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01 JUL 18 PM 4:59

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COMMISSION
CLERK

July 18, 2001

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 010098-TP (Florida Digital)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Rebuttal Testimony of Jerry Kephart, John A. Ruscilli, and Thomas G. Williams, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Patrick W. Turner
Patrick W. Turner (KA)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

08769-01 thru 08769-01

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[Signature]
FPSC-BUREAU OF RECORDS

1 BELLSOUTH TELECOMMUNICATIONS, INC.
2 REBUTTAL TESTIMONY OF JERRY KEPHART
3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
4 DOCKET NO. 010098-TP
5 JULY 18, 2001
6

7 Q. PLEASE STATE YOUR NAME, YOUR BUSINESS ADDRESS, AND
8 YOUR POSITION WITH BELLSOUTH TELECOMMUNICATIONS, INC.
9 ("BELLSOUTH").
10

11 A. My name is Jerry Kephart. My business address is 675 West Peachtree
12 Street, Atlanta, Georgia 30375. I am Senior Director - Regulatory for
13 BellSouth. I have served in my present position since October 1997.
14

15 Q. ARE YOU THE SAME JERRY KEPHART WHO EARLIER FILED DIRECT
16 TESTIMONY IN THIS DOCKET?
17

18 A. Yes.
19

20 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY BEING
21 FILED TODAY?
22

23 A. I will respond to portions of the testimony of Florida Digital Network (FDN)
24 witness Gallagher with respect to Issues 3(a), 3(b), and 10.
25

1 **Issue 3(a): Should BellSouth be required to consult with FDN prior to**
2 **closing a trouble ticket?**

3

4 Q. DOES BELLSOUTH CLOSE TROUBLE TICKETS WITHOUT
5 ATTEMPTING TO CONTACT FDN?

6

7 A. No, BellSouth's normal procedure is for a BellSouth representative to
8 contact FDN, or any other ALEC, before closing a trouble ticket. The
9 Outside Technician or the Central Office Technician involved in the
10 investigation of the trouble will call FDN prior to closing the ticket.
11 BellSouth follows the same procedures for notification on the status of
12 trouble reports for the ALECs that it follows for BellSouth retail customers.

13

14 Q. WHEN BELLSOUTH IS ABLE TO REACH THE FDN REPRESENTATIVE
15 PRIOR TO CLOSING THE TROUBLE TICKET, WHAT STEPS WILL
16 BELLSOUTH TAKE WITH FDN TO ASSIST IT IN RESOLVING THE
17 TROUBLE SITUATION?

18

19 A. When BellSouth does reach the FDN representative, BellSouth will
20 continue to work with FDN, at no additional charge, through fifteen
21 minutes of cooperative testing. BellSouth is also willing to "stop the clock"
22 for up to 24 hours on a trouble ticket at the request of FDN if BellSouth
23 reports no trouble found and FDN requests additional time to investigate
24 the trouble. For example, upon completion of BellSouth's investigation
25 and any required repair work, BellSouth informs FDN of the trouble status

1 and the remedial steps it took. FDN may agree to close the trouble ticket
2 at that time or it can request that the trouble ticket be held open for up to
3 24 hours while FDN confirms that the trouble condition was cleared. The
4 timer that measures the total duration of the outage (from the time the
5 trouble condition is reported to the time the trouble ticket is closed) is
6 stopped while FDN confirms the status of the trouble condition.

7

8 Q. WHAT IS THE BENEFIT TO FDN OF BELLSOUTH'S "STOPPING THE
9 CLOCK" ON A TROUBLE TICKET?

10

11 A. This allows FDN to do its own testing or investigation to corroborate
12 BellSouth's findings, without inappropriately extending the measured
13 outage duration. If, during the 24-hour window, FDN notifies BellSouth
14 that FDN believes that the trouble condition is not resolved, BellSouth can
15 investigate further. By holding the trouble ticket open to permit additional
16 investigation, FDN can minimize the need to open another trouble ticket
17 for the same trouble report. In cases where BellSouth and FDN have
18 agreed to close a particular trouble ticket and a trouble condition arises
19 subsequently, BellSouth will open a new trouble ticket upon FDN's
20 request.

21

22 Q. HAS BELLSOUTH ALTERED ANY PRACTICES REGARDING CLOSING
23 OUT TROUBLE TICKETS FOR SL1s AS MR. GALLAGHER STATES ON
24 PAGE 42 OF HIS TESTIMONY?

