

ORIGINAL

1 BELL SOUTH TELECOMMUNICATIONS, INC.  
2 REBUTTAL TESTIMONY OF W. KEITH MILNER  
3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
4 DOCKET NO. 990108-TP  
5 JUNE 15, 1999  
6

7 Q. PLEASE STATE YOUR NAME, ADDRESS, AND POSITION WITH  
8 BELL SOUTH TELECOMMUNICATIONS, INC.

9  
10 A. My name is W. Keith Milner. My business address is 675 West  
11 Peachtree Street, Atlanta, Georgia 30375. I am Senior Director -  
12 Interconnection Services for BellSouth Telecommunications, Inc.  
13 ("BellSouth"). I have served in my present role since February 1996  
14 and have been involved with the management of certain issues related  
15 to local interconnection, resale, and unbundling.

16  
17 Q. ARE YOU THE SAME W. KEITH MILNER WHO FILED DIRECT  
18 TESTIMONY IN THIS PROCEEDING?

19  
20 A. Yes.

21  
22 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?  
23

24 A. I will rebut portions of the testimony filed by Access One  
25 Communications, Inc. ("Access One") witness Mr. Ken Baritz regarding

1 issues 2 and 3 in its complaint filed with this Commission against  
2 BellSouth on January 29, 1999.

3

4 Q. ON PAGE 2 OF MR. BARITZ'S TESTIMONY, HE INDICATES THAT  
5 BELLSOUTH HAS A PROGRAM TO SOLICIT ITS FORMER  
6 CUSTOMERS WHO ENROLLED WITH ACCESS ONE DURING THE  
7 FIRST MONTH OF SERVICE WHILE THE ONE-MONTH MINIMUM  
8 WAS IN EFFECT. IS THIS TRUE?

9

10 A. No. First of all, as I indicated in my direct testimony, BellSouth does  
11 not initiate solicitation of end user customers who have switched  
12 service from BellSouth to Access One. When a BellSouth end user  
13 customer switches to a retail competitor, such as Access One, a  
14 BellSouth vendor mails a notification letter to the end user customer.  
15 The letter advises the end user customer that his/her request to switch  
16 local service has been completed and that BellSouth hopes to have the  
17 opportunity to serve the end user customer in the future. This  
18 notification is mailed after the completion of changing the service from  
19 BellSouth to that of an Alternative Local Exchange Carrier (ALEC),  
20 such as Access One.

21

22 Occasionally, BellSouth receives calls from end user customers who  
23 request to be switched back to BellSouth within 30 days of choosing  
24 another carrier. In response to such calls, contact with an end user  
25 customer is entirely appropriate. BellSouth follows up the conversation

1 by mailing a letter containing the information requested by the end user  
2 customer.

3  
4 Q. MR. BARITZ STATES THAT ACCESS ONE HAS RECEIVED DIRECT  
5 MAIL MARKETING MATERIALS FROM BELLSOUTH (BARITZ  
6 EXHIBIT KB-7) THAT WERE OBVIOUSLY INTENDED FOR ACCESS  
7 ONE'S CUSTOMERS, SOLICITING THEM TO RETURN TO  
8 BELLSOUTH. MR. BARITZ ASSERTS THAT BELLSOUTH TOLD HIM  
9 THAT BELLSOUTH HAS SUCH A PRACTICE AND THAT SUCH  
10 PRACTICE WAS COMMON IN THE INDUSTRY. PLEASE RESPOND.

11  
12 A. The materials that were sent to Access One customers were, in fact,  
13 part of a BellSouth program with a focus on intraLATA toll customers,  
14 not local service customers. This type of program is commonplace  
15 throughout the industry. If Access One received direct mail marketing  
16 materials from BellSouth, they were inadvertently sent or directed to  
17 Access One for purposes of marketing intraLATA toll service rather  
18 than local service.

19  
20 Q. ON PAGE 13 OF MR. BARITZ'S TESTIMONY, HE ALLEGES THAT  
21 WHEN A CUSTOMER ELECTS TO DISENROLL FROM ACCESS  
22 ONE IT TAKES BELLSOUTH OVER A WEEK, IF NOT LONGER, TO  
23 NOTIFY ACCESS ONE. PLEASE RESPOND.

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25

1 A. As I stated in my direct testimony, BellSouth has designed a process to  
2 automatically produce letters of notification when an ALEC end user  
3 customer switches from the ALEC to BellSouth for provision of local  
4 telephone service. With minor exceptions, BellSouth believes the  
5 process has and is operating as designed. In late spring or early  
6 summer of 1998, some ALECs indicated to their BellSouth Customer  
7 Service Managers (CSMs) that they were not receiving "Change of  
8 Carrier Notification Letters." An investigation determined that on  
9 certain orders, involving only business customers returning to  
10 BellSouth, the ALEC address information was not being properly  
11 formatted on the disconnect service orders. When an attempt was  
12 made to pass the mailing information to the third-party vendor (who  
13 generates and mails the actual letter), an error condition resulted. By  
14 November 1998, the LCSC staff had developed and implemented a  
15 manual work-around procedure. An additional safeguard was also  
16 developed in January 1999, and that additional safeguard has been  
17 successfully implemented. Briefly, this additional safeguard is such  
18 that the LCSC will manually handle an error list. This means that if  
19 there is insufficient information that prevents the third-party vendor from  
20 sending the "Change of Carrier Notification Letter", then the LCSC will  
21 send out the letter based on the error list. The error list is produced  
22 and acted upon daily.

23

24 On February 3, 1999, BellSouth wrote Access One notifying it that  
25 corrective action had been taken and asking for any recent examples of

1 letters not being received. To date, Access One has reported no such  
2 examples or problems to BellSouth.

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4 MR. BARITZ, ON PAGE 14 OF HIS TESTIMONY, REFERENCES  
5 EXHIBIT KB-8 WHICH ALLEGEDLY REFLECTS DEACTIVATION  
6 NOTIFICATIONS DURING THE PERIOD DECEMBER 1, 1998  
7 THROUGH APRIL 4, 1999. HE ALLEGES THAT OF THE 2,550  
8 DEACTIVATIONS THAT OCCURRED DURING THIS PERIOD,  
9 BELLSOUTH ONLY SENT NOTIFICATION LETTERS FOR 1,261.  
10 WHAT IS YOUR RESPONSE?

11

12 A. Without specific information as to when these deactivations occurred  
13 during the time period mentioned, BellSouth has no way to address Mr.  
14 Baritz's allegation. However, it would appear that if there were  
15 problems with notification letters, these problems would have occurred  
16 prior to February 3, 1999, when BellSouth notified Access One that  
17 corrective action had been taken and asked for recent examples of  
18 letters not received. Since that time, Access One has reported no such  
19 examples or problems to BellSouth.

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21 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

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23 A. Yes.

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