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May 26, 2004

Mrs. Blanca Bayo, Director
Division of Commission Clerk and Administrative Services
Florida Public Service Commission
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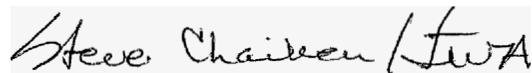
**RE: Docket No. 980119-TP -
SUPRA'S REBUTTAL TESTIMONY OF DAVID E. STAHLY**

Dear Mrs. Bayo:

Enclosed is the original and fifteen (15) copies of Supra Telecommunications and Information Systems, Inc.'s (Supra) Rebuttal Testimony of David E. Stahly 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,



Steve Chaiken
Assistant General Counsel

DOCUMENT NUMBER-DATE
06031 MAY 26 2004
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 26th day of May 2004 to the following:

Patti Christensen

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Steve Chaiken /TWA

By: Steve Chaiken

1 SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.

2 REBUTTAL TESTIMONY OF DAVID E. STAHLY

3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

4 DOCKET NO. 980119-TP

5 MAY 26, 2004

6
7 I. INTRODUCTION, PURPOSE, AND SUMMARY OF TESTIMONY.

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

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

12
13 Q. Are you the same David E. Stahly that filed direct testimony in this docket?

14 A. Yes.

15
16 Q. Please provide a brief description of your rebuttal testimony.

17 A. My testimony will address the direct testimony of Mr. Pate.

18
19 II. REBUTTAL OF PATE

20 Q. Do you agree with Mr. Pate's characterization of what the Commission
21 ordered BellSouth to do in Order No. PSC-98-1001-FOF-TP dated July 22, 1998
22 ("July 1998 Order")?

1 A. No. Mr. Pate only cited to part of the order and only part of the ordering paragraph
2 on page 47 of the July 1998 Order. When he quoted the Order, he omitted the first part of
3 the sentence which contained a key requirement from the July 1998 Order. Not only did
4 the Commission order BellSouth to provide “the same online edit capability to Supra that
5 BellSouth’s retail ordering systems provide,” but the Commission also specifically ordered
6 BellSouth to “modify the ALEC ordering systems so that the systems provide the same
7 online edit checking capability” The full ordering paragraph reads as follows:

8 “BellSouth shall modify the ALEC ordering systems so that the systems
9 provide the same online edit checking capability to Supra that BellSouth’s
10 retail ordering systems provide.”¹
11

12 That is the crux of the issue before the Commission today. BellSouth was specifically
13 ordered to “modify the ALEC ordering systems” to provide Supra with the same online edit
14 checking capability. Instead, BellSouth has simply handed Supra the TAG software and
15 told Supra to program its own CLEC ordering system to provide online edit checking.
16

17 In the July 1998 Order, the Commission specifically ordered BellSouth to modify LENS to
18 provide the same online edit checking capabilities to Supra that BellSouth provides to
19 itself. On page 19, the Order stated:

20 “... we find that BellSouth shall be required to modify **LENS** to give
21 Supra the same ordering capability that BellSouth’s RNS system provide
22 itself in order to comply with the parity provision in the parties’ agreement.”²
23 (Underline and bold added for emphasis).³
24

25 And again on page 22 of the same Order, the Commission determined:

¹ See Order No. PSC-98-1001-FOF-TP, p. 47.

² See Order No. PSC-98-1001-FOF-TP, p. 19.

³ Id. p. 19.

1 “We do, however, note that Supra contended that BellSouth’s ALEC
2 ordering systems do not provide the same online edit checking capability
3 that BellSouth’s retail ordering systems provide. We believe the same
4 interaction and edit checking capability must take place when an ALEC is
5 working an order as when BellSouth’s retail ordering systems interact with
6 BellSouth’s FUEL and Solar databases to check the accuracy of
7 BellSouth’s orders. Based upon the evidence, it does not appear that this
8 interaction currently takes place in a manner that gives Supra adequate
9 online edit checking ability.”⁴ (Underline added for emphasis).
10

11 **Q. Do you agree with Mr. Pate’s characterization of what the Commission**
12 **ordered BellSouth to do in Order No. PSC-98-1467-FOF-TP dated October 28, 1998?**

13 **A.** No. Again, Mr. Pate doesn’t cite all of the relevant statements that the Commission
14 ordered in the October 1998 Order and attempts to hide the fact that the Commission
15 ordered BellSouth to modify LENS to provide Supra with online edit checking capability. In
16 the October 1998 Order on Reconsideration, the Commission reaffirms all of its finding
17 from the July 1998 Order.

