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**SUPPLEMENTAL DIRECT TESTIMONY OF  
RONALD H. SHURTER  
ON BEHALF OF AT&T COMMUNICATIONS  
OF THE SOUTHERN STATES, INC.  
BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

Docket No. ~~960833-TP~~  
Filed: August 23, 1996

**Q. PLEASE IDENTIFY YOURSELF AND STATE YOUR BUSINESS ADDRESS.**

A. I am Ronald H. Shurter and my business address is 1 Oak Way, Berkeley Heights, New Jersey, 07922-2724.

**Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS PROCEEDING?**

A. Yes, I filed testimony under Docket No. 960833-TP on behalf of AT&T on July 31, 1996.

**Q. PLEASE SUMMARIZE THE PURPOSE OF YOUR PREVIOUS TESTIMONY?**

A. The purpose of my previous testimony was to explain that the Telecommunications Act of 1996 (the "Act") requires BellSouth to provide AT&T with services, network elements and interconnection at a level of quality that is equal to that which BellSouth provides itself in support of its retail operations. AT&T refers to that concept as "parity."

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

A. On August 8, 1996, The Federal Communications Commission (“FCC”) issued its First Report and Order, including regulations (collectively referred to as the “FCC Order”), to implement the Act. The purpose of my present testimony is to explain the provisions of the FCC Order that, based on my review to date, support AT&T’s positions on the parity issues that are before the Florida Commission.

**ISSUE: WHAT ARE THE APPROPRIATE STANDARDS, IF ANY, FOR PERFORMANCE METRICS, SERVICE RESTORATION, AND QUALITY ASSURANCE RELATED TO SERVICES PROVIDED BY BELLSOUTH FOR RESALE AND FOR NETWORK ELEMENTS PROVIDED TO AT&T BY BELLSOUTH?**

**Q. PLEASE SUMMARIZE YOUR PREVIOUS TESTIMONY REGARDING THE APPROPRIATE STANDARDS FOR MEASURING THE QUALITY OF SERVICE AND SERVICE PACKAGES OFFERED BY BELLSOUTH TO AT&T.**

A. I explained in my previous testimony that the Act requires BellSouth to offer AT&T its services, network elements and interconnection at a level that is at least equal in quality to that which BellSouth provides itself. Because BellSouth is the sole source for most if not all of the services and network elements that are necessary to provide local exchange services, AT&T must rely on BellSouth to provide AT&T high quality products so that AT&T can provide its customers high quality products. It is reasonable for BellSouth to commit contractually to meet Direct Measures of Quality

1 (DMOQs) to ensure that BellSouth is satisfying its statutory obligation to provide  
2 AT&T products that are at parity with the products BellSouth provides itself.

3  
4 **Q. DOES THE FCC ORDER ADDRESS THE APPROPRIATE STANDARDS  
5 FOR DETERMINING QUALITY OF SERVICE?**

6 **A.** Yes. The FCC Order mandates that BellSouth must provide services, unbundled  
7 network elements, and interconnection that are at least equal in quality to that which  
8 BellSouth provides itself. 47 C.F.R. §§ 51.305(a), 51.311(b); FCC Order No. 96-  
9 325, ¶¶ 224, 313, 970, at 114, 157, 479. The FCC Order confirms that the Act  
10 requires BellSouth to provide services, network elements, and interconnection at terms  
11 and conditions that are reasonable and non-discriminatory. 47 C.F.R. §§  
12 51.305(a)(5), 51.307(a), 51.603(a) (to be codified). It is unreasonable for BellSouth  
13 to refuse to commit contractually to satisfy its statutory obligation to provide  
14 products to AT&T that are at least equal in quality to those products that BellSouth  
15 provides itself. Accordingly, the Florida Commission should require BellSouth to  
16 comply with the DMOQs proposed by AT&T.

