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April 21, 2004

Mrs. Blanca Bayo, Director
Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

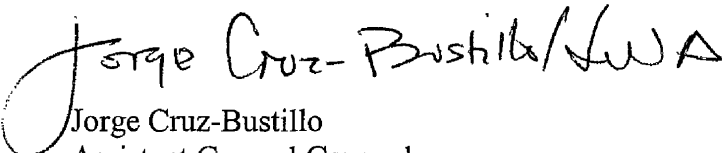
**RE: Docket No. 980119-TP -
SUPRA'S DIRECT TESTIMONY OF DAVID E. STAHLY**

Dear Mrs. Bayo:

Enclosed is the original and seven (7) copies of Supra Telecommunications and Information Systems, Inc.'s (Supra) Direct Testimony of David E. Stahlly to be filed in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return it to me.

Sincerely,


Jorge Cruz-Bustillo
Assistant General Counsel

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

Docket No. 980119-TP

I HEREBY CERTIFY that a true and correct copy of the following was served via E-mail, Hand Delivery, Facsimile, and/or U.S. Mail this 21st day of April 2004 to the following:

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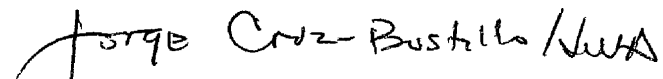
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By: Jorge Cruz-Bustillo

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Supra Telecommunications and Information Systems, Inc., against BellSouth Telecommunications, Inc., for violation of the Telecommunications Act of 1996; petition for resolution of - disputes as to implementation and interpretation of Interconnection, resale and collocation agreements; and petition for emergency relief.

DOCKET NO. 980119-TP

FILED: April 21, 2004

**DIRECT TESTIMONY OF
DAVID E. STAHLY
ON BEHALF OF
SUPRA TELECOMMUNICATIONS
AND INFORMATION SYSTEMS, INC.**

SUBMITTED

APRIL 21, 2004

1 **I. INTRODUCTION, PURPOSE, AND SUMMARY OF TESTIMONY.**

2 **Q. Please state your full name, position, and business address.**

3 A. My name is David E. Stahly. I am employed by Supra Telecommunications and
4 Information Systems, Inc. ("Supra Telecom") as a Director of Regulatory Affairs. My
5 business address is 2620 SW 27th St.; Miami, FL 33133.

6

7 **Q. Please describe your educational background, work experience and**
8 **present responsibilities.**

9 A. I graduated from the University of Chicago with a Master of Arts degree in Public
10 Policy and from Brigham Young University with a Bachelor of Arts degree in Economics.

11

12 I began working for Supra Telecom in September 2002. My responsibilities include
13 negotiating interconnection agreements with ILECs, CLECs, and wireless carriers, tariff
14 development, cost studies, and state and federal regulatory work. Prior to joining Supra
15 Telecom, I spent eleven years at Sprint in a variety of capacities including Sprint's local
16 telephone division, long distance division, and CLEC operations. I negotiated Sprint's
17 interconnection agreement with Qwest, developed policy for Sprint's long distance and
18 CLEC divisions and testified in 60 proceedings as an expert witness. I also conducted
19 competitive analysis for Sprint's local division and developed several cost studies for
20 switched and special access as well as local products. I have filed testimony and/or

1 testified before regulatory Commissions in 26 states in 60 proceedings including one
2 proceeding before the Florida Public Service Commission.¹

3

4 Prior to joining Sprint, I worked for the Illinois Commerce Commission as an Executive
5 Assistant to the Commissioners for four years providing financial and economic analyses
6 of cost studies and other issues for telecommunications, gas and electric utilities.

7

8 **Q. What is the purpose of this docket?**

9 A. The purpose of this docket is for the Commission to hold an evidentiary hearing
10 to determine (1) whether EDI and LENS provide the same online edit checking
11 capability as BellSouth's RNS program, and (2) if BellSouth has still not timely complied
12 with this Commission's previous orders to provide Supra with the same online edit
13 checking capability that it provides to itself.