25

1 A. No, BellSouth does not have any new procedures in place that would
2 impact the frequency that BellSouth attempts to reach FDN prior to closing
3 a trouble ticket. The experience Mr. Gallagher describes is simply a
4 function of BellSouth technicians following existing practices by attempting
5 to notify FDN before closing any trouble tickets concerning SL1 loops.
6

7 Q. WHAT IS BELLSOUTH'S RECOMMENDATION TO THIS COMMISSION
8 CONCERNING THIS ISSUE?
9

10 A. BellSouth asks this Commission to determine that BellSouth's current
11 procedures regarding contacting FDN before closing trouble tickets are
12 reasonable and to deny FDN's request that BellSouth take any additional
13 actions.
14

15 **Issue 3(b): When FDN reports a trouble ticket, should BellSouth charge**
16 **FDN for that trouble ticket when BellSouth reports "no trouble found" and**
17 **the trouble is resolved while the ticket is open?**
18

19 Q. WHY DOES BELLSOUTH ISSUE A CHARGE TO FDN FOR "NO
20 TROUBLE FOUND" IF THE END USER CONTINUES TO EXPERIENCE
21 A PROBLEM?
22

23 A. The communications circuit that provides service to the end user consists
24 of the BellSouth loop facility, equipment attached to it by FDN and
25 customer premises equipment attached by the end user. BellSouth is only

1 responsible for maintaining the loop facility it provides to FDN. When a
2 trouble occurs on the communications circuit, it could appear on any
3 portion of the loop facility or the equipment attached to the loop. Should
4 FDN report a trouble on BellSouth's loop facility that does not exist, and
5 BellSouth incurs cost via a dispatch to make that determination, then
6 BellSouth must be able to recover that cost. It is certainly possible that an
7 end user could continue to experience problems after BellSouth has
8 checked its loop facility if the problem exists on some other portion of the
9 circuit.

10
11 Q. ON PAGES 41-43 OF HIS TESTIMONY, MR. GALLAGHER ALLEGES
12 THAT BELLSOUTH HAS GENERATED CHARGES TO FDN
13 ERRONEOUSLY BY CLOSING A SIGNIFICANT NUMBER OF TROUBLE
14 REPORTS AS NO TROUBLE FOUND (NTF) WHEN FDN BELIEVES
15 THE TROUBLES WERE IN THE BELLSOUTH NETWORK. PLEASE
16 COMMENT ON THIS TESTIMONY.

17
18 A. When BellSouth dispatches a technician to diagnose a loop condition, the
19 technician will isolate the loop from all other equipment on the circuit
20 before completing the testing work. If the technician detects no trouble
21 condition on the loop following this isolation procedure, he or she will then
22 attempt to close the report to FDN as a no trouble found. While it is
23 difficult to determine the nature of the testing work done by FDN in the
24 exhibits provided in Mr. Gallagher's testimony, it appears that at least a
25 portion of the circuit tested by FDN included other equipment; either

1 FDN's, the end user's or both. In order for FDN's allegations to have more
2 substance, FDN would have to actually dispatch, isolate and test
3 BellSouth's loop before and after BellSouth's dispatch of its technician.
4 There is no indication that FDN did this.

5
6 Q. IF FDN IS BILLED FOR A TROUBLE THAT IS LATER DISCOVERED TO
7 BE A TROUBLE IN THE BELL SOUTH NETWORK, WHAT SHOULD FDN
8 DO TO RECEIVE CREDIT FOR THE ERRONEOUS BILLING?

9
10 A. FDN should follow the process flow for a billing adjustment. This process
11 enables any ALEC with a billing dispute to complete the necessary forms
12 to settle any disputed billing by accessing the BellSouth interconnection
13 website
14 (www.interconnection.bellsouth.com/forms/html/billing&collections.html).
15 The ALEC completes the information on the Billing Adjustment Request
16 Form and forwards it to the BellSouth Billing Center. BellSouth enters the
17 dispute into the tracking system and provides the ALEC with a tracking
18 number and contact information. The Billing Adjustment Request Form
19 includes fields to enable the ALEC to completely describe the disputed
20 issue and to provide ALEC contact information for any questions that may
21 arise as the billing adjustment is processed. FDN should include all
22 pertinent information in the field "Reason Amount Is In Question". FDN
23 can also include the name of a contact person for BellSouth who would be
24 familiar with the trouble ticket at issue in this field. BellSouth assigns the
25 dispute to a group or representative to perform the dispute analysis, who

1 will then issue the credit to FDN after reviewing the completed and
2 accurate form. The BellSouth group/representative can contact FDN with
3 any questions concerning the dispute, according to the contact information
4 FDN has provided in the form.

5
6 **Issue 10: For purposes of the new BellSouth/FDN interconnection**
7 **agreement, should BellSouth be required to provide FDN a service order**
8 **option for all voice grade UNE loops (other than SL-1 and SL-2) whereby**
9 **BellSouth will 1) design circuits served through an integrated subscriber**
10 **loop carrier (SLC), where necessary and without additional requirements**
11 **on FDN, 2) meet intervals at parity with retail service, 3) charge the SL-1**
12 **rate if there is no integrated SLC or the SL-2 rate if there is, and 4) offer the**
13 **other coordination option?**

14
15 Q. WHAT IS YOUR UNDERSTANDING OF THE CONCERN FDN IS
16 ATTEMPTING TO ADDRESS THROUGH THIS ISSUE?

