           asking this Commission to require CLECs to spend millions upon millions of

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<sup>1</sup> For example, BellSouth charges \$48.65 for the first half hour and \$23.95 for additional half hours of a technician's time for other services, for an initial hourly rate of \$72.60.

<sup>2</sup> In light of BellSouth's alleged capabilities, I find it even more unreasonable that they would make no commitment or target regarding the number of lines they would cut per day for AT&T.

1 dollars only to provide Florida consumers with worse service than they receive  
2 today via UNE-P.

3 **II. THE PWC ATTESTATION DOES NOT ESTABLISH THAT BELLSOUTH**  
4 **HAS AN ADEQUATE HOT CUT PROCESS FOR THE MASS MARKET**

5 **Q. ON PAGE 2 OF MR. MCELROY'S TESTIMONY, HE STATES THAT**  
6 **THE PURPOSE OF HIS TESTIMONY IS TO "DEMONSTRATE THAT**  
7 **BELLSOUTH'S BULK MIGRATION PROCESS SERVICE IS BOTH**  
8 **SEAMLESS AND EFFECTIVE." DO YOU AGREE THAT HIS**  
9 **TESTIMONY MAKES SUCH A DEMONSTRATION?**

10 A. Absolutely not. Mr. McElroy goes on to say that to corroborate this fact,  
11 BellSouth engaged PricewaterhouseCoopers (PWC) to provide an attestation on  
12 the effectiveness of the process. However, PWC only attested that the process  
13 worked as designed, except for the times it did not. PWC made no  
14 representations regarding the seamlessness or effectiveness of the process.

15 **Q. MR. MCELROY'S TESTIMONY DESCRIBES PWC'S OPINION, THAT**  
16 **BELLSOUTH UTILIZED THE BULK MIGRATION PROCESS TO**  
17 **COMPLETE A TEST OF BULK MIGRATION SERVICE REQUESTS,**  
18 **EXCEPT FOR THE DEVIATIONS DESCRIBED IN ITS REPORT.**  
19 **PLEASE COMMENT.**

20 A. I would have surprised with any other outcome. AT&T is very familiar with and  
21 even occasionally uses BellSouth's hot cut process. AT&T has never asserted  
22 that BellSouth could not perform multiple migrations (especially under conditions  
23 of it own choosing), using its bulk ordering process and individual hot cut  
24 process. The ability to execute an unacceptable process (conducted under unclear  
25 parameters), does nothing to reduce the concerns I have described with  
26 BellSouth's manual hot cut process, and the impairment caused by that process



BellSouth Interconnection Services  
1960 West Exchange Place  
Suite 200  
Tucker, GA 30084

AT&T Regional Account Team  
770-492-7550  
Fax 770-492-5412

September 20, 2002

Ms. Denise Berger  
AT&T  
Room 12256  
1200 Peachtree St. NE  
Atlanta, GA 30309

Dear Denise:

This is in response to your letter of August 30, 2002, regarding AT&T's request that BellSouth adopt a new process for coordinated conversions (hot cuts) of unbundled loop service.

At the outset, your letter makes statements about the quality of BellSouth's current hot cut process performance that do not accurately reflect the level of service BellSouth provides to AT&T. BellSouth has consistently performed AT&T's hot cuts well within the established benchmark, usually 100% within 15 minutes of AT&T's requested start time. BellSouth strongly disagrees with the characterization of its current hot cut methods as "unreliable." I have attached a copy of AT&T's Local Services' Performance trend chart for On Time Installation for Hot Cuts, January through June 2002, which AT&T presented in the last monthly Executive meeting. This chart indicates that AT&T is receiving excellent service from BellSouth on its Unbundled Network Element (UNE) Loop Hot Cut conversions. Furthermore, let me remind you that the hot cut process in your Interconnection Agreement was negotiated by you personally for numerous months. BellSouth is implementing that process not only correctly, but also at extremely high service levels.

Regarding AT&T's request that BellSouth implement a bulk conversion process to migrate AT&T's end users served by Unbundled Network Element-Platform (UNE-P) to UNE Loop, as we have discussed, BellSouth is implementing a bulk conversion process as a result of AT&T's Change Request CR0215. The final user requirements were reviewed with the CLEC community on July 9, 2002. During our conversation, however, you indicated that the new process resulting from CR0215 would not meet the needs of the internal AT&T organization. Those needs apparently have prompted the request for a different new process as outlined in your August 30 letter.