14

15 **Q. Please provide a brief description of your testimony.**

16 A. My testimony will address the requirements of the Commission's several orders
17 in Docket No. 980119 and BellSouth's continual refusal and failure to comply with the
18 requirement to provide online edit checking to Supra. I will discuss the several
19 commission orders in this docket and explain why the Commission erred in its findings
20 in Order No. PSC-03-1178-PAA-TP issued October 21, 2003 by relying on the KPMG
21 OSS study. I will discuss the flaws of the KPMG OSS study and show that BellSouth
22 did not provide and still does not provide Supra with "the same online edit checking"

¹ Case No. 961173-TP, In The Matter Of Sprint's Arbitration With GTE For An Interconnection Agreement.

1 capabilities that it provides to itself. Specifically, I will address these issues as outlined
2 in the issues list attached as Attachment A to the Commissions Procedural order which
3 are as follows:

4 **ISSUE 1:** What did the Florida Public Service Commission order regarding on-line
5 edit checking capability in this docket?

6 **ISSUE 2:** Has on-line edit capability been made available in the manner required by
7 the Commission's prior orders in this docket?

8 **ISSUE 3:** Did the third party test performed by KPMG in Dockets Nos. 980786 and
9 981834 resolve any issues in this proceeding?

10 **ISSUE 4:** Has BellSouth timely complied with the Commission's previous orders in
11 this docket?

12

13 **II. BACKGROUND: WHY ON-LINE EDIT CHECKING IS CRUCIAL FOR SUPRA**
14 **TELECOM**

15

16 **Q. What is on-line edit checking?**

17 A. Online edit checking describes the ability of an automated computer system to
18 check the correctness of the information in the online order entry forms in real-time that
19 sales representatives enter as they are on the phone with the customer filling out an order
20 entry form to switch the customer's local phone service to their company. A good online
21 edit checking system immediately alerts the sales representative (while they are still on the
22 phone with the customer) that a field entry is incorrect and must be corrected before the
23 representative can submit the order for processing.

1 **Q. Why is on-line edit checking important for the ordering process?**

2 A. When a sales representative is on the phone with a customer that wishes to
3 change their local telephone service provider, the sales representative fills out an order
4 form online that they will submit to BellSouth to switch the customer to their company's
5 phone network. BellSouth requires that all of the information on the order entry form be
6 100% accurate. An error as small as a misplaced comma, can cause an order to be
7 rejected. This information includes the customer's correct name, billing information, and
8 address where the new service is to be installed, the types of services being order, when
9 the service is to begin, etc. If any single entry on the system is incorrect, BellSouth will
10 reject the order and send it back to the CLEC for correction. Supra has experienced
11 notification delays of anywhere from a couple of hours to a couple of days. These delays
12 prevent the CLEC from getting its customer's new service installed on a timely basis.

13

14 **Q. Which system does BellSouth use for on-line edit checking and what**
15 **capabilities does it provide to BellSouth's representatives?**

16 A. BellSouth provides to its own sales representatives with the Regional Navigation
17 System ("RNS") which provides on-line edit checking system. RNS immediately informs
18 the BellSouth sales representative that information on the form is incorrect and must be
19 corrected before the representative can submit the order. Thus, while the BellSouth sales
20 representative is still on the phone with the customer, the representative can easily get the
21 correct information from the customer. RNS ensures that the BellSouth representative will
22 only submit orders that are 100% accurate and will not be rejected by BellSouth's Service

1 Order Communications System ("SOCS") ensuring speedy processing of its customers
2 orders.

3

4 **Q. Which system does BellSouth provide to Supra and other CLECs for on-line
5 edit checking and what capabilities does it provide to the CLECs' representatives?**

