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July 31, 1997

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Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, Florida 32399-0850

**HAND DELIVERY**

Re: Docket No. 960786-TL

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Teleport Communications Group, Inc. are the following documents:

1. Original and fifteen copies of the prefiled rebuttal testimony of Paul Kouroupas; and - 07778-97
2. Original and fifteen copies of the prefiled rebuttal testimony of Frank R. Hoffmann, Jr.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

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Thank you for your assistance with this filing.

Sincerely,

Kenneth A. Hoffman

2 KAH/rl  
5 + org cc: All Parties of Record

Trib. 3

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Hoffman Jr.      Kouroupas  
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**CERTIFICATE OF SERVICE**

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Certificate

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

REBUTTAL TESTIMONY

OF

PAUL KOUROUPAS

ON BEHALF OF

TELEPORT COMMUNICATIONS GROUP INC.

DOCKET NO. 960786-TL

JULY 31, 1997

1 Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND  
2 YOUR POSITION WITH TELEPORT COMMUNICATIONS  
3 GROUP, INC.

4 A. My name is Paul Kouroupas. I am Vice President, Regulatory and  
5 External Affairs for Teleport Communications Group, Inc. My business  
6 address is 2 Lafayette Center, 1133 21st Street, N.W., Suite 400,  
7 Washington, D.C. 20036.

8 Q. ON WHOSE BEHALF ARE YOU TESTIFYING?

9 A. I am testifying on behalf of Teleport Communications Group's Florida  
10 affiliate TCG South Florida (collectively "TCG").

11 Q. PLEASE SUMMARIZE YOUR BACKGROUND AND  
12 EXPERIENCE.

13 A. I have worked for TCG for over five years, representing TCG before  
14 state public utility commissions throughout the country. For the past  
15 three years, I have been responsible for negotiating and overseeing the

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1 implementation of interconnection agreements with incumbent local  
2 exchange carriers (“ILECs”), including BellSouth, both prior to and  
3 subsequent to the passage of the federal Telecommunications Act of  
4 1996 (“Act”).

5 I graduated from Temple University in Philadelphia,  
6 Pennsylvania with a Bachelor’s degree in Communications. I also  
7 graduated from the Catholic University of America’s Columbus School  
8 of Law with a Juris Doctorate degree and a specialty in  
9 Communications Law.

10 **Q. HAVE YOU TESTIFIED PREVIOUSLY BEFORE THE FLORIDA**  
11 **PUBLIC SERVICE COMMISSION?**

12 A. Yes. I have testified before the Florida Public Service Commission in  
13 Docket No. 921074-TP (Petition for expanded interconnection for  
14 alternate access vendors within local exchange company central offices  
15 by Intermedia Communications of Florida, Inc.). I have also testified  
16 before many other regulatory commissions throughout the United States.  
17 Exhibit \_\_\_ (PK-1) contains a list of the proceedings in which I have  
18 testified.

19 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THE**  
20 **INSTANT PROCEEDING?**

21 A. The purpose of my testimony is to respond to assertions made by  
22 BellSouth witness Stacy regarding the appropriate performance reports

1 and standards that should be used to evaluate BellSouth's application for  
2 interLATA relief. In addition, I rebut BellSouth witness Milner's claim  
3 that BellSouth is providing interconnection in compliance with the first  
4 checklist item.

5 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

6 A. My testimony specifically rebuts BellSouth witness Stacy's contention  
7 that BellSouth's proposed and negotiated performance measures will  
8 assist the Commission in determining whether BellSouth meets the  
9 competitive checklist contained in Section 271(c)(2)(B) of the Act. I  
10 explain why the performance measures proposed by BellSouth are  
11 wholly inadequate. Furthermore, I testify that the PSC is simply not  
12 able to determine whether BellSouth complies with the Checklist  
13 requirements unless and until meaningful performance measures,  
14 applicable to all alternative local exchange carriers ("ALECs"), are  
15 approved by the Commission, implemented and sufficiently utilized by  
16 BellSouth.