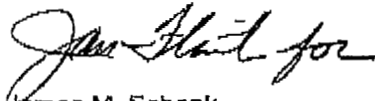
BellSouth believes that the conversion process currently in place, as a result of CR0215, will be a reliable, economical method to migrate "commercial volumes" of UNE-P customers to UNE-Loops and will be mechanized for further convenience by year-end. Nevertheless, AT&T has the option of submitting another CR for the development of a second bulk hot cut process.

Possibly, a more fitting avenue for AT&T's request is BellSouth's New Business Request (NBR). If AT&T needs bulk conversions without individual Local Service Requests (LSR), after normal business hours, with project management and real-time coordination, as well as personnel available after hours to assist AT&T in resolving Connecting Facility Assignment (CFA) discrepancies and immediate service restoration when necessary, the NBR process will allow BellSouth to develop the necessary procedures and establish the market-based rates for the additional resources this proposal would require. Contrary to

AT&T's assertions that the process described will be less costly to BellSouth and, therefore, should result in lower rates for UNE Loops, it will instead add significantly to BellSouth's cost to serve. Those costs, appropriately, will be passed on to AT&T as the recipient of these services.

If we need to further discuss BellSouth's position on AT&T's request, I can be reached at 205 321-4700.

Sincerely,



James M. Schenk

Attachment

Copy to: Greg Terry

**BST Line Sharing/Line Splitting Collaborative**  
**Conference Call Notes – December 11, 2003**

**ATTENDEES: Via Bridge**

<b>BellSouth</b>	<b>Al-Call</b>	<b>Sunshine State Tel</b>	<b>Covad</b>	<b>AT&amp;T</b>	<b>MCI</b>	<b>Webshoppe</b>	<b>Network Telephone</b>
Debbie Timmons	Greg Davis	Andrea Loncaric	John Boshier	Jay Bradbury	Amanda Hill	Craig Uptagrafft	Kyle Kopytchak
Tommy Williams	Theresa Hall		Brian Foor	Becky Webber	Sam Tenerelli		
Diann Hammond	Melissa Davis						
Jimmy Patrick							
Vivian Smith							

**FROM:** Debbie Timmons, Project Manager – BellSouth Telecommunications, Inc.

**NOTES:**

**1. Welcome and Opening Remarks**

Debbie Timmons opened the meeting with roll call and agenda review.

**2. Review Process Flow: Facility Reservation Pair Change**

Debbie Timmons lead the review of the process flow for FRN Management Process. BellSouth has proposed and the Collaborative has accepted a process change whereby when a CLEC reserves a spare loop pair, should that loop prove not viable in the field, the I&M tech will work with AFIG & SAC to identify a viable loop pair, perform the cut & work the Shared Loop service order.

The FRN Management Process Flow will be presented for baseline at the next Collaborative meeting. Refer to the attached FRN Management Process document.

**3. Loop Characteristics for Shared Loops**

The update to the Proposed Standards and Procedures for Line Sharing/Splitting Loop Parameters submitted November 3<sup>rd</sup> by Greg Davis of Al-Call was reviewed. Greg Davis accepted the additional language provided by Gary Tennyson of Bellsouth and stated overall agreement with and acceptance of the document as presented.

John Boshier of Covad commented the document does not establish anything, especially since the ULM process language was removed and Covad continues to experience situations where certain Bridged Tap is detrimental to Covad's shared loop service. Debbie Timmons and Tommy Williams reviewed the history of this subject, specifically citing the need to have a specification for shared loops in the TR73600 document, that shared loop products make use of the stand-alone offering Loop Modification, and that the shared loop collaborative is not the appropriate forum to discuss the Loop Modification product as CLECs not represented in this forum use the Loop Modification process, too.

Kyle Kopytchak of Network Telephone stated disagreement with the position that the Shared Loop Collaborative is not the proper forum to discuss Loop Modification, citing discussions with Jerry Latham, product manager for Loop Modification, wherein it was stated that this collaborative is the appropriate forum. Tommy Williams noted the previous collaborative discussions where Loop Modification discussions were dropped from this collaborative. Refer to meeting minutes of 10/23/03, 10/30/03 and 11/13/03.