18 BellSouth shall provide Supra with the same capability through the ordering
19 interfaces provided to it, as identified in the parties’ agreement.⁵
20

21 “We did, however, require BellSouth to modify LENS to allow Supra to have
22 the same ordering capability that Bellsouth’s employees have through
23 RNS.”⁶
24

25 BellSouth, in its Motion for Reconsideration and Clarification, acknowledged that it was
26 modifying LENS. In reference to BellSouth’s Motion for Reconsideration, the October

⁴ Id., p. 22.

⁵ See Order No. PSC-98-1467-FOF-TP, pp. 15-16.

⁶ Id. p. 21.

1 1998 Order stated, "BellSouth indicated that it expects to have the modifications to LENS
2 that were required by us to be completed by February, 1999."⁷

3

4 The Commission did not require BellSouth to duplicate its RNS and DOE interfaces at
5 Supra's premises. But the Commission did order that "BellSouth shall provide Supra with
6 the same interaction and online edit checking capability through its interfaces that occurs
7 when BellSouth's retail ordering interfaces interact with BellSouth's FUEL and Solar
8 databases to check orders."⁸

9

10 Nothing in the October 1998 Order changed the Commission's requirement set forth in the
11 July 1988 Order that BellSouth modifies LENS to provide the same online edit checking
12 capabilities to Supra that BellSouth provides to itself.

13 "... we find that BellSouth shall be required to modify LENS to give Supra
14 the same ordering capability that BellSouth's RNS system provide itself in
15 order to comply with the parity provision in the parties' agreement."⁹
16 (Underline added for emphasis).

17

18

19 **Q. Is Supra harmed if it does not have the same online edit checking capability**
20 **that BellSouth has?**

21 A. Yes, as the Commission stated in the October 1998 Order, BellSouth's online edit
22 checking capability gives BellSouth an advantage.

23 "it is clear that BellSouth's online edit checking capability results in a
24 disparity in how errors are handled and orders are processed."¹⁰

25

⁷ Id. p. 21.

⁸ Id. p. 21.

⁹ See Order No. PSC-98-1001-FOF-TP, p. 19.

¹⁰ See Order No. PSC-98-1467-FOF-TP, p. 15.

1 "BellSouth's FUEL and Solar databases have simultaneous interaction with
2 BellSouth's ordering interfaces, so that errors in an order being worked by a
3 service representative are immediately identified. If an error is identified, the
4 BellSouth service representative can make corrections before the order is
5 completed. BellSouth shall provide Supra with this same capability through
6 the ordering interfaces provided to it, as identified in the parties'
7 agreement."¹¹
8

9 In short, because Supra experiences errors in its orders (while BellSouth does not), a
10 greater percentage of Supra's new customers experience delays in getting their new
11 phone service turned up. This creates the perception in the customers' mind that Supra is
12 providing an inferior quality service, thereby causing some customers to cancel their
13 orders before their service is even cut over to Supra and causing others to have little
14 patience with Supra's service once converted. These same dissatisfied customers will
15 likely compound the harm by informing other potential customers to avoid subscribing to
16 Supra's service as a result of the service delays they encountered when attempting to
17 make the transition from BellSouth.

18
19 A significant number of these delays could be avoided if BellSouth modified LENS, as
20 ordered by this Commission, to provide Supra with online edit checking which allows
21 Supra to immediately identify errors prior to an order being submitted so that Supra can
22 submit error-free orders (like BellSouth does) and avoid delays in transitioning service to
23 new customers and adding or changing service for existing customers.

