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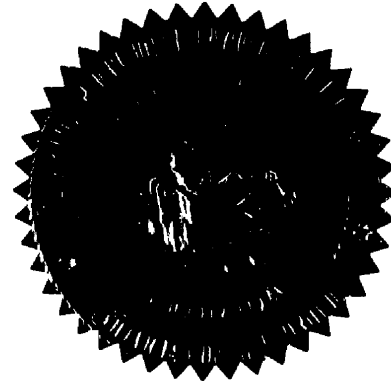<center>

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

</center>

2

<div align="right">

DOCKET NO. 000731-TP

</div>

3   In the Matter of

4 **PETITION BY AT&T COMMUNI-**
CATIONS OF THE SOUTHERN STATES,
5 **D/B/A AT&T FOR ARBITRATION OF**
CERTAIN TERMS AND CONDITIONS OF
6 **A PROPOSED AGREEMENT WITH**
BELLSOUTH COMMUNICATIONS, INC.
7 **PURSUANT TO 47 U.S.C.**
SECTION 252.
8 _____/

9 <center>**ELECTRONIC VERSIONS OF THIS TRANSCRIPT**
ARE A CONVENIENCE COPY ONLY AND ARE NOT
10 **THE OFFICIAL TRANSCRIPT OF THE HEARING**
AND DO NOT INCLUDE PREFILED TESTIMONY.</center>

11

<center>**VOLUME 3**</center>

12

<center>**PAGES 400 THROUGH 571**</center>

13

14 PROCEEDINGS: HEARING

15 BEFORE: CHAIRMAN E. LEON JACOBS, JR.
                 COMMISSIONER LILA A. JABER
16   COMMISSIONER MICHAEL A. PALECKI

17 DATE: Wednesday, February 14, 2001

18 TIME: Commenced at 9:30 a.m.

19 PLACE: Betty Easley Conference Center
                 Room 148
20   4075 Esplanade Way
                 Tallahassee, Florida

21

22 REPORTED BY: JANE FAUROT, RPR
                 FPSC Division of Records & Reporting
                 Chief, Bureau of Reporting

23

24 APPEARANCES: (As heretofore noted.)

25

1

I N D E X

2

WITNESSES

3 NAME: PAGE NO.

4 JAY M BRADBURY

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EXHIBITS

NUMBER:	ID.	ADMTD.
12		569
13		569

CERTIFICATE OF REPORTER 571

1 PROCEEDINGS

2 (Transcript continues in sequence from

3 Volume 2, with the prefiled rebuttal testimony of

4 Jay M. Bradbury.)

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1		BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
2		REBUTTAL TESTIMONY OF JAY M. BRADBURY
3		ON BEHALF OF
4		AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.
5		AND TCG SOUTH FLORIDA, INC.
6		DOCKET NO. 000731-TP
7		JANUARY 3, 2001
8		
9		
10	Q.	PLEASE STATE YOUR NAME AND ADDRESS.
11	A.	My name is Jay M. Bradbury. My business address is 1200 Peachtree Street,
12		Suite 8100, Atlanta, Georgia 30309.
13		
14	Q.	PLEASE DESCRIBE YOUR CURRENT POSITION AND
15		RESPONSIBILITIES.
16	A.	I am a District Manager in the AT&T Law and Government Affairs
17		organization, and I provide consulting support to AT&T's business units and
18		other internal organizations. In particular, I am involved in the negotiation
19		and implementation of interfaces for operational support systems ("OSS")
20		necessary to support AT&T's entry into the local telecommunications
21		market.
22		

1 Q.   ARE YOU THE SAME JAY M. BRADBURY THAT FILED DIRECT

2   TESTIMONY IN THIS CASE ON NOVEMBER 16, 2000?

3 A.   Yes, I am.

4

5 Q.   WHAT IS THE PURPOSE OF YOUR TESTIMONY?

6 A.   The purpose of my testimony is to respond to the testimony of Ronald M.

7   Pate and W. Keith Milner filed on November 15, 2000. I will address the

8   following issues: 23, 25, 30, 31, and 32. I will correct inaccurate and

9   misleading statements made by these witnesses in their direct testimony. I

10   also will provide additional information in response to BellSouth's position

11   on each of these issues.

12

13 Q.   IN MR. PATE'S TESTIMONY HE REPEATEDLY ASSERTS THAT

14   CERTAIN ISSUES AND SUB-ISSUES "ARE NOT APPROPRIATE

15   FOR ARBITRATION," IS HE CORRECT?

16 A.   No. Mr. Pate incorrectly asserts that Issues 30 and 31[1] and their various sub-

17   issues "are not appropriate for arbitration" and that "AT&T is attempting to

18   circumvent the CCP [Change Control Process]....This would allow AT&T to

19   gain an unfair advantage over the other CLECs...." Not only is this

20   incorrect, as I will discuss, but this position is inconsistent with testimony

21   given by Mr. Pate in an arbitration proceeding between BellSouth and AT&T

22   in August 2000.

---

[1] In prior arbitrations, Mr. Pate has also held that Issue 32 is also inappropriate for arbitration although he does not repeat that claim in his direct testimony in this docket.

1   On page 45 of testimony which Mr. Pate filed in the AT&T-BellSouth

2   Arbitration in North Carolina, DOCKET NO. P-140, SUB 73 & P-646, SUB

3   7 (Rebuttal Exhibit JMB-R1), Mr. Pate stated that BellSouth was negotiating

4   with CLECs, including AT&T, to include compliance with the CCP in

5   interconnection agreements. Any issue that is appropriate for negotiation and

6   inclusion in interconnection agreements is also appropriate for arbitration.

7   BellSouth has shown no reason to treat these issue differently from all of the

8   other issues that are included in this arbitration and were subject to

9   negotiation with the intent of inclusion in the interconnection agreement.

10

11   Mr. Pate has cited no authority for his position, but one need only look to the

12   Telecommunications Act of 1996 to determine that it is incorrect.

13   Telecommunications companies are to negotiate "the particular terms and

14   conditions of agreements to fulfill the duties" imposed by Section 251 of the

15   Telecommunications Act, including "nondiscriminatory access to network

16   elements on an unbundled basis at any technically feasible point on rates,

17   terms and conditions that are just, reasonable and nondiscriminatory ...."

18   Section 251(a)(1) and (c). BellSouth's obligation to provide

19   nondiscriminatory unbundled access to its OSS necessarily includes the terms

20   and conditions under which BellSouth may change its OSS. Establishment of

21   an adequate change management process for OSS systems and processes is

22   absolutely critical to CLEC success in the marketplace and is a critical

3

1	component of BellSouth's provision of non-discriminatory treatment as
2	required by the Act.
3	
4	Not only does the Telecommunications Act clearly require parties to
5	negotiate in good faith all terms and conditions of their business relationship,
6	but it just as clearly requires state Commissions to arbitrate, without
7	exception, all "open" or "unresolved" issues remaining after negotiation.
8	Section 252(b)(1), 252(c). The Act therefore contemplates that issues such as
9	change control and equivalent functionality will be negotiated between the
10	parties and arbitrated by state regulatory commissions should those
11	negotiations fail.
12	
13	It is curious that BellSouth did not raise its concerns about appropriateness of
14	this issue during the negotiation process, where change control and
15	equivalent functionality for ordering and maintenance were frequently
16	discussed. Importantly, it was during the negotiations that BellSouth asked
17	AT&T to provide information on its desired change control process.
18	
19	At least one federal court has upheld the duty of a state regulatory
20	commission to arbitrate all issues presented in an arbitration proceeding. The
21	U.S. District Court for the Northern District of Florida recently reviewed a
22	decision issued by the Florida Public Service Commission in an arbitration
23	between BellSouth and MCI. Order on Merits issued June 6, 2000 in Case

1   No. 4:97cv141-RH, *MCI Telecommunications Corporation, et al. vs.*

2   *BellSouth Telecommunications, Inc., et al.* ("MCI Order"). The Florida PSC

3   had refused to address an issue presented by MCI, in part, on the grounds that

4   "the Telecommunications Act authorized arbitration only on 'the items

5   enumerated to be arbitrated in Sections 251 and 252 of the Act. and matters

6   necessary to implement those items.'" The Florida PSC determined that the

7   matter presented by MCI "was not such an item." (*MCI Order* at 32.)

8

9   The federal judge rejected the FPSC's "narrow reading" of the Act's

10   arbitration provisions, explaining that:

11   the right to arbitrate is as broad as the freedom to

12   agree; any issue on which a party unsuccessfully seeks

13   agreement [though negotiation] may be submitted to

14   arbitration....

15   *(Id.* at 33.)

16

17   Citing Section 252(b)(4)(C) of the Act, the judge further held that when the

18   state PSC undertook the arbitration, it was obligated to decide all issues:

19   When the Florida Commission chose to act as the

20   arbitrator in this matter, its obligation was 'to resolve

21   each item set forth in the petition and the response, if

22   any'.

23   *(Id.* at 33-34.)

1   BellSouth asks this Commission not to resolve the open issue of OSS

2   functionality. For the reasons explained above, the Commission should reject

3   BellSouth's unlawful request.

4

5   As will be discussed further below, BellSouth, not AT&T, is attempting to

6   circumvent the purpose of the Change Control Process and its requirements.

7   BellSouth attempts to utilize the Change Control Process as a shield to

8   protect it from its failures to meet its obligations under the Act and

9   consistently makes unilateral decisions regarding the process, over the

10   protests of the CLEC community.

11

12   Additionally, BellSouth's argument is inconsistent with its own desire to

13   arbitrate issues that are also covered by region-wide plans. For example,

14   BellSouth has developed its VSEEM performance measures plan which it

15   proposes for region-wide application, yet in various jurisdictions it has also

16   argued that this plan is ripe and appropriate for arbitration because any CLEC

17   in any state could "pick and choose" to buy into the plan. If BellSouth's

18   regional performance measures plan is appropriate for arbitration, it is hard to

19   understand BellSouth's position that the Change Control Process and

20   equivalent functionality for ordering and maintenance are not similarly ripe

21   and appropriate for arbitration.

22

23

1   *Issue 25: What procedure should be established for AT&T to obtain OS/DA*

2   *routing for loop-port combinations (UNE-P) using both Infrastructure and*

3   *Customer Specific Provisioning?*

4

5   *Issue 23: Has BellSouth provided sufficient customized routing in*

6   *accordance with State and Federal law to allow it to avoid providing*

7   *Operator Services/Directory Assiatance ("OS/DS") as a UNE?*

8

9   Q. **MR. PATE AND MR. MILNER TESTIFY ABOUT BELLSOUTH'S**

10   **UNDERSTANDING OF ISSUES 25 AND 23. IS BELLSOUTH'S**

11   **UNDERSTANDING ACCURATE?**

12 A. No. Mr. Pate's testimony on Issue 25 is both confusing and inaccurate, as is

13   Mr. Milner's testimony on Issues 23 and 25. It is difficult to understand why

14   Mr. Pate and Mr. Milner continue to misrepresent AT&T's request and

15   position, since AT&T fully presented its position in my direct and rebuttal

16   testimony and briefs in arbitration proceedings in North Carolina and

17   Georgia. AT&T also has presented BellSouth with specific contract language

18   detailing its requested procedures, yet Mr. Pate and Mr. Milner continue to

19   insinuate that a single "default" routing to "unbranded" OS/DA will meet

20   AT&T's needs. In addition, both Mr. Pate and Mr. Milner claim that

21   electronic ordering for customer specific OS/DA routing is presently

22   available from BellSouth. It is not.

23

7

1   As I discussed in my direct testimony on pages 23 through 31, the FCC

2   clearly contemplated use of multiple customized OS/DA routings by ALECs

3   and in its order, instructed BellSouth to accommodate the electronic ordering

4   of such arrangements through the uniform application of regionwide

5   "identifiers." Nevertheless, BellSouth has failed to provide electronic

6   ordering for customer specific OS/DA routing, as discussed on pages 31

7   through 36 of my direct testimony.

8

9 Q. **HAVE THERE BEEN EVENTS SINCE THE FILING OF YOUR**

10   **DIRECT TESTIMONY ON THESE ISSUES THAT YOU WOULD**

11   **LIKE TO BRING TO THE COMMISSION'S ATTENTION?**

12 A. Yes. As I discussed in my direct testimony, BellSouth planned to make

13   electronic OS/DA ordering available on an industry-wide basis in Release 8.0

14   of its ordering software, but in October, BellSouth made the unilateral

15   decision to remove the capability from Release 8.0. In the Georgia

16   AT&T/BellSouth arbitration, Mr. Milner testified that BellSouth reinstated

17   that capability. As shown in Exhibits JMB-4, 5, 6 and 7 of my direct

18   testimony, however, this simply is not true. The extremely limited OS/DA

19   ordering capability that BellSouth belatedly attempted to provide was

20   intended to support a very limited AT&T test, and had no commercial

21   applicability. [2]

---

[2] As discussed in my direct testimony, the "substitute" OS/DA ordering capability planned by BellSouth would have been limited to AT&T's UNE-P trial, in one office, using only one interface (EDI), to provide only "unbranded" BellSouth OS/DA, could not be used with live customers (even by AT&T), and would not support all possible order types.

1   In their testimony in this docket, however, Mr. Milner and Mr. Pate attempt

2   to convince this Commission that BellSouth reinstated electronic OS/DA

3   ordering as originally planned.   As stated above, this is not true. BellSouth

4   has made no attempt to reintroduce the originally-planned capability, and in

5   fact has been unable to provide even the limited "substitute" test support

6   capability it attempted to introduce. In its hasty attempt to rescue Mr.

7   Milner's false Georgia testimony by substituting a form of electronic OS/DA

8   ordering, however limited, BellSouth provided line class codes for one office

9   (the 5ESS in which AT&T is conducting its test) but developed the new

10   software, screening, and lookup tables for another office (a DMS in the same

11   wire center available to but not being used by AT&T). BellSouth's failed

12   attempt is documented in the e-mails I have attached as Exhibit JMB-R2 to

13   this testimony. Thus, in Release 8.0 it is still impossible to electronically

14   order any form of customized OS/DA routing -- just as it always has been.[3]

15

16   Further, a recent filing in Georgia by Mr. Milner reveals that (1) in the real

17   world it is likely that BellSouth has provided no working OS/DA customized

18   routing arrangements and (2) the software developments BellSouth is

19   contemplating associated with electronic ordering of customer-specific

20   OS/DA routing may be needlessly complex and fail to utilize available

21   software and processes.

---

[3] Even had BellSouth successfully implemented this limited test ordering capability, such success would not have provided commercial production capability to any ALEC. Additionally, the test capability only would result in routing to "unbranded" BellSouth OS/DA, but BellSouth must provide

1 Q. **PLEASE IDENTIFY MR. MILNER'S FILING IN GEORGIA AND**

2 **EXPLAIN YOUR CONCLUSION THAT BELLSOUTH HAS**

3 **PROVIDED NO WORKING OS/DA CUSTOMIZED ROUTING**

4 **ARRANGEMENTS.**

5 A. On November 21, 2000, Mr. Milner filed with the Georgia PSC an Affidavit

6 in Dockets 6863-U and 7253-U, to "provide the Commission with the most

7 current information concerning unbundled network elements, interconnection

8 services, and resold services furnished by BellSouth. A copy of the Affidavit

9 is attached as Exhibit JMB R-3.

10 Mr. Milner's Georgia affidavit provides volume information for the elements,

11 products and services that BellSouth provides under each of the 14 Section

12 271 Checklist Items within Georgia and across its nine-state region. The

13 discussion of customized routing, which appears in paragraphs 13-15, does

14 not indicate that any customized routing arrangements are in service. Mr.

15 Milner has already testified here in Florida that there are no working AIN

16 arrangements in the nine-state region, which is another possible method of

17 obtaining customized routing. Thus, it certainly appears that BellSouth has

18 provided no working customized OS/DA routing arrangements in its entire

19 region – an appearance which is bolstered by the fact that BellSouth has been

20 unable to document a process for ordering customized OS/DA routing, which

21 AT&T repeatedly has requested.

22

---

customized routing to an alternative provider's platform in order if it wishes to engage in market-based pricing of its own OS/DA.

1 Q. **PLEASE EXPLAIN YOUR CONCLUSION THAT BELLSOUTH IS**

2 **CONTEMPLATING SOFTWARE DEVELOPMENTS FOR**

3 **ELECTRONIC ORDERING OF CUSTOMER-SPECIFIC OS/DA**

4 **ROUTING THAT IS NEEDLESSLY COMPLEX AND FAILS TO**

5 **UTILIZE AVAILABLE SOFTWARE AND PROCESSES.**

6 A. As I explained in my direct testimony, the FCC instructed BellSouth to

7 accept region-wide indicators for ALECs' customized OS/DA routing. Mr.

8 Milner's Georgia Affidavit confirms that BellSouth easily could use Uniform

9 Service Order Codes ("USOCs") as indicators to identify an ALEC's

10 selection of customized OS/DA routing. As Mr. Milner explains in

11 paragraph 17 of his affidavit, BellSouth uses USOCs, Field Identifier Codes

12 ("FIDs"), the Line Class Code Assignment Module ("LCCAM"), and a

13 system called MARCH, to assign Line Class Codes ("LCC") to customer

14 specific service requests. This same process could be used to assign LCCs to

15 ALECs' customized OS/DA routing requests. Thus, Mr. Milner's description

16 of the use of USOCs, FIDs and LCCAM by BellSouth confirms my direct

17 testimony at pages 27 through 30. The "indicator" the FCC contemplated in

18 its order, and which AT&T is requesting in this docket, is analogous to a

19 USOC. BellSouth provides USOCs for all other services and elements it

20 makes available to ALECs, and those USOCs are processed by LCCAM

21 whether they are being used by BellSouth or an ALEC.

22

1   Rather than use USOCs for AT&T's customized OS/DA routing, however,

2   BellSouth proposes a system unique to AT&T's Operating Company Number

3   and RESH code, a specific switch, and specific NPA-NXXs within that

4   switch. These specifications were provided to AT&T on November 10,

5   2000.

6

7   The methodology proposed by BellSouth clearly does not take advantage of

8   the much simpler USOC-based process used for all other BellSouth and

9   ALEC service requests. Additionally, BellSouth has proposed a system

10   unique to AT&T, to be used for specific NPA/NXXs within that switch, as

11   though AT&T had submitted a bona fide request for an individual process

12   rather than a Change Request for a nondiscriminatory process available to all

13   ALECs. BellSouth was unable to implement this "solution" for one switch;

14   attempting to implement such a process for each requesting ALEC for each

15   switch in which the ALEC plans to do business is unwieldy and unnecessary.

16

17 Q.   **ON PAGES 19 AND 20 OF MR. PATE'S TESTIMONY HE IMPLIES**

18   **THAT THERE IS NO INDUSTRY STANDARD FOR ORDERING**

19   **OS/DA ROUTING BUT STATES THAT BELLSOUTH HAS**

20   **PROVIDED AN ELECTRONIC CAPABILITY TO AT&T. PLEASE**

21   **COMMENT.**

22 A.   As discussed above, Mr. Pate is wrong concerning the availability of

23   electronic OS/DA ordering. Further, his comment regarding industry

1   standards is irrelevant. Although the use of industry standards can meet the

2   needs of a competitive local exchange market[4], lack of industry standards

3   does not excuse an incumbent LEC from meeting its obligation to provide

4   nondiscriminatory access to OSS functions.[5] Similarly, deploying an

5   interface that merely adheres to industry standards is not sufficient to

6   demonstrate nondiscriminatory access. A BOC must provide

7   nondiscriminatory access to its OSS functions irrespective of the existence of,

8   or whether it complies with, industry standards.[6]

9

10   Q.   **PLEASE SUMMARIZE YOUR RESPONSE TO MR. PATE'S AND MR**

11   **MILNER'S TESTIMONY REGARDING ISSUES 25 AND 23.**

12   A.   BellSouth has mischaracterized AT&T's position and the FCC's orders

13   regarding customized OS/DA routing. AT&T is entitled to customized

14   routing, and the methods it has requested are reasonable, technically feasible,

15   and anticipated by the FCC. BellSouth has not provided the industry with

16   technology to route OS/DA calls to third party platforms and to take

17   advantage of different (more efficient, less costly) trunking options that might

18   be available to it in different local exchange areas, LATAs and states through

19   a commercially viable, timely and repeatable process.

20

21   Q.   **WHAT DOES AT&T REQUEST THE COMMISSION TO ORDER**

22   **REGARDING THIS ISSUE?**

---

[4] FCC Ameritech Order ¶ 217; FCC BA-NY Order ¶ 88
[5] FCC South Carolina Order ¶ 121, n. 362.

1   A.   AT&T asks the Commission to order BellSouth to provide AT&T with

2   specific documented methods and procedures for each of the customized

3   routing methods it purports to offer: unbranded at BellSouth's platform,

4   AT&T branded at BellSouth's platform, and routed to a non-BellSouth

5   platform using the two-part procedure requested by AT&T. The Commission

6   also should require BellSouth to provide AT&T with ordering capability that

7   will allow AT&T to place individual customer orders electronically, utilizing

8   a single region-wide indicator for each routing option. The orders should

9   flow through, and AT&T should not be required to place line class codes on

10   any order, nor should AT&T be required to place any indicator on orders

11   when only one arrangement exists in a given footprint area. BellSouth should

12   be ordered to provide these capabilities within 6 months of the Commission's

13   order.

14

15   Further, until such time as BellSouth can demonstrate that it is offering, as a

16   practical matter, customized OS/DA routing to alternative providers, it should

17   be required to continue provided its own OS/DA services to ALEC as a UNE

18   at UNE prices.

19

20

21   *Issue 41: Should the Change Control Process be sufficiently*

22   *comprehensive to ensure that there are processes to handle at a minimum*

23   *the following situations:*

---

[6] FCC Louisiana II Order ¶ 137.

1		*Issue Matrix*
2	*a)*	*introduction of new interfaces;*
3	*b)*	*retirement of existing interfaces;*
4	*c)*	*exceptions to the process;*
5	*d)*	*documentation, including training;*
6	*e)*	*defect correction;*
7	*f)*	*emergency changes;*
8	*g)*	*an eight step cycle, repeated monthly;*
9	*h)*	*a firm schedule for notifications associated with changes initiated*
10		*by BellSouth;*
11	*i)*	*a process for dispute resolution including referral to state utility*
12		*commissions or courts;*
13	*j)*	*a process for escalation of changes in process.*
14		*Other Concerns*
15	*k)*	*Testing Support and Testing*
16	*l)*	*Provision of a Trouble Number for Type 1 Events*
17	*m)*	*The Ability of BellSouth to Unilaterally Cancel or Reject an ALEC*
18		*Request*
19	*n)*	*Change Review – Prioritization – Release Package Development*
20		*and Approval*
21	*o)*	*The Process of Changing the Process.*
22		
23		

1 Q. ON PAGE 23 MR. PATE SUGGESTS THAT THE COMMISSION

2   SHOULD ONLY GIVE GUIDANCE ON THESE ISSUES, RATHER

3   THAN ORDER SPECIFIC CHANGES, IN ORDER TO AVOID

4   STATE-TO-STATE CONFLICTS. DO YOU AGREE?

5 Q. No. In order for the change control process to become legally binding upon

6   BellSouth and subject to effective regulatory oversight, this Commission

7   must specifically order BellSouth to adopt the changes requested herein, and

8   should specifically place the Change Control Document under its

9   supervision. It should be no more difficult to avoid state-to-state conflicts

10   regarding this process than any other process incorporated into an

11   Interconnection Agreement or into BellSouth's Statement of Generally

12   Available Terms and Conditions ("SGAT"). If this Commission adopts

13   BellSouth's preferred approach, however, the Change Control Process will

14   continue to be subject to BellSouth's sole control.

15

16 Q. IN ARGUMENTS AGAINST ARBITRATING THIS ISSUE, MR.

17   PATE MAKES NUMEROUS ASSERTIONS THAT AT&T IS

18   ATTEMPTING TO "CIRCUMVENT THE COLLABORATIVE

19   PROCESS." IS THIS TRUE?

20 A. No. AT&T is entitled to arbitrate this issue, as I have demonstrated above.

21   Mr. Pate mischaracterizes AT&T's actions and paints a misleading picture of

22   the level of collaboration that exists today regarding the CCP. As BellSouth

23   is well aware, AT&T and other ALECs continue to work with BellSouth to

1   improve the CCP. Notably, Mr. Pate never states that AT&T is the sole

2   ALEC requesting changes such as those sought in this arbitration.

3

4   BellSouth, not AT&T, has circumvented the process by consistently making

5   unilateral decisions regarding the process, over the protests of the ALEC

6   community. In fact, other ALECs have expressed dissatisfaction with

7   BellSouth's Change Control Process, which is not as collaborative as

8   BellSouth attempts to portray. See, for example, Rebuttal Exhibit JMB-R4,

9   which includes MCI and Sprint e-mails indicating disagreement with

10   BellSouth's establishment of a three month trial period for the I-CCP, the

11   definition of defects and several other processes BellSouth had proposed.