John Boshier of Covad stated changes to the Loop Modification product are underway and asked if the changes would apply to Shared Loops. Diann Hammond of BellSouth noted that Loop Modification is a stand-alone product that CLECs may choose to use in conjunction with not only Shared Loop products, but other UNE Loop products as well. Tommy Williams of BellSouth noted that any changes to the Loop Modification product would be announced via the Carrier Notification Process and that the Interconnection Standard is the vehicle that CLECs and BellSouth use to determine how we conduct business.

Kyle Kopytchak of Network Tel and John Boshier of Covad do not accept the Proposed Standards and Procedures for Line Sharing/Splitting Loop Parameters as presented. Greg Davis of Al-Call noted that one reason the Loop Modification information was removed from the proposed standards was because

This document is for a CLEC line sharing collaborative and does not necessarily  
represent the official position of any participant of the collaborative

1/25/04 10:11 AM

Docket No. 030851-TP  
M. Van De Water Exhibit No. MDV-SR2, Page 1 of 3  
December 11, 2003 BellSouth Line Sharing/Line Splitting  
Collaborative

**BST Line Sharing/Line Splitting Collaborative**  
**Conference Call Notes – December 11, 2003**

the Shared Loop CLEC representatives could not reach agreement on Bridged Tap. CLECs agreed to review the revisions to the Loop Modification, particularly relative to bridged tap removal before they can agree to the Loop Characteristics for Shared Loops.

Refer to the attached Proposed Standards and Procedures for Line Sharing/Splitting Loop Parameters document

**4. Status on Bantam Test Jacks on BST Splitters**

Tommy Williams of BellSouth introduced discussion of eliminating the Bantam Test Jacks on BellSouth Splitters, noting that it has been BellSouth's desire to do so for some time as it is costly and most CLECs don't use it. He further commented that AI-Call does use the Bantam Test Jack, but that they had not used the MLT test capability of DLEC-TAFI. When this topic was last discussed, Greg Davis of AI-Call had agreed to assess the use of the MLT capability for AI-Call's environment. Greg reported that the MLT testing does not provide them with the same capability as the Bantam Test Jack, but on the other hand, he has no objection to removing it from the offering.

A vote was called on removing the Bantam Test Jack from the BST Splitter:

Yes – Greg Davis of AI-Call  
Yes – John Boshier of Covad  
Yes – Sam Tenerelli of MCI  
Yes – Becky Webber of AT&T  
Yes – Melissa Davis of AI-Call  
Yes – Craig Uptagrafft of WebShoppe  
Yes – Tommy Williams of BellSouth

Tommy Williams thanked the CLECs for their support and noted that the change would become part of the 2004 Shared Loop Work Plan.

**5. Sharing to Splitting UNEL Discussion**

During the previous Collaborative meeting, it was suggested that the Collaborative review the Line Splitting Scenario Matrix, suggesting that it may serve as a starting point to define the migration scenarios being sought by the CLECs. Debbie Timmons of BellSouth lead a review of the existing matrix. Tommy Williams of BellSouth stated it would be beneficial to know what scenarios are needed and the order of importance. (Readily identified as high importance were a) migrating existing UNE-P with line splitting to UNEL and retain DSL) and b) migrating line sharing to UNEL with CLEC port and retain DSL.

It was suggested to update the Line Splitting Scenario Matrix with columns to identify the voice port provider as ILEC or CLEC. Craig Uptagrafft also requested that Remote Site migrations be included. The updated matrix will be reviewed and the next Collaborative meeting.

Sam Tenerelli of MCI introduced discussion of the migration process for Batch Hot Cut to Line Splitting recently ordered by California where the voice port is provided by the CLEC known as Loop Splitting in BellSouth. He also noted the CLECs need an originating process to order new service to establish DSL on a UNE Loop with CLEC voice port, and asked if BellSouth has any plans to develop, and if this was the proper forum for discussion. Tommy Williams of BellSouth affirmed this as the proper forum and advised the CLECs of his recent escalation seeking to understand if the TRO requires the ILEC to make the cross-connect to the second collocation space, whether new or hot cut.