17  
18 **ISSUE: SHOULD BELLSOUTH BE REQUIRED TO PROVIDE REAL-**  
19 **TIME AND INTERACTIVE ACCESS VIA ELECTRONIC INTERFACES, AS**  
20 **REQUESTED, TO PERFORM THE FOLLOWING:**

21 **PRE-SERVICE ORDERING**

22 **SERVICE TROUBLE REPORTING**

23 **SERVICE ORDER PROCESSING AND PROVISIONING**

24 **CUSTOMER USAGE DATA TRANSFER**

25 **LOCAL ACCOUNT MAINTENANCE**

1 **IF THIS PROCESS REQUIRES THE DEVELOPMENT OF ADDITIONAL**  
2 **CAPABILITIES, IN WHAT TIMEFRAME SHOULD THEY BE DEPLOYED?**  
3 **WHAT ARE THE COSTS INVOLVED AND HOW SHOULD THESE COSTS**  
4 **BE RECOVERED?**

5  
6 **Q. PLEASE SUMMARIZE YOUR PREVIOUS TESTIMONY REGARDING**  
7 **THE OBLIGATION OF BELL SOUTH TO REAL TIME, INTERACTIVE**  
8 **ACCESS VIA ELECTRONIC INTERFACES TO BELL SOUTH'S**  
9 **OPERATIONS SUPPORT SYSTEMS?**

10 **A.** I explained in my previous testimony that the Act requires BellSouth to provide  
11 AT&T real-time and interactive access to BellSouth operations support systems.  
12 AT&T specifically identified the following operations support systems: (1) Pre-  
13 Ordering; (2) Ordering and Provisioning Systems; (3) Maintenance and Repair  
14 Systems; (4) Customer Usage Data Transfer System; and (5) Local Account  
15 Maintenance System. AT&T must have electronic interfaces with BellSouth's  
16 operations support systems in order to achieve parity.

17  
18 **Q. DOES THE FCC ORDER ADDRESS THE OBLIGATION OF BELL SOUTH**  
19 **TO MAKE ACCESS TO ITS OPERATIONS SUPPORT SYSTEMS VIA**  
20 **ELECTRONIC INTERFACES?**

21 **A.** Yes. The FCC Order concluded that operations support systems are network  
22 elements that BellSouth must unbundle. 47 C.F.R. § 51.319(f) (to be codified); FCC  
23 Order No. 96-325, ¶ 516, 520, at 258, 261. Operations support systems functions  
24 consist of pre-ordering, ordering, provisioning, maintenance and repair, and billing.  
25 47 C.F.R. § 51.319(f)(1) (to be codified); FCC Order No. 96-325, ¶ 523, n.1273, at

1           262. The FCC further concluded that BellSouth must provide AT&T access to  
2           BellSouth's operations support systems that is equal to or superior in quality to that  
3           which BellSouth provides itself unless technically infeasible. 47 C.F.R. §§ 51.311(c),  
4           51.313(b), 51.319(f) (to be codified); FCC Order No. 96-325, ¶¶ 312-314, 517-528,  
5           at 156-58, 258-263. Because the FCC Order concluded that access to operations  
6           support systems through electronic interfaces is technically feasible, BellSouth must  
7           comply with AT&T's request to provide electronic interfaces. FCC Order No. 96-  
8           325, ¶ 520, 524, at 261-62. The FCC Order, moreover, mandates that BellSouth  
9           comply with AT&T's request before January 1, 1997. 47 C.F.R. §51.319(f)(2); FCC  
10          Order No. 96-325, ¶ 525, at 262-63.

11

12   **Q.    DO THE OPERATIONS SUPPORT SYSTEMS FUNCTIONS IDENTIFIED**  
13   **IN THE FCC ORDER CORRESPOND TO THE OPERATIONS SUPPORT**  
14   **SYSTEMS FUNCTIONS TO WHICH AT&T REQUESTED ACCESS?**

15   **A.**    Yes. The operations support systems functions identified in the FCC Order  
16          correspond exactly to the operations support systems functions that AT&T requested  
17          except for customer usage data transfer and local account maintenance. The FCC  
18          Order's definition of "billing," however, encompasses customer usage data transfer  
19          and local account maintenance functions. 47 C.F.R. § 51.5 (to be codified). In any  
20          event, the FCC Order makes clear that BellSouth must provide nondiscriminatory  
21          access to the full range of functions within pre-ordering, ordering, provisioning,  
22          maintenance and repair, and billing that BellSouth provides itself. FCC Order No.  
23          96-325, ¶ 523, n.1273, at 262.