12   The e-mails also indicate MCI and Sprint's concurrence with AT&T's

13   objection to BellSouth's reclassification of "defects" as "features". I have

14   also attached minutes of the March 23, 2000 Steering Committee meeting,

15   which lists eight items regarding which ALECs had expressed concerns

16   (retirements, testing, documentation, notification methods, the expedited

17   process, intervals for process steps, the definition of a defect, notification

18   contents). As shown in the minutes, these items were not addressed during

19   the meeting, but were instead deferred until future meetings. Many of these

20   issues are still under discussion today. Rebuttal Exhibit JMB-R5.

21

1 Q. **CAN YOU PROVIDE EXAMPLES OF INSTANCES IN WHICH**

2 **BELLSOUTH FAILED TO FOLLOW ITS OWN CHANGE**

3 **CONTROL PROCESS?**

4 A. Yes. I will provide four examples of instances in which BellSouth failed to

5 follow the Change Control Process. although there are many more.

6

7 1. Issue 9G Business Rules: On August 30, 2000, BellSouth released

8 Issue 9G of BellSouth's Business Rules for Local Ordering ("BBR-LO"),

9 which it admits includes significant changes that BellSouth did not submit to

10 the CCP. (Direct Exhibit JMB-12.) Because BellSouth circumvented the

11 CCP, CLECs were unable to make the required coding and process changes

12 by the proposed October 2, 2000, implementation date. BellSouth

13 nevertheless refused to withdraw these unapproved changes and implemented

14 the software changes on October 2. 2000. In addition to rejecting the

15 previously valid ALEC orders impacted by these unilaterally imposed

16 changes, BellSouth's software release also contained coding errors that

17 caused the rejection of other types of ALEC orders. BellSouth ultimately

18 corrected these additional errors and ALECs and BellSouth utilized manual

19 workarounds until that ALEC coding could be accomplished.

20

21 2. Unilateral Changes to Ordering Software: In my direct testimony I

22 provided an example of how BellSouth unilaterally decided to remove

23 electronic OS/DA ordering functionality from Release 8 of its ordering

18

1   software, in flagrant violation of the Change Control Process.   Since that

2   time, BellSouth has unliaterally decided to make other changes to Release 9

3   and Release 10.   At the November 13, 2000, Release 9 User Requirements

4   Meeting, BellSouth announced that three features based on ALEC change

5   requests and previously scheduled for Release 9 would not be included in the

6   scope of the release, that it was probable that not all of them would even be in

7   Release 10, and that Release 11 was yet to be scheduled. Further, BellSouth

8   revealed that its implementation of UNE to UNE migrations (per its self-

9   initiated CR-0030) would include only the capability to migrate from UNE-P

10   to a UNE loop without number portability, the least likely scenario, and that

11   if any other capability was desired, a new change request would have to be

12   submitted. Exhibit JMB-R6 provides the minutes of the meeting, the

13   associated change requests, and correspondence between AT&T and

14   BellSouth related to the UNE to UNE migration feature. BellSouth has not

15   responded to AT&T's December 15, 2000, change request to obtain the

16   UNE-P to loop with number portability migration capability that meets

17   ALEC business needs. Release 9 now contains no ALEC initiated change

18   request implementations, and the UNE to UNE capability being provided has

19   little practical value to ALECs.

20

21   3.   Preferential Treatment of BellSouth-Initiated Change Requests:

22   BellSouth recently implemented several software changes on a preferential

23   basis, without following the Change Request Process.   As shown in Exhibit

1   JMB-R7, (a November 13, 2000, e-mail from Change Control to the ALECs

2   forwarding BellSouth- initiated change requests 216, 217, 218 and 219),

3   BellSouth submitted four "Type 4" (BellSouth initiated) change requests on

4   November 13th. BellSouth targeted these changes for implementation in

5   November 2000, in violation of the Change Control Process. None of the

6   requests were scheduled for or subject to a prioritization review, as is

7   required for all non-defect change requests. Various CCP log entries reflect

8   that change requests 216, 218, and 219 were implemented as of December

9   20, 2000.[7] Only fixes for defects are entitled to this "fast track" treatment,

10   yet BellSouth treated its own change requests in this preferential fashion.

11

12   4.   AT&T's Requested CCP Changes: BellSouth's handling of requests

13   to change the process following the August publication of Version 2.0 also

14   reflects its ability to ignore the Change Control Process. As discussed in my

15   direct testimony, AT&T requested consideration of specific changes to the

16   Change Control Process, in accordance with procedures specified by the

17   Process (Exhibit JMB-10). According to the CCP, this request should have

18   been discussed during Monthly Status Meetings. BellSouth refused to do so,

19   however, and instead established a separate series of CCP Process

20   Improvement meetings, as discussed below.

21

22   On September 9, following the procedures outlined in Section 9 of Version

23   2.0 of the CCP, AT&T submitted a change request to modify the change

---

[7] I was unable to find any record of 217 on the CCP Web Site.

1	control process. This Change Request is referred to as "CR 171". Section 9
2	of the CCP requires such a change request to be discussed at the next
3	monthly Status Meeting, which was scheduled for September 27, 2000.
4	Rather than comply with the CCP, BellSouth refused to address AT&T's
5	change request at the Status Meeting, and instead established a separate
6	meeting to discuss it, called the "CCP Process Improvement Meeting",
7	(Exhibit JMB-R8, September minutes) to be held on October 17, 2000.
8	
9	At the October 17th Meeting, BellSouth introduced and entertained discussion
10	of a number of other items related to changes that might bring about
11	improvement of the CCP process and suggested that AT&T and the CLECs
12	hold an yet another additional meeting to discuss AT&T's change request
13	before the next CCP- Process Improvement Meeting on November 1, 2000.
14	Exhibit JMB-R9 (October Minutes).
15	
16	On October 27, 2000, AT&T and the CLECs (as well as invited BellSouth
17	representatives) held the separate meeting suggested by BellSouth. During
18	this meeting, all of the CLECs present reached agreement on the language in
19	AT&T's Change Request. At the November 1 meeting, however, BellSouth
20	once again effectively deferred meaningful discussion of CR-171 until a
21	meeting to be held on December 7, 2000. Exhibit JMB-R10 and Exhibit
22	JMB-R11 are the minutes of the AT&T/CLEC October 27th meeting and the
23	November 1st meeting. The Red-line Version 2.0 of the CCP document

1   referred to in both minutes is identical to my direct Exhibit JMB-10 and

2   includes the language agreed to by all CLECs participating in the October

3   27th meeting.

4

5   On November 5, 2000, AT&T provided BellSouth with a document that

6   shows the language to which the CLEC community agreed on November 1,

7   2000. (Direct Exhibit JMB-10). BellSouth was a participant in both the

8   October 27th CLEC meeting, and the November 1st CCP Process

9   Improvement Meeting, and had the latest AT&T/CLEC proposal in its

10   possession more than 30 days before the scheduled December 7 CCP Process

11   Improvement Meeting. However, BellSouth did not respond in any way until

12   5:55 PM on December 5, 2000 - effectively one day before the meeting – at

13   which time it produced a significant and substantial mark-up of the October

14   27 document to which the CLECs had concurred. BellSouth's response is

15   Exhibit JMB-R12

16

17   During the December 7th meeting, BellSouth allocated three hours to a

18   discussion of this issue. Not surprisingly, the discussion did not conclude on

19   the 7th and the issue will now next be discussed on January 10, 2001 – four

20   months after AT&T submitted its change request.

21

1   BellSouth's self-initiated CCP-Process Improvement Meetings may be well

2   intentioned, and may be a useful process, but they are not part of the

3   documented process. AT&T notes the following regarding the meetings:

4

5   1. Full consideration of AT&T's CR 171, submitted on September 9,

6   2000, has been delayed by at least four months.

7   2. Although BellSouth appears to have agreed to various changes to the

8   CCP during these meetings, those changes have not been documented

9   in a change request nor has the CCP itself been updated to reflect

10   those changes, .as required by Section 9 of that document.

11   3. There is no documented process for resolving issues via the CCP

12   Process Improvement Meetings.

13

14   Thus, BellSouth has successfully re-instituted the ad hoc process that the

15   CCP was designed to avoid, and which resulted in the irregular adoption of

16   Version 2.0 in the first place. Once again, BellSouth has demonstrated its

17   unique ability to circumvent the process requirements due to lack of any

18   binding commitment.

19

20   These examples explain why AT&T has asked the Commission to arbitrate

21   this issue. ALECs have no recourse if BellSouth fails to follow the Change

22   Control Process, and BellSouth has no incentive to follow it.

23

1   Q.   **WHY DOES AT&T OBJECT TO BELLSOUTH'S REFUSAL TO**

2   **FOLLOW THE CHANGE CONTROL PROCESS?**

3   A.   BellSouth's unique ability to ignore the process delays work on ALEC needs

4   and limits the overall usefulness of the Change Control Process. Every single

5   one of these "out of process" actions are costly to ALECs, who must

6   repeatedly beg BellSouth to provide them with competitive functionalities,

7   must program their systems for capabilities that may or may not be provided

8   as promised, and must constantly revise business plans in response to

9   BellSouth's unilateral decisions. Additionally, BellSouth has ignored the

10   process when it wants to "cut in line" ahead of ALECs to implement changes

11   that benefit BellSouth alone, which clearly is anticompetitive.

12

13   Q.   **ON PAGES 28-29 MR. PATE ADMITS THAT BELLSOUTH HAS**

14   **NOT BEEN ABLE TO OBTAIN INDUSTRY AGREEMENT ON THE**

15   **CCP AND THAT INSTEAD THE INDUSTRY AGREED TO A THREE**

16   **MONTH TRIAL. WHAT IS THE STATUS OF THE CCP NOW?**

17   A.   The future of the CCP was discussed at both the July 26 and August 23, 2000

18   monthly status calls. Although the meeting agenda called only for a

19   discussion, BellSouth forced a "vote" on "baselining" the process during the

20   August 23 call. As is noted in the E-mails in Rebuttal Exhibit JMB-R13, a

21   number of CLECs had left the call, not knowing that BellSouth intended to

22   hold a vote, and at least one other CLEC was represented by a person not

23   authorized to participate in such a vote. Further as noted in the minutes of

1   programming and coding details for the changes." Mr. Pate is wrong.

2   BellSouth has never conducted these activities during this interval despite

3   ALEC's repeated requests that they do so. The e-mail at Exhibit JMB-R6

4   above discusses BellSouth's failure to do so prior to its recent publication of

5   the Release 9 specifications on November 13, 2000. Release 9 will now

6   contain a feature that will be virtually useless as opposed to the feature that

7   the ALECs needed. The CCP doesn't require the actions Mr. Pate discusses,

8   and BellSouth doesn't perform them.

9

10   Similarly, Mr. Pate implies that BellSouth and the ALECs "jointly create the

11   Approved Release Package." While this is indeed the desired outcome, in

12   practice, BellSouth simply dictates the contents of the release.

13

14   On pages 46 and 47 Mr. Pate describes a notification letter process and states

15   that: "These letters are not intended to be technical references for use by

16   ALEC software developers. As discussed previously, BellSouth provides

17   ALECs with this information through other sources well in advance of the

18   formal notification." This simply isn't the experience of the ALECs since the

19   creation of the first process document in 1998. KPMG recently posted

20   Observation 21 to the Florida PSC Web Site dealing with this very subject;

21   KPMG observed that "The distribution of Carrier Notification information

22   associated with the BellSouth Change Control Process is not adequate.

23   Furthermore, in BellSouth's implementation of the process, significant

1   information is not included in the Carrier Notifications." There is no

2   consistent process that provides ALECs with this type of information in a

3   timely manner; and thus AT&T seeks the notification processes described on

4   page 22 of Exhibit 10 to my direct testimony.

5

6   Q.   **IN HIS DISCUSSION OF NEW INTERFACES MR. PATE MAKES A**

7   **DISTINCTION BETWEEN "INTRODUCTION" AND**

8   **"DEVELOPMENT'" OF NEW INTERFACES. DOES THE CCP**

9   **INCLUDE ANY SUCH DISTINCTION?**

10   A.   Mr. Pate states that the "introduction" of new interfaces is subject to the CCP

11   but "development" of those interfaces is not. This distinction is not

12   supported by the CCP itself, which refers only to "introduction" of interfaces.

13

14   BellSouth makes this distinction because wants to exclude development of

15   new interfaces and processes from the CCP (as did old EICCP). BellSouth's

16   continued exclusion of the development of new interfaces and processes from

17   the CCP guarantees repeated deployment of interfaces and processes that do

18   not meet the needs of the ALECs and are wasteful of the industry's limited

19   resources.

20

21   On pages 48, 49 and 50 of his testimony, Mr. Pate attempts to justify

22   BellSouth's actions using excuses that are both flimsy and downright

23   paranoid:

28

1   "BellSouth must have flexibility to develop interfaces to meet

2   industry standards and regulatory requirements."

3   "new development is too critical to risk being stymied in the process

4   by ALEC disagreement."

5   "the nature of the CCP is such that if developing interfaces were

6   included in the CCP, ALECs with no intention of using such

7   interfaces could game the process by voting for additional features

8   and functionality that would increase the time and cost to BellSouth

9   and rival ALECs to implement them."

10

11   This Commission should turn a deaf ear to such excuses, for which BellSouth

12   has provided no basis in fact. ALECs – the customers of BellSouth and the

13   ultimate beneficiaries of the Change Control Process – must be accorded an

14   opportunity to participate in the development of interfaces and processes that

15   will serve them.

16

17 Q. YOU HAVE STATED THAT BELLSOUTH'S EXCLUSION OF NEW

18   INTERFACES GUARANTEES REPEATED DEPLOYMENT OF

19   INTERFACES AND PROCESSES THAT DO NOT MEET THE

20   NEEDS OF THE ALECS AND ARE WASTEFUL OF THE

21   INDUSTRIES LIMITED RESOURCES. CAN YOU PROVIDE

22   EXAMPLES?

1   A.   Yes. AT&T's customers have been victimized by BellSouth's secretive

2   development of new OSS interfaces, specifically, BellSouth's Local Number

3   Portability Gateway ("LNP-GTWY") and the processes supporting local

4   number portability ("LNP"). I will provide two examples.

5

6   <u>Caller ID Display Failure:</u> Dillard's Department Stores purchases local

7   services from AT&T at many of its locations in BellSouth's nine-state region,

8   including Florida. Like most businesses, Dillards kept the same telephone

9   numbers that it used when its local service was provided by BellSouth.

10   Shortly after converting local service to AT&T, Dillards and AT&T

11   discovered that the Dillards name was not displayed on customers' Called ID

12   units when employees called them. This was highly unsatisfactory to

13   Dillards, because many people simply will not answer the telephone unless

14   they know who is calling. This problem, and the resulting dissatisfaction of

15   AT&T's customer, could have been avoided had BellSouth's new Local

16   Number Portability Gateway and new processes supporting local number

17   portability ("LNP") been developed and introduced through the CCP.

18

19   This problem still has not been resolved to AT&T's satisfaction. Upon

20   urging by AT&T, BellSouth provided a database "fix" for Dillards, and

21   proposes a software interface connection as an interim solution to the

22   underlying problem. AT&T objects to the interim solution, which would

23   require AT&T and other CLECs to spend software development dollars on a

1   "throw away" project. Moreover, BellSouth refuses to provide the temporary

2   database "fix" for any additional telephone numbers "until AT&T has

3   returned the completed forms necessary to allow BellSouth to begin the

4   implementation of the [interim] mechanized solution". Exhibit JMB-R15.

5   As I stated above, these problems could have been avoided had BellSouth

6   developed and introduced the new gateway and processes through the CCP.

7

8   Erroneous Number Reassignment: AT&T's customers also are being

9   negatively affected by another defective process associated with local number

10   portability that should have been avoided by open discussion in the CCP.

11   When numbers are "ported away" from BellSouth to a CLEC, BellSouth

12   must continue to account for the status of that number in its ATLAS

13   database. AT&T and a number of its customers have found out the hard way

14   that BellSouth returned many ported numbers to an assignable status in

15   ATLAS, which allowed BellSouth to reassign working AT&T numbers to

16   new BellSouth service. AT&T's customers, of course, were outraged at what

17   they perceived as AT&T's failure to provide adequate service. In Exhibit

18   JMB-R16, I provide a number of e-mails and letters concerning customers

19   who were affected in October 2000, despite the fact that BellSouth

20   implemented edits and procedures in December 1999, to eliminate this very

21   thing.

22

1 Q. ARE THERE OTHER PROBLEMS WITH LOCAL NUMBER

2   PORTABILITY PROCESSES AND THE LNP GATEWAY THAT

3   RESULT FROM BELLSOUTH'S DEVELOPMENT PROCESS?

4 A. Yes. The local number portability processes and the LNP Gateway itself

5   were developed by BellSouth outside the Change Control Process. In

6   addition to the customer-impacting process problems discussed above, I will

7   describe how the LNP Gateway also denies ALECs and regulators of

8   BellSouth in all nine states the processes and data needed to meet business

9   and regulatory requirements.

10

11   The LNP Gateway itself was placed into service in August/September 1998,

12   without the first scrap of technical documentation about its operation or

13   location in the flow of processing ALECs' LNP-related orders. Historically,

14   BellSouth has placed systems that must communicate with other systems

15   external to BellSouth on the "downstream" side of its Service Order Control

16   System ("SOCS"). Examples include communication with BAPCO for

17   directory listings, communication with its 911 database vendor, and

18   communication with the Service Management Systems of the network

19   signaling system and other databases such as the Line Information Database

20   ("LIDB").

21

22   Given that the Local Exchange Ordering ("LEO") and Local Exchange

23   Service Order Generator ("LESOG") were already in place and operational

1   for ALEC-originated local service requests, and in the absence of any

2   specifications about the LNP-GTWY, ALECs made the logical assumption

3   that LNP-GTWY had also been designed and placed "downstream" from

4   SOCS.

5

6   Many months later, however, through continued questioning associated with

7   various anomalies in processing LNP orders. the industry discovered that the

8   LNP-GTWY was "upstream" from SOCS. The LNP-GTWY had in fact been

9   developed and placed in the ALEC service request process flow to replace

10 LEO-LESOG when an ALEC service request contained a request for LNP.

11 Without any notice to ALECs, BellSouth had placed a "router" between the

12 ALEC interfaces (EDI, TAG and LENS) and the two possible paths an ALEC

13 LSR could now take, the LEO-LESOG path or the LNP-GTWY path. It is

14 impossible to measure the wasted ALEC resources and ALEC customer ill

15 will that resulted from BellSouth's decision to develop the LNP process and

16 LNP Gateway without ALEC input.

17

18 The LNP-GTWY path processes only LSR's that include requests to port a

19 number away from BellSouth to an ALEC. This includes two types of LSRs:

20 those that request migration of a loop and porting of the associated telephone

21 number (Reqtype B) and those that request the porting of a telephone number

22 without its associated loop. (Reqtype C)

23

33

1   BellSouth's development of the LNP-GTWY Reqtype B (loop + number)

2   process does not use the same business rules that are in place in the LEO-

3   LESOG path for migration of the loop. Further, the LNP-GTWY does not

4   collect or report the same process data as does the LEO-LESOG path despite

5   the fact that the regulatory data requirements do not differentiate between

6   LNP orders and "regular" orders, and the fact that the ALECs business needs

7   for data are identical. Thus, the LNP interface and process does not collect

8   data that would allow ALECs and state Commissions to determine whether

9   the system provides nondiscriminatory access to ALECs, and to target

10   improvements where necessary. Open development would have provided the

11   opportunity to ensure that such data is collected.

12

13   Q.   **ARE YOU AWARE OF OTHER NEW INTERFACE DEVELOPMENT**

14   **THAT BELLSOUTH IS CONDUCTING OUTSIDE OF THE CHANGE**

15   **CONTROL PROCESS?**

16   A.   Yes. As discussed in my direct testimony, BellSouth is developing three

17   maintenance interfaces: DLEC TAFI, CPSS-TA and E-Repair. While

18   BellSouth has "introduced" these developments to the ALEC industry

19   through a presentation to the October 25, 2000, Monthly Status meeting, even

20   that introduction was not in accord with the requirements of the CCP.

21

22   Additionally, BellSouth is engaged in the development of new interfaces and

23   capabilities to support xDSL services and line sharing outside the CCP. Mr.

1   Pate recently filed testimony in Tennessee and Georgia that addresses the

2   extensive nature of these developments. I have attached his Georgia

3   testimony as Exhibit JMB-R17. Once again, BellSouth has elected to allow

4   ALECs only limited participation and input, even though these interfaces are

5   being developed specifically for ALEC use. Exclusion of ALECs from the

6   process typically results in an architecture that further complicates the

7   processing of ALEC LSRs.

8

9   From the explanations and claims made in Mr. Pate's Georgia testimony,

10   (which sounds largely like its vendor's sales pitch), it seems possible

11   BellSouth's development of xDSL and line sharing support services could

12   have a broader scope of applicability, perhaps to all types of ALEC orders,

13   but Mr. Pate does not discuss the reasons BellSouth has elected not to use the

14   existing systems for xDSL and line sharing . Those reasons include design

15   deficiencies, unsatisfactory performance, capacity concerns, future plans to

16   migrate all CLEC transactions to the Telcordia vendor solution, future plans

17   to migrate BellSouth's retail transactions to the new architecture, among

18   others). However, since development is occurring largely out of sight of the

19   ALEC industry without the ability for an open dialogue under the CCP,

20   ALECs are being denied any possibility of timely evaluation and input.

21

22 Q.   **MR. PATE DOESN'T SEEM TO UNDERSTAND WHY AT&T**

23   **THINKS THAT TRAINING AND ITS DOCUMENTATION SHOULD**

1 FALL UNDER THE CCP, AND ONCE AGAIN ACCUSES AT&T OF

2 ATTEMPTING TO CIRCUMVENT THE PROCESS. PLEASE

3 COMMENT.

4 A. AT&T's desire for a documented training process cannot be considered an

5 attempt to circumvent the process. Additionally, AT&T is not alone in its

6 concerns about BellSouth's failure to document its training process.

7 Exhibit JMB-R18 is a copy of KPMG's Florida Third Party Test Exception 9

8 and BellSouth's response that deals with BellSouth's failure to document its

9 ALEC training process. The procedures outlined in BellSouth's response are

10 clearly newly minted and provide ample support for AT&T's position that

11 ALEC training and its documentation should be included under the CCP.

12

13 Q. HAS THERE BEEN AN INCREASE IN CHANGE CONTROL

14 ACTIVITY DURING 2000?

15 A. Yes. The emphasis placed on Change Control by the FCC in its New York

16 and Texas 271 decisions, and by KPMG in the Georgia and Florida Third

17 Party Tests served as an impetus to BellSouth to take change control off the

18 back burner and turn up the heat – things have been boiling ever since.

19 Activity, however, should not be confused with success or real improvement

20 in meeting the ALECs' business needs. The various Change Control Logs

21 included in Exhibit JMB-R19 provide a source of considerable information.

22

1   First, I will contrast change control in 1999 with change control in 2000 at a

2   very high and simplistic level. In 1999, there were 14 officially recognized

3   change requests; in 2000, there have been 257 (as of December 20, 2000).

4

5   In 1999, BellSouth submitted no change control requests, and many areas,

6   including defects were outside the scope of the process. Here is the

7   disposition of the 14 ALEC requests submitted in 1999.

8   **1999 ALEC Change Request Disposition at Year End 2000**

Submitted	Implemented	Cancelled	Pending	Scheduled
14	5	2	2	5 (Release 10, June 30, 2001)

9

10   The two pending change requests[8] were both submitted on September 12,

11   1999, and despite having been accepted and prioritized still do not have an

12   implementation commitment from BellSouth.

13

14   In 2000, BellSouth submitted its first ever change request, and the scope of

15   requests BellSouth would accept expanded, including defect correction

16   requests.