17 **Q. WHAT ARE YOUR RECOMMENDATIONS?**

18 A. The absence of adequate performance measures make it impossible for  
19 BellSouth to demonstrate, at a minimum, that it has met the first  
20 Checklist item, i.e., that BellSouth implements interconnection that is at  
21 least equal in quality to that which it provides to itself and other parties.  
22 Because BellSouth must meet each of the 14 Checklist items, and it fails

1 to meet at least the very first Checklist item, I recommend that the  
2 Commission reject BellSouth's Petition at this time.

3 **Q. WHAT IS THE COMMISSION'S ROLE IN THIS PROCEEDING?**

4 **A.** The Commission's role is to collect evidence, build a record, weigh the  
5 evidence so that it may fulfill its responsibility to consult with the  
6 Federal Communications Commission ("FCC") and verify the  
7 compliance or lack of compliance of BellSouth with checklist  
8 requirements when BellSouth applies to the FCC for interLATA  
9 authority.

10 **CHECKLIST ITEM 1:**

11 **Q. HAS BELLSOUTH MET ALL OF THE FOURTEEN POINTS OF**  
12 **THE COMPETITIVE CHECKLIST?**

13 **A.** No. BellSouth has failed to meet at least one checklist item. The first  
14 checklist item requires BellSouth to provide interconnection "that is at  
15 least equal in quality to that provided by the local exchange carrier to  
16 itself or to any subsidiary, affiliate, or any other party to which the  
17 carrier provides interconnection."

18 **Q. WHY HAS BELLSOUTH NOT MET THIS CHECKLIST ITEM?**

19 **A.** To date, BellSouth has not provided equal quality interconnection to  
20 TCG. As TCG witness Frank Hoffmann testifies, TCG has experienced  
21 an inordinate amount of call blockage which has degraded the quality of  
22 service to below that which TCG's network has been engineered to

1 provide. The call blockage is a function of BellSouth's failure to  
2 properly size its network. The result of this blockage is that TCG's  
3 customers cannot receive calls from BellSouth end users. Because  
4 BellSouth does not provide equal quality interconnection, it is harder for  
5 TCG to sell service. The frustrating consequence of BellSouth's poor  
6 interconnection practices is that the necessary corrective action is  
7 exclusively in BellSouth's control; TCG is powerless to cure this  
8 problem.

9 Additionally, because of BellSouth call blocking practices, TCG  
10 is unable to terminate calls in the manner agreed to by the parties and  
11 approved by the Commission in the BellSouth/TCG interconnection  
12 agreement.

13 **Q. HAS BELLSOUTH DEMONSTRATED IN ITS APPLICATION**  
14 **THAT IT IN FACT COMPLIES WITH THE REQUIREMENTS**  
15 **OF SECTION 271(c)(2)(B)?**

16 A. No. Although several BellSouth witnesses, W. Keith Milner, Robert  
17 Scheye, and William N. Stacy, claim that BellSouth is in compliance  
18 with the requirements of Section 271(c)(2)(B)(i), these witnesses fail to  
19 provide evidence demonstrating compliance. Since Mr. Stacy provides  
20 the most detailed testimony addressing performance reporting, I will  
21 focus on his testimony.

22 **Q. WHAT INFORMATION HAS MR. STACY PROVIDED?**

1 A. On pages 5-6 of his direct testimony, Mr. Stacy describes portions of an  
2 interconnection agreement between BellSouth and AT&T which include  
3 “service quality and parity measurements.” Mr. Stacy also discusses the  
4 method by which BellSouth will report on these measurements and  
5 allow for a comparative analysis of the data. Finally, Mr. Stacy  
6 includes in his testimony data which purports to demonstrate that  
7 BellSouth in fact is providing interconnection services to its competitors  
8 in compliance with the requirements of Section 271(c)(2)(B).

