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BELLSOUTH TELECOMMUNICATIONS, INC.
REBUTTAL PANEL TESTIMONY OF
PETRA PRYOR AND MICHAEL LEPKOWSKI
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 010740-TP
AUGUST 27, 2001

Q. MS. PRYOR, PLEASE STATE YOUR FULL NAME, YOUR POSITION, AND YOUR BUSINESS ADDRESS WITH BELLSOUTH TELECOMMUNICATIONS, INC. (HEREINAFTER REFERRED TO AS "BELLSOUTH" OR "THE COMPANY").

A. My name is Petra Pryor. I am employed by BellSouth as Sales Assistant Vice President, Interconnection Services. My business address is 600 N. 19th Street, 10th Floor, Birmingham, Alabama 35203.

Q. ARE YOU THE SAME PETRA PRYOR WHO FILED DIRECT TESTIMONY IN THIS DOCKET ON AUGUST 20, 2001?

A. Yes.

Q. MR. LEPKOWSKI, PLEASE STATE YOUR FULL NAME, YOUR POSITION WITH BELLSOUTH AND YOUR BUSINESS ADDRESS.

A. My name is Michael Lepkowski. I am employed by BellSouth as an Account

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1 Executive in the Interconnection General Carriers Group. My business address is
2 600 North 19th Street, 10th floor, Birmingham, Alabama 35203.

3

4 Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS PROCEEDING?

5

6 A. No.

7

8 Q. HAVE YOU TESTIFIED PREVIOUSLY BEFORE ANY STATE
9 COMMISSION?

10

11 A. No.

12

13 Q. MR. LEPKOWSKI, PLEASE SUMMARIZE YOUR EDUCATIONAL
14 BACKGROUND AND CAREER EXPERIENCE.

15

16 A. In 1994, I earned a Bachelor of Science degree in Marketing from the University
17 of Alabama – Birmingham. I worked as a computer operator for Baptist Health
18 Systems from September 1993 to November 1995. I then joined Signal
19 Communications as a salesman for eight months before joining BellSouth in
20 September 1996. I worked in BellSouth's retail organization for two years before
21 moving to Interconnection in September 1998. My current job responsibilities
22 include sales of new products and services in the wholesale markets. I am also a
23 liaison between BellSouth's wholesale customers and various departments within
24 BellSouth.

25

1 Q. WHAT IS THE PURPOSE OF YOUR PANEL TESTIMONY?

2

3 A. The purpose of our panel testimony is to respond to specific portions of the direct
4 testimony of IDS' witness Keith Kramer as filed on July 23, 2001.

5

6 Q. MR. LEPKOWSKI, CAN YOU ADDRESS MR. KRAMER'S ALLEGATION,
7 ON PAGES 16 AND 17 OF HIS DIRECT TESTIMONY, THAT BELL SOUTH
8 PLACED A LOCAL PIC FREEZE ON IDS' RESALE CUSTOMERS
9 ACCOUNTS? (SEE ALSO KRAMER, PAGE 66, ITEM 7).

10

11 A. As BellSouth witness Janet Miller Fields explained in her direct testimony, on a
12 resale account, only the alternative local exchange carrier ("ALEC") of record can
13 request, remove or change a Local PIC Freeze. Based on Mr. Kramer's
14 description of the alleged problem, I believe that he is actually referring to a Local
15 Service Freeze.¹ Ms. Miller Fields also explained in her direct testimony that, on
16 a resale account, only the ALEC of record can request, remove or change a Local
17 Service Freeze. As further discussed in Ms. Miller Fields' rebuttal testimony, it is
18 BellSouth's belief that IDS placed the Local Service Freeze on its customers'
19 accounts.

20

21 When IDS began to submit orders to convert its customers from resale to UNE-P
22 on an individual account basis, the Local Service Freeze prevented the conversion
23 order from completing. IDS' employee, Bud Higdon, called me and asked how
24 we could get those orders processed without IDS providing a Letter of

¹ A Local PIC Freeze is a measure designed to prevent slamming by intraLATA toll carriers. A Local Service Freeze is a measure designed to prevent slamming by local exchange carriers.