17   **Year 2000 Change Request Disposition**

	Submitted	Implemented	Cancelled	Pending	Scheduled	"New"	Defect
Total	257 (241)	84	69	32	16	23	17
BellSouth	96	41	20	15	7	4	9
ALECs	162 (145)	43	49	17	9	19	8

18

1	BellSouth's various logs do not reconcile to each other. 16 submitted change
2	requests appear not to have been captured in any category. In constructing
3	this matrix, I elected to use the current (12/20/00) and archived log, count the
4	total entries in each category, count the entries identified as BellSouth
5	initiated and then subtract to get the ALEC total – this of course assigns all
6	missing CRs as belonging to the ALECs.
7	
8	Using the 241 submissions that can be tracked using the logs we can make a
9	number of observations.
10	• after two years of submitting no change requests, BellSouth is now
11	clearly the largest single user of the process.
12	• BellSouth initiated CRs account for 49% of all implementations.
13	• a significantly higher percentage of BellSouth initiated CRs are in
14	implemented, pending or scheduled status than are ALEC initiated
15	requests:
16	▪ BellSouth:65% (63 of 96)
17	▪ ALECs 43 - 48% (69 of 145 or 69 of 162, depending
18	on which data is used)
19	
20	A further analysis of implemented BellSouth CRs reveals that 29 of the 41 or
21	71% were "defects" and that does not include cases such as described above
22	when BellSouth has implemented Type 4 changes as if they were defects thus

---

[8] Parsed CSRs and an electronic process for correcting dropped 411 listings.

1   disguising their true nature. In contrast, only 17 (40%) of the implemented

2   ALEC CRs originated as defects. Many of BellSouth's CRs appear to be

3   related to KPMG finding in the two ongoing Third Party Tests. BellSouth's

4   use of the process in this manner may not be in the best interests of the

5   ALECs.

6

7 Q. PLEASE SUMMARIZE YOUR RESPONSE TO MR. PATE'S

8   TESTIMONY REGARDING THE CHANGE CONTROL PROCESS.

9 A.   While Mr. Pate attempts to portray AT&T as a renegade trying to circumvent

10   an otherwise cooperative and collaborative process. the truth is that BellSouth

11   simply has been unable to obtain ALEC agreement for the process it

12   proposes. As the multiple examples in my testimony illustrate, several

13   ALECs have been asking for changes, but BellSouth continues to exercise

14   exclusive control over the process, thus preventing true collaboration from

15   taking place.

16

17   Mr. Pate's testimony also glosses over the deficiencies in the process by

18   providing high-level overviews and citing obscure examples that are not

19   indicative of the process. But as my direct and rebuttal testimony clearly

20   illustrate, the current process is fraught with deficiencies that allow critical

21   problems to languish. ALEC requests to be denied unilaterally, and even

22   agreed-upon changes to move unnecessarily at a snail's pace such that

39

1   months, and even more than a year, can pass before change requests are

2   implemented.

3

4 Q. **WHAT DOES AT&T REQUEST THAT THE COMMISSION DO**

5   **REGARDING THIS ISSUE?**

6 A. AT&T requests that the Commission correct these deficiencies by adopting

7   the revised version of the CCP attached as Exhibit JMB-10 to my direct

8   testimony in the context of whatever is the then-most-current version of the

9   Change Control document (Version 2.0 at this writing).

10

11   *Issue 31: What should be the resolution of the following OSS issues*

12   *currently pending in the change control process but not yet provided? (The*

13   *Equivalent OSS Issue)*

14

15   *a) parsed customer service records for pre-ordering?*

16   *b) ability to submit orders electronically for all services and elements?*

17   *c) electronic processing after electronic ordering, without subsequent*

18   *manual processing by BellSouth personnel?*

19

20 Q. **ON PAGES 65 AND 66 OF HIS TESTIMONY MR. PATE**

21   **DESCRIBES HIS VIEW OF THE STATUS OF AT&T'S CHANGE**

22   **REQUEST FOR PARSED CSRS. DO YOU HAVE ANY**

23   **COMMENTS?**

1   A.   Yes. Mr. Pate accurately states that AT&T presented its change request for

2   parsed CSRs via the change control process in September, 1999. However,

3   AT&T and other ALECs first made this request to BellSouth in September,

4   1998, a full year earlier, as part of its requirements for the OSS99 upgrade.

5   BellSouth refused to include parsed CSRs in the upgrade, and thus AT&T

6   had to resubmit its request through change control. As Mr. Pate indicates,

7   this was one of eleven pending change requests prioritized by the ALECs,

8   and it received the number one ranking by the group for the TAG interface.

9   Despite ALEC agreement on the high priority of this request, it has been

10   languishing ever since. A review of the September 28, 1999 meeting

11   minutes, provided in Mr. Pate's Exhibit RMP-13. shows that this change

12   request was targeted for implementation in April, 2000. Others were

13   requested in similar time frames. and still others were to be completed as

14   soon as possible ("ASAP"). However, to date, BellSouth has only

15   implemented four of the eleven change requests prioritized in September

16   1999. although it has implemented a total of 76 other change requests of

17   varying types since that meeting.

18   Mr. Pate implies that ALEC reprioritization is the cause of this lengthy delay,

19   rather than BellSouth's actions. Mr. Pate is wrong. BellSouth made the

20   unilateral decision to downgrade this important request, and announced its

21   decision to the ALECs. Thus, the March 29, 2000 change control meeting

22   minutes (Pate Exhibit RMP-14) shows that the status of AT&T's request was

23   downgraded from "Targeted for release 4/20/2000" to "Subteam being

1   formed to perform planning and analysis during 2000." As noted above,

2   ALECs votes parsed CSRs as their number one priority for TAG interface

3   changes during the September 18, 1999 meeting, and they have never re-

4   prioritized this issue. During the September 18, 2000, Release Package

5   Meeting. BellSouth again downgraded and delayed the implementation of

6   this change, and now states that "Parsed CSR could possibly be implemented

7   with Release 10.0 in May 2001." Rebuttal Exhibit JMB-R20. Even more

8   recently. on December 5. 2000. BellSouth published its proposed schedule to

9   the sub-team mentioned above. showing a planned implementation date of

10   December 31. 2001. for parsed CSRs! Exhibit JMB-R21. Therefore. due to

11   BellSouth's unilateral control of this process, a request that has been pending

12   for two years now has a scheduled implementation date over three years from

13   the ALEC's original request.

14

15 Q. MR. PATE INDICATES IN HIS TESTIMONY THAT BELLSOUTH

16   HAS MET ITS OBLIGATIONS REGARDING PARSING. DO YOU

17   AGREE?

18 A. No. BellSouth provides parsed CSRs to its own retail customer service

19   representatives but does not provide parsed CSRs to AT&T. BellSouth's

20   systems thus are able automatically to populate its own retail orders, saving

21   time and expense. and providing a greater level of accuracy. Because

22   BellSouth provides parsed CSRs to its customer service representatives, it

23   also is required to provide the same functionality to AT&T.

1   Mr. Pate argues that BellSouth has met its obligation to provide

2   nondiscriminatory access if "data is provided to CLECs in the same manner

3   as it is to BellSouth's Retail units." Pate testimony at page 62 and 63. Mr.

4   Pate thus attempts to introduce an artificial wholesale/retail distinction, and

5   hopes the Commission will overlook the functionalities that BellSouth

6   provides within its retail operations, such as parsed CSRs.

7

8   Mr. Pate also argues that AT&T can use its own systems to parse the

9   unparsed CSR data provided by BellSouth. This argument is not only

10   irrelevant (because it ignores BellSouth's obligation to provide parsed data

11   on a non-discriminatory basis), but often incorrect. Only if BellSouth

12   provides AT&T with data that contains delimiters. and also provides the rules

13   by which the fields represented by the delimiters can be determined, can

14   AT&T separate BellSouth's unparsed data and place it in the appropriate

15   fields. For example, Mr. Pate discusses the "customer's listed name" field

16   on page 62 of his testimony. BellSouth provides this information to AT&T

17   in one field. without delimiters, so AT&T's systems <u>cannot</u> parse this data.

18   Yet BellSouth requires AT&T to submit an ordering form in which the

19   customer name must be shown in a minimum of <u>two</u> fields. forcing AT&T to

20   separate this information manually.[9] Rebuttal Exhibit JMB-R22.

---

[9] Mr. Pate appears to indicate in his testimony that AT&T's request is inappropriate and unnecessary because BellSouth "<u>retains</u> the customer's listed name as a complete field", e.g. "Pate, Ronald M.". Pate testimony at 62. BellSouth's decision to "retain" information as one field is irrelevant. It provides its customer service representatives with parsed CSRs, so BellSouth's systems may automatically populate retail orders. BellSouth thus is obligated to provide AT&T with this same functionality.

1

2   Thus AT&T is unable to reliably automatically populate its service orders

3   with the CSR information BellSouth currently provides to CLECs, but

4   BellSouth is able to automatically populate its own service orders.

5

6   *(b) ability to submit orders electronically for all services and elements?*

7

8   Q.   MR. PATE STATES IN HIS TESTIMONY THAT NON-

9   DISCRIMINATORY ACCESS DOES NOT REQUIRE THAT ALL

10   LSRS BE SUBMITTED ELECTRONICALLY. HE FURTHER

11   STATES THAT BELLSOUTH'S OWN RETAIL PROCESSES OFTEN

12   INVOLVE MANUAL PROCESSES, AND THEREFORE THERE IS

13   NO REQUIREMENT THAT EVERY LSR HAS TO BE SUBMITTED

14   ELECTRONICALLY. PLEASE COMMENT.

15   A.   Mr. Pate uses an apples-to-oranges comparison in an attempt to convince the

16   Commission that BellSouth is treating AT&T the same as it treats itself.

17   However. a careful reading of his testimony reveals the lack of candor in

18   BellSouth's position. When Mr. Pate addresses AT&T's requirements. he

19   correctly notes that AT&T wants to be able to submit all orders

20   electronically. However, when he discusses BellSouth's own ordering

21   capability. he broadens his terminology from actual order submission and

22   instead uses the terms "manual processing" and "manual handling" of

23   BellSouth orders, which are not the same thing as order submission.

1 Additionally, although he admits that the manual processing and handling of

2 which he speaks occur as part of the order preparation process, not as part of

3 the order submission process, he goes on to imply that because the manual

4 pre-ordering processes are substantially the same for both retail and ALEC

5 orders, that BellSouth is providing an equivalent ordering process. Mr.

6 Pate's admission is simply irrelevant to the ordering process.

7

8 AT&T does not dispute that both its requests for service and BellSouth's

9 requests for service involve some level of manual collection of information

10 and order preparation before input into each company's respective ordering

11 systems. But after an order is prepared. BellSouth has the ability – which

12 AT&T does not -- to input that order into its ordering system. What AT&T is

13 asking for itself is to be able to submit its orders electronically, once

14 prepared, just as BellSouth does for its customers. BellSouth continues to

15 refuse to provide that non-discriminatory capability.

16

17 Q. **WHY IS ELECTRONIC ORDER SUBMISSION IMPORTANT TO**

18 **AT&T?**

19 A. As I stated in my direct testimony. lack of electronic ordering increases the

20 possibility of errors, extends intervals, and increases costs. Electronic

21 ordering allows an ALEC to populate its own databases simultaneously with

22 providing an order to BellSouth. A manual process, however, requires two

1   steps; an order must be provided to BellSouth, and the appropriate ordering

2   information be separately input into AT&T's internal OSS.

3

4 Q. **MR. PATE USES EXHIBITS RMP-17 AND RMP-18 TO ATTEMPT**

5   **ILLUSTRATE THAT "BELLSOUTH PROVIDES ALECS THE**

6   **ABILITY TO ORDER COMPLEX SERVICES IN SUBSTANTIALLY**

7   **THE SAME TIME AND MANNER AS IT PROVIDES TO ITS**

8   **RETAIL CUSTOMERS." PLEASE COMMENT.**

9 A. Mr. Pate's exhibits do not achieve that goal. As the unshaded (electronic)

10   blocks in each exhibit demonstrate, the ALEC simply does not place its

11   orders as BellSouth does. Rather, as the two exhibits clearly indicate.

12   BellSouth submits both its own electronic order and the ALEC's order.

13   thereby denying ALECs the advantages of electronic order submission as

14   described above. For Mr. Pate's diagrams actually to depict a

15   nondiscriminatory process, the block on Exhibit 17. presently labeled "CSA –

16   ORDER ENTRY INTO DOE" would have to show and accurately represent

17   input of the order by the ALEC employee into the ALEC sales and marketing

18   interface.

19

20   Mr. Pate's exhibits reveal an additional area of discrimination. The

21   BellSouth retail order is processed using BellSouth's new Regional Ordering

22   System (ROS), while the ALEC order is processed using the former system.

23   Direct Order Entry (DOE). In his description of ROS, Mr. Pate indicates

1   ROS "utilizes software to compare each FID contained within the service

2   order to corresponding SOER edits." It is highly unlikely that BellSouth

3   would have gone to the expense of deploying a new ordering system such as

4   ROS if it were not superior to the old one. Yet BellSouth is not using that

5   superior capability for ALEC orders. Thus, in actuality. Mr. Pate's exhibits

6   depict that an ALEC orders complex services in a very different (and

7   discriminatory) "manner" when compared to BellSouth.

8

9   *(c): Electronic processing after electronic ordering. without subsequent*

10   *manual processing by BellSouth personnel.*

11

12 Q.   **MR. PATE STATES IN HIS TESTIMONY ON PAGE 74 LINES 20 - 22**

13   **THAT NON-DISCRIMINATORY ACCESS DOES NOT REQUIRE**

14   **THAT ALL LSRS BE SUBMITTED ELECTRONICALLY FLOW**

15   **THROUGH BELLSOUTH'S SYSTEMS WITHOUT MANUAL**

16   **INTERVENTION. DO YOU AGREE?**

17 A.   Absolutely not. The Act and the FCC require that BellSouth provide non-

18   discriminatory access to its OSS. Because all of BellSouth's orders are

19   capable of flow through. the ALECs' orders must be provided with the same

20   capability. Further Mr. Pate is hoping that he can sufficiently misdirect this

21   Commission to forget its own previous findings regarding BellSouth's OSS.

22

1   In 1997, this Commission made its own independent investigation into the

2   OSS BellSouth was offering to the ALEC community and found them

3   lacking. In its order this Commission established the criteria BellSouth

4   would have to meet in order to demonstrate that its offered OSS were

5   providing nondiscriminatory access, and determined that BellSouth must

6   provide electronic interfaces that require no more human or manual

7   intervention for ALECs than for BellSouth:

8   Upon consideration, we believe that BellSouth is

9   required to demonstrate to this Commission and to the

10   FCC, that its interfaces provide nondiscriminatory

11   access to OSS functions. Although AT&T witness

12   Bradbury stated that there are five characteristics of a

13   non-discriminatory interface, we find it appropriate to

14   recognize four of those characteristics. We find that

15   each interface must exhibit the following

16   characteristics to be in compliance with the

17   nondiscriminatory standards of the Act. They are: **1)**

18   **the interface must be electronic. The interface must**

19   **require no more human or manual intervention**

20   **than is necessarily involved for BellSouth to**

21   **perform a similar transaction itself;** 2) the interface

22   must provide the capabilities necessary to perform

23   functions with the same level of quality, efficiency,

1   and effectiveness as BellSouth provides to itself; 3) the

2   interface must have adequate documentation to allow

3   an ALEC to develop and deploy systems and

4   processes, and to provide adequate training to its

5   employees: and. 4) the interface must be able to meet

6   the ordering demand of all ALECs. with response

7   times equal to that which BellSouth provides itself.

8   (DOCKET NO. 960786-TL: ORDER NO. PSC-97-

9   1459-FOF-TL: ISSUED: November 19. 1997. pages

10   101 and 177-178. emphasis added.)

11

12   Mr. Pate, however. attempts to confuse this issue by introducing BellSouth's

13   own definition of ALEC flow-through.

14

15   Q.   HOW DOES BELLSOUTH DEFINE ALEC FLOW-THROUGH?

16   A.   On page 75 of his testimony. Mr. Pate indicates that ALEC flow-through

17   occurs when a "**complete and correct electronically submitted LSR is sent**

18   **via one of the** ALEC **ordering interfaces** (EDI. TAG. or LENS). **flows**

19   **through the mechanical edit checking** and LESOG system, is mechanically

20   transformed into a service order by LESOG, **and is accepted by the Service**

21   **Order Control System (SOCS).**" The portions shown in bold are

22   BellSouth's modifications to the FCC's definition of flow-through, which is

23   discussed below.

1 Q. **DOES MR. PATE DEFINE OR DESCRIBE BELLSOUTH'S RETAIL**

2 **FLOW-THROUGH?**

3 A. No. However, the flow-through process for BellSouth shares many

4 commonalties with the ALEC flow-through process. The following is a

5 description of BellSouth flow-through, using the common areas depicted in

6 bold from the ALEC flow-through description above. Information specific to

7 BellSouth's retail flow-through is shown in italics:

8 *Retail* flow-through occurs when a complete and correct

9 electronically submitted LSR is sent via one of the *retail* ordering

10 *systems (RNS, ROS. or DOE)*, flows through the mechanical edit

11 checking, and is accepted by the Service Order Control System

12 (SOCS).

13

14 As will be described below, all BellSouth orders are capable of flow through

15 between its ordering systems and SOCS, while only some ALEC orders are

16 allowed to do so.

17

18 Q. **IS BELLSOUTH'S DEFINITION OF FLOW-THROUGH**

19 **CONSISTENT WITH THE FCC'S DEFINITION?**

20 A. No. BellSouth has significantly both embellished and restricted the FCC's

21 definition for its own purposes. The FCC's definition is found in paragraph

22 107 of the LAII Order:

1   A competing carrier's orders "flow through" if they are

2   transmitted electronically through the gateway and

3   accepted into BellSouth's back office ordering systems

4   without manual intervention.

5   While BellSouth maintains that all it has done with its revision of the FCC's

6   simple definition is to make it specific to BellSouth's systems, it has in fact

7   introduced significant requirements beyond the FCC's.

8

9   The central concept of FCC's definition (which it should be noted addressed

10   only flow-through for ALEC service requests) can be restated to encompass

11   both ALEC and BellSouth retail processes without introducing any spurious

12   restrictions:

13   A service request that is input to a sales and marketing

14   interface by the manual actions of a CLEC or

15   BellSouth employee and subsequently sent to and

16   accepted by BellSouth's Service Order Control System

17   ("SOCS") without any further human intervention has

18   flowed-through.

19

20   Using this description, it is easy to see that all BellSouth retail service

21   requests input to BellSouth's RNS or ROS sales and marketing interfaces are

22   capable of flow-thorough to SOCS, while only a portion of ALEC service

23   requests sent electronically to BellSouth are allowed to do so. In exactly the

1   same way, all BellSouth retail service requests input to the systems that

2   preceded ROS, DOE and SONGS, were capable of flow-through.

3

4

5   Q. **MUST EVERY STEP OF THE PREORDERING AND ORDERING**

6   **PROCESS BE AUTOMATED BEFORE AN ORDER CAN FLOW**

7   **THROUGH?**

8   A. No. As noted above, flow-through occurs when an order is entered into a

9   sales and marketing order system and it flows through to SOCs. As shown in

10   Mr. Pate's Exhibit RPM-17, there also may be a number of manual pre-

11   ordering steps necessary to gather information for the order.

12

13   Q. **MR. PATE CLAIMS ON PAGE 75 OF HIS TESTIMONY THAT TO**

14   **HIS KNOWLEDGE NO FLOW-THROUGH CHANGE REQUESTS**

15   **HAVE BEEN SUBMITTED TO THE CCP. IS THIS CORRECT?**

16   A. No. It is both incorrect and irrelevant. AT&T has submitted CRs 0137 and

17   0160 and other ALECs have also submitted flow-through related change

18   requests. However, this is irrelevant to BellSouth's obligation to provide

19   nondiscriminatory OSS functionality, including flow-through ordering. This

20   requirement was established by the Act and the implementing rules and

21   orders of the FCC and by the orders of various state commissions, including

22   this Commission's 1997 order. Further, as Mr. Pate knows AT&T and

23   BellSouth have been engaged in on-going discussions of flow-through and

1   order mechanization since early 1997. The most recent dialogue began

2   August-September 1999 and continues to the present. Exhibit JMB-R23

3   provides copies of inter-company correspondence and meeting minutes from

4   this on-going effort.

5

6   Q.   MR. PATE STATES ON LINES 9-10, PAGE 76 OF HIS TESTIMONY

7   THAT BELLSOUTH HAS CONCLUDED THAT MECHANIZING

8   MANY LOWER-VOLUME COMPLEX RETAIL SERVICES WOULD

9   BE IMPRUDENT FOR ITS OWN RETAIL OPERATIONS. IS THIS

10   RELEVANT TO FLOW-THROUGH?

11   A.   No. Complex services are rarely totally mechanized, but this is irrelevant to

12   the issue of flow-through. An order for a complex service may require many

13   manual pre-ordering activities yet still flow through, as shown in Mr. Pate's

14   Exhibit RPM-18.

15

16   As is indicated above, retail flow-through is achieved when a service request

17   is successfully transmitted from the ordering system (RNS, ROS, DOE), and

18   is accepted by SOCS. A review of Mr. Pate's exhibit reveals that a BellSouth

19   employee enters an order into ROS, which transmits it to SOCS – thus

20   flowing through. In his testimony on page 76, Mr. Pate refers to the manual

21   pre-ordering processes that also are used to prepare these complex orders for

22   entry into BellSouth's front-end system.[10] His exhibit uses shaded areas to

---

[10] In a similar discussion beginning on page 71, at lines 16, Mr. Pate discusses "handling" of
complex orders. In his discussion of manual handling, he refers to activities that occur

1   indicate steps involving manual processing. The Commission should

2   concentrate its attention, however, on the two BellSouth activities (order

3   entry into ROS and receipt by SOCS) that are <u>not</u> found in the shaded areas

4   indicative of manual processing. BellSouth's own exhibit shows that these

5   steps are electronic, and that BellSouth's own retail complex orders do flow

6   through from its ordering systems to SOCs. ALEC orders are thus entitled to

7   the same flow through process.

8

9   There is <u>no</u> retail service that BellSouth cannot order electronically. If, as

10   Mr. Pate testifies, BellSouth had elected not to mechanize a particular retail

11   service, then it would be impossible to order that service via the retail RNS,

12   DOE or ROS interfaces. Yet BellSouth has never identified a single retail

13   service that its retail service representative cannot order via input to one of

14   these systems, although AT&T has repeatedly inquired into this issue.

15

16   In the spring of 1999, for example. BellSouth was asked to respond to a

17   matrix identifying the interface it used to place requests for each of its retail

18   services. In its response. BellSouth did not identify a single service that was

19   not was not ordered via RNS. DOE, or SONGS. Rebuttal Exhibit JMB-R24

20   provides a copy of BellSouth's response. More recently, during the North

21   Carolina arbitration between AT&T and BellSouth. Mr. Pate was asked

22   whether there was any service that a BellSouth representative could not order

---

before the order is input. These activities are irrelevant to flow-through. Flow-through (or non-flow-through) necessarily occurs after the order is input.

1 via ROS, to which he responded that he was not aware of any such service.

2 (Rebuttal Exhibit JMB-R25 – NC Testimony Transcript reference page 227-

3 228). Mr. Pate confirmed his North Carolina response in the Georgia

4 arbitration hearing Exhibit JMB-R26, Georgia Transcript at page 1107.

5

6 **Q.** **HAVE OTHER KNOWLEDGEABLE BELLSOUTH EMPLOYEES**

7 **PROVIDED TESTIMONY INDICATING THE EXISTANCE OF**

8 **FLOW THROUGH FOR ORDERS PLACED USING THE DOE**

9 **INTERFACE?**

10 **A.** Yes. In a deposition taken on July 28, 2000, Mr. Douglas W. McDougal,

11 discussing the importance of flow-through to the operation of the LCSC,

12 referred directly to the importance of flow-through of the orders his

13 employees placed using the DOE, SONGS, and LNP interfaces. This

14 discussion may be found on pages 16-20 of his deposition which I have

15 attached as Rebuttal Exhibit JMB-R27. On page 17. line 16, Mr. McDougal

16 states:

17   "However, we also have flowthrough on orders that

18   come in by fax and paper because we get tremendous

19   of fax and paper orders, particularly from smaller

20   CLECs. So we attribute flowthrough to once the

21   service rep builds the order and releases the order to

22   the downstream systems, it flows without erroring

23   out."

1   It is entirely logical to believe that if orders submitted by LCSC employees

2   using DOE are capable of flow-through, orders submitted by BellSouth retail

3   employees using DOE or its replacement, ROS, are also flow-thorough

4   capable.

5

6   Q.   DOES BELLSOUTH DESCRIBE REASONS OTHER THAN

7   COMPLEXITY THAT ALEC ORDERS FALL OUT FOR MANUAL

8   PROCESSING?

9   A   Yes. BellSouth has created "designed fallout", which means that ALEC

10   order fall out for manual handling for reasons other than complexity. Mr.