24
25 **Q. Do you agree with Mr. Pate that BellSouth's creation of EDI fulfilled**
26 **BellSouth's obligation to modify LENS as required by the Commission?**

¹¹ Id. pp. 15 – 16.

1 A. Absolutely not. The earlier Commission orders were very clear that
2 BellSouth was required to modify LENS. Again, the Commission specifically stated:

3 "... we find that BellSouth shall be required to modify LENS to give Supra
4 the same ordering capability that BellSouth's RNS system provide itself in
5 order to comply with the parity provision in the parties' agreement."¹²
6 (Underline added for emphasis.)
7

8 Nowhere in any order did the Commission relieve BellSouth of its obligation to modify
9 LENS or that it, instead, could offer up EDI so that a CLEC could itself "create, customize
10 and tailor any online editing capability they desire using the SOER edits."¹³
11

12 **III. KPMG Third Party Test**

13 **Q. Do you agree with Mr. Pate that the KPMG Third Party Test (TPT) established**
14 **that BellSouth was providing Supra with online edit checking as required by the**
15 **Commission?**

16 A. No. The KPMG TPT did not test whether BellSouth was providing Supra with
17 online edit checking as required by the Commission. So it would be impossible to reach
18 such a conclusion.
19

20 **Q. If the KPMG TPT did not review whether BellSouth was providing Supra with**
21 **online edit checking as required by the Commission, then what did it review?**

22 A. The KPMG TPT had nothing to do with whether BellSouth was providing online edit
23 checking to Supra as required in the Commission's orders. Instead, the KPMG TPT only
24 tested whether BellSouth provided CLEC ordering systems were nondiscriminatory

¹² See Order No. PSC-98-1001-FOF-TP, p. 19.

¹³ See Direct Testimony of Ronald M. Pate, p. 7.

1 relative to BellSouth's own ordering systems. As even Mr. Pate acknowledges in his
2 testimony, the KPMG test was designed to test LSR orders that were submitted with errors
3 to determine if the output would correctly result in a clarification and flow the order back to
4 the CLEC for correction. This is substantially different than determining whether BellSouth
5 had modified LENS as required by the Commission to provide online edit checking which
6 would allow Supra to submit LSRs without errors.

7

8 **Q. Isn't that effectively, the same thing?**

9 A. No. There is a big difference between KPMG's testing whether the ordering
10 systems were nondiscriminatory versus determining whether BellSouth provided Supra
11 with the same online edit checking capabilities that it uses as required by the
12 Commission's Order. KPMG simply confirms that when BellSouth submits an error-free
13 order and a CLEC submits an error-free order, the process is completed in substantially
14 the same manner. KPMG confirms that when a CLEC submits an order which contains an
15 error, it flows back properly. Again, this has nothing to do with whether the CLEC's
16 ordering system has the same edit checking capabilities which would prevent the CLEC
17 from submitting an error-laden order in the first place.

18

19 **Q. Please explain the difference between KPMG's nondiscrimination test and**
20 **BellSouth's requirement to provide online edit checking.**

21 A. In a sense, it is like comparing apples to oranges. Simply stated, KPMG tested for
22 order acceptance and rejection between CLECs and BellSouth. However, for this docket
23 about online edit checking, the Commission needs to know whether BellSouth modified

1 the LENS system to provide Supra with the same online edit checking capability that
2 BellSouth has through its RNS system so that Supra can immediately identify any errors in
3 an order before submitting the order - so that Supra can consistently submit 100% error-
4 free orders just like BellSouth.

5

6 The KPMG test for nondiscrimination compared whether CLEC orders with and without
7 errors were processed and rejected or accepted with the same relative frequency as
8 orders submitted by BellSouth with and without errors. KPMG tested a batch of CLEC
9 orders containing errors and compared that to a batch of BellSouth orders containing
10 errors. KPMG also tested a batch of CLEC orders without errors and compared that to a
11 batch of BellSouth orders without errors. However, in the real world, BellSouth does not
12 submit orders with errors because its superior online edit checking systems identify the
13 errors **before** BellSouth submits the order. Therefore, BellSouth's orders are never
14 rejected. CLECs, on the other hand, don't have this superior online edit checking
15 capability and therefore, they submit numerous orders containing errors.