6 A. BellSouth provides CLEC sales representatives with the LENS and the EDI
7 systems which do not have on-line edit checking. LENS and EDI do not inform the CLEC
8 sales representative that information in the form is incorrect. Thus, the CLEC sales
9 representative may submit an order that has an error which will cause the order to be
10 rejected by BellSouth Network group. As I noted above, a couple of days may pass
11 before BellSouth notifies the CLEC that the order has been rejected because of an error
12 on the online form. The CLEC sales representative must then contact the customer again
13 and get the correct information and resubmit it to BellSouth. If there are other errors on
14 the order entry form not noted the first time, BellSouth will again reject the form and send it
15 back to the CLEC and the CLEC will have to contact the customer again. The end result
16 is that the CLEC is delayed in submitting a completed order to BellSouth which delays the
17 customers' service from being changed to the CLECs' network. The delays and multiple
18 customer contacts can often be great enough to cause the customer to cancel their order
19 with the CLEC and remain with BellSouth. I estimate that virtually all of Supra's orders
20 would be error-free if BellSouth provided Supra with the same online edit checking
21 capabilities that it provides to itself.

22

23

1 **Q. How can the Commission resolve this problem?**

2 A. The Commission can enforce its original order in this docket and require BellSouth
3 to provide the same on-line edit checking capabilities to Supra that BellSouth provides to
4 itself so that Supra can submit orders that are 100% error-free. Supra is not asking this
5 Commission to do something new; only that this Commission insist that BellSouth comply
6 with this Commission's original order. If BellSouth had complied with this Commission's
7 Order in 1998, the outcome of the KPMG tests of 2001 and 2002 would have been
8 substantially different. By enforcing the order, the Commission can help CLECs provide a
9 higher quality of service that will lead to higher customer satisfaction with the CLEC - and
10 in turn with the competitive environment as a whole.

11

12 **ISSUE 1: What did the Florida Public Service Commission**
13 **order regarding on-line edit checking capability in this**
14 **docket?**

15

16 **Q. What did the Florida PSC order regarding on-line edit checking capability in**
17 **this docket?**

18 A. The commission has issued two orders in Docket No. 98-0119-TP expressly
19 requiring BellSouth to provide Supra with the same online edit checking capabilities that

1 BellSouth provides to itself; Order No. PSC-98-1001-FOF-TP issued on July 22, 1998²
2 and Order No. PSC-98-1467-FOF-TP issued on October 28, 1998³.

3

4 **Q. What did the Florida PSC order regarding on-line edit checking capability in**
5 **Order No. PSC-98-1001-FOF-TP?**

6 A. In Docket 98-0119, Order No. PSC-98-1001-FOF-TP, the Commission ordered
7 BellSouth to modify LENS to provide the same on-line edit checking capabilities to Supra
8 that BellSouth provides to itself. On page 19, the order stated:

9 "… we find that BellSouth shall be required to modify LENS to give
10 Supra the same ordering capability that BellSouth's RNC system provide
11 itself in order to comply with the parity provision in the parties' agreement."⁴
12 (Underline added for emphasis).
13

14 And again on page 22 of the same order, the Commission determined:

15 "We do, however, note that Supra contended that BellSouth's ALEC
16 ordering systems do not provide the same online edit checking capability
17 that BellSouth's retail ordering systems provide. We believe the same
18 interaction and edit checking capability must take place when an ALEC is
19 working an order as when BellSouth's retail ordering systems interact with
20 BellSouth's FUEL and Solar databases to check the accuracy of
21 BellSouth's orders. Based upon the evidence, it does not appear that this
22 interaction currently takes place in a manner that gives Supra adequate
23 online edit checking ability."⁵ (Underline added for emphasis).

² See Docket No. 98-0119; Order No. PSC-98-1001-FOF-TP; Before the Florida Public Service Commission; In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; issued July 22, 1998.

³ See Docket No. 98-0119; Order No. PSC-98-1467-FOF-TP; Before the Florida Public Service Commission; In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; issued October 28, 1998.

⁴ See Order No. PSC-98-1001-FOF-TP, p. 19.