Sam also introduced discussion of when two CLECs combine within the same collocation site, how loop tagging and spectrum management would be addressed. These discussions will be included on the next agenda.

Refer to the attached Line Splitting Scenario Matrix

**BST Line Sharing/Line Splitting Collaborative**  
**Conference Call Notes – December 11, 2003**

**6. 2004 Meeting Schedule**

Debbie Timmons of BellSouth lead the discussion of the proposed 2004 meeting schedule. BellSouth is recommending the meeting move to one standing meeting day per month, while holding a second day in reserve to be used on an as needed basis. The collaborative agreed to hold the two meetings in January and to decide the matter of one or two meetings on a monthly basis.

Refer to the attached 2004 Meeting Schedule

**7. New Business/New Agenda Items/Wrap-up**

Tommy Williams requested 2004 Charter for the next agenda.

Brian Foor of Covad introduced new issues pertaining to Line Splitting provisioning and repairs. For provisioning, three items were noted: a) No response from LCSC and having to escalate too often, b) Due Dates being assigned incorrectly -- getting due dates 1-5 days beyond the requested date, and c) the circuit ID is the telephone number. The issue with repair is that Covad is receiving push back from the Central Office and CWINS; there is a lack of knowledge of the process. This item will be monitored and status taken at the next the meeting.

□ **Agenda Items:**

- Review FRN Process Flows
- Loop Characteristics of Shared Loop
- Line Sharing to Line Splitting UNEL Discussion
- 2004 Charter
- Status Covad's Issues on Line Splitting Provisioning & Maintenance

□ **Attached Items:**

1. FRN Management Process Flow
2. Proposed Standards and Procedures for Line Sharing/Splitting Loop Parameters document
3. Line Splitting Scenario Matrix
4. 2004 Meeting Schedule

**Collaborative Website:**

[http://www.interconnection.bellsouth.com/markets/lec/line\\_sharing\\_collab/](http://www.interconnection.bellsouth.com/markets/lec/line_sharing_collab/)

□ **Next Meetings: Bridge: 205-968-9300 Access: 643487 Password: 6714**

Shared Loop Collaborative Conference Call – 1/15/2004, 1:30 EST

Shared Loop Collaborative Conference Call – 1/29/2004, 12:30 EST

**Norris, Sharon E - LGCRP**

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**From:** Berger, Denise C - NKLAM  
**Sent:** Wednesday, July 30, 2003 2:11 PM  
**To:** Brewer, Lynne  
**Cc:** Schenk, James M; Butler, Amanda (BST); Tousek, Albert; Hyche, Keith  
**Subject:** RE: Loop Splitting Issues

July 30, 2003

L. Brewer  
BellSouth Interconnection Services

Lynne:

I understand from Keith Hyche's message below that you are leading BellSouth's efforts to develop and deploy BellSouth's loop splitting offer. This was subsequent from the issue being removed from discussions at the BellSouth/CLEC DSL Collaborative.

I would still like to understand BellSouth's positions on the following questions:

1. How does BellSouth plan to solicit and incorporate CLEC input into the development of this capability and the subsequent offering? In which CLEC forum will this be discussed?
2. What is the timeframe for delivery of this service?
3. How does BellSouth plan to provide procedures and business rules for ordering and provisioning?
4. How does BellSouth plan to provide CLECs with information around cost/pricing?
5. Does BellSouth plan to provide a mechanized ordering option for CLECs? Will this interface require systems upgrades or systems work by CLECs? When does BellSouth plan to provide such information?
6. Will there be a manual ordering option for CLECs?
7. Will CLECs be able to order this functionality via a single LSR?
8. Will BellSouth require CLECs to install any special or additional collocation equipment?
9. If special equipment is required, will BellSouth offer the access to such equipment as an unbundled network element?

Finally, I'd like to make sure that I am aligned with BellSouth in understanding to which FCC mandate this offer responds.

Thank you for the information. If you would like to discuss further, please call me at the number below.