16

17 The crux of this docket is that BellSouth was ordered to modify the LENS systems so that
18 Supra could have the same online edit checking capability that BellSouth has through its
19 RNS system so that Supra could consistently submit 100% error-free orders just like
20 BellSouth. In the July 1998 Order, the Commission specifically ordered BellSouth to
21 modify LENS to provide the same online edit checking capabilities to Supra that BellSouth
22 provides to itself. On page 19, the Order states:

23

24

"... we find that BellSouth shall be required to modify LENS to give
Supra the same ordering capability that BellSouth's RNS system provide

1 itself in order to comply with the parity provision in the parties' agreement."¹⁴
2 (Underline added for emphasis).¹⁵
3

4 The KPMG TPT never investigated the LENS system to determine if BellSouth had,
5 indeed, modified LENS to give Supra the same ordering capability that BellSouth's RNS
6 system provided itself. KPMG's testing of order flow through cannot be considered a
7 substitute for modifying LENS to provide online edit checking.

8
9 **Q. Why can't KPMG's testing of order flow through be considered a substitute**
10 **for modifying LENS to provide online edit checking?**

11 A. KPMG's testing of order flow through cannot be considered a substitute for
12 modifying LENS to provide online edit checking because they are two totally separate
13 concepts. First, the Commission specifically ordered BellSouth to modify LENS to provide
14 Supra with online edit checking. Second, online edit checking allows BellSouth to submit
15 error-free orders virtually 100% of the time. Supra, on the other hand, does not have the
16 same online edit checking capabilities, and thus, does not submit error free orders 100%
17 of the time. In fact, a substantial number of Supra's orders contain errors and are returned
18 to Supra for correction or clarification.

19
20 **Q. If KPMG didn't find that BellSouth was providing Supra or other CLECs with**
21 **online edit checking, then what did KPMG find?**

22 A. KPMG simply found that the TAG interface and the LENS interface provide the
23 expected order functionality and were nondiscriminatory interfaces. In other words,

¹⁴ See Order No. PSC-98-1001-FOF-TP, p. 19.

¹⁵ Id. p. 19.

1 CLECs that submit orders with errors (unlike BellSouth that only submits orders without
2 errors), were not treated any different than BellSouth if BellSouth were to submit an order
3 with an error.

4
5 There are two problems with relying on KPMG's conclusion as "evidence" that BellSouth
6 has complied with the Commission's requirement to provide Supra with online edit
7 checking by modifying the LENS system. First, KPMG's conclusion has nothing to do with
8 whether BellSouth modified LENS to provide Supra with online edit checking; and second,
9 BellSouth does not submit service orders with errors.

10

11 **Q. Mr. Pate implies that nondiscriminatory access to preordering and ordering**
12 **systems are the same as BellSouth complying with a contract requirement and a**
13 **Commission order to provide online edit checking. Do you agree?**

14 A. No. Regardless of KPMG's conclusion that BellSouth's preordering and ordering
15 systems were nondiscriminatory, BellSouth has not complied with the terms of the
16 BellSouth/Supra interconnection agreement and the Commission's Order to modify LENS
17 to provide Supra with online edit checking.

18

19 **Q. Similarly, Mr. Pate implies that the FCC's finding that BellSouth was**
20 **providing nondiscriminatory access to preordering and ordering systems is the**
21 **same as BellSouth complying with a contract requirement and a Commission order**
22 **to provide online edit checking. Do you agree?**

1 A. No. Just like my concern with the KPMG study above, the FCC's conclusion that
2 BellSouth's preordering and ordering systems were nondiscriminatory, does not mean that
3 BellSouth has complied with the terms of the BellSouth/Supra interconnection agreement
4 and the Commission's Order to modify LENS to provide Supra with online edit checking.