11   Pate indicates that these other reasons are described in its Service Quality

12   Reports Performance Reports document. A review of page 19 of that

13   document (Rebuttal Exhibit JMB-R28) reveals at least twelve scenarios in

14   which BellSouth has decided that orders should not flow through. The

15   discriminatory nature of this decision is apparent in the last line of this

16   information, which states "all but one [of the twelve non flow-through

17   scenarios] are unique to the CLEC environment."

18

19   Q.   DO YOU AGREE WITH THE STATEMENT THAT THESE

20   SCENARIOS ARE UNIQUE TO THE CLEC ENVIRONMENT?

21   A.   No. Although the non-flow through or manual fall-out is unique to the

22   ALEC environment, the scenarios are not. For example, the exhibit lists

23   several types of ALEC orders that do not flow through: ALEC orders with

1   more than 25 business lines, expedited orders, end-user outside moves,

2   pending order activity on account, and transfer of calls option. But these

3   situations are not unique to ALECs. Certainly BellSouth has these types of

4   scenarios as well, but BellSouth's resulting retail orders do not fall out for

5   manual processing as do ALEC orders. In a deposition taken on July 20,

6   2000, Mr. Pate was uncertain about the "uniqueness" of these situations to

7   the ALEC environment. On page 42 beginning at line 25 Mr. Pate states:

8

9   "Well. I need to talk to the author on that as well.

10   They were trying to categorize these as unique; and,

11   frankly. they're not all unique. but most are unique. I

12   think that's an area where we can go back and look. but

13   the majority of these are unique to CLEC

14   environment."

15

16   In subsequent discussion Mr. Pate agreed that many of the same situations

17   existed for BellSouth. I have attached Mr. Pate's deposition as Rebuttal

18   Exhibit JMB-R29.

19

20 Q.   ON PAGES 76 AND 77 OF HIS TESTIMONY MR. PATE DISCUSSES

21   WHAT HE CALLS THE TWO MAIN REASONS THAT

22   ELECTRONICALLY SUBMITTED ORDERS FALL OUT FOR

23   MANUAL HANDLING. FIRST, THAT LESOG HAS NOT BEEN

1	**PROGRAMMED TO HANDLE REQUESTS FOR CERTAIN TYPES**

2	**OF PRODUCTS AND SERVICES AND SECOND, UNIQUE**

3	**CIRCUMSTANCES RELATED TO THE LSR. PLEASE COMMENT.**

4	A.	It is important to understand that the programming of LESOG is totally at

5	BellSouth's discretion and is not limited by any industry standards or other

6	external guidelines – it is simply BellSouth's, and BellSouth's alone, decision

7	as to what programming to install in LESOG.[11] Ms. Terri Hudson speaking

8	at the November 1, 2000, meeting made this point clear when she stated that

9	there were many things BellSouth could do to improve "flow-through" for

10	ALECs without the ALECs needing to perform any coding or take any other

11	action. Ms. Hudson's words were paraphrased in the minutes of the meeting

12	as part of an action item appearing on page 8 (Exhibit JMB-R11):

13	BellSouth will provide a report of internal changes that have a

14	positive impact and improve performance for CLECs, but do not

15	require coding. These changes improve "flow-through" in BellSouth

16	and would require no vote by the CLECs.

17

18	Mr. Pate claims once again that "complexity" and "low ordering volume"

19	don't justify programming in LEO that would provide ALECs with parity to

20	BellSouth retail operation. In October 2000, there were 31,883 LEO LSRs

21	subjected to designed manual fallout (10% of the total submitted), and 27,406

22	LEO LSRs that BellSouth's LEO system failed to process as it should have

1	(8% of the total submitted). For the LNP-GTWY there were 5,911 LSRs
2	subjected to designed manual fallout (28% of the total submitted), and 7,450
3	LSRs that the LNP-GTWY system failed to process as it should have (36% of
4	the total submitted). Thus, in October alone 72,650 (21% or 1 out of 5)
5	electronically submitted LSRs were subjected to manual handling by
6	BellSouth's unilateral programming decisions. Low volume is clearly not an
7	issue that justifies BellSouth's continuing failure to program LESOG/LNP-
8	GTWY or fix its currently defective programming.
9	
10	As discussed above, complexity is not an issue. as BellSouth provides flow-
11	through for its own service requests.
12	
13	As discussed above, the claim of uniqueness is also highly suspect, and the
14	resulting impact on customer service of designed manual fallout is often
15	negative rather than positive. Consider the absurdity of have LSRs that
16	request expedited due dates fallout for manual processing, when the average
17	interval from when the LSR falls out to when it is claimed by a service
18	representative is 29 to 40 hours as documented in my direct testimony at page
19	92. Alarmingly, the interval an LSR waits to be claimed has increased
20	significantly since my direct testimony was filed.
21	

---

[11] This is true of all the software and system components BellSouth has introduced between the ALEC interface (EDI, TAG, LENS) the BellSouth's legacy Service Order Control System (SOCS). This includes. the LSR Router. LEO, LESOG, LNP Gateway, LAUTO, and the new "Corporate Gateway".

1   Q.   **DO YOU HAVE ADDITIONAL DATA CONCERNING THE**

2   **INTERVAL ALEC LSRS WAIT TO BE CLAIMED AFTER FALLING**

3   **OUT FOR MANUAL PROCESSING?**

4   A.   Yes. When LSRs fall out for manual processing, BellSouth routes the LSR to

5   the Local Carrier Service Center ("LCSC"). It possible to determine the

6   duration between the time an LSR falls out for manual processing (as a result

7   of either a Designed Manual Fallout or a BellSouth System Error) and the

8   time an LCSC representative "claims" that LSR to begin working on it. The

9   following table from my direct testimony provides the average "Claim

10   Interval" for AT&T's LSRs in May and June.

OCN	Average Claim Interval	
	May	June
7125	40 hours	40 hours
7421	29 hours	36 hours
7680	30 hours	30 hours

11

12   I recently calculated these same intervals for the months of September and

13   October and have summarized that data in the following table.

OCN	Average Claim Interval	
	September	October
7125	34 hours	59 hours
7421	32 hours	130 hours
7680	67 hours	74 hours

1   The increase in this interval from earlier in the year, particularly during the

2   month of October, is unreasonable.

3

4 Q. **DID AT&T ATTEMPT TO DETERMINE FROM BELLSOUTH WHY**

5   **THESE INTERVALS INCREASED SO MUCH IN OCTOBER?**

6 A. Yes. AT&T noticed that many of its orders were not being processed in a

7   timely fashion, and questioned BellSouth. On November 3, 2000, BellSouth

8   responded to an AT&T October 20. 2000 e-mail, stating that there had been

9   "a directory listings problem in our LEO systems." that "order volume had

10   overwhelmed the center," and that 20 service representatives would be added

11   to the staff on November 13th and 20 more in December. Exhibit JMB-R30.

12   I will continue to calculate this interval and provide current data at hearing.

13   Clearly BellSouth's failure to provide flow-thorough ordering jeopardizes

14   ALECs' ability to compete effectively.

15

16 Q. **THE LOCAL CARRIER SERVICE CENTER ("LCSC") HANDLES**

17   **ALL MANUALLY SUBMITTED ORDERS AND ALL**

18   **ELECTRONICALLY SUBMITTED ORDERS THAT FALL OUT FOR**

19   **MANUAL PROCESSING. MR. PATE HAS REPORTED THAT THE**

20   **PERCENTAGE OF ELECTRONICALLY SUBMITTED ORDERS**

21   **HAS RISEN SIGNIFICANTLY OVER THE PAST YEAR. DOES THIS**

22   **NECESSARILY MEAN THAT BELLSOUTH IS PROCESSING**

1   **PROPORTIONALLY MORE ALEC ORDERS WITHOUT HUMAN**

2   **INTERVENTION?**

3 **A.** No. Because real flow-through for electronically submitted orders is

4   generally low, human intervention on ALEC orders is still unreasonably high

5   and BellSouth still relies excessively on manual processing of ALEC orders.

6

7   Let me illustrate this point with some data. In the recent Georgia Arbitration

8   (October 31, 2000), Mr. Pate stated that a year ago, (October 1999) 49% of

9   ALEC orders were submitted electronically and that today (October 2000)

10   that percentage had risen to 82%. (Exhibit JMB-R26, TR page 1108).

11   Additionally, BellSouth has provided volume and staffing data in its

12   responses to AT&T's Interrogatories and Document Requests in both North

13   Carolina and Florida.[12] Combining this with information from the Monthly

14   Flow-Through Reports, we can summarize some significant data points for

15   each of the two months one year apart and make a number of observations.

---

[12] In North Carolina BellSouth's responses were to IRs 29 and 32, in Florida they are to IRs 34 and 36.

1

Comparative Data October 1999 / October 2000

	OCTOBER 1999	Counts	% of Total LSRs	% of Electronic LSRs
1	Electronically submitted LSRs	110,814	52%	
2	Manually submitted LSRs	103,123	48%	
3	Total LSRs	213,937		
4	Manual Fallout LSRs	8,180		
5	Total System Error Fallout LSRs	9,590		
6	Manually handled electronic LSRs (4+5)	17,770		16%
7	Total LCSC LSRs (2+4+5)	120,893	57%	
8	LCSC Headcount	639		

2

1

	OCTOBER 2000	Counts	% of Total LSRs	% of Electronic LSRs
1	Electronically submitted LSRs	345,834	88%	
2	Manually submitted LSRs	47,961	12%	
3	Total LSRs	393,795		
4	Manual Fallout LSRs	37,794		
5	Total System Error Fallout LSRs	43,446		
6	Manually handled electronic LSRs (4+5)	81,240		23%
7	Total LCSC LSRs (2+4+5)	129,201	33%	
8	LCSC Headcount	740		

2

3   While the percentage of LSRs submitted electronically did rise from 52% to

4   88%, the percentage of LSRs still subject to manual processing only fell from

5   57% to 33% and the percentage of electronically submitted LSRs subjected to

6   manual handling actually rose from 16% to 23%. Interestingly, while the

7   number of LSRs handled by the LCSC grew 7% (from 120,893 to 129,201),

8   the head count required to handle those LSRs grew 16% -- even though in

9   1999, 85% of such orders were fully manual while in 2000, only 37% were

10   fully manual. BellSouth still relies excessively on manual processing of

11   ALEC LSRs and as shown above is unable to provide such manual

12   processing in a timely manner.

1   **Q.**   **IN PRIOR ARBITRATIONS MR. PATE HAS CRITICIZED YOUR**

2   **FLOW THROUGH ANALYSIS AS INCOMPLETE AND**

3   **INACCURATE BECAUSE YOU DID NOT HAVE ACCESS TO THE**

4   **UNDERLYING DATA. WHAT IS YOUR RESPONSE?**

5   A.   I disagree. The rationale Mr. Pate has used in the past for recasting my

6   calculations is completely inappropriate.

7

8   **Q.**   **WHAT RATIONALE DID MR. PATE USE?**

9   A.   In essence. Mr. Pate's position has been that access to the underlying data is

10   necessary to conduct flow-though analysis. To support his contention. he

11   selected one category of the flow-through report (business resale) for one

12   month to examine the data for factors influencing the level of orders falling

13   out for manual handling. He concluded that orders were not falling out in

14   this case because BellSouth had designed them to, but because two primary

15   ALEC users of the EDI and TAG interfaces had not upgraded their interfaces

16   to take advantage of an upgrade BellSouth had made which allowed one of

17   the services they order to now flow through.

18

19   **Q.**   **PLEASE COMMENT ON MR. PATE'S POSITION.**

20   A.   Mr. Pate's position is inaccurate. <u>Flow-through does not occur at the</u>

21   <u>interface level</u> (EDI. TAG, LENS). Rather. service requests are submitted at

22   the interface level. Flow through, by Mr. Pate's definition on page 75 of his

23   testimony occurs in BellSouth's OSS:

1	"Flow through for a CLEC LSR occurs when the
2	complete and correct electronically submitted LSR is
3	sent via one of the CLEC ordering interfaces (EDI,
4	TAG, or LENS), <u>flows through the mechanical edit</u>
5	<u>checking and LESOG system, is mechanically</u>
6	<u>transformed into a service order by LESOG, and is</u>
7	<u>accepted by the Service Order Control System</u>
8	<u>(SOCS)</u>. (emphasis added)
9	
10	As is clearly indicated by Mr. Pate's own definition. <u>flow-through occurs in</u>
11	<u>BellSouth's OSS</u> (LEO/LESOG or LNP/LAUTO), not at the interface level.
12	Unfortunately, the ALEC has no control over what BellSouth designs to flow
13	through its OSS. If BellSouth has designed ALEC orders to flow through in
14	some circumstances, but not others, the responsibility and the ability to
15	correct that problem lies with BellSouth, not with the ALECs. Therefore,
16	BellSouth is responsible for the orders it has designed to fall out for manual
17	handling, and the analysis submitted in my direct testimony is correct.
18	
19	The specific business service mentioned by Mr. Pate in his previous
20	testimony that BellSouth has elected to allow to flow through for EDI
21	releases greater than 6.0 and TAG releases greater than 3.0 is series hunting.
22	Series hunting has been electronically orderable for three years. At any time
23	during those three years BellSouth could have provided flow through for

1   every ALEC submitting such orders. Thus for three years BellSouth denied

2   this capability for up to 147 ALECs when it could have provided it to all with

3   only a change in its programming of LEO/LESOG. Instead, BellSouth has

4   elected to provide this capability only to those ALECs that elect to perform

5   an expensive upgrade. The orders the two ALECs Mr. Pate discusses are still

6   accurate, complete and capable of being provided with flow through -- as

7   they have been for three years.

8

9   Q. HAS MR. PATE'S PRIOR ANALYSIS REFUTED YOUR POSITION

10   THAT BELLSOUTH PROVIDED UNACCEPTABLE LEVELS OF

11   FLOW-THROUGH BUSINESS RESALE?

12 A. No. Even if all of Mr. Pate's assumptions had been correct, which they were

13   not, his exercise only increased the maximum possible flow-through for TAG

14   from 37% to a still-unacceptable rate of 56%, and EDI from 28% to a

15   similarly unacceptable flow-through rate of 56%. These inflated numbers,

16   which indicate that orders fall out almost half the time, still stand in stark

17   contrast to the 100% flow through for BellSouth's own orders.

18

19 Q. IN THE PAST MR. PATE HAS ASSERTED THAT OVERALL FLOW

20   THROUGH RATES ARE SKEWED BECAUSE A SMALL NUMBER

21   OF ALECS ARE DOMINANT VOLUME USERS OF THE

22   ELECTRONIC INTERFACES. IS HIS ARGUMENT ACCURATE OR

23   RELEVANT?

1   A.   No. It makes no difference if BellSouth is discriminating against one user

2   who provides 100% of the volume, or 100 users who each contribute 1% of

3   the volume. If the overall rate of manual fallout and BellSouth-caused

4   system failures is unacceptable, there is no doubt that BellSouth has treated

5   the ALEC industry in a discriminatory manner.

6

7   The data Mr. Pate uses to identify the "dominant volume users" are public. I

8   should point out. however. that in the past Mr. Pate has been less than

9   thorough in his explanation of this data and the application of available

10   knowledge about individual ALECs.

11

12   For example, totaling the number of individual horizontal lines, as Mr. Pate

13   has suggested, will overstate the number of users of a given interface for a

14   given product. For example, AT&T, as a user of EDI, may appear in the

15   Business Report two times. in the UNE Report three times. in the LNP

16   Report two times, and in the Residence Report two times in any given month.

17   I am certain the same is true for other ALECs.

18

19   Thus, in addition to being irrelevant, Mr. Pate's conclusions, which are based

20   on incomplete data, are wrong and misleading.

21

22   Q.   **IN YOUR DIRECT TESTIMONY YOU PROVIDED DATA IN**

23   **EXHIBITS JMB-20, 21 AND 22. HAS THAT DATA CHANGED?**

1   **A.**   No, the data in those exhibits is still valid, however in the interest of

2   providing this Commission with the most current data available I have

3   updated each of them with data through the month of October. The updated

4   exhibits are attached to this testimony as Exhibits JMB-R31, 32, and 33. I

5   will also provide updates to these exhibits at the hearing.

6

7   **Q.**   **PLEASE SUMMARIZE YOUR RESPONSE TO MR. PATE'S**

8   **TESTIMONY REGARDING THE EQUIVALENT FUNCTIONALITY**

9   **ISSUE (ISSUE 31).**

10   **A.**   Mr. Pate offers contradictory views on this issue. He first states that these

11   long-outstanding issues should go through change control, then says that non-

12   discriminatory access does not require that BellSouth provide them, and then

13   finally tries to persuade this Commission with easily refuted evidence that

14   BellSouth is already providing similar treatment to ALECs as it provides

15   itself. However. as is illustrated in my responses above. this is not accurate.

16   and BellSouth is continuing its long-standing discrimination against ALECs

17   in the areas of CSR parsing. electronic order submission. and order flow-

18   through.

19

20   **Q.**   **WHAT DOES AT&T REQUEST THAT THE COMMISSION ORDER**

21   **REGARDING THIS ISSUE?**

22   **A.**   AT&T is asking that the Commission order BellSouth to provide equivalent

23   functional capability by providing parsed CSRS, the ability for all orders to

1   be submitted electronically, and flow-through equal to that which BellSouth

2   provides itself. BellSouth should be ordered to provide these capabilities

3   within 12 months of the Commission's order.

4

5   *Issue 32: Should BellSouth provide AT&T with the ability to access, via*

6   *EBI/ECTA, the full functionality available to BellSouth from TAFI and*

7   *WFA?*

8

9   Q.   **AT&T HAS REQUESTED THAT BELLSOUTH PROVIDE FULL**

10   **TAFI AND WFA FUNCTIONALITY VIA EBI/ECTA. HAS**

11   **BELLSOUTH AGREED TO DO SO?**

12   A.   No. BellSouth argues that it already provides ALECS with non-

13   discriminatory access to maintenance and repair OSS functions through TAFI

14   and the ECTA Gateway, so it should not be required to meet AT&T's

15   request.

16

17   Q.   **DO YOU AGREE WITH BELLSOUTH'S ASSERTION?**

18   A.   No. and neither has the FCC. As I describe in my direct testimony, the FCC

19   concluded that <u>none</u> of BellSouth's repair and maintenance interfaces provide

20   competitors with OSS functionalities equivalent to BellSouth's own

21   capabilities. FCC Second Louisiana Order para 148.

22

1   Mr. Pate makes an unsubstantiated claim on page 81 of his testimony that

2   BellSouth "provides ALECs with electronic access to its maintenance and

3   repair OSS in a manner that far exceeds what is provided by the Web-based

4   graphical user interface ("GUI") that Bell Atlantic had in place when is was

5   approved by the FCC." This is irrelevant, given the FCC's specific finding

6   regarding the insufficiency of the maintenance and repair OSS BellSouth

7   makes available to ALECs.

8

9 **Q.**   **PLEASE DISCUSS THE INSUFFICIENCIES OF THE ACCESS**

10   **PROVIDED BY BELLSOUTH TO ITS MAINTENANCE REPAIR**

11   **OSS.**

12 **A.**   BellSouth provides two options for electronic trouble reporting: Trouble

13   Analysis Facilitation Interface ("TAFI") and the Electronic Communication

14   Trouble Administration ("ECTA"). As I describe in detail in my direct

15   testimony, TAFI provides the broader array of functionality, but is a human-

16   to-machine interface. ECTA, on the other hand, can be integrated into ALEC

17   systems, but provides only a limited set of functionalities for any type of

18   service. ALECs are denied the ability to access the functionality of TAFI and

19   integrate it into other systems, as BellSouth can. Therefore, BellSouth is not

20   providing non-discriminatory access.

21

22 **Q.**   **YOU'VE STATED THAT BELLSOUTH HAS INTEGRATED TAFI**

23   **INTO ITS OTHER SYSTEMS, BUT MR. PATE IMPLIES THAT TAFI**

1   **IS NOT INTEGRATABLE. HOW CAN THIS COMMISSION**

2   **DETERMINE WHO IS CORRECT?**

3 A.   Mr. Pate appears to indicate that the TAFI interface can be integrated by

4   neither BellSouth nor ALECs, thus leading a casual reader to conclude that

5   BellSouth and ALECs share equivalent and nondiscriminatory access to

6   TAFI. A careful reading of Mr. Pate's testimony, however, reveals that this

7   simply is not the case. BellSouth can indeed integrate the TAFI interface

8   with its systems. with the exception of its "sales and marketing systems."

9

10   This Commission also should note that Mr. Pate's testimony herein appears

11   to contradict BellSouth's position in its second Louisiana 271 application

12   before the FCC. There, BellSouth "conceded" that it failed to offer

13   nondiscriminatory access to TAFI functionalities:

14   "We also note that BellSouth <u>concedes that it derives</u>

15   <u>superior integration capabilities</u> from TAFI than the

16   capabilities offered to competitors. BellSouth states

17   that TAFI is a 'human to machine interface' meaning

18   that new entrants using TAFI cannot integrate it with

19   the   new   entrant's   own   back   office

20   systems....BellSouth, on the other hand, is able to take

21   advantage of its own TAFI system's capability of

22   '<u>automatically interacting with other systems as</u>

23   <u>appropriate</u>' and its customer service representatives

1   need not duplicate their efforts in the same way. In

2   other words, TAFI is integrated with BellSouth's other

3   back office systems."

4

5   FCC Second Louisiana Order, para. 151, emphasis added.

6

7   Q.   ON PAGE 85 OF HIS TESTIMONY MR. PATE CLAIMS "IF TAFI

8   FUNCTIONALITY WAS BUILT INTO ECTA, THEN ECTA WOULD

9   NO(T) LONGER BE (A) STANDARDS BASED INTERFACE." IS

10   THIS CORRECT?

11 A.   No. This is a tired and irrelevant red herring that BellSouth has raised now

12   for over four years. Industry standards are guidelines - providing

13   functionality over and above the guideline does not violate it, in fact doing so

14   is one of the key methods by which the guidelines are expanded and

15   improved. A number of parties using an interface based on industry

16   standards modify the interface to have more functionality or operate more

17   efficiently and then submit their work and the evidence of its value to the

18   industry for consideration as an improvement to the standard. In fact, AT&T

19   and BellSouth have presented such joint modifications of industry standards

20   to the industry in the past.

21

22   Further it is important to remember, just as I discussed above in Issue 25, that

23   although the use of industry standards can meet the needs of a competitive

1   local exchange market[13], lack of industry standards does not excuse an

2   incumbent LEC from meeting its obligation to provide nondiscriminatory

3   access to OSS functions.[14] Similarly, deploying an interface that merely

4   adheres to industry standards is not sufficient to demonstrate

5   nondiscriminatory access. A BOC must provide nondiscriminatory access to

6   its OSS functions irrespective of the existence of. or whether it complies

7   with, industry standards.[15]

8

9   Q.   PLEASE SUMMARIZE YOUR RESPONSE TO MR. PATE'S

10   TESTIMONY ON THIS ISSUE.

11 A.   BellSouth asserted that it provides non-discriminatory access to maintenance

12   and repair functionalities, in spite of the obviously discriminatory lack of

13   integratable access to TAFI for ALECs as it provides for itself. Surprisingly.

14   it asserted that TAFI was not integratable for BellSouth, in apparent direct

15   contradiction to affidavits filed by BellSouth at the FCC and upon which the

16   FCC based its findings in determining that BellSouth does not provide non-

17   discriminatory access to maintenance and repair.

18

19   AT&T is in agreement with the conclusions and decisions of the orders of the

20   FCC and the Georgia Commission. The FCC determined that BellSouth

21   provides discriminatory access, and the Georgia Commission required

---

[13] FCC Ameritech Order ¶ 217; FCC BA-NY Order ¶ 88
[14] FCC South Carolina Order ¶ 121, n. 362.
[15] FCC Louisiana II Order ¶ 137.

1   BellSouth to provide TAFI functionality over a machine-to-machine

2   interface, in accordance with BellSouth's report to the Commission.

3

4   Q. **WHAT DOES AT&T REQUEST THAT THE COMMISSION ORDER**

5   **REGARDING THIS ISSUE?**

6   A. AT&T asks the Commission to order BellSouth to provide full TAFI

7   functionality via the ECTA interface on an expedited schedule

8

9   Q. DOES THIS CONCLUDE YOUR TESTIMONY AT THIS TIME?

10 A. Yes.

1   **JAY M. BRADBURY**

2   continues his testimony under oath from Volume 2:

3   **CONTINUED DIRECT EXAMINATION**

4   BY MS. RULE:

5   Q   Have you prepared a summary of your direct and

6   rebuttal testimony?

7   A   Yes, I have.

8   Q   And is that the handout that we have provided

9   the parties?

10   A   Yes.

11   Q   Is that also what is shown up on the screen

12   behind the Commissioners now?