1 Authorization (“LOA”) from each end user customer. I advised Mr. Higdon that
2 if IDS would provide me with a list of billing telephone numbers (“BTNs”) that
3 IDS believed contained a Local Service Freeze, BellSouth could run a program
4 that would remove the Field Identifier (“FID”) that was causing the conversions
5 not to complete. IDS provided a BTN list that appeared to include all of IDS’
6 customers, and BellSouth ran those numbers through its program to remove the
7 FID. From the list of hundreds of BTNs provided by IDS, only sixty-five (65)
8 lines actually contained a Local Service Freeze.

9
10 Q. MS. PRYOR, PLEASE COMMENT ON MR. KRAMER’S STATEMENT ON
11 PAGE 18 OF HIS DIRECT TESTIMONY THAT IDS AGREED TO
12 PARTICIPATE IN A BETA TEST OF THE BULK ORDERING FEATURE
13 WITH BELLSOUTH PRIOR TO THE BULK ORDERING INCIDENT IN MAY
14 2000.

15
16 A. As I explained in my direct testimony, on May 8, 2000, IDS placed a bulk
17 conversion order (as opposed to an individual account order) to convert its resale
18 accounts to UNE-P accounts through BellSouth’s Local Exchange Navigation
19 System (“LENS”). For ease of reference, I will refer to this incident as the “Bulk
20 Ordering Incident.”

21
22 I am disappointed that Mr. Kramer chose to misrepresent in his direct testimony
23 the actual timing of my letter to IDS wherein I specified the terms of the beta test
24 for the bulk ordering feature to convert resale customers to UNE-P. I sent the
25 letter in question to Mr. Higdon on May 17, 2000. After the letter left my office, I

1 realized that it had been incorrectly dated April 17, 2000. During a subsequent
2 conversation with Mr. Kramer, I informed him that the letter was incorrectly
3 dated. Mr. Kramer attached my letter to his testimony as Exhibit KK-3.

4
5 To the extent Mr. Kramer implies that BellSouth agreed to beta test with IDS the
6 bulk ordering feature prior to May 8, 2000, he is incorrect. At no time did
7 BellSouth agree to beta test the bulk ordering feature with IDS prior to the Bulk
8 Ordering Incident.

9
10 Q. MS. PRYOR, ON PAGE 25 OF HIS DIRECT TESTIMONY, MR. KRAMER
11 APPEARS TO ALLEGE THAT BELLSOUTH DECEPTIVELY ROLLED OUT
12 THE BULK ORDERING FEATURE. PLEASE RESPOND. (SEE ALSO
13 KRAMER, PAGE 66, ITEM 8).

14
15 A. As I explained in my direct testimony, BellSouth prematurely announced the
16 availability of the bulk ordering feature in error. This error was unintentional and
17 was the result of internal miscommunication.

18
19 Q. MR. LEPKOWSKI, PLEASE RESPOND TO MR. KRAMER'S CONTENTION
20 ON PAGE 18 OF HIS DIRECT TESTIMONY THAT IDS WAS LED TO
21 BELIEVE THAT IT WOULD BE THE FIRST ALEC TO PROCESS BULK
22 ORDERS THROUGH LENS.

23
24 A. Prior to the Bulk Ordering Incident, I received an e-mail from BellSouth employee
25 Terry Hudson asking me if I thought IDS would be interested in participating in a

1 beta test of the bulk ordering feature. I responded to Ms. Hudson via email,
2 stating that I would check with Mr. Kramer. However, before I could contact Mr.
3 Kramer, BellSouth subsequently determined that IDS was not a candidate for the
4 beta test of the bulk ordering feature in the March or April 2000 timeframe. As
5 Ms. Pryor explained in her direct testimony, in order to conduct a successful beta
6 test, it is necessary to analyze data from order entry all the way through to
7 rendering of the first bill. Unfortunately, IDS' billing cycle did not coincide with
8 this requirement.

9
10 Q. MR. LEPKOWSKI, PLEASE RESPOND TO MR. KRAMER'S STATEMENTS
11 ON PAGE 19 OF HIS DIRECT TESTIMONY THAT "IDS CONVERTED
12 SOME TEST CUSTOMERS TO SEE IF THIS PRODUCT WAS
13 FUNCTIONAL" AND THAT "BELLSOUTH'S REPRESENTATIVES
14 CONFIRMED THAT THE ORDERS WERE SUCCESSFULLY
15 CONVERTED."