24

25   **ISSUE: WHEN AT&T RESELLS BELL SOUTH'S LOCAL EXCHANGE SERVICE OR**

1           **PURCHASES LOCAL SWITCHING, IS IT TECHNICALLY FEASIBLE OR**  
2           **OTHERWISE APPROPRIATE TO ROUTE 0+ AND 0- CALLS TO AN**  
3           **OPERATOR OTHER THAN BELLSOUTH'S, TO ROUTE 411 AND 555-1212**  
4           **DIRECTORY ASSISTANCE CALLS TO AN OPERATOR OTHER THAN**  
5           **BELLSOUTH'S, OR TO ROUTE 611 REPAIR CALLS TO A REPAIR CENTER**  
6           **OTHER THAN BELLSOUTH'S?**

7  
8           **Q.     PLEASE SUMMARIZE YOUR PREVIOUS TESTIMONY REGARDING**  
9           **THE DIRECT (I.E., CUSTOMIZED) ROUTING OF CALLS FROM AT&T**  
10           **CUSTOMERS TO AT&T'S SERVICE PLATFORMS.**

11           **A.     I explained in my previous testimony that the Act requires BellSouth to route calls**  
12           **from AT&T customers directly to AT&T service platforms.**

13  
14           **Q.     DOES THE FCC ORDER ADDRESS CUSTOMIZED ROUTING OF CALLS**  
15           **FROM AT&T CUSTOMERS TO AT&T'S SERVICE PLATFORM?**

16           **A.     Yes. The FCC Order concludes that customized routing is technically feasible in**  
17           **many switches and will enable a new entrant to route calls directly to its service**  
18           **platform for operator services and directory assistance. FCC Order No. 96-325, ¶**  
19           **418, at 206. The FCC Order mandates that BellSouth must provide AT&T with**  
20           **customized routing where the switch is technically capable of performing customized**  
21           **routing. Id. BellSouth has the burden to prove to the Florida Commission that**  
22           **customized routing in a particular switch is not technically feasible. Id.**

23  
24           **Q.     DOES THE FCC ORDER DEFINE "TECHNICAL FEASIBILITY"?**

25           **A.     Yes, the FCC Order does define technical feasibility. 47 C.F.R. § 51.5 (to be**

1 codified); FCC Order No. 96-325, ¶¶ 198-206, at 102-06. The FCC Order deems  
2 access to unbundled network elements to be technically feasible absent purely  
3 technical or operational concerns that prevent access. 47 C.F.R. § 51.5 (to be  
4 codified). A determination of technical feasibility does not include consideration of  
5 economic, accounting, billing, space or site concerns, except that Commissions may  
6 consider space and site concerns where no possibility exists for expanding the  
7 available space. 47 C.F.R. § 51.5 (to be codified); FCC Order No. 96-325, ¶ 201, at  
8 104. Similarly, whether a LEC must modify its facilities or equipment to provide  
9 access to unbundled network elements does not affect the determination of technical  
10 feasibility. 47 C.F.R. § 51.5 (to be codified); FCC Order No. 96-325, ¶ 202, at 104-  
11 05. BellSouth has the burden to prove technical infeasibility to the Florida  
12 Commission. FCC Order No. 96-325, ¶ 198, at 102.