13   A   Yes.

14   Q   Will you please give your summary?

15   A   Good afternoon, Chairman Jacobs and

16   Commissioners.

17   I have worked on operation support systems

18   issues with BellSouth for over five years. Beginning

19   first under state law in 1995 and continuing under the

20   Telecommunications Act and the FCC's guidance since 1996.

21   The issues that I will discuss today originated long ago

22   and must be resolved if competition is to grow in Florida.

23   My testimony addresses five issues concerning

24   BellSouth's offered operations support systems. Like you,

25   some of you on the bench -- excuse me. Like me, some of

1 you on the bench have been working on these issues for a

2 number of years. Some of you are new. Even so, both of

3 you may be wondering about what the heck is an OSS anyway.

4 So I would like to take a minute to review.

5 Operation support systems include computer

6 systems, information and personnel that support network

7 elements and services. They are both the automated and

8 manual processes required to make resale services and

9 unbundled elements meaningfully and commercially available

10 to competitors.

11 The U.S. Department of Justice refers to these

12 processes as wholesale support processes, which is a much

13 more descriptive term, but one that just never caught on

14 in the industry. OSSs are not simply collections of

15 computers and databases. They are what ties the various

16 parts of a telephone company's operations together so that

17 a company can provide high quality customer service and

18 products at low costs.

19 Operation support systems interfaces which

20 connect BellSouth and the ALECs include three parts. They

21 include the gateways between BellSouth and the ALECs, the

22 linkages which may be either automated or manual from the

23 gateways to BellSouth's legacy systems, and the legacy

24 systems themselves.

25 The overall operation of these three parts must

1   provide the ALECs with functional -- excuse me,

2   functionality equal to that BellSouth provides to itself

3   and a meaningful opportunity to compete in order to meet

4   the requirements of the Act.

5   This Commission addressed BellSouth's OSSs in

6   1997. In your 271 order of that year you established four

7   characteristics that an OSS interface must exhibit to

8   comply with the Act. You said that the interfaces must be

9   electronic, meaning that the interfaces must require no

10   more human or manual intervention than is necessarily

11   involved for BellSouth to perform a similar transaction.

12   You said that the interfaces must provide the

13   same capabilities necessary to perform functions with the

14   very same level of quality, efficiency and effectiveness

15   that BellSouth provides to itself.

16   Thirdly, you said that the interface must have

17   adequate documentation to allow an ALEC to develop and

18   deploy its systems and processes and to train its

19   employees.

20   And, finally, you said that the interface must

21   be able to meet the ordering demand of all ALECs with

22   response times equal to that which BellSouth provides

23   itself.

24   The central theme of the these four requirements

25   is equivalent functionality. In this arbitration, AT&T is

1 simply seeking that equivalence, nothing more. AT&T is

2 not entitled to more, and BellSouth should not be

3 permitted to continue to provide less. A simple question

4 can be used to determine whether equivalence exists.

5 Could BellSouth stay in business using the same interfaces

6 and processes that it provides to ALECs? BellSouth could

7 not and the ALECs in Florida are finding that they cannot

8 sustain a business using these interfaces.

9   Despite the passage of time and efforts to

10 obtain such equivalence through negotiation, BellSouth is

11 still not providing the required equivalent functionality

12 for the items I discussed. The growth of competition in

13 Florida has been stifled as a result and will remain so

14 until BellSouth actually provides to ALECs the

15 functionality that it enjoys in its operations.

16   Issue 31 deals with equivalent ordering

17 functionality. Under this issue, AT&T is asking for three

18 things; a parsed customer service record, that is a

19 customer service record which is formatted for use in

20 ordering. The ability to place electronic orders for all

21 services and elements, and electronically submitted order

22 processing without human intervention.

23   BellSouth has these things. And, once again,

24 AT&T is only seeking equivalence. BellSouth's OSS

25 interfaces for ALECs simply don't meet the requirements

1   you established. They require more manual intervention

2   than is required for BellSouth to process a similar

3   transaction. They don't provide the same level of

4   quality, efficiency, and effectiveness that BellSouth

5   enjoys. They are not adequately documented, making it

6   difficult for CLECs to develop and deploy systems and to

7   train their personnel. And those interfaces have been

8   unable to meet the ordering demand of the ALECs with

9   response times that are equivalent to what happens in

10   BellSouth retail process.

11   The Georgia Commission in a recent order in a

12   performance measurements docket rejected an argument that

13   BellSouth will make in this arbitration that BellSouth

14   doesn't have retail electronic ordering and flow-through

15   for its business type orders. Additionally, that order in

16   Georgia created an improvement tasks force to expand the

17   scope of electronic ordering by eliminating BellSouth

18   system errors and design --

19   MR. LACKEY: Excuse me, Mr. Chairman.

20   CHAIRMAN JACOBS: Just a moment, Mr. Bradbury.

21   MR. LACKEY: I apologize for interrupting. I

22   was looking for something else. But I don't believe that

23   is in his testimony, the Georgia information. If he could

24   point me to a page, I will apologize and withdraw my

25   expression of concern.

1   MS. RULE: I would say rather than interrupt it,

2   why don't we move on and if we can't provide it we will

3   withdraw it.

4   MR. LACKEY: Well, I don't think that is the way

5   it works. I think he is required to summarize his

6   testimony. I was looking for the piece in his testimony

7   where he talked about the Florida 271, so I was only

8   partially listening. But I am reasonably confident he

9   didn't discuss the Georgia rocket docket order in his

10   testimony, although he seems to be addressing it in his

11   summary. Now, if I'm wrong I will apologize, but I don't

12   think I am.

13   THE WITNESS: I would be glad to do a word

14   search on my rebuttal testimony which is where I certainly

15   hope I addressed it. And if I didn't, I apologize to the

16   Commission and to BellSouth.

17   CHAIRMAN JACOBS: So how do we resolve this?

18   Are you clear or can we resolve this very quickly whether

19   or not you referred to that proceeding in your rebuttal?

20   THE WITNESS: I have it electronically and I can

21   do a electronic word search.

22   MS. RULE: And as I said, I think it might be

23   more expedient if we cannot produce it within a few

24   minutes after the summary, we will withdraw it.

25   CHAIRMAN JACOBS: Mr. Lackey.

1   MR. LACKEY: The problem I'm having is his

2   rebuttal testimony was filed on January 3rd. And I'm

3   reasonably confident the rocket docket order which is what

4   he is referring to, I believe, wasn't issued until after

5   that. I could be wrong, but he ought to know that.

6   THE WITNESS: The staff recommendation came out

7   considerably earlier than that.

8   MR. LACKEY: Well, I don't think he was talking

9   about a staff recommendation, he was relating what the

10   Commission had done.

11   THE WITNESS: Again, if I didn't include it in

12   my testimony, I apologize.

13   CHAIRMAN JACOBS: Well, let's proceed this way.

14   I think we are in agreement that the order had not been

15   issued when you filed your rebuttal. So to the extent you

16   want to address it, and if you did address it in your

17   rebuttal, then I think we should be talking about the

18   recommendation as opposed to the order. Very well.

19   THE WITNESS: Very well.

20   CHAIRMAN JACOBS: Thank you.

21   THE WITNESS: We are asking this Commission to

22   require BellSouth to provide equivalent ordering

23   functionality within 12 months of its order in this case.

24   In Issue 30 we have proposed specific amendments

25   to BellSouth's change control document and we are asking

1   this Commission to order BellSouth to adopt those changes.

2   And we are also asking you to order that BellSouth comply

3   with the change control process document itself bringing

4   compliance under your supervision and therefore providing

5   the document with force of law so that ALECs can more

6   easily bring issues to you for resolution.

7   The present change control process does not

8   comply with existing FCC guidance and BellSouth regularly

9   ignores its process requirements when it wants to

10   implement changes of its own origin.

11   In Issue 25, AT&T is seeking an equivalent

12   ability to make its own choices in providing operator

13   services and directory assistance to its UNE-P and resale

14   customers. BellSouth has the technical capability to have

15   its customers operator services, or dial 0 calls, and its

16   directory assistance, or 411 calls, delivered to any

17   switch or vendor of its choosing by using any trunking

18   arrangement that it find efficient. I know. I was

19   responsible for doing that work for BellSouth for 14

20   years.

21   Today BellSouth finds that direct trunking to

22   its own traffic operator position system switches meets

23   its needs. This, however, is a choice that it has made,

24   not a restriction externally applied to its operations by

25   an outside party. BellSouth has rejected AT&T's request

1   in this issue, and insists that instead AT&T choose one of

2   two untenable options. AT&T must either route all of its

3   OS/DA calls the same way within the State of Florida or

4   BellSouth will require that AT&T use a burdensome manually

5   intensive ordering process.

6   In 1998, the FCC rejected both of these options

7   in its decision denying BellSouth's 271 authority in

8   Louisiana. The FCC also provided specific guidance to

9   BellSouth that BellSouth continues to ignore. The

10   ordering process as proposed by AT&T in Issue 25 are

11   reasonable, they are feasible, and they comply with the

12   guidance of the FCC, and we ask that you order BellSouth

13   to implement them within six months of your order.

14   In Issue 23, we are asking you to require

15   BellSouth to continue to provide OS/DA services to ALECs

16   as an unbundled element at cost-based prices. BellSouth

17   claims that it is providing OS/DA routing that would allow

18   an ALEC to handle their own operator services calls or to

19   have a third party provide them for them. It simply isn't

20   so. BellSouth itself admits that there is not a single

21   such arrangement in service in its nine state territory.

22   Intel customized OS/DA routing to a third-party

23   platform exists in a manner proven to be commercially

24   viable. BellSouth must be required to provide OS/DA to

25   ALECs as a UNE and at UNE prices.

1   In Issue 32, AT&T requests that BellSouth

2   provide it with equivalent maintenance and repair

3   functionality using interfaces that would allow our

4   systems to talk to their systems. In October of 1998, the

5   FCC concluded that none of BellSouth's repair and

6   maintenance interfaces provided competitors with

7   functionality equal to BellSouth. Nothing about these

8   interfaces has changed since that FCC order. We need the

9   functionality to have our systems talk to their systems so

10 that we can pass information to our own customer service

11 record information systems, our order control systems,

12 billing information systems, and other maintenance and

13 repair systems that we operate. We ask you to require

14 BellSouth to provide this functionality within 12 months

15 of your order.

16   Commissioners, these issues are vitally

17 important to the development of competition in Florida.

18 AT&T requests in this arbitration our design to expedite

19 the day when BellSouth actually provides functional

20 equivalence.

21   Thank you. That concludes my summary.

22   MS. RULE: Mr. Bradbury is available for

23 cross-examination.

24   CHAIRMAN JACOBS: Very well. Mr. Lackey.

25   MR. LACKEY: Thank you, Mr. Chairman.

1   **CROSS-EXAMINATION**

2 BY MR. LACKEY:

3   Q   Mr. Bradbury, I was going to start with Issues

4 23 and 25, but I have a preliminary question that I need

5 to ask. In your summary on the second unnumbered page --

6 I'm sorry, it has got Number 2 down at the bottom. I

7 didn't see it. You refer to this Commission's 1997 271

8 order?

9   A   Yes, sir.

10   Q   Can you show me where in your testimony you

11 address that? I need to look at it.

12   A   Yes, sir.

13   Q   I can't find it. That's what I was doing when I

14 had the other issue. All I need is the page number.

15   A   In my rebuttal testimony, Page 48.

16   Q   Page what?

17   A   Forty-eight.

18   Q   I was looking in the wrong book. Let's start

19 with Issues 23 and 25, Mr. Bradbury. And you were

20 explaining those near the end of your summary. Let's lay

21 out the issue as clearly as we can. This issue, Issue 23

22 and 25, involve AT&T's operator services and directory

23 assistance services, correct?

24   A   Issue 25 involves AT&T's. Issue 23 is a sister

25 to it, but it involves a claim that BellSouth makes about

1   what it has provided to the industry.

2   Q   I understand. But, I mean, both 23 and 25, the

3   services that are involved in 23 and 25 are operator

4   services and directory assistance services, correct?

5   A   That is correct.

6   Q   And in Issue 23 the issue is has BellSouth

7   provided enough customized routing for operator services

8   and directory assistance such that it no longer has to

9   provide operator services and directory assistance as

10   UNEs, correct?

11   A   Correct.

12   Q   All right. And then Issue 25 has to do with an

13   aspect of that, that is how does AT&T order customized

14   routing, correct?

15   A   AT&T or any other ALEC, yes, correct.

16   Q   All right. So what I would like to do is start

17   with a basic hypothetical that we will use to work through

18   this entire issue. Basically, the customized routing that

19   AT&T wants for operator services and directory assistance

20   involve, I believe, four choices, is that correct?

21   A   There are four basic options, correct.

22   Q   Okay. Number one, one option is exactly what

23   everybody has now, that is, a AT&T subscriber's operator

24   service or directory assistance request goes to a

25   BellSouth operator branded as BellSouth, correct?

1   A   Correct.

2   Q   Option two is that an AT&T subscriber's operator

3   service or directory assistance request would go to a

4   BellSouth platform but would be unbranded, correct?

5   A   Correct.

6   Q   Number three, the choice would be that the AT&T

7   subscriber's -- I'm going to call them OS/DA. It's

8   quicker. Is that okay with you?

9   A   Okay.

10   Q   You will know what I mean when I say OS/DA?

11   A   Yes.

12   Q   AT&T's subscriber's OS/DA call could go to an

13   AT&T platform, correct?

14   A   Correct.

15   Q   And the fourth option is that the BellSouth

16   subscriber's OS/DA call could go to a third-party

17   platform?

18   A   Correct.

19   Q   All right. And by customized routing what we

20   are talking about is AT&T's ability to choose for its

21   subscribers among those four options, correct?

22   A   Correct. That is a broad definition that

23   applies in Issue 25. There is a narrower definition that

24   would apply in Issue 23.

25   Q   Well, if AT&T could select among any of those

1   four choices at will, then Issue 23 would be resolved as

2   well, wouldn't it?

3   A   Yes, it would.

4   Q   Okay. Now, in order for AT&T to have those four

5   choices in a specific central office, those four choices

6   would have to be preprogrammed in the central office,

7   correct?

8   A   Correct.

9   Q   And that is what you call your footprint issue

10   in Issue 25, is that correct?

11   A   Correct. The footprint issue would establish

12   for a central office or a number of central offices which

13   of the options we wanted, put the trunking in place and

14   modify the ordering system.

15   Q   And I want to hold that thought, and I want to

16   come back to it, because I want to talk about how you get

17   customized routing. You can get customized routing by

18   either using an AIN, advanced intelligent network

19   solution, or you can get customized routing by using what

20   we call line class codes, is that correct?

21   A   That is correct. And, additionally, if you are

22   only going to BellSouth's platform you can get routed to

23   that platform using OLNS, or originating line number

24   screening. That last option doesn't meet the requirements

25   for Issue 23.

1   Q   Okay. So for Issue 23 we just need to talk

2 about AIN and line class codes, correct?

3   A   Correct.

4   Q   Now, Mr. Miller -- I'm sorry, Mr. Milner has

5 testified, hasn't he, that AIN, the AIN solution is

6 available today?

7   A   That is his testimony.

8   Q   When was the last time AT&T participated in an

9 AIN test with BellSouth?

10   A   1997.

11   Q   Okay. Did BellSouth offer an AIN test in 1999

12 to which AT&T declined, or in which AT&T declined to

13 participate?

14   A   That is correct. There were no ALECs who

15 elected to participate in that offered trial.

16   Q   When was the last time AT&T tried to use

17 customized routing via the AIN solution?

18   A   That trial in 1997.

19   Q   Okay. So when Mr. Milner testifies that the AIN

20 solution is available today, AT&T's knowledge about it is

21 tied to a 1997 trial? You haven't done anything in the

22 meanwhile with it, right?

23   A   It is also tied to Mr. Milner's testimony that

24 says there are no working AIN arrangements in place today.

25   Q   Well, somebody has to ask for it before it

1   becomes a working arrangement, doesn't it?

2   A   That is true. And that has been part of the

3   problem. There is no publicly available documentation

4   that tells a CLEC how to ask for AIN routing.

5   Q   Well, are you telling me that AT&T over the last

6   three years hasn't asked for AIN customized routing

7   because nobody had told them how to do it, how to ask for

8   it?

9   A   We personally, that has not been the reason we

10   haven't asked, but it may be the reason that others

11   haven't. They don't know how to order it.

12   Q   Okay. But of your own personal knowledge, AT&T

13   hasn't ordered it for some reason of its own, you haven't

14   tested it, and you don't know whether it works or not,

15   right?

16   A   We haven't tested it since 1997. BellSouth

17   didn't make a public offering until October -- excuse me,

18   October of 2000. That was the -- there was a public

19   offering by a web posting of a carrier notice that said

20   AIN is now available. There still isn't any ordering

21   documentation to support that public offering.

22   Q   And AT&T isn't interested in that anyway for

23   other reasons, right?

24   A   Based on the results of the testing that we did,

25   we are not currently interested in it.

1   Q   Okay. All right. So you don't have any

2   independent evidence that Mr. Milner is incorrect and, in

3   fact, as far as you know there is an AIN solution out

4   there that is available today for customized routing,

5   right?

6   A   I don't know whether there is or not. He says

7   there is and he says there are none in existence.

8   Q   Again, all that means is it could be available

9   and nobody has ordered it, right?

10   A   That could be the case.

11   Q   All right. Now, let's go to the other method of

12   customized routing, and that is line class codes. And

13   this may get a little complicated, Mr. Bradbury. I will

14   try to make my questions clear.

15   Would it be fair to say that line class codes

16   are basically at a high level instructions that are given

17   to BellSouth switches that tell it how and to what trunks

18   to route traffic?

19   A   Yes, that's a pretty good description of it.

20   Whenever you pick up and draw dial tone from your house or

21   your business, your line has already been assigned to a

22   line class code in the central office, and that line class

23   code basically tells the central office, which is a big

24   computer, what to do with all of the various dialing

25   capabilities that you might have. What to do with 411,

1 what to do with 0, what to do with 611, what to do if you

2 have hunting, what to do if you wanted to have certain

3 types of blocking. So, yes, that is the purpose of a line

4 class code.

5   Q   Well, specifically with regard to what we are

6 talking about here today, we talked about four options a

7 few minutes ago that I was embedding in my hypothetical,

8 do you remember those?

9   A   Yes.

10   Q   All right. Now, basically, each of those

11 options require routing a call from a central office to an

12 operator services platform, or a DA platform, some other

13 facility besides the central office serving the end user

14 generally, right?

15   A   Correct.

16   Q   And in order to get the calls between the end

17 user's central office and that operator service platform,

18 DA platform, you have to have trunks running between the

19 appropriate central office and the appropriate operator

20 service platform or directory assistance platform, right?

21   A   You either have to have direct trunks or a

22 trunking arrangement that allows you to get there,

23 correct.

24   Q   Okay. And the purpose of the line class code

25 method with regard to this is it tells the computer which

1   trunk group to use to send the call to the right place?

2   A   That is correct.

3   Q   For instance, and I'm just going to make this

4   up, line class code, the line class code might be 1020.

5   In your central office line class code 1020 would tell the

6   computer to seize the trunk for OS/DA calls that go to an

7   AT&T operator platform, right?

8   A   That would be one of the instructions contained

9   within that line class code, yes.

10   Q   Okay. Now, there is no question, is there, that

11   line class codes are a viable method of creating

12   customized routing?

13   A   That is correct, there is no question.

14   Q   For instance, if you ordered up all four of

15   these options in a specific central office for your

16   customers, if when you submitted the order for your

17   individual customers you put the right line class codes on

18   the order, the customer's OS/DA calls would probably be

19   routed to the right trunk group and to the right platform,

20   correct?

21   A   Okay. You're asking that if I put the line

22   class codes on the order --

23   Q   Yes. I know we have got a bigger issue. I'm

24   just trying to make sure that we make sure the thing

25   flows. Yes, if you put them on there?

1   A   If I put them on there and BellSouth has done

2 its ordering system such that it recognizes and passes

3 through, it would result in that. We have an issue about

4 whether I should put them on or whether they should be put

5 on.

6   Q   So with regard to Issue 23 and customized

7 routing, the issue is not whether line class codes are

8 available, but rather who is required to put the line

9 class codes on the order to make it flow-through to the

10 right end location, correct?

11   A   I think you misspoke. You said Issue 23, but I

12 think you meant 25.

13   Q   No, I meant 23. I mean, line class codes are a

14 method of customized routing, right? We have already

15 agreed on that, haven't we?

16   A   They are a method of customized routing. I'm

17 searching for the link between placing line class codes in

18 the ordering document under Issue 25 and the existence of

19 working commercially viable customized routing in Issue

20 23.

21   Q   Well, working, commercially viable, those are

22 words that are in your testimony, but they are not in any

23 FCC order, are they, related to this?

24   A   I don't know. I would have to go research the

25 FCC order again for the exact wording that they used.

1   **Q**   Okay. So line class codes are a viable method

2 of customized routing. And if somebody, BellSouth or AT&T

3 puts the right line class codes on an order it will flow

4 through to the right place, right?

5   **A**   It should establish a customized route, correct.

6   **Q**   All right. So now the real question is in Issue

7 25, and that is who has to do it and how do we do it,

8 right?

9   **A**   That is a key issue within 25, yes.

10   **Q**   Okay. Now, Issue 25 really has two subissues,

11 one is the footprint order and one is the electronic

12 ordering portion of that issue, right?

13   **A**   Correct.

14   **Q**   Let's make sure we understand the footprint

15 issue. BellSouth has approximately how many central

16 offices in the State of Florida?

17   **A**   Somewhere in the neighborhood of 240.

18   **Q**   Okay. And AT&T could select which offices it

19 wanted to do business in and it could select which of the

20 four options we have been talking about that it might want

21 to provide out of each of those end offices, couldn't it?

22   **A**   Yes, we could.

23   **Q**   And if you passed us an order saying for these

24 five end offices I want to put all four options in, for

25 this end office I want to put three options in, for that

1   end office I want to put two in, for these I don't want to

2   put anything in. That would be what you call a footprint

3   order, right?

4   A   That is correct.

5   Q   Now, I know we are having some trouble with the

6   documentation, but will you agree with me that BellSouth

7   has told you that if you will identify the central offices

8   you want and you will tell us what the option is you want

9   in the central office and pay for the programming, that we

10   will do it for you?

11   A   On a broad scale, yes.

12   Q   And you don't object to paying for it, that's

13   not the key in this issue, no?

14   A   No.

15   Q   You would pay for it?

16   A   If I order an option in a central office or

17   options in a central office, I would be paying to have the

18   line class codes installed.

19   Q   Okay. Now, the real issue with regard to the

20   footprint part of this issue, this Issue 25 is we are

21   having a debate about what BellSouth has to know, what

22   AT&T has to tell us, and so forth and so on, right?

23   A   Correct.

24   Q   And you and Mr. Milner have been working over

25   the past few days trying to sort that out between the two

1   of you, right?

2   A   And we get closer with each exchange of

3   information, yes.

4   Q   And I'm sort of struggling with, and I suspect

5   the Commission is going to struggle with if we can't work

6   that out ourselves, what do you want the Commission to

7   order BellSouth to do to facilitate this footprint order

8   issue?

9   A   What I would be forced to do at that point is I

10 would present to the Commission a list of the information

11 that AT&T believes BellSouth would need from us in each

12 case and commit that we would provide that information and

13 require that BellSouth, using that information then

14 implement line class codes in the appropriate offices.

15   Q   Okay. But that information hasn't been

16 presented to this Commission at this juncture, right?

17   A   No.

18   Q   And I am correct, am I not, when I say that

19 BellSouth and AT&T, and more particularly you and Mr.

20 Milner are working on this thing?

21   A   We are, yes, sir.

22   Q   And do you think there might be some light at

23 the end of that tunnel?

24   A   I got 30 pages of BellSouth documentation

25 yesterday, most of them look like internal ordering

1   documents to me. They appear to have a significant

2   portion of the information that I believe needs to be

3   exchanged. We are getting there, but we are not there

4   yet. A few more exchanges, hopefully we will and we can

5   put this part of the issue to bed.

6   Q   But if there is anybody who should know what

7   this information is that you need and we need, it's us,

8   not this Commission, right?

9   A   That is correct.

10   Q   Okay. And would you agree that once we got out

11   of the hands of the negotiators and into the other

12   people's hands that we are making some kinds of diligent

13   efforts to resolve this issue?

14   A   I think we have come further in the last week

15   than we had in the last seven months.

16   Q   Okay. Let's talk about the other part of Issue

17   25. Once the footprint order is established in the

18   central office, and let's just pick -- let's pick central

19   office 120, okay. And let's assume that in central office

20   120, you said I want to have all four of the options we

21   have been talking about, the footprint order is complete.