Denise C. Berger  
Operations Assistant Vice President  
AT&T Local Services  
Telephone: 404/810-8644  
Facsimile: 281/664-3648  
E-Mail: [deberger@att.com](mailto:deberger@att.com)

-----Original Message-----

From: Hyche, Keith [<mailto:Keith.Hyche@BellSouth.com>]  
Sent: Tuesday, July 29, 2003 3:41 PM  
To: Berger, Denise C, CSLSM  
Cc: Schenk, James M; Hyche, Keith; Butler, Amanda (BST); Tousek, Albert; Brewer, Lynne  
Subject: RE: Loop Splitting Issues

Denise,



# **FAX COVER**

**3 Pages (Including Cover)**

**DATE:** January 16, 2004

**TO:** Ms. Denise Berger  
Operations Assistant Vice President  
AT&T Local Services  
Phone No.: (770) 621-9136  
Fax No.: (281) 664-3648

**FROM:** Lynne G. Brewer  
Sr. Product Manager – Collocation  
BellSouth Telecommunications, Inc.  
Phone No.: (404) 927-7536  
Fax No.: (404) 529-7074

**RE:** Letter re: Availability of Collo Cross-Connects

**Comments:** Denise,

As you requested, attached is a copy of the original letter I sent to you in regard to the availability of cross-connects between AT&T's collocation space and the collocation space of another carrier in the same central office. As I indicated in my email earlier this week, the original letter was mailed to you on December 19, 2003, but it was returned by the post office as being "undeliverable as addressed." In addition to this faxed copy, I will send you the original letter at the new address you included in your email. Again, I apologize for any inconvenience this may have caused you. Please contact me if you have any questions.

Thank you.

Lynne Brewer



---

**BellSouth Interconnection Services**  
875 West Peachtree Street  
Atlanta, Georgia 30375

December 19, 2003

Ms. Denise C Berger  
Operations Assistant Vice President  
AT&T Local Services  
1200 Peachtree Street, NE  
Atlanta, GA 30309

Dear Ms. Berger:

This is in response to your e-mail dated July 30, 2003, concerning what you referred to as BellSouth's loop splitting offer. Based on discussions in several BellSouth/CLEC DSL Collaborative meetings subsequent to your e-mail, BellSouth understands that the issue is the availability of cross-connects between AT&T's collocation space and the collocation space of another carrier. Although this issue was originally brought to the BellSouth/CLEC DSL Collaborative, it is a product development issue that has been addressed by the BellSouth Collocation Product Team.

As you may already be aware, BellSouth currently allows two collocated CLECs to place co-carrier cross connects between their collocation arrangements located in the same Central Office. This offering has been available for some time and utilizes CLEC-provisioned cable placed by the CLEC's BellSouth Certified Supplier via BellSouth's cable racking assembly, if the two arrangements are not contiguous. This co-carrier cross connect offering is made available by BellSouth pursuant to the applicable language that must be included in the ordering CLEC's Interconnection Agreement. This language must also be included in the Interconnection Agreement of the other CLEC to which the co-carrier cross connect is being placed. In addition, a Letter of Authorization (LOA) is required from the other CLEC.

A similar offering called a Direct Connect is also available. This offering permits a CLEC with multiple collocation arrangements in the same Central Office to interconnect those arrangements with each other, again utilizing CLEC-provisioned cable and BellSouth's cable racking assembly.

In addition, AT&T may request a co-carrier cross connect interstate service pursuant to Section 201 of the Communications Act. Although the FCC has yet to establish a deadline for BellSouth to offer this service pursuant to tariff, BellSouth will make this service available through its Tariff FCC No. 1 in early January 2004. In this tariff filing, BellSouth will use the name "Intra-Office Cross Connects" to distinguish this interstate service from the offering available under its Interconnection Agreements described above. This will be a service provisioned by BellSouth using CLEC-provided Connecting Facility Assignment (CFA) appearances on BellSouth's frames or panels. A complete description of the service, including the rates, terms and conditions, will be included in the tariff.

I believe the questions listed in your original e-mail will be answered in the tariff filing described above, but if not, please call me at 404-927-7536 or Lue Elder at 404-927-7558.

Sincerely,

A handwritten signature in cursive script that reads "Lynne Brewer". The signature is written in black ink and extends across the width of the page.

Lynne Brewer  
Sr. Product Manager - Collocation  
ICS - Marketing