13  
14 **ISSUE: WHEN AT&T RESELLS BELLSOUTH'S SERVICES, IS IT TECHNICALLY**  
15 **FEASIBLE OR OTHERWISE APPROPRIATE FOR BELLSOUTH TO BRAND**  
16 **OPERATOR SERVICES AND DIRECTORY SERVICES CALLS THAT ARE**  
17 **INITIATED FROM THOSE RESOLD SERVICES?**

18  
19 **Q. PLEASE STATE AT&T'S POSITION REGARDING THE BRANDING OF**  
20 **OPERATOR AND DIRECTORY ASSISTANCE SERVICES THAT**  
21 **BELLSOUTH PROVIDES ON BEHALF OF AT&T?**

22 **A.** AT&T has requested that BellSouth route calls directly from AT&T customers to  
23 AT&T's Operator Services and Directory Assistance ("OS/DA") service platforms  
24 instead of routing those calls to BellSouth's service platforms. In some instances,  
25 however, AT&T may choose to resell BellSouth's OS/DA services. In such

1 instances, AT&T has requested that BellSouth brand the OS/DA services purchased  
2 by AT&T with the AT&T brand.

3

4 **Q. DOES THE FCC ADDRESS THE ISSUE OF BRANDING OS/DA**  
5 **SERVICES?**

6 A. Yes. The FCC Order concludes that a failure by BellSouth to comply with AT&T's  
7 branding requests presumptively constitutes an unreasonable restriction on resale.  
8 FCC Order No. 96-325, ¶ 971, at 479. BellSouth can rebut that presumption by  
9 proving to the Florida Commission that BellSouth lacks the capability to comply with  
10 AT&T's branding requests. Id. If BellSouth cannot prove technical infeasibility, the  
11 FCC Order requires BellSouth to comply with AT&T's branding. Id.

12

13 **ISSUE: WHEN BELLSOUTH'S EMPLOYEES OR AGENTS INTERACT WITH**  
14 **AT&T'S CUSTOMERS WITH RESPECT TO A SERVICE PROVIDED BY**  
15 **BELLSOUTH ON BEHALF OF AT&T, WHAT TYPE OF BRANDING**  
16 **REQUIREMENTS ARE TECHNICALLY FEASIBLE OR OTHERWISE**  
17 **APPROPRIATE?**

18

19 **Q. PLEASE STATE AT&T'S POSITION REGARDING THE BRANDING OF**  
20 **ALL CUSTOMER SERVICES PROVIDED BY BELLSOUTH ON BEHALF**  
21 **OF AT&T.**

22 A. The Act requires BellSouth to provide parity to AT&T and prohibits BellSouth from  
23 imposing unreasonable and discriminatory conditions on AT&T. Accordingly,  
24 AT&T requested that BellSouth, when providing services to AT&T customers on  
25 behalf of AT&T, to advise AT&T customers that BellSouth is representing AT&T,



1 to provide AT&T customers with AT&T-supplied materials, and to refrain from  
2 marketing BellSouth to AT&T customers.

3

4 **Q. DOES THE FCC ADDRESS THE OBLIGATION OF BELLSOUTH TO**  
5 **BRAND OR UNBRAND ALL CUSTOMER SERVICES PROVIDED ON**  
6 **BEHALF OF AT&T?**

7 A. The FCC Order addresses branding in the context of OS/DA services, but does not  
8 address directly the branding and unbranding of other customer services. The  
9 rationale in the FCC Order that supports the branding and unbranding of OS/DA  
10 services, however, is equally applicable to other customer services. The FCC Order  
11 recognized that brand identification is likely to play a major role in the competitive  
12 marketplace. FCC Order No. 96-325, ¶ 971, at 479. The FCC Order also  
13 recognized that brand identification is critical to a resellers ability to compete and will  
14 minimize consumer confusion. *Id.* The FCC Order further recognized that incumbent  
15 LECs are advantaged when the reseller's primary competitor advises the reseller's  
16 customers that the competitor is providing the service. *Id.* In addition, the FCC  
17 Order also mandates that BellSouth provide AT&T products that are at least equal in  
18 quality to that which BellSouth provides itself. 47 C.F.R. §§ 51.305(a), 51.311(b);  
19 FCC Order No. 96-325, ¶¶ 224, 313, 970, at 114, 157, 479. For these reasons and  
20 the reasons set forth in my previous testimony, AT&T asserts that the Act requires  
21 BellSouth to comply with AT&T's branding requests with respect to all customer  
22 services because a failure to comply with such a request would be unreasonable and  
23 discriminatory.