17
18 A. It appears that FDN is experiencing difficulty in determining what type of
19 loop to order for specific locations. Apparently, FDN would prefer to order
20 the least expensive option that would meet the needs of its end user,
21 which in many cases could be the non-designed SL1. When FDN wants
22 to serve prospective customer locations that BellSouth is currently serving
23 by Integrated Digital Loop Carrier (IDLC), FDN does not know whether
24 facilities are available that would enable BellSouth to provide FDN the
25 loop via the less expensive non-designed SL1 loop without performing

1 special construction, or whether FDN would need to order the designed
2 SL2 loop to serve its prospective end user.

3

4 Q. HOW DOES BELLSOUTH PROVISION LOOPS TO FDN WHEN
5 LOCATIONS SERVED BY IDLC FACILITIES ARE INVOLVED?

6

7 A. As explained in my direct testimony, BellSouth has eight (8) separate
8 ways to provision a loop when IDLC is involved. Of those eight (8)
9 options, alternatives 1, 2, and 3 can be provisioned and billed as SL1
10 loops at established rates and intervals. These options do not involve
11 design work and would be BellSouth's first choice in provisioning if
12 facilities are available. If none of these three alternatives are available,
13 options 4, 5 and 6 can be provisioned and billed as SL2 loops at their
14 established rates and intervals. These options involve design work and a
15 completely different provisioning process. Alternatives 7 and 8 can also
16 be provisioned and billed as SL1 loops, but will incur special construction
17 charges above existing SL1 rates, and will require additional provisioning
18 time due to the special construction. These last two alternatives will likely
19 be more expensive to FDN due to the special construction charges, and
20 FDN might want to opt for the SL2 loop options instead.

21

22 Q. WHY IS BELLSOUTH UNABLE TO SIMPLY PROVISION A LOOP TO
23 FDN IN ALL INSTANCES INVOLVING IDLC LOCATIONS WITHOUT
24 HAVING TO ASK FDN TO RESUBMIT ORDERS?

25

1 A. As I mentioned, BellSouth can and does provision the SL1 loops
2 requested by FDN if alternatives 1, 2 or 3 are available. When these
3 alternatives are not available, BellSouth cannot provide an SL1 loop at
4 the location requested unless it undertakes special construction and
5 charges FDN for that special construction (alternatives 7 and 8). In those
6 cases, BellSouth asks for FDN's approval before undertaking such special
7 construction. If FDN provides such approval, BellSouth could still work
8 FDN's SL1 order as submitted, albeit at a longer than standard interval. In
9 these cases, however, if BellSouth does not have the requested SL1
10 facility (absent special construction), it becomes necessary for FDN to
11 submit an order for an SL2 loop.

12
13 FDN is required to resubmit its order in this situation because BellSouth
14 cannot simply unilaterally change FDN's order from an SL1 to an SL2.
15 SL1 loops and SL2 loops are two totally different products, utilizing
16 different provisioning systems and requiring different ordering information
17 from the requesting ALEC. For example, the SL2 goes through a design
18 process that is not involved with an SL1, and the SL2 process utilizes a
19 different billing system following order completion. Furthermore, the SL1
20 rates do not compensate BellSouth for the design work that is required to
21 provision an SL2, while the SL2 rates do compensate BellSouth for such
22 design work.

23
24 Q. WHAT IS YOUR UNDERSTANDING OF HOW FDN IS ADDRESSING
25 ITS ORDERING DIFFICULTIES?

1 A. On page 52 of his testimony, Mr. Gallagher indicates that the way FDN is
2 addressing its difficulties is to "continue ordering all higher cost SL-2s to
3 insure better scheduling and provisioning reliability." Therefore, it appears
4 that FDN has chosen to order SL2 loops exclusively, which are designed
5 loops and therefore more expensive than the SL1.

6

7 Q. IS THERE ANYTHING OTHER THAN ALWAYS ORDERING AN SL2
8 THAT FDN CAN DO TO ADDRESS THIS SITUATION?

9

10 A. Yes. As outlined in my direct testimony, FDN can request Loop Makeup
11 (LMU) information to determine whether IDLC is present on the requested
12 loop before it submits an order. Furthermore, the LMU is available on a
13 mechanized basis and currently is available at no additional charge to
14 FDN.