9 **Q. DO THE SERVICE QUALITY AND PARITY MEASUREMENTS**  
10 **INCLUDED IN THE INTERCONNECTION AGREEMENT**  
11 **BETWEEN BELLSOUTH AND AT&T PROVIDE SUFFICIENT**  
12 **INFORMATION FOR PURPOSES OF DETERMINING**  
13 **BELLSOUTH’S COMPLIANCE WITH SECTION 271((c)(2)B)(i)?**

14 A. No. The service quality and parity measurements included in the  
15 BellSouth/AT&T agreement are deficient for two reasons. First, the  
16 measurements are tailored to AT&T’s specific business plans which  
17 means that they are not directly suitable for facilities-based carriers such  
18 as TCG. As a result, these measures do not cover (or inadequately  
19 cover) certain categories important to a facilities based carrier. Second,  
20 BellSouth has not indicated that it will perform the same or similar  
21 measurements for other ALECs operating in Florida. In fact, Mr. Stacy  
22 indicates that “no other agreements have been finalized with respect to

1 performance measures.” (Stacy Direct at 6). Mr. Stacy also admits that  
2 BellSouth and AT&T have not agreed to and finalized all reporting  
3 requirements. (Stacy Direct at 6).

4 **Q. SHOULD THE PERFORMANCE REPORTING CONTAINED IN**  
5 **THE AT&T-BELLSOUTH INTERCONNECTION AGREEMENT**  
6 **BE APPLIED, WITHOUT MODIFICATION, TO ALL**  
7 **CARRIERS?**

8 A. No. The BellSouth and AT&T performance measures were negotiated  
9 exclusively between the two carriers. Such an agreement was not the  
10 subject of a Commission rulemaking and should not bind other carriers  
11 that are not similarly situated to AT&T.

12 **Q. DID TCG ENTER INTO AN INTERCONNECTION AGREEMENT**  
13 **WITH BELLSOUTH?**

14 A. Yes. TCG and BellSouth filed their interconnection agreement with the  
15 Commission on July 21, 1996. It was approved by the Commission by  
16 Order No. PSC-96-1313-FOF-TP issued October 29, 1996.

17 **Q. DOES TCG’S INTERCONNECTION AGREEMENT INCLUDE**  
18 **SERVICE QUALITY AND PARITY MEASUREMENTS?**

19 A. No. TCG and BellSouth could not agree on service quality  
20 measurements within the 270 day time frame allotted for negotiations  
21 under the Act. TCG nonetheless entered into the agreement in order to  
22 facilitate on-going operations in Florida and to avoid the significant

1 expense associated with arbitration under the Act. It is imperative,  
2 therefore, that this Commission enforce Section 251(c) of the Act by  
3 requiring BellSouth to provide appropriate service quality and parity  
4 measurements for each and every ALEC operating in Florida. The  
5 applicability to all ALECs is especially important given the temporary  
6 uncertainty over the ability to "pick and choose" in light of the recent  
7 8th Circuit decision. Any limitation on the ability of carriers to adopt  
8 subsequent agreements that include quality and parity measurement  
9 provisions makes the universal applicability of such measurements  
10 developed in this case a necessity.

11 **Q. WHY ARE COMPREHENSIVE PERFORMANCE**  
12 **MEASUREMENTS NECESSARY?**

13 A. Comprehensive and detailed performance measurements are necessary  
14 because they provide the only basis by which this Commission and  
15 other carriers can determine that BellSouth is providing the equal  
16 quality interconnection required under the Act. Unless BellSouth can  
17 demonstrate that it is providing equal quality service to ALECs, it  
18 cannot obtain entry into the interLATA toll marketplace.

19 Comprehensive measurements are the only basis upon which equal  
20 quality can be determined.

21 **Q. YOU STATED EARLIER THAT THE MEASUREMENTS**  
22 **INCLUDED IN AT&T'S INTERCONNECTION AGREEMENT**

1                   **ARE TAILORED TO AT&T'S SPECIFIC BUSINESS PLANS**  
2                   **WHICH MEANS THAT THEY ARE NOT LIKELY SUITABLE**  
3                   **FOR FACILITIES-BASED CARRIERS SUCH AS TCG. WHAT**  
4                   **DO YOU MEAN BY THIS STATEMENT?**