⁵ Id., p. 22.

1 **Q. What did the Florida PSC order regarding on-line edit checking capability in**
2 **Order No. PSC-98-1467-FOF-TP?**

3 A. After BellSouth lost this issue in the first order (July 22, 1998 Order), BellSouth filed
4 a Motion for Reconsideration and argued that the Commission "went beyond the evidence
5 and the testimony"⁶ in reaching a decision to require BellSouth to provide Supra with on-
6 line edit checking and that "online edit checking capability was never an issue in this
7 case"⁷

8
9 In response to BellSouth's Motion for Reconsideration, the Commission issued another
10 order on October 28th, 1998 and clearly stated "we hereby deny Bellsouth's Motion for
11 Reconsideration."⁸ The Commission confirmed their earlier finding from the July 22nd
12 Order that BellSouth must provide the same on-line edit checking capability to Supra that it
13 provides to itself and that BellSouth bore the burden of providing that capability. The
14 October 28th Order quoted the above cite from the July 22nd Order and then added the
15 following in reference to the July 22nd Order:

16 ...we found (in the July 22nd order) that BellSouth must also provide the
17 same edit checking capability in order to comply with the terms of the
18 agreement."⁹
19

20 The Commission went on to specifically state that while BellSouth does not have to
21 provide Supra with the exact same interfaces that it uses, BellSouth must provide Supra
22 with the exact same capabilities as its systems. In the October 28th order, the
23 Commission clearly stated:

⁶ See Order No. PSC-98-1467-FOF-TP, p. 12.

⁷ Id., p. 12.

⁸ Id. p. 15.

⁹ Id. p. 15

1 "As set forth in our order, BellSouth's FUEL and Solar databases have
2 simultaneous interaction with BellSouth's ordering interfaces, so that
3 errors in an order being worked by a service representative are
4 immediately identified. If an error is identified, the BellSouth service
5 representative can make corrections before the order is completed.
6 BellSouth shall provide Supra with this same capability through the
7 ordering interfaces provided to it, as identified in the parties' agreement."¹⁰
8

9 There is absolutely no question that the Commission has twice ordered BellSouth
10 to provide Supra with the exact same online edit checking capabilities that
11 BellSouth provides to itself.

12
13 **Q. Is BellSouth responsible to develop the online edit checking**
14 **interface?**

15 A. Yes. There are two important points to note in the Commission's order.
16 First, the Commission expressly stated that BellSouth must provide Supra with the
17 same online edit checking capabilities that it has in its system; and second, that it is
18 BellSouth's responsibility to provide the system. That is, it is not enough for
19 BellSouth to simply provide a software programming language that can be used at
20 great time and expense to the CLEC to develop an interface that provides online
21 edit checking; but rather, that BellSouth must develop an interface that provides
22 Supra with the "ordering interface" that gives Supra online ordering capability. As I
23 discussed above the Commission clearly stated that:

24 "... BellSouth shall be required to modify LENS to give Supra the
25 same ordering capability that BellSouth's RNC system provide itself in order
26 to comply with the parity provision in the parties' agreement."¹¹
27

¹⁰ Id., pp. 15 – 16.

¹¹ See Order No. PSC-98-1001-FOF-TP, p. 19.

1 **ISSUE 2: Has online edit capability been made available in**
2 **the manner required by the Commission's prior orders in this**
3 **docket?**

4
5 **Q. Has BellSouth provided the same on-line edit checking capabilities to Supra**
6 **that BellSouth provides to itself?**

7 A. No. BellSouth has not provided the same on-line edit checking capabilities to
8 Supra that BellSouth provides to itself. That is why this proceeding is necessary: to allow
9 the Commission to determine for itself, through an evidentiary process, whether BellSouth
10 is in deed providing Supra with the same on-line edit checking capabilities that BellSouth
11 provides to itself.