22   The remaining part of Issue 25 is how does AT&T for an

23   individual customer select which of the four options it

24   wants for that customer, right?

25   A   How does AT&T indicate to you which one we have

1 selected, correct.

2 Q Okay. Now, I need to digress for a little bit.

3 This is all an issue of parity and functional -- equal

4 functionality, right?

5 A Correct.

6 Q Okay. Now, for BellSouth customers, for a

7 BellSouth subscriber, and I happen to be one, when I dial

8 0, or I dial 411, my call goes to a BellSouth operator or

9 directory assistance provider, correct?

10 A Correct. That is the choice that BellSouth has

11 made today in designing its OS/DA network. It is free to

12 make any other choice. It could instead take your call to

13 operator services provided by Exel Corporation, or by XYZ

14 Corporation, so BellSouth has freedom of choice in

15 determining where to send that call.

16 Q But BellSouth has selected in the region for

17 itself a single default, all of its OS/DA calls go to the

18 same place, right?

19 A They don't all go to the same place because you

20 have a number of switches around that all of your calls

21 from, let's say, central office 1020 to use your example,

22 go to the same place. But if I am in a different central

23 office, it may be a different place they go to. That's

24 the business decision you have made.

25 Q I'm sorry, I was careless in my question. With

1   regard to BellSouth within its region, all of its

2   directory assistance and operator service calls go to a

3   BellSouth platform, correct?

4   A   That is correct.

5   Q   And they are all branded or unbranded -- I'm

6   sorry, let's stop there. They all go to a BellSouth

7   platform, right?

8   A   That is correct. Again, a business choice that

9   you have made.

10   Q   Now, BellSouth has agreed with AT&T if AT&T will

11   pick a single routing or a single option within its region

12   to default all of AT&T's orders to that single option,

13   hasn't it?

14   A   Yes, they have.

15   Q   So if you wanted to pick throughout the region

16   that all of your operator and DA calls would go to a

17   BellSouth unbranded platform, we said we would do that for

18   you, didn't we?

19   A   Yes, that is true. However, we don't believe

20   that that meets the requirements of the Act or what we are

21   entitled to under the Act, which would be the ability to

22   choose other options and not just be limited to one.

23   Q   Well, you are entitled to parity, aren't you?

24   A   The parity that I'm discussing here is the

25   freedom to choose. And the FCC has recognized that the

1   freedom to choose should exist. The FCC's order doesn't

2   limit an ALEC to a single route. It specifically says

3   that an ALEC may have more than one route. And if it has

4   more than one route it should provide an indicator to

5   BellSouth, in this case, as it what the route is.

6   Q   Now, let's talk about the choice then. Let's

7   assume for a moment you're right and that parity doesn't

8   mean you get what BellSouth has, it means you get what you

9   want.

10   A   It means I get what BellSouth has, which is the

11 freedom to choose what to do with my network and my calls.

12   Q   Do you happen to know whether BellSouth could

13 route its operator services and DA calls to multiple

14 locations if it chose to do so?

15   A   I do. They could.

16   Q   Without reworking --

17   A   At least in the past when I managed the network.

18   Q   Without reworking the entire computer system

19 that does that?

20   A   You wouldn't have it rework the entire system.

21 You simply install a different line class code to go where

22 you wanted to go.

23   Q   Now, let's see, we have agreed that BellSouth --

24 as a matter of fact, BellSouth said that they would allow

25 you to select a single default in every state, right?

1   A   That is correct.

2   Q   So you didn't even have to do it on a

3 region-wide basis, you could have picked one in Florida

4 and pick a different one in Georgia if you wanted to?

5   A   That is correct. But, again, that doesn't

6 comply with the Act and the freedom that the FCC

7 envisioned that CLECs could have to design their own

8 networks.

9   Q   I should have asked this earlier. You're not a

10 lawyer, are you?

11   A   No, I'm not.

12   Q   Now, let's go back to that office where we have

13 the four choices that we have programmed in. As I have

14 already said, and you have agreed, BellSouth agreed that

15 it would default to one of those four choices

16 automatically?

17   A   Correct.

18   Q   AT&T could access any one of the other three

19 choices simply by providing BellSouth with the right line

20 class codes for that office, right?

21   A   BellSouth has made that offer. Again, the FCC

22 specifically said I don't have to provide BellSouth with

23 line class codes to achieve an alternate route. I only

24 need to provide them an indicator where they can accept an

25 indicator, and BellSouth indeed can accept such an

1   indicator.

2   Q   Well, actually what the FCC said was you can

3   give us an indicator when we could except it on a

4   region-wide basis, didn't you?

5   A   Those are the words in the order, correct.

6   Q   Okay. It didn't say when we could accept it on

7   an office-by-office basis, did it?

8   A   If you accept an indicator on a region basis, I

9   give you the indicator A and you can use it in every

10 office in the region to describe reaching a third-party

11 platform, B to describe reaching BellSouth as ALEC

12 branded, C to describe reaching BellSouth as unbranded.

13   Q   Now, we have agreed that you can have in this

14 office, this hypothetical office 120 of mine, you can have

15 one selection as a matter of default and we have agreed

16 that you could put the line class codes and get to the

17 other three options if you wanted, right?

18   A   That is the offer that BellSouth has made, that

19 I would have to populate my orders with the line class

20 code if I didn't use a single option.

21   Q   And that is certainly doable, right? It might

22 be inconvenient, but you could do it?

23   A   It's doable. But it is more than inconvenient,

24 it is a tremendous burden. BellSouth does not uniformly

25 identify the option that I would want with the same line

1   class code identity in each central office. They have a

2   look up table that does this work. And, again, line class

3   codes are used not only for this purpose, but to identify

4   all of those other things that I talked about earlier.

5   What to do if you have got hunting on your line, what to

6   do if you want international blocking, what to do if you

7   want blocking of calls to third parties, all of those are

8   captured in the line class code.

9   So there are a number of line class codes out

10   there. And by taking the information that is on the order

11   to a centralized database, BellSouth determines for all of

12   those other categories which line class code to put on the

13   order. But for some reason, if I want to say put it to

14   one of these OS/DA options, they won't go to that same

15   database.

16   Q   You placed these orders using LSRs, local

17   service requests, correct?

18   A   That is correct.

19   Q   And the LSR form is an industry standard form

20   approved by the appropriate national industry standard

21   boards, right?

22   A   That is correct.

23   Q   Now, is there a field on that LSR that allows

24   you to make this selection in the industry standard LSR?

25   A   Yes. As BellSouth has implemented it back in

1   1998, BellSouth allows an ALEC to provide what is called a

2   floating FID (phonetic) in the feature field. We have

3   tried to do this back in 1998 and there is a capability

4   using the LSR to provide information that would identify

5   the route or the option that we have selected.

6   Q   And are they doing this then in Texas?

7   A   I don't know how the Texas folks are managing,

8   sir.

9   Q   I'm sorry, I couldn't hear your answer.

10   A   I don't know how they have done it in Texas.

11 I'm familiar only with the BellSouth method, which is to

12 use a floating FID in the feature field.

13   Q   Well, then, and you may not have knowledge of

14 this then, but what I was going to ask you next is do you

15 know of any state in the country where AT&T has been

16 allowed to make these elections in the manner that you are

17 asking to do it here?

18   A   I haven't done that research, I don't know.

19   Q   Thank you. Let's move to Issue 30, which is the

20 change control process. And let's make sure, again, that

21 we understand what we are talking about here. Will you

22 agree that the change control process is the process by

23 which BST and the ALECs manage requested changes to the

24 interfaces that ALECs use to interact with BellSouth's

25 legacy systems?

1   A   Yes.

2   Q   Now, let's see if we can translate that into

3 English. BellSouth has a number of systems that it uses

4 internally to order, to provision, to do repair and

5 maintenance and that sort of thing, right?

6   A   Correct.

7   Q   And AT&T is entitled to have access to those

8 internal Legacy systems, correct?

9   A   Correct.

10   Q   And what we have is we have what we call

11 interfaces that bridge the gap between AT&T and these

12 legacy systems, correct?

13   A   That is correct. And as I described in my

14 summary, those interfaces have three parts. They are

15 called a gateway, a linkage, and they also include the

16 legacy systems themselves.

17   Q   And what the change control process deals with

18 is if somebody goes to change one of those interfaces that

19 you use, we have to have a process for making sure that is

20 done right, correct?

21   A   Correct.

22   Q   All right. Now, the interfaces that BellSouth

23 uses are region-wide interfaces, correct?

24   A   That is correct.

25   Q   And the change control process that is used is a

1 regional process, as well, correct?

2   A   It is a single process, correct, yes.

3   Q   Okay. And, indeed, the change control process

4 has been reduced to writing and is contained in a

5 document, is that correct?

6   A   There is a document that we have attempted to do

7 that in, yes.

8   Q   And, for instance, your Exhibit 10, JMB-10,

9 which is a direct exhibit that is now a part of Hearing

10 Exhibit 12, I believe, is a copy of the change control

11 process document, correct?

12   A   Yes. More specifically it is a copy of Version

13 2 of the change control process document that has been, if

14 you will, red-lined by the CLECs meeting as a joint group

15 in October of last year that includes the changes that we

16 were requesting of BellSouth in that document.

17   I'm not quite sure where Mr. Lackey wants to go,

18 but I'm sure he probably is aware there is a new version

19 of this document that was just published on Friday, a

20 Version 2.1 that has incorporated some of these changes.

21   Q   I'm going get to 2.1 in a moment. Now, the

22 process that is reflected in this change control process

23 document doesn't just apply to BellSouth and AT&T, it

24 applies to every ALEC and CLEC in the region, is that

25 correct?

1   A   That is correct. That's why AT&T sought the

2   CLEC's input in this particular document that you see

3   here.

4   Q   Do you know how many arbitrations this

5   Commission has handled in the last six months?

6   A   No, sir, I do not.

7   Q   Do you know, for instance, that they handled an

8   AT&T -- I'm sorry, an MCI arbitration, I think, in

9   December that had 50 issues in it?

10   A   I will take that as being true.

11   Q   Do you know whether any other ALEC in the State

12   of Florida has raised the issue of the change control

13   process in any of its arbitrations before this Commission?

14   A   No, I do not.

15   Q   Okay. Now, you have agreed with me in other

16   hearings that AT&T does not speak for the CLEC industry or

17   the ALEC industry, and that sometimes the other CLECs or

18   ALECs disagree with AT&T, correct?

19   A   That is correct, I have said that in the past.

20   I would point out, however, that the document that we are

21   looking at here was written with the consensus of all the

22   participating CLECs. We invited all of the CLECs who

23   participated in the change control process to participate

24   in a meeting and draft this document. There were 12 or 15

25   who did, and there was no dissension among those 12 or 15

1   about the contents of this document.

2   Q   Well, that's a good point. How many CLECs and

3   ALECs are there participating that use the change control

4   process?

5   A   There are approximately 100 registered

6   participants on a regular basis, there are probably nine

7   to 15 who participate in meetings on a regular basis.

8   Q   Okay. And all of those nine to 15 don't

9   participate in every meeting, correct?

10   A   No, they don't.

11   Q   And you certainly can't represent that your

12   Exhibit 10 represents the position of the 85-odd

13   registered CLECs or ALECs that didn't participate in your

14   meeting, correct?

15   A   No, I couldn't represent that. But I could say

16   that none of them have come to me with any objection.

17   They have all had public access to this document.

18   Q   Okay. So silence is acquiescence in this case,

19   correct?

20   A   Yes.

21   Q   Now, this process has an escalation, or this

22   change control process has an escalation provision in it,

23   correct?

24   A   It does.

25   Q   Okay. So if AT&T and a consensus group of CLECs

1   are unhappy with what BellSouth has done, there is a

2   provision in this document that allows it to be escalated

3   within BellSouth, correct?

4   A   That is correct. And the escalation process

5   happens to be one of the areas in this document that the

6   CLECs were asking for changes.

7   Q   And there is also a provision in this document

8   for, if the escalation doesn't work, a consensus group

9   disagreeing with BellSouth to take its complaint to a

10   state commission for resolution, correct?

11   A   No, sir. And the reason I'm saying no, the word

12   consensus group doesn't appear in the document. That is

13   the first time I heard that was in Mr. Lackey's opening

14   statement this morning.

15   Q   Well, let's go through that, then. I would have

16   thought that was implicit. Let's suppose that there is a

17   change control process and there are 100 participants and

18   99 of the participants agree on what the outcome ought to

19   be. And one of the participants, call it AT&T, disagrees.

20   Now, do you think that AT&T as the sole dissenter ought to

21   be able to take the change control process to a state

22   commission and ask the state commission to overrule the

23   other 99 participants?

24   A   I don't think that AT&T or any other participant

25   in the process like this would give up it's rights or

1 should be required to give up its rights to petition the

2 Commission on any issue that it so sees fit.

3   Q   Oh, so the answer to my question is yes?

4   A   Yes.

5   Q   Okay. Well, then I guess you can ignore my

6 consensus comment, then, because I thought that you would

7 agree that --

8   A   That consensus group concept and the escalation

9 and dispute resolution process does not appear in the

10 document.

11   Q   Okay. All right. Now whatever, however you

12 view it, though, you will agree with me that the current

13 document and indeed all versions of the document since at

14 least 1.4 have had an escalation process in it and a

15 procedure for bringing a complaint to a state commission,

16 or I think it was actually the Telecommunications Director

17 in Georgia, right?

18   A   I think an earlier version had that word in it.

19 But, yes, they all have. And those provisions in this

20 document, the CLECs have requested changes to those areas.

21   Q   I mentioned 1.4. Last August when we first

22 started on this merry-go-round in North Carolina, we had

23 Version 1.4 of this document that you presented, correct?

24   A   That was the version that I filed with that

25 testimony, correct.

1   Q   And in that case you asked the Commission to

2 order -- or to order the adoption of your version of 1.4

3 with the changes in it, correct?

4   A   In each case we have always been saying use the

5 current version of the document as the baseline when you

6 reach your decision.

7   Q   And after 1.4 there was Version 1.6?

8   A   There was a 1.6 and an 1.7, which were

9 circulated as drafts. They never became official versions

10 recognized by the industry, if you will. The next version

11 that was -- was the 2.0 version.

12   Q   And then there was Version 2.0 which is attached

13 to your testimony, right?

14   A   Correct.

15   Q   And then apparently last Friday there is Version

16 2.1, correct?

17   A   Correct.

18   Q   What version is going to be in effect on the day

19 this Commission makes the decision in this arbitration?

20   A   That would be hard to determine. If it happens

21 in the short run it could well be 2.1.

22   Q   And it could be 2.5 or it could be 3.0 because

23 it is an evolving document, isn't it?

24   A   It is indeed, yes, sir.

25   Q   Okay. Now --

1   MR. LACKEY: Can I have just a moment, Mr.

2 Chairman.

3   (Pause.)

4   MR. LACKEY: Thank you, Mr. Chairman, I'm sorry.

5 BY MR. LACKEY:

6   Q   Let's look at Issue 31 now. Issue 31, if I

7 understand it correctly, actually has three parts, right?

8   A   That is correct.

9   Q   The first part involves what I believe is

10 referred to as the parsing of customer service records,

11 correct?

12   A   That is correct.

13   Q   Now, you make the statement that -- and actually

14 I think this is embedded in Issue 31, that suggests all

15 three of these parts are pending change requests pending

16 in the change control process, right?

17   A   Or have been opened between AT&T and BellSouth

18 for a number of years, and let me explain that. The

19 change process came into play officially in April of 1998.

20 Several of these three issues were in play between

21 BellSouth and AT&T before that. BellSouth's guidance to

22 AT&T at that point in time was don't put them into the new

23 change control process, we will continue to address them

24 starting from where we are. Subsequent to that, we have

25 had to place some of these into the change control process

1   because BellSouth was not actually addressing them under

2   the old process.

3   Q   Well, I'm sorry, I guess I didn't understand. I

4   know that parsing customer service records is the subject

5   of a change control request today, right?

6   A   It is today, correct.

7   Q   Subpart -- the second subpart of this issue

8   asked that AT&T be allowed to submit every order from

9   every one of its customers electronically with no

10   requirement that any be submitted manually, correct?

11   A   To the very same extent that BellSouth can do

12   that for its own customers.

13   Q   Well, you maintain that we do that for every one

14   of our orders, right?

15   A   From the evidence that I have gathered from

16   BellSouth over the last two years, you have never

17   identified to me or to any Commission that I'm aware of

18   any product or service that you do not order

19   electronically for yourself.

20   Q   Okay. So the answer is to my question then was

21   yes, AT&T wants the Commission to order in the second part

22   of this issue that it be allowed to submit every one of

23   its orders electronically and that none be required to be

24   submitted manually, correct?

25   A   Correct, if that is how BellSouth handles their

1   own.

2   Q   Is that a pending change control request now?

3   A   Not in that verbiage. However, this is one of

4   those issues we were working on with BellSouth prior to

5   change control and have worked with them post. As late as

6   June of last year we were conducting meetings with

7   BellSouth about improving both the number of orders that

8   could be submitted electronically and improving the

9   flow-through of those orders once they were submitted.

10   Q   And if I understand correctly, the third subpart

11   of this issue says that when you do submit an order

12   electronically you want the order to flow all the way

13   through electronically and do not want it to fall out for

14   manual handling, correct?

15   A   That is correct.

16   Q   Now, is that a pending change control request?

17   A   There are a number of pending change control

18   requests related to specific things that we know fall out.

19   There is not a global one, no.

20   Q   Okay. Let's go back to the parsing of records,

21   which we have agreed is a change control request. Do you

22   agree that there is presently a team of experts consisting

23   both of BellSouth and AT&T personnel as well as others

24   looking at the question of parsing customer service

25   records?

1   A   Yes, there is a team working on that issue.

2   Q   And do you agree that AT&T has a representative

3 on that team?

4   A   Yes.

5   Q   And do you agree that that team has a schedule

6 that it is using or following as to when it is going to

7 have this either done or say it can't be done?

8   A   I agree that they have proposed a number of

9 schedules, the most recent one about a week ago now says

10 sometime in the summer of 2000. Which is an improvement

11 of the previous schedule, which was year end -- excuse me,

12 2001 -- which is an improvement from the previous schedule

13 which said year end, but that year end was a degradation

14 of the original schedule which was spring of last year.

15 There have been a number of schedules.

16   Q   Okay. Now, what this issue involves is in your

17 TAG or in your preordering mode you have to get customer

18 service records, right?

19   A   That is correct.

20   Q   And BellSouth furnishes you a stream of data

21 that contains these service customer records, right?

22   A   That is correct.

23   Q   And these records are delimitated, for instance

24 mine might have my name as R. Douglas Lackey, correct?

25   A   I didn't hear any delimiters in that one,

1   because --

2   Q   Well, I mean -- I'm sorry. It might begin with

3   R and end with Y at the end of Lackey, that might be a

4   complete field, right?

5   A   That might be a complete field in which case

6   that would be an unparsed field.

7   Q   Okay. And what AT&T wants is they want that

8   data stream broken down so that the R would be in one

9   field, the Douglas would be in another field, and the

10   Lackey would be in a third field, right?

11   A   To the extent that that is how BellSouth

12   requires us to return that information in an order. For

13   example, if I'm returning to BellSouth a directory

14   listing, the name for a directory listing, BellSouth

15   requires me to return that in three fields, R. Douglas

16   Lackey.

17   Q   All right.

18   A   They don't give it to me that way. They give it

19   to me in one field.

20   Q   Now, the data --

21   A   Without delimiters, I can't know how to divide

22   it up to meet the ordering requirement. So our request is

23   send me that information the way you want to receive it,

24   you require me to send it back to you.

25   Q   I'm sorry, I really didn't mean to interrupt

1   you. I did it twice. The data stream that BellSouth

2   provides to AT&T is the exact same data stream it provides

3   to its retail service, correct?

4   A   That is what I'm told.

5   Q   And the data stream is not parsed when it is

6   sent to the BellSouth retail group, is it?

7   A   Again, that is what I am told. I have never

8   seen the actual data stream that goes to BellSouth's

9   retail.

10   Q   And indeed it is BellSouth's own retail systems

11   that parse the data from that data stream, isn't it?

12   A   That's true. And I need to make a point here.

13   There is no difference between BellSouth's retail systems

14   and BellSouth's wholesale systems in terms of what AT&T is

15   entitled to under the Act. BellSouth retail is not a

16   separate entity from BellSouth's wholesale. Whatever

17   BellSouth provides to itself, in this case in its retail

18   operation, it is obligated to provide to us.

19   Q   And AT&T could do this parsing itself, couldn't

20   it?

21   A   We could only do so if we had the information

22   that apparently must exist within BellSouth's retail

23   systems as to how it accomplished that parsing. If I were

24   to build my own parser, I would be guessing at how

25   BellSouth does it. If I guess wrong, I'm simply going to

1   generate orders that will go to BellSouth and be rejected

2   and have to come back to me to be resubmitted manually.

3   Q   Well, the reason you need it parsed is so that

4   you can populate the order correctly, correct?

5   A   Exactly.

6   Q   And so you know what needs to go in each field

7   of the order, correct?

8   A   I know what needs to go back to BellSouth. I

9   don't know how to take the single block of data that comes

10   to me and reliably divide it the way BellSouth wants it

11   returned to them.

12   Q   Well, reliably divide, it's a matter of computer

13   programming, right?

14   A   You have to have the rules by which BellSouth

15   does that in order to duplicate it.

16   Q   Well, you certainly have the rules that are

17   necessary for populating a service order, right, or a

18   local service request, right?

19   A   I do.

20   Q   And you know that you have to put R in one

21   field, Douglas in another field, and Lackey in the third

22   field, right?

23   A   Yes, but I don't know how to determine the

24   difference between R and Douglas and Lackey in a single

25   field that could have variable content. The next address

1   that came across could just have J. Bradbury, only two

2   entries. How do I parse it? Or it could have, you know,

3   Jay M. Bradbury, IV. How do I parse it?

4   Q   And that is a matter of computer programming.

5   Obviously BellSouth has done it because their retail units

6   do that, right?

7   A   That is correct. And, therefore, BellSouth must

8   provide it to us so that we have parity with their retail

9   units.

10   Q   Okay. So now parity is the same thing, huh,

11   instead of choices, is that right?

12   A   Choices is the same thing. BellSouth has

13   choices, I want to have the same choices.

14   Q   Now, the FCC has already told you that BellSouth

15   doesn't have to parse this data stream on its side of the

16   interface, hasn't it?

17   A   Told us; me, Jay Bradbury, or me, AT&T?

18   Q   No, no. AT&T, I'm sorry. AT&T.

19   A   Not in relationship to BellSouth, no.

20   Q   No, they told you in relationship to SBC,

21   correct?

22   A   Would you like to direct me to the exact words

23   that you want to use in the SBC order? I don't have it

24   memorized.

25   MR. LACKEY: It will take me just a moment to

1   find it, Mr. Chairman. If I could have just a minute.

2   (Pause.)

3   MR. LACKEY: I will come back to it, Mr.

4   Chairman. I don't want to slow the proceeding down. I

5   have already moved my plane to noon on Friday, it may be

6   4:00 o'clock.

7   CHAIRMAN JACOBS: No, we can hope for noon.

8   BY MR. LACKEY:

9   Q   Let's talk about the second subissue, and that

10   is the electronic submission of all orders. Now, have you

11   read the discovery in this proceeding?

12   A   I have read some of it, yes, sir.

13   Q   Did you see where BellSouth reported that 88

14   percent of all of the orders it received from ALECs were

15   submitted electronically?

16   A   Yes, I did.

17   Q   And do you happen to know what percentage of

18   AT&T's orders are submitted electronically?

19   A   No, I have not done that math.

20   Q   So --

21   A   It is our preference, and I know throughout the

22   year we have moved to more and more electronic ordering

23   from where we were submitting manual orders. But I don't

24   know our percentage at the present.

25   Q   Okay. So you have no basis upon what you could

1   dispute the number that BellSouth has furnished, correct?

2   A   No, I believe the 88 percent number are

3   submitted electronically.

4   Q   And so what we are talking about is the 12

5   percent or so of orders that are submitted manually. And

6   generally those are complex orders, is that correct?

7   A   That would be one of the contents there, yes.

8   Q   Would Syncronet be a complex service that is

9   submitted manually, ordered manually?

10   A   It would be.

11   Q   Can you give --

12   A   Go ahead, sir.

13   Q   Can you give us a 30 second description of what

14   Syncronet is?

15   A   Syncronet is a private line service. It

16   basically runs on a single pair of wires at 64 kilobytes

17   per second. That's too technical. It's a very low speed

18   private line service provided between two points.