5

6 **Q. How long does it take BellSouth to notify Supra that an order has been**
7 **rejected because it contains an error?**

8 A. When this docket first started, BellSouth took four to five business days to notify
9 Supra that an order has been rejected due to errors. Currently, BellSouth notifies Supra of
10 an order error on a timelier basis, but it is still not comparable to having an online edit
11 checking system that notifies the service representative of an error **before** the order is
12 even submitted to BellSouth.

13

14 **Q. What is the harm to Supra in submitting orders with errors?**

15 A. Supra's inability to submit 100% of its orders without errors causes a number of
16 problems for Supra and its customers. First, orders submitted with errors delay Supra's
17 ability to promptly convert new customers to Supra. Second, orders submitted with errors
18 sometimes result in Supra having to obtain more information from the customer, thereby
19 creating an impression of incompetence not associated with BellSouth. Third, delays
20 caused in changing service for existing customers causes irritation with Supra's current
21 customers who may leave Supra and/or provide negative comments about Supra to
22 friends and family resulting in lost opportunities for Supra.

23

1 **IV. BELLSOUTH'S FAILURE TO COMPLY WITH THE COMMISSION'S PREVIOUS**
2 **ORDERS IN THIS DOCKET**

3 **Q. Do you agree with Mr. Pate that BellSouth has timely complied with the**
4 **Commission's previous orders in this docket?**

5 A. No. BellSouth has not complied in a timely manner. As I stated in my Direct
6 Testimony, to date BellSouth has still not modified LENS to provide Supra with online
7 edit checking capabilities equivalent to BellSouth's online edit checking. As such,
8 BellSouth has necessarily missed the Commission's December 31, 1998 deadline¹⁶.

9

10 **Q. Does the KPMG TPT provide evidence that BellSouth had not complied**
11 **with the requirement to provide online edit checking?**

12 A. Yes. Had BellSouth complied with the Commission's requirement to modify
13 LENS so that it would provide online edit checking, then all CLECs submitting LSRs via
14 LENS would have been submitting error-free orders when KPMG conducted its test and
15 KPMG would not have had to test order flow through of orders containing errors.

16

17 **Q. Is there any way the Commission can physically and/or visually verify**
18 **whether BellSouth has complied with its previous orders, instead of relying solely**
19 **on the testimony of the parties?**

20 A. Absolutely. A simple side by side demonstration and comparison of BellSouth's
21 and Supra's systems can be arranged. This would allow the Commission to see for

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

1 itself the discrepancy in the on-line edit checking capabilities and unequivocally prove
2 that BellSouth has failed to comply with the Commission's previous orders.

3

4 **V. CONCLUSION**

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

6 A. I conclude that BellSouth has not yet complied with the Commission's order to
7 provide Supra with the same online edit checking capabilities that BellSouth provides to
8 itself. As discussed above, in the July 1998 Order, the Commission specifically ordered
9 BellSouth to modify the LENS system to provide the same online edit checking capabilities
10 to Supra that BellSouth provides to itself.

11

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

15

16 BellSouth has not modified LENS to provide Supra or any other CLEC with the same
17 online edit checking capability that BellSouth's RNS system provides itself.

18

19 Neither the KPMG Study nor the FCC investigation reviewed whether BellSouth had
20 complied with the terms of the BellSouth/Supra interconnection agreement and the
21 Commission orders to modify LENS to provide Supra with online edit checking. Rather
22 they looked at other facets of preordering and ordering, without addressing whether
23 BellSouth had modified LENS to provide Supra with the same online edit checking
24 capability that BellSouth's RNS system provides itself.

¹⁷ See Order No. PSC-98-1001-FOF-TP, p. 19.

1

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

3 A. The Commission should find that BellSouth has yet to comply with Commission
4 orders and again order BellSouth to modify LENS to give Supra the same ordering
5 capability that BellSouth's RNS system provides itself. Additionally this Commission
6 should impose a penalty on BellSouth for its continued violation of its previous orders,
7 under §364.285, Florida Statutes.