12
13 **Q. In Order No. PSC-00-0288-PCO-TP issued February 11, 2000, did the**
14 **Commission find that BellSouth was still not providing online edit checking?**

15 A. Yes. As of February 11, 2000, the Commission found that BellSouth was still not
16 providing online edit checking to Supra.¹²

17
18 **Q. What did the Commission find in Order No. PSC-03-1178-PAA-TP issued**
19 **October 21, 2003 regarding whether BellSouth was providing online edit checking?**

¹² See Docket No. 98-0119; Order No. PSC-00-0288-PCO-TP; Before the Florida Public Service Commission; In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; issued February 11, 2000.

1 A. In the proposed agency action Order No. PSC-03-1178-PAA-TP¹³ issued October
2 21, 2003, the Commission stated that BellSouth was providing “sufficient online editing
3 capability”¹⁴ and that BellSouth had complied on a timely basis with the online edit
4 checking requirements set forth in Order No. PSC-98-1001-FOF-TP.

5
6 **Q. Do you agree with the Commission’s determination in the proposed agency
7 action Order No. PSC-03-1178-PAA-TP and, if not, why not?**

8 A. No, I don’t agree with the Commission’s proposed conclusion in Order No. PSC-03-
9 1178-PAA-TP. The proposed conclusion is incorrect because it is relying on the FCC’s
10 271 BellSouth approval. The FCC’s review was limited to BellSouth’s 271 Florida
11 approval. The FCC did not take any evidence of its own with respect to the issues raised
12 in Florida regarding BellSouth’s OSS. KPMG performed testing on BellSouth’s OSS. The
13 KPMG testing did not test whether BellSouth was providing the same online edit checking
14 capability to CLECs. Thus, I do not believe that reliance on a comment, made by the FCC
15 in its 271 approval - in which no independent evidence was taken and KPMG admittedly
16 did no specific evaluation of the on-line edit checking capability – is appropriate to justify
17 the proposed conclusion in Order No. PSC-03-1178-PAA-TP. I submit that there is
18 sufficient evidence to prove that BellSouth is, in fact, not providing Supra with “same edit
19 checking capability” as it was required to provide by the Commission in Order No. PSC-
20 98-1001-FOF-TP.

¹³ See Docket No. 98-0119; Order No. PSC-03-1178-PAA-TP; Before the Florida Public Service Commission; In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; issued October 21, 2003.

¹⁴ Id., p. 6.

1 **Q. What evidence do you have that BellSouth is not providing Supra with the**
2 **same online edit checking as it provides to itself?**

3 A. Quite simply, the system that BellSouth has provided to Supra for local service
4 order entry still allows CLEC sales representatives to submit orders with errors that will be
5 rejected by BellSouth. Supra's local service request orders are still rejected by BellSouth
6 due to errors. All of these errors and rejections could have been avoided if BellSouth
7 provided Supra with the same online edit checking that BellSouth provides to its own sales
8 representatives. BellSouth's RNS system, on the other hand, does not allow its sales
9 representatives to submit orders with errors; thus, none of BellSouth's orders are rejected
10 due to errors on the order entry form. Supra seeks the same capability of online edit
11 checking.

12
13 **Q. Do you agree with BellSouth's claim that TAG allows CLECs to access all**
14 **of the online edit capabilities available through the Local Exchange Ordering**
15 **(LEO) and Local Exchange Service Order Generator (LESOG) databases?**

16 A. No, TAG does not. Despite the existence of TAG, the Commission found that
17 BellSouth failed to make available the same on-line edit capabilities it uses in RNS
18 through either EDI or LENS.¹⁵ The Commission concluded that the present capabilities
19 of EDI and LENS did not provide the same on-line edit checking capabilities as ordered
20 by the Commission.¹⁶

21

¹⁵ See Order No. PSC-00-0288-PCO-TP, Issued February 11, 2000. pg. 13.

¹⁶ See Order No. PSC-00-0288-PCO-TP, p. 10.