5           A.     TCG is a facilities-based ALEC which means that the interconnection  
6                   requirements of TCG differ substantially from ALECs, such as AT&T,  
7                   whose near-term business plans call for substantial resale of BellSouth's  
8                   retail services. Therefore, the measurements that AT&T seek are  
9                   designed to ensure that the resold services purchased from BellSouth are  
10                  provided at parity. TCG believes that while the measurements  
11                  negotiated by AT&T may reasonably address the needs of resellers,  
12                  those measurements do not sufficiently capture the data pertinent to and  
13                  necessary for facilities-based ALECs. For instance, the measurements in  
14                  AT&T's agreement fail to address Call Blocking Percentages on  
15                  interconnection trunks. Call Blocking is a critical issue to facilities-  
16                  based ALECs as explained in TCG witness Hoffmann's testimony and  
17                  as evidenced by the recent anti-trust suit filed by Electric LightWave  
18                  against US West precisely on this point.

19           **Q.     IF BELLSOUTH AGREES TO PROVIDE SERVICE QUALITY**  
20                   **AND PARITY REPORTS FOR EACH AND EVERY ALEC**  
21                   **OPERATING IN FLORIDA, WILL THAT ESTABLISH**

1                   **COMPLIANCE WITH THE REQUIREMENTS UNDER SECTION**  
2                   **271(c)(2)(B)(i)?**

3           A.    No. Sections 271(c)(2)(B)(i) and 251(c)(2)(C) require that BellSouth  
4           demonstrate that it actually provides service to its competitors at parity.  
5           As Mr. Stacy himself admits, it is necessary to collect data for a period  
6           of at least six months before valid conclusions may be drawn. (Stacy  
7           Direct at 17-18). Therefore, BellSouth must provide all relevant data  
8           covering at least six months as a prerequisite to demonstrating that it is  
9           providing service to its competitors at parity.

10          **Q.    MR. STACY HAS INCLUDED AS EXHIBITS TO HIS**  
11           **TESTIMONY [EXHIBITS \_\_\_ (WNS-C) AND \_\_\_ (WNS-E)] DATA**  
12           **PURPORTING TO SHOW THAT BELLSOUTH IN FACT**  
13           **PROVIDES INTERCONNECTION IN COMPLIANCE WITH THE**  
14           **REQUIREMENTS OF SECTION 271(c)(2)(B). DO YOU BELIEVE**  
15           **THIS INFORMATION IS DISPOSITIVE OF THE ISSUE?**

16          A.    No. The data provided by Mr. Stacy is flawed for several reasons.  
17           First, the data BellSouth used to measure the service it provides to itself  
18           is not Florida specific. BellSouth provides aggregated data for the entire  
19           BellSouth Region. Data reported over such a large geographic area  
20           precludes this Commission from finding equal quality within the state.  
21           For example, service in Florida could be very bad, but service in  
22           Georgia could be very good. Regionwide reporting would mask the

1 differences. Second, BellSouth does not provide performance  
2 measurements that are sufficiently comprehensive so as to assist the  
3 Commission in verifying BellSouth's Section 271 compliance. Mr.  
4 Stacy admits that Exhibit \_\_ (WNS-E) covers a very limited set of  
5 measurements. (Stacy Direct at 21). Third, BellSouth does not  
6 disaggregate its measurements in a manner that can be useful for  
7 comparative purposes.

8 **Q. IN WHAT MANNER SHOULD BELLSOUTH REPORT THE**  
9 **DATA?**

10 A. BellSouth must present comprehensive reports so that each carrier can  
11 determine whether BellSouth is providing service quality that is equal to  
12 that which BellSouth provides to itself. In order to make such a finding  
13 those reports must provide carriers with the detail necessary to produce  
14 the appropriate reports.

15 **Q. HOW CAN OVERLY BROAD REPORTING MASK**  
16 **BELLSOUTH'S FAILURE TO PROVIDE EQUAL QUALITY?**

17 A. Merely providing TCG with a mountain of cumulative data covering a  
18 wide range of services over a wide geographic areas does not permit the  
19 Commission or TCG to determine if BellSouth is actually providing  
20 equal quality. It is possible that BellSouth could provide higher quality  
21 service to customers in areas where competition is developing while  
22 simultaneously providing lower quality service in areas where

1 competition has yet to develop. This not only places ALECs at a  
2 competitive disadvantage, it also results in poorer service for its captive  
3 ratepayers. Furthermore, if BellSouth was only required to provide  
4 service that is equal to that which it provides to itself on an averaged  
5 regionwide or statewide basis, TCG may receive only the below average  
6 quality. In other words, TCG would receive unequal and inferior  
7 service where TCG competes with BellSouth.