15

16 Q. HOW WILL ORDERING LMU HELP FDN ADDRESS THIS SITUATION?

17

18 A. FDN can request LMU information on each location to determine whether
19 facilities exist that would support BellSouth's provisioning of the SL1.
20 This can be accomplished by submitting an electronic LMU request for an
21 Unbundled Copper Loop (UCL). The UCL is a complete unloaded copper
22 loop from the serving central office switch to the customer's location. If
23 the LMU information shows that a UCL is available, FDN can submit
24 orders for such locations as SL1 and thereby avoid having to submit SL2
25 orders. If the LMU information indicates that no UCL is available, FDN

1 can submit a second LMU request and not specify a particular facility. In
2 those cases, the LMU request will return information showing Integrated
3 DLC, Universal DLC, or loaded copper loop as the serving facility. If
4 Universal DLC or loaded copper loop is shown, BellSouth can fill an SL1
5 order at that location. When only IDLC is shown on the LMU response, it
6 is possible that BellSouth could fill an SL1 order at that location, and it is
7 possible that BellSouth could not fill an SL1 order at that location. FDN,
8 therefore, could submit an SL2 just as they are presently doing. BellSouth
9 will then work the order with alternatives 4, 5, or 6 if possible or contact
10 FDN if not, leaving only alternatives 7 or 8 as a viable choice. This
11 process will significantly reduce FDN's need to order all SL2 loops when
12 SL1 loops are available. In addition, the process requires only a few
13 minutes to complete.

14

15 Provisioning options for any new loops requested by FDN will depend on
16 the type of service FDN is to provide to its end user. While either copper
17 or fiber facilities can support voice service, data services often require
18 copper facilities. Only FDN can determine the appropriate medium to
19 provide service to its end user.

20

21 Q. WHEN IDLC IS SHOWN IN THE LMU INFORMATION, DOES FDN HAVE
22 ANY OTHER CHOICE THAN TO SUBMIT AN SL2 ORDER?

23

24 A. Yes. FDN can submit an SL1 order and monitor that order to see if it goes
25 into a Pending Facilities (PF) status. If FDN submits its order as SL1, it

1 receives a firm order confirmation (FOC) along with information that would
2 allow FDN to monitor the progress of the order. Through its monitoring of
3 the order, within two days, FDN will know if the order is put into a PF
4 status. In IDLC situations, if facilities were present to complete the order
5 utilizing alternatives 1, 2 or 3 (each of which is an SL1 option), the order
6 would not be placed in PF status. If the order is placed in PF status,
7 however, that means that neither alternative 1, 2, nor 3 is available.

8
9 When FDN sees that an SL1 order is placed in PF status, instead of
10 waiting additional days for the standard SL1 completion interval and
11 eventual notification to resubmit an SL2 order or incur special construction
12 charges, FDN could choose to cancel the SL1 order and resubmit the
13 order as an SL2. If FDN resubmits the order as an SL2, it must revise the
14 due date as provided to its end user, but it could advise the customer of
15 the new date earlier than it could if it waited for BellSouth to contact it and
16 ask whether FDN wants to pay the special construction charges or submit
17 an SL2 order. Following this process would enable FDN to receive SL1
18 loops, even in some IDLC situations, and it would reduce the current delay
19 interval for those cases where SL2 loops are the only option.

20

21 Q. HOW OFTEN WOULD FDN ENCOUNTER THE SITUATION IN WHICH
22 ITS PROSPECTIVE CUSTOMER IS CURRENTLY PROVISIONED BY
23 BELL SOUTH UTILIZING IDLC?

24

25 A. BellSouth utilizes IDLC for provisioning approximately 33% of its working

1 facilities in Florida. The availability of alternative methods to provision
2 UNE loops is situational and varies by location.

3

4 Q. ON PAGE 51 OF HIS TESTIMONY, MR. GALLAGHER INDICATES THAT
5 FDN HAS SOUGHT A THIRD ORDERING OPTION WHICH WOULD
6 ENABLE FDN TO SUBMIT AN ORDER FOR A VOICE GRADE UNE
7 LOOP AND HAVE BELL SOUTH DETERMINE WHETHER THE ORDER
8 SHOULD BE PROCESSED AS SL1 OR SL2 BEFORE PROVIDING THE
9 FOC. PLEASE COMMENT.

10

11 A. There is no need for a third ordering option. As I explained above,
12 BellSouth's LMU process is an effective way for FDN to determine which
13 types of loops to order in most situations in Florida. Additionally,
14 BellSouth is expanding the mechanized LMU search capability in a
15 manner that will further refine the information that is available to an ALEC
16 before it submits a service order. This expanded search capability was
17 requested earlier by ALECs via BellSouth's Change Control Process
18 (CR0016) and is being developed in response to their need to more easily
19 find SL1 and SL2 loops at each location served by BellSouth facilities.
20 BellSouth expects that these modifications will be implemented by early
21 next year. BellSouth believes this expanded search option can be
22 implemented much quicker and more cost-effectively for the ALECs than
23 the third order option suggested by FDN.

24

25

1 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

2

3 A. Yes.