1 TAG is not sufficient to comply with the Commission's orders because TAG is not a
2 CLEC ordering interface; it is a computer programming language that is supposed to
3 allow CLECs to access different BellSouth databases. In order to use TAG, Supra
4 must install equipment and software to make a digital connection to BellSouth and then
5 hire a C++ programmer to create a program like LENS that will interact with BellSouth's
6 systems using TAG commands. Thus, TAG requires the CLEC (instead of BellSouth) to
7 develop a system that has the required on-line edit checking capabilities. Installing
8 equipment and programming in C++ could take over a year and costs hundreds of
9 thousands of dollars for a CLEC to complete the computer modifications and
10 programming necessary to use TAG.¹⁷

11

12 The Commission's original order placed the burden on BellSouth to develop and
13 implement the same online edit capability to the available interfaces of EDI and LENS. In
14 Docket 98-0119, Order No. PSC-98-1001-FOF-TP, the Commission specifically ordered
15 BellSouth to modify LENS; not to provide TAG so that Supra could do the work itself and
16 modify LENS. Page 19, the order clearly stated:

17 "... we find that BellSouth shall be required to modify LENS to give
18 Supra the same ordering capability that BellSouth's RNC system provide
19 itself in order to comply with the parity provision in the parties' agreement."¹⁸
20

21 TAG is not an ordering interface that replaces LENS. It is a computer programming
22 language that requires the CLEC to develop and implement the edit checking capability

¹⁷ The necessity of hiring a C++ programmer was corroborated by the Commission. In the section entitled "New Interfaces – Informational Analysis Only" of Order No. PSC-00-0288-PCO-TP, the Commission made the following acknowledgment: "Robo-TAG [no longer provided by BellSouth] is another option for those ALECs that want to avoid the extensive C++ programming required to implement TAG." (Underline added for emphasis)

¹⁸ See Order No. PSC-98-1001-FOF-TP, p. 19.

1 which is contrary to the explicit order of the Commission. Interestingly, BellSouth's
2 position has remained the same that the mere existence of the TAG computer
3 programming language demonstrates BellSouth is in compliance.
4

5 **ISSUE 3: Did the third party test preformed by KPMG in**
6 **Dockets Nos. 980786 and 981834 resolve any issues in this**
7 **proceeding?**

8
9 **Q. Did the third party test preformed by KPMG in Dockets Nos. 980786 and**
10 **981834 resolve any issues in this proceeding?**

11 A. No. This specific proceeding is focused on whether BellSouth is providing Supra
12 Telecom with online edit checking. KPMG did not conduct any study to determine if
13 BellSouth was providing Supra Telecom with the same online edit checking capability.
14 KPMG did not take evidence from Supra or any other CLEC regarding whether BellSouth
15 had met its burden of providing the same online edit checking capability through either
16 LENS or EDI.
17

18 On September 28, 2000, the record in this docket was reopened to allow BellSouth to
19 utilize the 271 KPMG hearing process to demonstrate that BellSouth was in compliance
20 with the Commission's previous orders regarding online edit checking. The Commission
21 stated that it would allow evidence developed in Docket No. 960786B-TL to be used to
22 demonstrate compliance. Part B of this docket was a closed docket meaning that no

1 CLEC was allowed to introduce evidence into this docket. KPMG simply issued a report
2 after conducting its own evaluations of BellSouth's overall Operational Support System
3 ("OSS"). KPMG did not evaluate nor determine whether BellSouth had met its burden of
4 providing the same online edit checking capability that it uses in RNS through its LENS
5 and EDI interfaces.

6
7 Therefore, the KPMG proceeding cannot be relied upon to make a determination as to
8 whether BellSouth is providing Supra Telecom with online edit checking.

9

10 **Q. When Staff issued its August 7, 2003 Recommendation¹⁹ to the Commission**
11 **that BellSouth was providing online edit checking, what evidence did Staff rely**
12 **upon?**

13 A. Staff cited to the following information in forming its opinion:

14 1) Statements made by BellSouth

15 2) The Consultative Opinion Regarding BellSouth[s Operational Support Systems -
16 Opinion No. PSC-02-1305-FOF-TL in Docket No. 960786B-TL (issued September 25,
17 2002),

18 3) The FCC's finding in BellSouth's 271 application.