8 **Q. ARE THERE REQUIREMENTS THAT THIS COMMISSION**  
9 **COULD IMPOSE ON BELLSOUTH THAT WOULD ELIMINATE**  
10 **THE CONCERNS EXPRESSED ABOVE?**

11 A. Yes. BellSouth should be directed to provide service quality reports  
12 that disaggregate the results, for example, by geographic area, customer  
13 class, product, service and ALEC. Because many carriers serve niche  
14 markets, the only reports relevant to each carrier are those that measure  
15 the performance in the markets and services in which they compete.  
16 Thus, BellSouth's intention to tout its service quality agreement with  
17 AT&T as evidence that it has satisfied Section 251(c)(2) necessarily  
18 cannot satisfy TCG's service quality needs. Because AT&T's business  
19 strategy -- resale versus facilities-based -- may be vastly different than  
20 TCG's, AT&T's reporting requirement needs may be vastly different.

21 **Q. ARE YOU SUGGESTING THAT IT IS UNNECESSARY FOR**  
22 **BELLSOUTH TO PROVIDE TCG WITH SERVICE QUALITY**

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**REPORTS FOR CUSTOMERS AND SERVICES OUTSIDE THE  
AREAS WHERE TCG COMPETES?**

A. No. TCG must have that information to determine if BellSouth is providing nondiscriminatory service and access to unbundled network elements. The reports must provide sufficient information for the Commission and parties to determine whether BellSouth is providing the same level of service to all ALECs. Absent those reports, TCG will have no other reasonable benchmarks against which to measure BellSouth's performance. At a minimum TCG needs aggregated and disaggregated service quality reports for each of the following:

- ALEC service quality (specific to the ALEC)
- BellSouth retail service quality (state-wide)
- BellSouth retail service quality (for the specific rate centers where the ALEC operates)
- All ALECs
- The top three interexchange carriers
- BellSouth's top 100 customers
- BellSouth's affiliates

**Q. HOW WILL DATA PROVIDED IN THIS MANNER ASSIST THE  
COMMISSION AND OTHER CARRIERS?**

A. Providing the data in this manner will permit a meaningful comparative analysis of whether BellSouth is providing service to ALECs in

1 conformance with the requirements of Section 271(c)(2)(B). As stated  
2 above, if BellSouth simply reports the data on a region-wide basis (as  
3 proposed in Exhibit \_\_ (WNS-E)), BellSouth will be permitted to hide  
4 too much information in the averages. By this I mean that one needs to  
5 consider that on a region-wide basis, BellSouth has millions of  
6 customers. On average, BellSouth may be providing service at a quality  
7 level of X, but the average can mask enormous differences in particular  
8 customer classes or geographic areas. Therefore, BellSouth must  
9 present the data in a meaningful manner which separates the data into  
10 particular customer classes and geographic areas. Only then can you  
11 have the “apples-to-apples” comparison required by the Act.

12 **Q. DOES BELLSOUTH CURRENTLY PROVIDE ANY**  
13 **PERFORMANCE REPORTS TO TCG?**

14 A. Yes. The BellSouth account team assigned to TCG does provide very  
15 limited reporting on the service BellSouth provides to TCG. While this  
16 is a useful tool for facilitating communication between TCG and  
17 BellSouth, it is not sufficient for purposes of Section 271(c)(2)(B)(i) of  
18 the Act. It can, however, serve as a foundation for expanding the  
19 reporting requirements as outlined above.

20 **Q. ARE APPROPRIATE REPORTING MEASURES ALL THAT IS**  
21 **NECESSARY FOR BELLSOUTH TO BE IN COMPLIANCE**  
22 **WITH SECTION 271?**

1       A.    No. BellSouth must demonstrate through its reporting that it is  
2            providing the necessary parity. At a minimum, six months of reporting  
3            data would be necessary for the Commission to determine that parity is  
4            being provided.