24

25 **ISSUE: SHOULD BELLSOUTH BE REQUIRED TO ALLOW AT&T TO**

1 APPEAR ON THE WHITE AND YELLOW PAGE DIRECTORIES (E. G.,  
2 LOGO OR NAME)?

3

4 **Q. PLEASE STATE AT&T'S POSITION REGARDING THE BRANDING OF**  
5 **WHITE AND YELLOW PAGE DIRECTORIES.**

6 A. The Act requires BellSouth to provide parity to AT&T and prohibits BellSouth from  
7 imposing unreasonable and discriminatory conditions on AT&T. BellSouth puts its  
8 logo on the cover of White and Yellow Page directories. To achieve parity, AT&T  
9 requested that BellSouth also include AT&T's logo on the cover of the White and  
10 Yellow Page directories.

11

12 **Q. DOES THE FCC ADDRESS THE OBLIGATION OF BELL SOUTH TO**  
13 **BRAND TELEPHONE DIRECTORIES?**

14 A. The FCC Order does not address directly the branding of telephone directories. As  
15 explained above, however, the rationale in the FCC Order that supports the branding  
16 and unbranding of OS/DA services is equally applicable to other customer services,  
17 including the branding of telephone directories. FCC Order No. 96-325, ¶ 971, at  
18 p.479. In addition, the FCC Order also mandates that BellSouth provide AT&T  
19 products that are at least equal in quality to that which BellSouth provides itself. 47  
20 C.F.R. §§ 51.305(a), 51.311(b); FCC Order No. 96-325, ¶¶ 224, 313, 970, at 114,  
21 157, 479. These two principles establish that AT&T's request is consistent with the  
22 pro-competitive intent of the Act.

23

24 **ISSUE: SHOULD BELL SOUTH BE REQUIRED TO PROVIDE COPIES OF**  
25 **ALL INTERCONNECTION AGREEMENTS ENTERED INTO BETWEEN**

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**BELLSOUTH AND OTHER CARRIERS, INCLUDING OTHER LECS AND  
INCLUDING THOSE AGREEMENTS ENTERED INTO BEFORE THE ACT  
WAS ENACTED?**

**Q. PLEASE SUMMARIZE YOUR TESTIMONY REGARDING THE  
AVAILABILITY OF BELLSOUTH'S INTERCONNECTION  
AGREEMENTS WITH OTHER CARRIERS TO AT&T?**

A. I explained in my previous testimony that the Act requires BellSouth to provide AT&T access to any other interconnection agreements between BellSouth and other carriers as part of BellSouth's obligation to make available to AT&T any of BellSouth's existing interconnection agreement.

**Q. DOES THE FCC ORDER ADDRESS THE OBLIGATION OF BELLSOUTH  
TO MAKE ANY OF ITS OTHER INTERCONNECTION AGREEMENTS  
AVAILABLE TO AT&T?**

A. Yes. The FCC regulations require BellSouth to submit all its interconnection agreements with other telecommunications carriers to the appropriate state commission for approval, including those negotiated prior to passage of the Act. 47 C.F.R. § 51.303(a) (to be codified). Upon approval, the interconnection agreements become public and BellSouth must make such agreements available to all carriers. 47 C.F.R. §§ 51.303(c), 51.809. It is unreasonable for BellSouth to refuse to provide AT&T copies of interconnections agreements where BellSouth has a statutory obligation to make the terms and conditions of such agreements available to AT&T.