16
17 A. Mr. Higdon called me on May 4, 2000 (prior to the Bulk Ordering Incident) and
18 informed me that he had submitted twenty-five (25) orders through the LENS
19 bulk ordering feature and that he received Firm Order Confirmations ("FOCs").
20 Mr. Higdon stated that it looked like the orders had been worked – that is,
21 completed. I told Mr. Higdon that if the orders had completed and IDS was not
22 receiving any calls from his customers about service disruption, then the orders
23 must be fine. I did not independently confirm that the orders had been worked. I
24 simply took his comments at face value. I would note, however, that this
25 unauthorized "testing" would not take the place of a beta test because it certainly

1 did not address all the possibilities that a beta test would address.

2

3 Q. MS. PRYOR, PLEASE RESPOND TO MR. KRAMER'S STATEMENT ON
4 PAGE 25 OF HIS DIRECT TESTIMONY THAT IDS "IS CAPABLE OF
5 PROCESSING ORDERS AT A RATE OF 1,000 OR MORE LINES PER DAY."

6

7 A. Based on BellSouth's records, the quantity of orders processed by IDS has never
8 come close to 1,000 orders per day. From February 2000 through July 2001,
9 BellSouth's billing system shows that the average number of lines per day that
10 IDS processed as UNE-Ps (either converted from resale or ordered new) never
11 exceeded 344. On average, IDS submitted 194 orders per day from May 2000 to
12 July 2001.

13

14 Q. MS. PRYOR, PLEASE RESPOND TO MR. KRAMER'S STATEMENT ON
15 PAGE 39 OF HIS DIRECT TESTIMONY THAT BELL SOUTH CREDITED
16 IDS \$31, 712.79 FOR 'HAVING STOLEN HALF OF IDS' CUSTOMERS.'
17 (SEE ALSO KRAMER, PAGE 66, ITEM 13).

18

19 A. First, I take exception to Mr. Kramer's allegation that BellSouth "stole" IDS'
20 customers. BellSouth did no such thing. Second, as I explained in my direct
21 testimony, because the Bulk Ordering Incident caused feature loss to some of IDS'
22 customers and loss of dial tone for a few others, BellSouth gave IDS a credit for
23 \$31,712.79 for the outage of the lines involved. Pursuant to the Interconnection
24 Agreement between the parties, BellSouth calculated this amount by taking the
25 number of lines that were out of service and multiplying that by the monthly rate

1 that IDS would pay BellSouth for those lines. This number was then divided in
2 half because most of IDS' customers were affected for considerably less than two
3 weeks, and no single customer was out of service for more than two weeks.
4

5 Q. MS. PRYOR, PLEASE RESPOND TO MR. KRAMER'S CONTENTION ON
6 PAGE 44 OF HIS DIRECT TESTIMONY THAT BELL SOUTH AGREED TO
7 PAY IDS \$929,999 PLUS \$1,400,000 TO SETTLE THE BULK ORDERING
8 INCIDENT.

9
10 A. Mr. Kramer's contention is incorrect. As in my direct testimony, I preface my
11 response to Mr. Kramer's testimony by stating that I hesitate to describe
12 settlement discussions between BellSouth and IDS because the parties considered
13 these discussions to be confidential.

14
15 As I explained in my direct testimony, in the fall of 2000, IDS was behind
16 approximately \$2 million dollars in its payments to BellSouth. IDS apparently
17 believed that, because of the Bulk Ordering Incident, it did not owe BellSouth
18 some of that money. Nonetheless, IDS did acknowledge that a portion of the
19 delinquent amount should be paid. In an attempt to resolve this issue, I asked Mr.
20 Kramer to submit through the billing dispute process his claim of \$929,999,
21 which he contended represented the difference between the resale price and the
22 UNE-P price for six months. I also asked Mr. Kramer to submit in writing to me
23 his claim for \$1.4 million in damages along with supporting documentation. Both
24 of these actions were necessary to enable BellSouth to review and formally
25 respond to his claims through BellSouth's normal procedures.

1 After a thorough review of the billing dispute, BellSouth denied IDS' claim for
2 \$929,000. Further, because BellSouth is not liable for consequential damages
3 under the BellSouth/IDS Interconnection Agreement, BellSouth also denied IDS'
4 claim for damages. BellSouth never agreed to pay IDS the amounts submitted
5 through the dispute process.

6
7 Q. MR. LEPKOWSKI, PLEASE RESPOND TO MR. KRAMER'S ALLEGATIONS
8 ON PAGE 48 OF HIS DIRECT TESTIMONY REGARDING A
9 CONVERSATION YOU AND HE HAD RELATED TO LENS AND CSOTS.