5       **Q.    DOES THIS CONCLUDE YOUR TESTIMONY?**

6       A.    Yes.

Paul Kouroupas

April 1997, In the matter of the petitions for approval of agreements and arbitration of unresolved issues arising under Section 252 of the Telecommunications Act of 1996; Maryland Case No. 8731, Phase II.

Jan. 1997, In the Matter of the Investigation Regarding Local Exchange Competition for Telecommunications Services; New Jersey BPU Docket No. TX95120631.

Dec. 1996, Application of TCG Connecticut for Arbitration with the Southern New England Telephone Company Under the Telecommunications Act of 1996; Connecticut Docket No. 96-09-08.

Dec. 1996, Petition of TCG Connecticut for an Advisory Ruling Concerning Custom Service Arrangements of the Southern New England Telephone Company; Connecticut Docket No. 96-06-21.

Oct. 1996, NYNEX/Teleport Arbitration; Massachusetts D.P.U. 96-73/74.

Oct. 1996, In the matter of the Petitions for Approval of Agreements and Arbitration of Unresolved Issues Arising under Section 252 of The Telecommunications Act of 1996; Maryland Case No. 8731.

Oct. 1996, Petition of TCG Virginia, Inc. for arbitration of unresolved issues from interconnection negotiations with Bell Atlantic-Virginia, Inc. Pursuant to § 252 of the Telecommunications Act of 1996; Virginia Case No. PUC960103.

Oct. 1996, Petition for Arbitration Pursuant to §252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with NYNEX; Rhode Island Docket No. 2448.

Sept. 1996, In the matter of the petition of Teleport Communications New York for Arbitration pursuant to 252 (B) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Bell Atlantic; New Jersey Docket No. TO96070525.

Aug. 1996, Petition of TCG Pittsburgh for Arbitration to Establish an Interconnection Agreement with Bell Atlantic - Pennsylvania, Inc.; Pennsylvania Docket No. A-310213F0002.

Aug. 1996, In the Matter of the Request for Board Guidance on Area Code Relief Plan; New Jersey BPU Docket No. TO9602132.

March 1996, Formal Investigation to Examine and Establish Updated Universal Service Principles and Policies for Telecommunications Services in the Commonwealth; Pennsylvania Docket No. I-00940035.

Oct. 1995, Application of the Southern New England Telephone Company for approval to offer unbundling loops, ports, and associated inter-connection arrangements; Connecticut Docket No. 95-06-17.

Sept. 1995, DPUC Investigation into the unbundling of the Southern New England Telephone Company's local telecommunications network; Connecticut Docket No. 94-10-02.

August 1995, In the matter of the application of MFS Intelenet of Maryland, Inc. for authority to provide and resell local exchange and inter-exchange telephone service; and requesting the establishment of policies and requirements for the interconnection of competing networks; Maryland Case No. 8584, Phase II.

July 1995, Petition for approval of numbering plan area relief for 305 area code by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company; Florida Docket No. 941272-TL.

July 1995, Investigation by the Department on its own motion into IntraLATA and local exchange competition in Massachusetts; Massachusetts Docket No. D.P.U. 94-185.

Feb. 1995, Application of MFS Intelenet of Pennsylvania, Inc., MCI Metro Access Transmission, TCG Pittsburgh, and Eastern TeleLogic for a certificate of public convenience and necessity to provide and resell local exchange telecommunications services (Phase II); Pennsylvania Docket No. A-310203F0002 et al.

Nov. 1994, Proposed introduction of a trial of Ameritech's Customers First Plan in Illinois; Illinois Docket No. 94-0096.

Nov. 1993, In the matter of the investigation by the Commission into legal and policy matters relevant to the regulation of firms, including current telecommunications providers and cable television firms, which may provide local exchange and exchange access services in Maryland in the future; Maryland Case No. 8587.

May 1993, Development of a statewide policy regarding local interconnection standards; Illinois Docket No. 92-0398.

May 1993, Petition for expanded interconnection for alternate access vendors within local exchange company central offices by Intermedia Communications of Florida, Inc.; Florida Docket No. 921074-TP.