1 **ISSUE: SHOULD BELLSOUTH BE REQUIRED TO PROVIDE NOTICE TO ITS**  
2 **WHOLESALE CUSTOMERS OF CHANGES TO BELLSOUTH'S SERVICES?**  
3 **(E. G., PRICE AND OPERATIONAL CHANGES) IF SO, IN WHAT MANNER**  
4 **AND IN WHAT TIME FRAME?**

5  
6 **Q. PLEASE SUMMARIZE YOUR PREVIOUS TESTIMONY REGARDING**  
7 **BELLSOUTH'S OBLIGATION TO NOTIFY AT&T OF ANY CHANGE IN**  
8 **ITS SERVICES.**

9 **A.** I explained in my previous testimony that it is AT&T's position that BellSouth  
10 provide AT&T with advance notice of any modifications in its service offerings at  
11 least forty-five days prior to the effective date of the change or simultaneously with  
12 BellSouth's internal notification process.

13  
14 **Q. DOES THE FCC ADDRESS THE REQUIREMENT TO PROVIDE**  
15 **ADVANCE NOTIFICATION OF SERVICE CHANGES?**

16 **A.** The FCC Order does not address directly the requirement that incumbent LECs  
17 provide advance notice to new entrants of service changes. The FCC Order, however,  
18 adopts a concept of parity that requires BellSouth to treat AT&T at least as well as  
19 BellSouth treats itself. 47 C.F.R. §§ 51.305(a), 51.311(b), 51.513(b); FCC Order  
20 No. 96-325, ¶¶ 224, 312-316, 970, at 114, 156-59, 479. That includes differences in  
21 treatment that may be imperceptible to end-users but provide an advantage to  
22 BellSouth. 47 C.F.R. §§ 51.305(a), 51.311(b), 51.513(b); FCC Order No. 96-325,  
23 ¶¶ 224, 312-316, 970, at 114, 156-59, 479. BellSouth's refusal to provide AT&T  
24 advance notice of service changes that is equal to the advance notice it provides itself  
25 internally provides BellSouth with an advantage because the lack of advance notice

1 will ensure that BellSouth is the first telecommunications carrier in the market to offer  
2 the service changes. AT&T's request for advance notice of service changes,  
3 therefore, is completely consistent with the FCC's concept of parity.

4  
5 **Q. ARE THERE OTHER PARITY ISSUES BEFORE THE COMMISSION**  
6 **THAT THE FCC ORDER DO NOT ADDRESS DIRECTLY?**

7 **A.** Yes. The FCC Order does not address directly the issues listed below. The parity  
8 concept set forth in the FCC Order, however, establishes AT&T's requests  
9 underlying these issues as reasonable and consistent with the Act.

10  
11 *(i) WHAT BILLING SYSTEM AND WHAT FORMAT SHOULD BE USED TO*  
12 *RENDER BILLS TO AT&T FOR SERVICES AND ELEMENTS PURCHASED BY*  
13 *AT&T?*

14  
15 *(ii) SHOULD BELLSOUTH BE REQUIRED TO PROVIDE PROCESS AND DATA*  
16 *QUALITY CERTIFICATION FOR CARRIER BILLING, DATA TRANSFER, AND*  
17 *ACCOUNT MAINTENANCE, SIMILARLY WITH ACCESS BILLING AND TOLL*  
18 *BILLING?*

19  
20 *(iii) WHAT ARE APPROPRIATE GENERAL CONTRACTUAL TERMS AND*  
21 *CONDITIONS THAT SHOULD GOVERN THE ARBITRATION AGREEMENT*  
22 *(E.G., RESOLUTION OF DISPUTES, PERFORMANCE REQUIREMENTS, AND*  
23 *TREATMENT OF CONFIDENTIAL INFORMATION)?*

24  
25 *(iv) HOW SHOULD BELLSOUTH TREAT A PIC CHANGE REQUEST*

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RECEIVED FROM AN IXC OTHER THAN AT&T FOR AN AT&T CUSTOMER?

**Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

**A.** The concept of quality set forth in the FCC Order is the same as AT&T's concept of parity upon which AT&T based its requests that now are before the Commission. AT&T's requests simply try to create a level playing field on which BellSouth and new entrants can compete fairly in order to bring Florida consumers better services and technologies at competitive prices. Accordingly, the Florida Commission should order BellSouth to comply with AT&T's requests so that Florida consumers can benefit from robust competition as soon as possible.

**Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

**A.** Yes.