10
11 A. LENS is the acronym for Local Exchange Navigation System, which is one of the
12 electronic interfaces by which ALECs may submit local service requests ("LSRs")
13 to BellSouth. CSOTS is the acronym for CLEC Service Order Tracking System,
14 which is a graphical user interface that provides service order status by allowing
15 the ALEC to view its pending service orders that are associated with any LSRs the
16 ALEC submits.

17
18 I do not remember the exact date, however I do recall Keith Kramer contacting me
19 and stating that he had just talked to Robby Clements (now Robby Pannell). Mr.
20 Kramer stated that Mr. Pannell informed him that CSOTS is more accurate at
21 viewing orders than LENS.² I told Mr. Kramer that I did not think there was any
22 significant difference between LENS and CSOTS, but that I would confirm this
23 with Mr. Pannell and Jimmy Patrick, another BellSouth employee. I contacted
24 Mr. Pannell and Mr. Patrick, and they informed me that CSOTS was better for

² Please see the Rebuttal Panel Testimony of Janet Miller Fields and Robby Pannell for Mr. Pannell's discussion of this issue.

1 viewing service order status, while LENS was better for checking the status of the
2 ALEC's LSRs. I then informed Mr. Kramer that CSOTS was indeed better for
3 viewing service order status. At this point, Mr. Kramer became irate, stating that
4 he did not want to use two systems and did not want to wait for a password to use
5 the CSOTS systems. I informed Mr. Kramer that IDS already had access to
6 CSOTS, and I emailed him IDS' password within twenty minutes.

7
8 Q. MR. LEPKOWSKI, PLEASE RESPOND TO MR. KRAMER'S DISCUSSION,
9 ON PAGES 51 OF HIS DIRECT TESTIMONY, OF A CONVERSATION HE
10 HAD WITH YOU REGARDING BACKDATING THE CONVERSION DATE
11 TO THE PON DUE DATE. (SEE ALSO KRAMER PAGE 68, ITEM 21).

12
13 A. I recall having a conversation with Mr. Kramer regarding the status of certain
14 orders that were delayed, however, I cannot remember why the orders were being
15 delayed. I told Mr. Kramer that, to make up for any delay in BellSouth's
16 processing of IDS' orders, BellSouth would probably apply an Effective Bill Date
17 ("EBD") to the orders. My understanding of the EBD is that it is used to ensure
18 that BellSouth ultimately ceases billing of the end user customer as of the
19 committed due date promised on the FOC, which is the date that the end user
20 customer became IDS' customers. I told Mr. Kramer that BellSouth would do this
21 so that IDS would be able to begin billing its customer on the committed due date.

22
23 At this point, Mr. Kramer became very irate. I tried to tell him that I was
24 speculating as to BellSouth's procedure, and that he would have to contact the
25 local carrier service center ("LCSC") to find out for sure. I later discussed the

1 issue with IDS' employee Bill Gulas. Mr. Gulas stated that he did not know why
2 Mr. Kramer was upset about the issue, and he agreed that BellSouth should EBD
3 the orders.

4

5 Q. ON PAGE 37 OF HIS DIRECT TESTIMONY, MR. KRAMER REFERS TO A
6 CONVERSATION HE HAD WITH YOU REGARDING A HURRICANE AND
7 LACK OF SERVICE. CAN YOU COMMENT ON THE CONVERSATION
8 YOU HAD?

9

10 A. Yes. Rick Hemby was my supervisor at the time of this incident. I was informed
11 by Mr. Hemby that he had just received a call from BellSouth's Florida Regulatory
12 office during which he was told that IDS had complained to the Florida Public
13 Service Commission that 1200 of IDS' customers' lines were out of service. I
14 immediately called Keith Kramer and asked him if he had called the Commission
15 and reported 1200 lines out of service, and he said that he had. I then contacted
16 the LCSC to get service restored for these customers. I learned later that only 12
17 customers were out of service, not the 1200 reported by Mr. Kramer to the
18 Commission.

19

20 Q. MS. PRYOR, DOES THIS CONCLUDE YOUR TESTIMONY?

21

22 A. Yes.

23

24

25

PROPRIETARY DOCUMENT

1 Q. MR. LEPKOWSKI, DOES THIS CONCLUDE YOUR TESTIMONY?

2

3 A. Yes.

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