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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
REBUTTAL TESTIMONY OF RON MARTINEZ
ON BEHALF OF
MCImetro ACCESS TRANSMISSION SERVICES, INC.
DOCKET NO. 981121-TP
December 16, 1998

Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND POSITION.

A. My name is Ron Martinez. My business address is MCI Telecommunications Corporation, 780 Johnson Ferry Road, Suite 700, Atlanta, GA, 30342. I am employed by MCI Telecommunications Corporation in the Law and Public Policy Group as an Executive Staff Member II

Q. HAVE YOU PREVIOUSLY PROVIDED DIRECT TESTIMONY IN THIS DOCKET?

A. Yes.

Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

A. The purpose of my rebuttal testimony is to respond to the claim by Mr. Hendrix and Mr. Milner that MCImetro's use of a combination of DS1 loop and DS1 local transport UNEs in conjunction with its Class 5 local switch to provide competitive local exchange service somehow recreates BellSouth's MegaLink service.

Q. MR. MILNER DESCRIBES MEGALINK SERVICE AS A HIGH CAPACITY TRANSPORTATION PIPELINE AND STATES THAT

1 **CONNECTING SUCH A TRANSPORT FACILITY TO A SWITCH DOES**
2 **NOT ALTER THE NATURE OF THE TRANSPORT FACILITY. (PAGE 8)**
3 **DO YOU AGREE?**

4 A. I can agree that both MegaLink and a DS1 loop/DS1 dedicated transport
5 combination are high speed transport facilities. However, I strongly disagree that a
6 MegaLink circuit provided to an end use customer by BellSouth and a DS1
7 loop/DS1 dedicated transport combination used by MCImetro as part of an MCI-
8 switch-based local service offering are in any way equivalent in the eyes of the
9 customer.

10

11 **Q. WHY?**

12 A. When a business customer purchases MegaLink service, it is getting a point-to-
13 point private line service subject to all the restrictions and limitations of BellSouth's
14 Private Line Services Tariff. In fact, BellSouth's tariff contains 73 pages of rules
15 and regulations that apply to private line services. These provisions, for example,
16 require that the private line can only be used to connect two locations of the same
17 customer (or the customer and its affiliates) and limit the customer's right to
18 connect private line services to the public switched network.

19

20 In contrast, when a customer purchases MCImetro's competitive local exchange
21 service, it is getting the ability to place local calls and to access the long distance
22 carrier of its choice. None of the restrictions typically associated with private line
23 service apply. Private line service and switch-based local service thus are two
24 fundamentally different offerings.

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1 More importantly, from the customer's point of view, the high-speed connection to
2 MCImetro is not a separate service, it is simply part and parcel of MCImetro's local
3 service offering -- an offering which uses a combination of leased UNEs and
4 MCImetro's own switch to provide an alternative to BellSouth's local exchange
5 service.

6
7 Although I do not believe that the answer should be any different, the Commission
8 would certainly be facing a different issue if MCImetro was purchasing a DS1 local
9 loop and DS1 dedicated transport combination to offer a private line service which
10 did not involve an MCImetro switch or any other facilities owned by MCImetro.
11 That service might at least be perceived by the customer as a substitute for
12 BellSouth-provided MegaLink service.

13
14 **Q. IS THERE ANYTHING IN THE INTERCONNECTION AGREEMENT**
15 **ITSELF WHICH SUPPORTS YOUR POSITION THAT HIGH SPEED**
16 **TRANSPORT FACILITIES ARE GOVERNED BY THE UNE PROVISIONS**
17 **OF THE AGREEMENT AND NOT BY THE RESALE PROVISIONS?**

18 **A.** Yes. Attachment III of the Interconnection Agreement, which deals with Network
19 Elements, contains extensive provisions dealing with transport facilities,
20 particularly the type of high speed facilities that are at issue in this docket. In
21 contrast, Attachment II of the Interconnection Agreement, which deals with resale,
22 contains no reference to any transport services or any type of high speed facilities.
23 I believe this reflects the intention of the parties that DS1 transport facilities were
24 to be viewed as UNEs, not as some form of service resale.

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1 Q. DOES THAT CONCLUDE YOUR REBUTTAL TESTIMONY?
2 A. Yes it does.
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