19

¹⁹ See Memorandum from Office of the General Counsel to Director, Division of the Commission Clerk & Administrative Services; RE: Docket No. 98-0119-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; Date: August 7, 2003.

1 Unfortunately, all of these sources are flawed and none of them provided factual
2 information as to whether BellSouth was actually providing the same online edit checking
3 capability to Supra. I will discuss the problems with each source Staff relied upon for its
4 finding.

5
6 **Q. Why can't Staff or the Commission rely on BellSouth's statements regarding
7 whether BellSouth was providing online edit checking to Supra?**

8 A. BellSouth alleged that CLECs using TAG and EDI "have the capability to create
9 and tailor any on-line editing capability that is desired."²⁰ Regardless of whether a CLEC
10 can use TAG to create an online edit checking system or not, the point is that BellSouth
11 testified that it would only provide the TAG software and that it expected the CLECs to
12 develop their own online edit checking program using the TAG software. However, that is
13 not what the Commission ordered BellSouth to do in Order No. PSC-98-1001-FOF-TP. In
14 that order, the Commission specifically ordered BellSouth to provide the same on-line edit
15 checking capabilities to Supra that BellSouth provides to itself. On page 19, the order
16 stated:

17
18 "... we find that BellSouth shall be required to modify LENS to give
19 Supra the same ordering capability that BellSouth's RNC system provide
20 itself in order to comply with the parity provision in the parties' agreement."²¹
21

22 The Commission did not say that BellSouth should give Supra a software program to build
23 its own edit checking system. Rather, the order clearly stated that BellSouth bore the
24 burden of developing an online edit checking system and providing that system to Supra.

²⁰ See Memorandum, p. 6.

²¹ See Order No. PSC-98-1001-FOF-TP, p. 19.

1 The Commission clearly stated that: "BellSouth must also provide the same edit checking
2 capability in order to comply with the terms of the agreement."²²

3

4 Thus, proposed conclusion in the PAA erred in assuming that BellSouth's provisioning of
5 TAG software to develop an online edit checking system was the equivalent of BellSouth's
6 provisioning of an actual online edit checking system that provided Supra with the same
7 capability that BellSouth provides itself.

8

9 **Q. Why can't Staff or the Commission rely on the Commission's Opinion Order**
10 **No. PSC-02-1305-FOF-TL in Docket No. 960786B-TL (issued September 25, 2002)?**

11 A. The Commission cannot rely on Opinion Order No. PSC-02-1305-FOF-TL because
12 that opinion only looked at the KPMG OSS Study; and the KPMG OSS Study did not
13 review whether BellSouth was providing online edit checking to Supra or other CLECs. In
14 Opinion Order No. PSC-02-1305-FOF-TL, the Commission reviewed the KPMG study and
15 only looked at CLEC's overall access to BellSouth's OSS and not specifically at whether
16 BellSouth was provisioning online edit checking to CLECs. On page 24 of the
17 Consultative Opinion Regarding BellSouth[s Operational Support Systems, PSC-02-1305-
18 FOF-TP, the commission stated:

19

20 "Based on the overall results of the KPMG Consulting OSS test, we find
21 that BellSouth is providing nondiscriminatory access to its OSS for the
22 Pre-Ordering and Ordering domain. Additionally, we believe that BellSouth
23 is providing the documentation and support necessary for ALECs to
24 access and use the Pre-Ordering and Ordering OSS systems. The OSS
25 test results further prove that the systems for Pre-Ordering and Ordering
26 are operationally ready and provide an appropriate level of performance.