19   Q   Is it generally a service that businesses order?

20   A   Yes, it is.

21   Q   Okay. Now, AT&T has an account team with

22   BellSouth, is that correct?

23   A   That is correct.

24   Q   Would you opine that most large business

25   customers also have account teams with BellSouth?

1   A   Yes.

2   Q   Okay. Now, the issue here is when one of your

3 customers wishes to order Syncronet, your service rep has

4 to take the order, write it down, and then send it by

5 facsimile to BellSouth where it is entered into a system

6 called DOE, or a system called SONGS (phonetic), and

7 processed, correct?

8   A   That is correct.

9   Q   Now, once the system -- once the order is

10 entered into DOE or SONGS, it just proceeds electronically

11 all the way through, there is no other human intervention,

12 right?

13   A   That is correct.

14   Q   Okay. Now, when one of BellSouth's large

15 business customers orders Syncronet, do you know how that

16 is done?

17   A   The order is entered into your system known as

18 ROS, regional ordering system.

19   Q   Well, doesn't the large business customer

20 generally contact his account team and place the order

21 with the account team?

22   A   That is correct.

23   Q   And doesn't -- the account team doesn't have

24 direct access to the BellSouth electronic ordering

25 systems, does it?

1   A   I don't know whether they do or don't. In the

2   past account teams have had access to DOE and SONGS.

3   Whether they were the ones actually placing the order or

4   not, they have had access to the systems.

5   Q   Have you read the depositions that have been

6   taken in this case, particularly of the BellSouth

7   employees that work with ROS?

8   A   That were taken in this case?

9   Q   Well, we took them in this case. We took some

10   in North Carolina and agreed they could be used here. Do

11   you remember that?

12   A   I remember the North Carolina depositions, yes,

13   sir.

14   Q   All right. Now, let me ask you to assume that,

15   in fact, the BellSouth account team takes the Syncronet

16   order from the big business customer, reduces it to

17   writing, sends it over to a ROS operator who then enters

18   it in the ROS system.

19   How is that different than what your company

20   does for such a Syncronet order?

21   A   I think the difference is very evident right on

22   the surface. BellSouth has taken an order from its

23   customer and BellSouth has placed it into its ordering

24   system. In my case, I have taken an order from my

25   customer, I cannot put it into my ordering system. I must

1   manually send it to BellSouth to have them put it into

2   their ordering system.

3   So the difference is BellSouth takes an order

4   and puts it in their own ordering system. AT&T takes an

5   order, cannot put it in its ordering system, must send it

6   to BellSouth. I think that is a very clear difference.

7   Q   Well, now, Mr. Bradbury, you have to do that on

8   every order. You take it in your system and you send it

9   to our system. You don't enter any of these orders in

10   your system because you don't have any, right?

11   A   I don't understand your question, sir. When I

12   place orders for my customers that I can place in my

13   systems, they are transmitted to BellSouth electronically.

14   Q   And then they go into BellSouth's systems,

15   right?

16   A   Right. But in the case that we are describing

17   here, you don't allow me to submit this order using my

18   system. I have to send it to you by facsimile.

19   Q   Okay. And all I asked you was if BellSouth's

20   account team dealing with its customer takes a Syncronet

21   order, writes it down, faxes it over to the ROS operator,

22   who then enters it in the BellSouth electronic system.

23   How is it different?

24   A   Again, it is totally BellSouth. BellSouth's

25   account team, BellSouth ordering system. I have an

1   account team that is going to address that same customer,

2   too. My account team is going to get that customer

3   information. We would like to turn around, take that

4   information, put it in my ordering system and send it to

5   BellSouth. I can't do that. I have to put it in a

6   facsimile, send it to BellSouth and suffer the possibility

7   of additional error as BellSouth misreads my facsimile,

8   mistypes, or whatever, and puts it into their system. Now

9   I have no copy of my order in my system or the

10 relationship between the two. It is a totally different

11 process.

12   Q   Let's just see if we can agree on the

13 similarities of the process. Will you agree that in both

14 the situation that you follow and the situation I

15 described with regard to our account teams, that in both

16 instances someone takes the order and writes it down?

17   A   That is correct.

18   Q   Will you agree that in both situations somebody

19 takes the order and either hand walks it or faxes it to

20 another location?

21   A   I think you may do yours by e-mail; but, yes, it

22 goes to another location.

23   Q   And in both situations a BellSouth service

24 representative sitting in front of a computer terminal

25 then takes the written order and enters it into an

1   electronic system?

2   A   That is correct. And that is exactly what makes

3   the process different for BellSouth and AT&T. In both

4   situations it is BellSouth that operates the ordering

5   interface. AT&T can't operate their own ordering

6   interface to place this order.

7   Q   Has the FCC in any of the three orders approving

8   interLATA relief found that all orders have to be

9   submitted electronically in order to have parity?

10   A   No. And, again, to the extent that BellSouth

11   doesn't put something into its system electronically, I am

12   happy not to do that, too. But BellSouth has never been

13   able to identify a product or service that they don't

14   order using their front-end ordering system, ROS.

15   Q   Would you --

16   A   Everything they do is electronic.

17   Q   Would you agree that perhaps it is a matter of a

18   difference of opinion and that BellSouth, in fact, does

19   think it handles those complex orders like Syncronet

20   manually?

21   A   BellSouth admits that they submit that order

22   using their ROS system. They don't go hand type it into

23   the service order control system, they put it into this

24   front-end ROS system which electronically transmits it to

25   their service control system.

1   Q   All right. But to put a point on it --

2   A   There is nothing manual about it.

3   Q   I'm sorry, I don't mean to keep interpreting

4   you. You are pausing and I --

5   A   I'm sorry I pause so long, sir.

6   Q   I will try to do better, I really will, because

7   I don't intend to interrupt you.

8   Let's go to the third subissue, and that deals

9   with orders that are submitted electronically. And what

10   your issue there is that sometimes an order that is

11   submitted electronically that would normally flow all the

12   way through to the generation of a service order drops out

13   by design, correct?

14   A   Either drops out by design or drops out by the

15   failure of BellSouth's systems to properly format the

16   order so that it will flow through. And I will stop

17   there.

18   Q   All right. Now, the FCC has expressly addressed

19   the question of whether such designed fallout is a parity

20   issue, right?

21   A   I don't believe so.

22   Q   I'm sorry, sir?

23   A   I don't believe so. Again, what I have read

24   among the FCC is, again, they are always looking for

25   equivalence, parity. If it happens in the BellSouth

1 process, then it's okay if it happens to the same extent

2 in the ALEC process. I don't think they have ever gone

3 beyond that point, that it is okay to design something

4 more to fallout in the ALEC process than falls out of the

5 BellSouth process.

6   Q   Do you happen to have the Bell Atlantic order

7 and the Texas order there in front of you, or with you?

8   A   Yes, I do.

9   Q   All right. Let's start with the Bell Atlantic

10 order.

11   MR. LACKEY: And, again, Mr. Chairman, this is

12 on the official notification or official recognition list

13 that the Commission has adopted.

14 BY MR. LACKEY:

15   Q   Let's go to the Bell Atlantic order. Look at

16 footnote -- well, I knew I should have made copies of it.

17 Do you have both of the orders there in front of you?

18   A   I do have both of the orders.

19   Q   Maybe I can find Southwestern Bell easier.

20   I'm getting too old to try these cases,

21 Mr. Chairman. They shouldn't make me do it. I can't

22 keep --

23   CHAIRMAN JACOBS: I can sympathize with you, Mr.

24 Lackey.

25   MR. LACKEY: I can't keep these things straight

1   and I can't remember my questions.

2   BY MR. LACKEY:

3   Q   Are you in the Southwestern Bell order, the SBC

4   order?

5   A   Yes, 00238.

6   Q   Turn to Page 91, look at Footnote 490.

7   A   Footnote 490?

8   Q   Yes. It's Paragraph 180.

9   A   Okay.

10   Q   Now, doesn't the FCC in that footnote talk about

11   flow-through and distinguish between all orders and orders

12   designed to flow-through?

13   A   They do identify that there are two categories,

14   all orders and orders designed to flow-through.

15   Q   Okay. So the FCC in the SBC order clearly

16   acknowledged that there were electronically submitted

17   orders that flowed through and electronically submitted

18   orders that fell out by design, correct?

19   A   Correct.

20   Q   And I found it now in the Bell Atlantic order.

21   It is Footnote 488, if you want to turn there. It's on

22   Page 81, and Paragraph 160. And I'm going to ask you

23   whether they reached the same conclusion there?

24   A   Footnote 488?

25   Q   It's Footnote 488 and Paragraph 160. It's on

1   Page 81 of my copy.

2   A   Okay. In both of the places you have had me

3   read, the FCC recognizes that there are orders designed to

4   fall out and orders that flow-through.

5   Q   Okay. And in both of those cases, Bell Atlantic

6   and Southwestern Bell, SBC Texas, in spite of the fact

7   that some orders were designed to fall out, the FCC

8   allowed those two companies into the interLATA business,

9   correct?

10   A   That is correct.

11   Q   All right. Now, if that wasn't parity, if the

12   FCC had found that SBC and Bell Atlantic weren't providing

13   parity, then they wouldn't have let them in the long

14   distance business, would they?

15   A   Probably not. The FCC's decision in these areas

16   was based on a number of factors, the level of

17   flow-through was only one of them. The information about

18   BellSouth's level of flow-through is different from the

19   level of flow-through that existed in either of those two

20   states.

21   We had talked a little bit earlier about 88

22   percent of the orders are currently submitted

23   electronically today, which says that 12 percent fallout

24   for manual processing -- or 12 percent were never eligible

25   to be electronically processed. Because of both designed

1   manual fallout and the failure of BellSouth's systems to

2   operate as designed, which is a different event, a total

3   of 33 percent of all orders submitted to BellSouth today

4   actually are touched by humans on BellSouth's side of the

5   interface.

6   So it is not just designed manual fallout which

7   runs about 10 percent in BellSouth globally, it is also

8   the failure of the interface to perform, which in some

9   cases may run as high as 80 or 90 percent. I have data in

10   my testimony. In some cases it fails almost all the time.

11   So there are two elements, designed manual fallout and

12   failure of the system to perform as designed.

13   Q   All I was trying to ask you was the FCC didn't

14   find that the entry of designed fallout in the process was

15   sufficient to block the interLATA relief in Texas or New

16   York, right?

17   A   That is correct.

18   Q   And you can't point to anything in the FCC order

19   that says in order to have parity you have got to have 100

20   percent of your orders flow-through without being touched

21   by human beings, right?

22   A   No.

23   Q   Okay. You can't even find anyplace where it

24   says 90 percent of your orders have to flow-through

25   without being touched by human hands, right?

1   A   No. The FCC has, again, established a parity

2 determination. Where they can get the data, they will

3 look at what in BellSouth's process for itself is

4 submitted into their ROS interface and then falls out for

5 manual processing or doesn't process because the interface

6 doesn't work.

7   Q   I guess we --

8   A   And they compare that to what happens in the

9 ALEC process, and then they also use an overall picture

10 looking at the provisioning results and the response

11 times. It is a multi-faceted determination that the FCC

12 makes.

13   Q   I guess we ought to talk about what designed

14 fallout is so the record is not confused. You can submit

15 a electronic order for a 1-FB, and if it has an expedite

16 request on it in the remark section it will fallout for

17 manual handling, right?

18   A   That is correct. That is a designed manual

19 fallout in BellSouth's system.

20   Q   Okay. If you submit, what, 25 or 30 orders at a

21 time it may fall out for manual handling, right?

22   A   It would be 25 or 30 lines on an individual

23 order will fall out for manual processing, that is

24 correct.

25   Q   If there are related orders that the order that

1 is being submitted electronically relate to, it may fall

2 out for manual handling, right?

3   A   That is correct.

4   Q   And, indeed, in the discovery that has been

5 submitted here we have delineated the 14 categories that

6 cause things to fall out for manual handling, haven't we?

7   A   That is correct.

8   Q   Okay. Let's talk about the final issue, Issue

9 32, which is the repair and maintenance interface.

10 BellSouth uses a legacy system for maintenance and repair

11 called TAFI, is that correct?

12   A   BellSouth uses TAFI for the screening of

13 maintenance and repair tickets associated with nondesigned

14 POTS services, yes. It is one of them.

15   Q   And TAFI means trouble analysis and facilitation

16 interface?

17   A   That is correct.

18   Q   And, in addition, BellSouth uses another system

19 called WFA, work force administration, for its complex

20 orders, correct?

21   A   That is correct.

22   Q   Now, both of those systems -- are both of those

23 systems human-to-machine systems?

24   A   For the operator using the system they are

25 human-to-machine, and let me deal with TAFI first. TAFI

1   is a system that is integrated to other systems within

2   BellSouth. It is capable of looking into BellSouth's

3   customer record database, into the loop maintenance

4   operation system, and having that system perform tests and

5   tell it about past trouble history. It is capable of

6   communicating with a system called Predictor which tells

7   what the features are on a line in a given central office.

8   It is capable of communicating with a system called MARCH

9   (phonetic), which if you find a mismatch between what is

10   in the customer service record, the customer is paying for

11   it, but the central office doesn't have the service, it

12   can then have the central office provide the service.

13   So there is a human who operates TAFI, but it is

14   integrated with all of BellSouth's downstream systems.

15   That operation is machine-to-machine. In the past, before

16   TAFI, a BellSouth person had to talk to each one those

17   systems individually.

18   Q   Let me see if I can summarize what you just

19   said. When a BellSouth service rep deals with TAFI, he or

20   she sits in front of a computer terminal, talks to the

21   customer on the line, make entries into the system,

22   conducts certain tests to see what is wrong with the line,

23   and opens a trouble ticket if they can't figure out what

24   is wrong right there, right?

25   A   That is correct.

1   Q   And is that true of the WFA interface, as well?

2   And if you don't know, just say so.

3   A   WFA doesn't operate the same way that TAFI does.

4   Q   Does it have a human being sitting down in front

5   of a computer screen entering data into it?

6   A   It does. However, what you can do sitting in

7   front of that screen is much more limited than what

8   happens if you are sitting at a TAFI screen.

9   Q   Now, BellSouth has created a single interface

10   for CLECs called CLEC TAFI that allows you to interface

11   with our Legacy systems, maintenance and repair systems

12   for both complex, or design, and noncomplex services,

13   correct?

14   A   No, it doesn't do all of those. You can't do

15   design on TAFI. I can't do anything more on my TAFI than

16   you can do on your TAFI.

17   Q   Okay. Can you do anything less on my TAFI than

18   I can do on my TAFI?

19   A   As a company, considerably less. TAFI doesn't

20   talk to any of my systems. If I'm using TAFI, I have to

21   use TAFI then turn around and use my own system to update

22   my customer records.

23   Q   That wasn't --

24   A   Things of that nature. So, yes, actually there

25   is much less. I can do the same thing within BellSouth's

1   network that BellSouth can do, but it doesn't do anything

2   in terms of maintaining my databases associated with my

3   customers.

4   Q   But my question is when your operator sits down

5   in front of a TAFI screen, and we let you do that. I

6   mean, you have a TAFI screen at your work station, right?

7   A   That is correct.

8   Q   When your operator sits down at the TAFI screen

9   and takes a trouble order, that system acts for your

10   operator in terms of the functions it can perform, the

11   databases it dips into just like it does when our operator

12   operates it, right?

13   A   Correct, the BellSouth systems. It doesn't do

14   anything for talking to my systems.

15   Q   The real issue is that TAFI can't be integrated

16   into AT&T's systems. That is the real issue here, isn't

17   it?

18   A   That's correct, it cannot be.

19   Q   And except for the integration issue that we are

20   going to talk about, you really have the equivalent access

21   to the maintenance and repair systems, don't you?

22   A   No. Without integration, I don't have

23   equivalent access.

24   Q   I'm sorry, let me make the question very clear.

25   I thought it was. Except for the integration we are

1 talking about, you have the equivalent access to the

2 maintenance and repair systems, don't you?

3   A   I'm sorry, stated that way, you are correct.

4   Q   That's the way I meant to state it the first

5 time.

6   A   And you probably did and I answered you wrong.

7 I'm sorry.

8   Q   Okay. Now, there is another system called ECTA,

9 correct?

10   A   Correct.

11   Q   And that is the electronic communication trouble

12 administration, right?

13   A   Correct.

14   Q   And that is what we call a machine-to-machine

15 interface, correct?

16   A   That is a machine-to-machine interface. The

17 operator sitting on my side communicates with my machine,

18 sends it to BellSouth's machine.

19   Q   All right. And what you want -- I'm sorry, that

20 ECTA is integrable, right?

21   A   Correct. If I get something back from BellSouth

22 or I want to put something in on my side, I can put it

23 into my own systems.

24   Q   But the ECTA doesn't have all of the functions

25 of a TAFI maintenance interface, right?

1   A   That is correct.

2   Q   Now, the ECTA is a national industry standard

3 interface, correct?

4   A   It is based on national industry standards.

5   Q   Okay. And what you are asking the Commission

6 here to do is to make BellSouth take all the functionality

7 of TAFI and somehow put it into ECTA, correct?

8   A   That was -- again, we first learned about TAFI

9 in August of -- not August, April of 1996. And that

10 was -- when we learned about TAFI at that point in time we

11 said, hey, you need to give us that functionality over the

12 ECTA type data, type of thing so that it will be

13 integrable on our end. That would be parity. And so that

14 is the concept. If BellSouth wanted to put that concept

15 in play by designing a new interface, we would have no

16 objection. It just seemed very convenient. There was an

17 existing machine-to-machine interface available that that

18 functionality could be added to.

19   Q   All right. Do you still have the Texas order

20 there?

21   A   If I can remember where I put it. Right here on

22 top.

23   Q   I can perhaps just ask the question generally

24 and we won't have to go to the order, although this time I

25 actually have the footnote. Isn't it true that the FCC

1   has found that as long as we give you equivalent access to

2   our interface, that it doesn't have to be integrable in

3   order to be parity or represent parity?

4   A   If you can demonstrate that indeed you have

5   given us equivalent access resulting in parity, the FCC

6   says it does not have to be integrated, that is correct.

7   Q   And you admitted a few minutes ago that except

8   for the integration function you do have the functional

9   equivalent access to our repair and maintenance system,

10   correct?

11   A   Again, I think the integration there is the key.

12   Without integration I don't have the parity that the FCC

13   says you must demonstrate.

14   Q   Well, wait a minute. We have already agreed the

15   FCC said if you provide equivalent access you don't have

16   to integrate?

17   A   If you have demonstrated that you have done

18   that. BellSouth has not demonstrated they have done that.

19   Their last attempt at demonstrating that they were

20   providing parity in maintenance was the Louisiana II

21   filing, and the FCC said nothing that you are doing meets

22   the requirements. Those two interfaces haven't changed

23   since then.

24   Q   I'm sorry, Mr. Bradbury, but I know less than

25   ten minutes ago you agreed with me that except for the

1   fact that there was no integration that you had the

2   functional equivalent access to our maintenance system. I

3   wrote it down. Didn't you say that?

4   A   That's correct. But the except for integration

5   is the key. Without integration I don't have, as a

6   company, the functionality that BellSouth has as a

7   company.

8   Q   I see.

9   A   As I am operating that terminal I have that

10   exact same functionality for the terminal, but I don't

11   have it for the company. I can't integrate what I do on

12   that terminal with my systems; therefore, I don't have

13   equivalent functionality. I have equivalent access to

14   TAFI, but I don't have equivalent functionality as a

15   company.

16   Q   Would it be fair to say then that AT&T simply

17   doesn't agree with what the FCC concluded regarding this

18   access in the Texas order?

19   A   No, I don't think that's fair to say.

20   Q   Okay. You have got the Texas order if front of

21   you?

22   A   Yes.

23   Q   Let's look at paragraph -- it's beginning at

24   Paragraph 203, it is Footnote 565. Let me know when

25   you're there.

1   A   I'm there. I'm reading the -- I'm doing

2   reading.

3   CHAIRMAN JACOBS: Why don't we take this moment

4   to take a break. Let's come back in ten minutes.

5   THE WITNESS: Okay.

6   (Off the record.)

7   CHAIRMAN JACOBS: Back on the record.

8   Mr. Lackey, you may continue.

9   MR. LACKEY: Thank you, Mr. Chairman. I am very

10   close to being done, by the way.

11   CHAIRMAN JACOBS: All right.

12   MR. LACKEY: Two or three more minutes, and I

13   will put myself out of my misery.

14   BY MR. LACKEY:

15   Q   Mr. Bradbury, we were at Footnote 565 and I had

16   directed your attention to -- or I was going to direct

17   your attention to the -- basically, the sentence that

18   begins the Commission previously has determined. Do you

19   see that sentence?

20   A   Yes, I do.

21   Q   That says the Commission previously has

22   determined that a BOC is not required for the purpose of

23   satisfying checklist item two to implement an

24   application-to-application interface for maintenance and

25   repair functions provided it demonstrates that it provides

1   equivalent access to its maintenance and repair functions

2   in another manner. I read that correctly, didn't I?

3   A   Yes, you did.

4   Q   And it refers us to Paragraph 215 in the Bell

5   Atlantic order, doesn't it?

6   A   Yes, it does.

7   Q   Can you turn to Paragraph 215 in the Bell

8   Atlantic order. And let me know when you are there.

9   A   I am there.

10   Q   Would you read the first sentence in Paragraph

11   215 of the Bell Atlantic order?

12   A   Yes. "We disagree with AT&T's assertion that

13   Bell Atlantic must demonstrate that it provides an

14   integrable application-to-applicable interface for

15   maintenance and repair."

16   Q   Okay. Now, is there anything else in Paragraph

17   215 that you would like to read that I have omitted?

18   A   No, sir. But what I would like to read is

19   specifically about BellSouth's -- the FCC's determination

20   about BellSouth in Louisiana II order at Paragraphs 151

21   and 152.

22   Q   Well, I haven't asked you about that, but I

23   will. When was the Louisiana order entered?

24   A   It was in October of 1998.

25   Q   More than two years ago?

1   **A**   That is correct, and nothing about these

2 interfaces has changed. And the FCC's concluding sentence

3 in Paragraph 252 is that because BellSouth fails to

4 provide sufficient evidence that its TAFI interface gives

5 competitors nondiscriminatory access to BellSouth's repair

6 and maintenance capabilities, TAFI does not satisfy

7 BellSouth's checklist obligations." TAFI hasn't changed

8 since 1998.

9   **Q**   Well, has the FCC reviewed TAFI since 1998?

10   **A**   No, sir.

11   **Q**   Okay. So you don't know what the FCC's opinion

12 today might be about TAFI, then, do you?

13   **A**   BellSouth has not provided them any information

14 so, no, I don't.

15   **Q**   But you do know that as recently as the Bell

16 Atlantic order that the FCC said we disagree with AT&T's

17 assertion that Bell Atlantic must demonstrate that it

18 provides an integrable application-to-application

19 interface, right?

20   **A**   That is correct.

21   **Q**   An integrated interface is not required to have

22 parity, is it?

23   **A**   If as the FCC said the ILEC demonstrates that it

24 is otherwise providing nondiscriminatory access.

25 BellSouth has not yet done that.

1   Q   But you agreed a few moments ago that except for

2   the integration you were getting the equivalent -- let me

3   get the exact words. You agreed that you were getting the

4   functional equivalent, didn't you?

5   A   When I use TAFI, I get the same functions from

6   the box that BellSouth's get. But I do not get the same

7   overall result that BellSouth got. If I am a BellSouth

8   user of TAFI, and I have cleared my customer's trouble,

9   BellSouth's systems that are associated with TAFI, with

10 billing the customer, with billing him for repair if that

11 is appropriate, with running the central office, know that

12 that event occurred and have been updated.

13   As an ALEC, when I finish using TAFI, my systems

14 don't even know there was a trouble. I have to turn to my

15 system and input all of that same information to my

16 systems to bring me to the point that BellSouth is when

17 they finish using TAFI.

18   Q   And that's --

19   A   I'm not through when I use TAFI. So I don't

20 have as a company the same functionality that BellSouth

21 has.

22   Q   And that's because it is not integrable, right?

23   A   That is correct. Without integration I don't

24 have the same functionality.

25   Q   Let's go back to my senior moment when we were

1   talking about parsing and I couldn't find the footnote I

2   was looking for, and I will be done. If you will turn to

3   Footnote 413, it's Paragraph 153 in the SBC order. That

4   is the footnote I was asking you about when I asked you

5   whether the AT&T -- whether the FCC had told AT&T that it

6   wasn't entitled to parsing on the ILEC side of the

7   interface. Let me know when you are at Paragraph 413.

8   A   Footnote 413?

9   Q   Yes, it's at Paragraph 153.

10   A   I'm there.

11   Q   All right. 413 says, doesn't it, contrary to

12   AT&T's interpretation of the Bell Atlantic New York order,

13   we have not previously stated that a BOC must perform

14   parsing on its side of the interface. Rather, we consider

15   whether integration has been shown to be possible or has

16   been achieved. So AT&T was arguing that the ILEC had to

17   do the parsing on its side of the interface, wasn't it?

18   A   It would appear so from the words here, yes.

19   Q   Okay. And it also appears from the words here

20   that the FCC had not ordered parsing on the ILEC side of

21   interface, didn't it?

22   A   The last sentence, "Rather, we consider whether

23   integration has been shown to be possible or has actually

24   been achieved," I don't think that either of those has

25   occurred here.

1   Q   But the answer it my question is yes, though,

2   the FCC has not ordered parsing on the ILEC side of the

3   interface, correct?

4   A   That is correct.

5   MR. LACKEY: That's all I have Mr. Chairman. I

6   again apologize for my senior moment. I couldn't find

7   that footnote earlier.

8   CHAIRMAN JACOBS: No problem. That was very

9   minor. Staff.

10   MR. FORDHAM: Thank you, Mr. Chairman. I do

11 have a few questions. Perhaps before I ask my questions,

12 I just -- particularly in Mr. Bradbury's testimony there

13 have been a lot of acronyms used, I would just hope the

14 parties would assist the court reporter a little bit.

15 Some of these acronyms may be difficult for her.

16   THE WITNESS: I think we can do that. Mr. Pate

17 has a very nice exhibit. His Exhibit Number 1 is a list

18 of acronyms. We will make sure between Mr. Pate and I and

19 BellSouth that she gets that.

20   CROSS-EXAMINATION

21 BY MR. FORDHAM:

22   Q   Mr. Bradbury, I am Lee Fordham. Let's start by

23 asking whether you regard the change control process as

24 fully collaborative?

25   A   My answer is no, I don't. And the principal

1   reason for that is that when we go to a meeting with the

2   BellSouth change control team, the people who are there

3   are not empowered to change BellSouth's position or

4   represent a new position for BellSouth. They are simply

5   there to carry messages back and forth. So it is hard to

6   collaborate with somebody when the people you are dealing

7   with have no empowerment.

8   Q   In BellSouth's response to staff's third set of

9   interrogatories, they mention three entities, namely the

10 change review board, the triage, and the senior board of

11 directors. Do the ALECs have the ability to explain any

12 of their change requests to any of those entities?

13   A   No, sir, we do not. In fact, until recently we

14 didn't know of the existence of those entities.

15   Q   Has BellSouth now revealed the existence and

16 more so, the function of those groups to the ALECs?

17   A   No, sir. The only place I have seen the

18 descriptions that you are talking about is in the

19 interrogatory response here. We have asked for that a

20 number of times in the change control process, there have

21 been some commitments made to describe that to us, but it

22 hasn't happened yet.

23   Q   Do you know whether these three groups make

24 decisions regarding the acceptance, or rejection, or the

25 scheduling, or modification of change requests?

1   A   The only thing I know about them is what I have

2 read in BellSouth's response.

3   Q   So you wouldn't know whether BellSouth can

4 reject ALEC agreed consensus proposals which modify the

5 change control process?

6   A   I would know that. That is a different event.

7 They can and have very recently. I explained that just

8 briefly. We have been involved in the process of changing

9 the document that drives the change control process.

10 There was a ballot or a vote process that occurred the end

11 of last month. We used -- there were 34 items on that

12 ballot; 27 of them were items that had been discussed --

13 well, all 34 had been discussed in the meeting.

14 Twenty-seven of them in that meeting were found to be

15 consensus of the meeting participants. In other words,

16 the participants in the meeting had no serious objection

17 to the item.

18   So those were all balloted as a single item or

19 as individual single items as meeting consensus for the

20 rest of the CLECs to concur with or not concur with as

21 they individually saw fit. There were seven items on that

22 ballot which were listed as what we call contested

23 consensus. For those there were two recommendations on

24 the ballot, a CLEC recommendation and a BellSouth

25 recommendation. Ballots went out, the ballots came back.

1   For the 27 items consensus continued. The

2   returned ballots confirmed the consensus of the meeting

3   participants. For the seven items that were in contested

4   mode, the CLECs returning ballots all supported -- not

5   all, but supported the seven CLEC recommendations.

6   BellSouth didn't support any of the CLEC recommendations,

7   they supported their own. So despite the fact that there

8   was consensus from the ballots, BellSouth did not

9   implement the changes associated with those. In the new

10   version of the document that was posted last Friday for

11   those seven items BellSouth language appears in the

12   document.

13   Q   So, generally speaking, would you say that

14   BellSouth implements some, all, or most of the high

15   priority change requests which CLECs ranked by their

16   votes?

17   A   Okay. Here I think you are talking about the

18   process where a number of change requests have been

19   submitted and have been accepted by BellSouth and we come

20   to what is called a prioritization meeting. BellSouth and

21   the CLECs using a weighted voting methodology determine

22   prioritization of -- let's say there are seven items

23   there. They are rank ordered one to seven. The concept

24   is that the highest ranked ordered, the items which are,

25   of course, the ones that the CLECs want the most, should

1   receive or be in the most early releases that come out.

2   What we find very often is when we come back 30

3   or 45 days later, BellSouth's release package may not

4   include the highest rank items, but may include some of

5   the lowest ranked items. So a change may occur there

6   after the CLECs have prioritized the items.

7   Q   And do you know, sir, why that might be?

8   A   There are a number of things that we suspect

9   might occur, and we have asked BellSouth to explain why

10   that occurs. Apparently there may be some resource

11   constraints within BellSouth, there may be some

12   contractual obligations that result in those changes. We

13   haven't had a good accounting of why those changes occur

14   yet. Again, we have asked for that as a CLEC community at

15   the change control meetings, we have been promised that we

16   would get it and we are kind of still waiting on it.

17   Q   What is your understanding of the term defect in

18   the context of a change control?

19   A   There is a very formal definition of defect that

20   AT&T, the CLECs, and BellSouth do agree with. It was

21   published in the new version. It includes those

22   conditions under which an interface is not working in

23   accordance with the published business rules, or user

24   specifications that exist within BellSouth, or even if it

25   is working in accordance with those, but still doesn't

1   provide the CLECs with the functionality that was

2   advertised to go with the feature. Those things are

3   defects. It could also occur in a document, that a

4   document might not be correct. We are in agreement about

5   the formal definition of a defect at this point in time.

6   Q   How about the definition of a validated defect,

7   is there a difference?

8   A   We could run into some conflict there. Let's

9   say AT&T submits what we think is a defect. BellSouth

10 will analyze that and they may come back and say, no, that

11 is not a defect. We are going to call that a feature and

12 we will put it into the feature process. We may disagree.

13 At that point we can appeal or escalate if we think that

14 the determination that it is not a valid defect is

15 inaccurate.

16   Q   The current 2.0 version of the change control

17 guide calls for an interval of four to 25 days before

18 BellSouth must correct a validated defect. What is AT&T's

19 perception of the impact on its ability to use an

20 interface if a defect cannot be corrected in the four to

21 25-day time frame?

22   A   You know, obviously that will vary by the

23 severity of the defect that exists there, which is why

24 AT&T and the CLECs have asked that that interval be

25 reduced to a four to ten-day interval to reduce the impact

1   on our business. During the time that we are waiting for

2   a change to occur or a defect to be corrected, we have to

3   do some sort of a work-around. In some cases that may be

4   possible to manipulate the electronic order in some

5   fashion to still get the service that you want, or you may

6   have to drop all the way back to manual processing of that

7   request. So, it is a business impact. It increases our

8   costs, lengthens the time for provisioning of service, and

9   may result in a higher error rate.

10   MR. FORDHAM: I don't have any further

11   questions, Mr. Chairman.

12   CHAIRMAN JACOBS: Commissioners. Just a couple

13   of questions. This idea of -- I think it is the complex

14   orders are the ones that fall out, is that correct?

15   THE WITNESS: Complex orders are one type of

16   order that fall out.

17   CHAIRMAN JACOBS: Then they get processed

18   manually, is that correct?

19   THE WITNESS: That is correct. They fall out to

20   a center in BellSouth called the local carrier service

21   center. They look at the order, determine if there is

22   anything additional -- in most cases there is nothing

23   additional, it just needs to be re-input to the SONGS or

24   DOE interface and then it goes on from there.

25   CHAIRMAN JACOBS: I thought I recalled that

1   there was a process, either an improvement or a new

2   process in one of the new interfaces where there will be

3   an opportunity to do a review of the application before it

4   went into the order process. And I can't recall what the

5   technical term for it was, but essentially there will be

6   an opportunity at the time your office finishes inputting

7   the information to ensure that everything is as correct as

8   possible so it will minimize the chance of a later error.

9   Does that sound familiar?

10   THE WITNESS: There are a couple of different

11   way we can accomplish that. If I'm using an interface

12   like LENS, which is an interface that BellSouth provides,

13   the CLEC doesn't have to do any programming. That

14   interface has internal editing in it that you must satisfy

15   before you can release your order. The next type of

16   interface is an interface called ROBOTAG, which BellSouth

17   builds specifically for you, the CLEC.

18   It also has some editing in there, but you, the

19   ALEC, now also have some obligations to edit. So those

20   two do. If I'm using a standard machine-to-machine TAG

21   interface, or the EDI interface, the electronic data

22   interchange interface, which is what AT&T uses, I have the

23   burden of providing editing on my end to reduce my error

24   rates.

25   CHAIRMAN JACOBS: You won't be using the

1   ROBOTAG, right? You use the EDI?

2   THE WITNESS: The two interfaces we are using

3   for ordering today are LENS and EDI.

4   CHAIRMAN JACOBS: Okay. I didn't realize you

5   were using LENS now. But even if you do everything right,

6   you minimize the errors. As I understand the complex

7   orders will fall out simply because of the nature of the

8   subject matter that is being requested.

9   THE WITNESS: There are a number of order types

10   that BellSouth allows us to input electronically, go over,

11   and then by design they fall out for a BellSouth person to

12   reinput into their ordering system.

13   CHAIRMAN JACOBS: And, now, once that reinput

14   process occurs, you -- I think there was a question as to

15   how well you are able to monitor it from that point on, is

16   that correct? I may be mistaken, so please say so.

17   THE WITNESS: I'm just trying to think. Most of

18   the time if I -- most of the time if I am able to send the

19   order electronically, BellSouth will status me about that

20   order electronically.

21   CHAIRMAN JACOBS: Okay.

22   THE WITNESS: Now, there are some conditions

23   where that doesn't always happen, but the design objective

24   is if I send it electronically, I will be statused on it

25   electronically.

1   CHAIRMAN JACOBS: Okay. But in this instance

2   where it falls out, I think there was some diagram, at one

3   point I saw just where just before the form order

4   confirmation goes through there is another check which

5   essentially verifies that that reinput process occurred

6   properly, and you don't get a firm order confirmation if

7   that wasn't correct. And I may be wrong, but I will go

8   with your recollection because you have been much more

9   involved with this then I have.

10   THE WITNESS: Again, when BellSouth re-inputs an

11   order on our behalf, the machines that they are using have

12   edit capabilities in them, yes.

13   CHAIRMAN JACOBS: And then I guess you answered

14   my other question about ROBOTAG. Let me venture outside

15   of -- and if you are at liberty to answer this, feel free

16   to. If not, then say so as well. But it is my

17   understanding that there are many CLECs out there who may

18   or may not use ROBOTAG, that they have TAG, the

19   predecessor version and they may not upgrade. That being

20   the case, they don't get an editing facility, is that

21   correct?

22   THE WITNESS: I really can't answer your

23   question, because I'm not familiar with what the other

24   ALECs are doing in terms of upgrading from one interface

25   to the other.

1   CHAIRMAN JACOBS: That's fine. Thank you.

2   Redirect.

3   MS. RULE: Thank you.

4   REDIRECT EXAMINATION

5 BY MS. RULE:

6   Q   Mr. Bradbury, let's start out with operator

7 services and directory assistance. One of the issues in

8 this case is whether AT&T has to pick just one operator

9 service or directory assistance provider as BellSouth

10 wants, correct?

11   A   Correct.

12   Q   And BellSouth says that it will look up the line

13 class codes if AT&T agrees to choose just one operator

14 service or directory assistance destination for all of its

15 calls, right?

16   A   That is correct.

17   Q   But if AT&T wants to send, say, its business

18 customer calls to one operator service provider and its

19 residential calls to another provider, then BellSouth

20 wants AT&T to look up line class codes and place them on

21 an order, right?

22   MR. LACKEY: Mr. Chairman, let me object. This

23 is supposed to be redirect and she is leading him

24 terribly. And I object to the leading nature of the

25 questions.

1   CHAIRMAN JACOBS: Could you rephrase your

2   question.

3   MS. RULE: Certainly.

4   BY MS. RULE:

5   Q   Do you remember Mr. Lackey telling you how

6   BellSouth wanted AT&T to place line class codes on orders?

7   A   Yes, I do.

8   Q   Why is this a problem?

9   A   It's a problem because the line class code

10   identity is not consistent across the 240 offices in the

11   State of Florida. Let's assume that I had gone in and

12   said I want two patterns in these offices. BellSouth will

13   take an order with no indicator for one of those patterns,

14   but every time I want to use the other pattern I have to

15   provide the line class code, the actual identity in the

16   associated central office.

17   So I now have to build a table that tells me

18   what BellSouth has assigned in each of those 240 central

19   offices. They already have a database that does that for

20   every other order that I submit. If I submit an order for

21   a variation of service that needs a line class code,

22   BellSouth goes and finds that line class code out of this

23   database.

24   They are forcing me, though, if I submit an

25   order that says I want to do something with OS/DA to

1   provide them with the actual line class code identity in

2   that central office, and they are not consistent across

3   the 240. I could conceivably need to look up each time,

4   you know, what number to put in that field. BellSouth

5   already has a database that does that for every other

6   order I submit.

7   Q   Is there anything different that AT&T is asking

8   BellSouth to do with regard to operator service and

9   directory assistance line class code assignments than with

10   the other calls you discussed?

11   A   No.

12   Q   Mr. Lackey also asked you some questions about

13   settlement discussions, correct?

14   A   About the discussions that Mr. Milner and I are

15   having?

16   Q   Yes, sir.

17   A   Correct.

18   Q   Has this matter been settled as we sit here

19   today?

20   A   No, it has not.

21   Q   Has AT&T proposed any contract language in its

22   petition or testimony?

23   A   Yes, we have.

24   Q   And if we do not succeed in settling the issue

25   by the time the Commission votes, what are you asking the

1   Commission to order BellSouth to do?

2   A   To adopt the language that we have submitted in

3   our petition.

4   Q   Moving on to the change control process, Mr.

5   Lackey used the word consensus in connection with that

6   process. What does that term actually mean in connection

7   with the change control process?

8   A   Actually within the change control process, the

9   term has never been defined. My definition and the

10   definition that we used in a meeting was that if no party

11   has a serious objection consensus has been reached. We

12   went further than that in publishing the ballot that I

13   discussed earlier to the CLECs. We gave the -- the ALECs,

14   pardon me -- the capability to classify whether they

15   agreed with the position, somewhat disagreed -- no, I

16   don't need to get a ballot out, but there were five

17   levels, and we agreed that for that ballot as long as 66

18   percent of the returns were in the top four levels, that

19   only one-third of the respondent's had a strong

20   disagreement, that that would represent consensus.

21   Q   Is that defined anywhere in the change control

22   document?

23   A   Not presently, no.

24   Q   Is there anything in the change control document

25   as it stands today that actually requires BellSouth to do

1   what the CLECs agree to by a consensus?

2   A   No.

3   Q   Does BellSouth always comply with the consensus

4   of the change control group?

5   A   No, they do not.

6   Q   If the parties reach a consensus, can BellSouth

7   still veto a request?

8   A   Yes, they can. And I think we discussed that

9   earlier in the balloting process that just occurred with

10 the seven items that were in contested status, BellSouth

11 is implementing its recommended language rather than the

12 language that the ALECs concurred in.

13   Q   Moving on to operational support systems. In

14 Issue 31 you have stated that AT&T is asking for some

15 specific OSS functionalities. And Mr. Lackey asked you a

16 couple of questions about dealing with those issues

17 through the change control process. And in order to make

18 this issue perfectly clear, could you tell us why AT&T is

19 asking the Commission to arbitrate these issues and is not

20 simply relying on the change control process?

21   A   We have a right under the Act to arbitrate any

22 issue that we think has a significant impact on our

23 business. And so we are bringing these issues to you here

24 because they do have a significant impact on our business

25 and upon the business of other ALECs trying to enter the

1   market here in Florida.

2   We are using the change control process at the

3   same time, but our experience there has been that it takes

4   entirely too long to get some of these things going. For

5   example, the parsed CSR change request was formally filed

6   as a change request in August of 1999. The best prospects

7   for an implementation now are in, quote, the summertime of

8   this year.

9   Q   Moving on to electronic ordering and electronic

10   processing. If AT&T cannot order something

11   electronically, how does it order something?

12   A   We send a facsimile to BellSouth who then takes

13   it and a BellSouth service representative in the local

14   carrier's service center takes that facsimile, enters it

15   into their ordering system on our behalf.

16   Q   Is there a difference in the number of orders

17   that AT&T could send per day electronically versus sending

18   via fax?

19   A   I think we could probably send as many, but I

20   don't think that BellSouth could input as many.

21   Q   So why is AT&T asking the Commission to order

22   BellSouth to provide electronic ordering instead of manual

23   ordering for its services and elements?

24   A   The simplest answer is because that is how

25   BellSouth orders all of its services and elements for its

1   customers is electronically. That is the most efficient

2   and effective method. It reduces errors and it eliminates

3   delays. Using manual processes we find ourselves being

4   delayed, encountering errors.

5   Q   Is there a cost associated with manual

6   processing that is not associated with electronic

7   processing?

8   A   Yes, there is. Again, if I'm submitting a

9   manual order, I'm going to be statused and receive

10   information back from BellSouth manually which I must then

11   take and input to my systems. So there is additional work

12   load for me in addition to the additional work load on

13   BellSouth. There is more cost for everybody.

14   Q   Is there any competitive effect of having manual

15   instead of electronic ordering of services and elements?

16   A   It does take longer to get the order placed

17   using manual ordering processes. And BellSouth targets

18   associated with implementing or a manual order are longer

19   than they are with implementing an electronic order.

20   Q   You also testified that AT&T wants the

21   Commission to order BellSouth to provide electronic

22   processing. Now, what happens if AT&T submits an order

23   electronically and BellSouth does not process that order

24   electronically?

25   A   When an order falls out, it is routed to this

1　same local carrier service center that I mentioned before.

2　The problem is BellSouth may not get to that order for a

3　number of hours. In October, orders that fell out waited

4　for 100 -- some of orders waited 130 hours on average to

5　be claimed. That is before somebody at BellSouth looked

6　on it. That has varied over the months. And I will

7　report that BellSouth's performance in December was much

8　better. They are now at approximately 30 hours for one

9　set of orders, 17 for another, and even 10 for one. I

10　don't know whether they can maintain that, but it falls

11　out and waits for a number of hours, and in some cases as

12　we have seen in the past for a number of days before

13　anybody at BellSouth even looks at that order.

14　　Q　And what is the effect on customers?

15　　A　Customers will most likely see a change in their

16　due date. We will have promised them you can get this

17　service on Thursday or Friday. It falls out, it doesn't

18　get claimed for two days, it is going to be Monday or

19　Tuesday of next week before you see the service.

20　　Q　Now, you testified that all BellSouth -- or that

21　BellSouth can order all services and elements

22　electronically and they are electronically processed. Can

23　you tell me what information you base this upon?

24　　A　BellSouth's testimony over just this recent

25　arbitration. Mr. Pate has admitted in many cases that all

1 BellSouth services and elements are ordered through the

2 ROS interface for business or the RNS interface for

3 residence. Two years ago we asked them in Louisiana the

4 same question in a different fashion. They provided us

5 back a matrix, which is an exhibit in my direct testimony,

6 that indicates that all services are ordered through at

7 that time what was the SONGS interface. It has now been

8 replaced by ROS.

9   Q   Now, BellSouth also has some manual processes

10 associated with ordering services and elements, doesn't

11 it?

12   A   Yes. But all of those services are processed

13 through what we call preordering processes. They occur

14 before the point at which the order is input to the ROS

15 system or the RNS system for residence, or DOE or SONGS on

16 behalf of the CLEC.

17   Q   Are you asking the Commission to automate those

18 processes?

19   A   No, I am not.

20   Q   So what exactly are you asking the Commission to

21 order BellSouth to provide electronically?

22   A   To provide the ability to AT&T to enter all our

23 orders for all services and elements that we can request

24 from BellSouth into our own ordering system, have them be

25 electronically transmitted to BellSouth and subsequently

1   be processed without any further manual intervention.

2   Q   Moving on to maintenance and repair. I believe

3   you said AT&T can use TAFI. Could you tell us what TAFI

4   stands for?

5   A   Trouble analysis facilitation interface.

6   Q   Okay. And I believe you said AT&T can use TAFI

7   in the same way that BellSouth uses TAFI, is that correct?

8   A   That is correct.

9   Q   What exactly do you mean by that?

10   A   If I'm sitting at the TAFI terminal that

11 BellSouth has extended to me, I can look at BellSouth's

12 customer service record for my customer, but I can't look

13 at my service record for my customer. I can look at

14 BellSouth's central office translations associated with my

15 customer. I can look at the trouble history in

16 BellSouth's databases associated with my customer, but I

17 can't look at the trouble history in my own database

18 associated with my customer.

19   Q   When AT&T uses TAFI, does it achieve the same

20 benefits that BellSouth achieves when it uses TAFI?

21   A   No, it does not. And that is, again, because I

22 can't -- I can't use TAFI to keep my databases up-to-date.

23 After I have used TAFI, I have to turn around and use my

24 own -- and manually input to my own systems the

25 information that I want my systems to know about my

1   customer.

2   Q   Does that impose additional costs on AT&T that

3   are not imposed on BellSouth?

4   A   Yes, it does. All of that additional dual entry

5   work is a cost I have that BellSouth does not have when

6   they use TAFI.

7   Q   So what specifically are you asking the

8   Commission to order with regard to TAFI?

9   A   What we have been requesting is that TAFI

10   functionality be made available over an integrable

11   interface. The obvious choice because it exists is the

12   ECTA interface. If that is not functionally the fastest

13   way to do it, if BellSouth's needs to develop a stand

14   alone interface that does that, we would have no

15   objections.

16   MS. RULE: Thank you. No further questions.

17   CHAIRMAN JACOBS: Exhibits.

18   MS. RULE: AT&T would move Exhibits 12 and 13.

19   CHAIRMAN JACOBS: Without objection, show

20   Exhibits 12 and 13 admitted. You are excused, Mr.

21   Bradbury. What do you think, one more?

22   (Exhibits 12 and 13 admitted into the record.)

23   MR. LACKEY: We don't have anywhere to go. If

24   we could get one more in it would be good. I don't know

25   how long it's going to take. Do you have any idea?

1   MS. RULE: Could we have just one moment,

2 please.

3   CHAIRMAN JACOBS: Yes, we will go off the record

4 for one moment.

5   (Off the record.)

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1   STATE OF FLORIDA   )

2   :   **CERTIFICATE OF REPORTER**

3   COUNTY OF LEON   )

4

5   I, JANE FAUROT, RPR, Chief, FPSC Bureau of Reporting
     FPSC Commission Reporter, do hereby certify that the
     Hearing in Docket No. 000731-TP was heard by the Florida
6   Public Service Commission at the time and place herein
     stated.

7

8   IT IS FURTHER CERTIFIED that I stenographically
     reported the said proceedings; that the same has been
     transcribed under my direct supervision; and that this
9   transcript, consisting of 172 pages, Volume 3 constitutes
     a true transcription of my notes of said proceedings and
10   the insertion of the prescribed prefiled testimony of the
     witnesses.

11
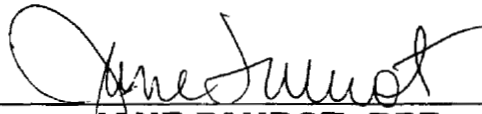
12   I FURTHER CERTIFY that I am not a relative, employee,
     attorney or counsel of any of the parties, nor am I a
     relative or employee of any of the parties' attorney or
13   counsel connected with the action, nor am I financially
     interested in the action.

14

15   DATED THIS 27TH DAY OF FEBRUARY, 2001.

16

17   _____
                    JANE FAUROT, RPR
18   FPSC Division of Records & Reporting
              Chief, Bureau of Reporting
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