²² See Order No. PSC-98-1467-FOF-TP; October 28th, 1998; p. 15

1 We will continue to monitor flow-through results and are satisfied that the
2 SEEM plan is in place to correct future deficiencies.”²³
3

4 **Q. Why can't the Staff or Commission rely on the FCC's findings in BellSouth's**
5 **271 application regarding whether BellSouth is providing online edit checking to**
6 **Supra?**

7 A. The Commission (FPSC) cannot rely on the FCC's findings in BellSouth's 271
8 application because the FCC took no evidence from CLECs and relied only on the KPMG
9 study for its determination. As discussed above, the KPMG cannot be used as evidence
10 because it did not review whether BellSouth was providing online edit checking to CLECs.
11 In its order, the FCC states that: “KPMG found LENS to be a nondiscriminatory interface . .
12 . since January 2000, LENS has used the TAG architecture and gateway and has
13 essentially the same pre-ordering and ordering functionality . . . as TAG.”²⁴ Nowhere in its
14 investigation did the FCC specifically look at the issue of whether BellSouth had provided
15 Supra with access to same online edit checking capability. Thus, the FCC's statement in
16 the BellSouth 271 application that LENS is a nondiscriminatory interface, cannot be used
17 by the FPSC to determine whether BellSouth is providing the same online edit checking to
18 Supra as it provides to itself.
19

20 **ISSUE 4: Has BellSouth timely complied with the**
21 **Commission's previous orders in this docket?**

²³ See Docket No. 960786B-TL; Order No. PSC-02-1305-FOF-TP, Consultative Opinion Regarding BellSouth's Operational Support Systems, issued September 25, 2002, p. 24.

²⁴ See Memorandum Opinion and Order, FCC 02-331 in WC Docket 02-307, 2002 FCC LEXIS 6811.

1 **Q. Has BellSouth timely complied with the Commission's previous orders in this**
2 **docket?**

3 A. No. BellSouth has not complied in a timely manner. This Commission ordered
4 BellSouth to comply by December 31, 1998²⁵ and BellSouth did not. Additionally, in
5 Order No. PSC-00-0288-PCO-TP, dated February 11, 2000, the Commission concluded
6 that BellSouth had failed to comply with the requirement to provide Supra with the same
7 online edit checking capability that BellSouth provided to itself. The order stated:

8
9 "Based on the foregoing, we find that BellSouth has complied with all
10 portions of our final decision in this case, Order No. PSC-98-1001-FOF-
11 TP, issued July 22, 1998, as clarified by Order No. PSC-98-1467-FOF-TP,
12 issued October 28, 1998, except for the specific requirements that
13 BellSouth should provide Supra with on-line edit checking capability by
14 December 31, 1998."²⁶
15

16 **CONCLUSION**

17 **Q. What is your conclusion?**

18 A. I conclude that BellSouth has not yet complied with the Commission's order to
19 provide Supra with the same online edit checking capabilities that BellSouth provides to
20 itself. As discussed above, in Order No. PSC-98-1001-FOF-TP, the Commission
21 specifically ordered BellSouth to modify the LENS system to provide the same on-line edit
22 checking capabilities to Supra that BellSouth provides to itself.

23
24 "... we find that BellSouth shall be required to modify LENS to give
25 Supra the same ordering capability that BellSouth's RNC system provide
26 itself in order to comply with the parity provision in the parties' agreement."²⁷
27

²⁵ See PSC-98-1467-FOF-TP, pgs. 15-16.

²⁶ See Order No. PSC-00-0288-PCO-TP, p. 12.

²⁷ See Order No. PSC-98-1001-FOF-TP, p. 19.

1 BellSouth has not modified LENS to provide Supra and other CLECs with the same
2 ordering capability that BellSouth's RNS system provide itself.

3

4 **Q. What action should the Commission take?**

5 A. The Commission should again order BellSouth to modify LENS to give Supra the
6 same ordering capability that BellSouth's RNS system provides itself. In the
7 alternative, this Commission should impose a penalty on BellSouth, for violating
8 Commission orders, under §364.285, Florida Statutes.