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BELLSOUTH TELECOMMUNICATIONS, INC.
SUPPLEMENTAL REBUTTAL TESTIMONY OF
JOHN A. RUSCILLI
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 010740-TP
SEPTEMBER 17, 2001

Q. PLEASE STATE YOUR FULL NAME, YOUR BUSINESS ADDRESSES, AND YOUR POSITION WITH BELLSOUTH.

A. My name is John A. Ruscilli. I am employed by BellSouth as Senior Director for State Regulatory for the nine-state BellSouth region. My business address is 675 West Peachtree Street, Atlanta, Georgia 30375.

Q. DID YOU PREVIOUSLY FILE TESTIMONY IN THIS PROCEEDING?

A. Yes. On August 20, 2001 I filed direct testimony in this proceeding, and on August 27, 2001, I filed panel rebuttal testimony with BellSouth witnesses Elizabeth Rockholm and Shelley Walls.

Q. WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL REBUTTAL TESTIMONY?

A. The purpose of my supplemental rebuttal testimony is to address several aspects of IDS' supplemental responses to BellSouth's discovery requests.

1 Q. DO YOU HAVE ANY GENERAL COMMENTS REGARDING IDS'
2 SUPPLEMENTAL RESPONSES TO BELLSOUTH'S DISCOVERY
3 REQUESTS?

4
5 A. Yes. In general, IDS' supplemental responses to BellSouth's discovery requests
6 show how nebulous and unsupported the vast majority of IDS' claims in this
7 docket really are. By and large, BellSouth's discovery requests identified specific
8 allegations set forth in IDS' direct testimony and asked IDS to provide facts and
9 documents that support these allegations. In many cases, IDS has stated that it
10 cannot support these allegations.

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12 Q. COULD YOU GIVE SOME EXAMPLES OF SUCH SUPPLEMENTAL
13 RESPONSES?

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15 A. Yes. Throughout its Complaint and testimony, IDS alleges that it has suffered
16 significant damages as a result of BellSouth's alleged actions. In Interrogatories
17 No. 5 and 10, BellSouth asked IDS for basic information that would substantiate
18 these allegations, such as the revenues IDS received from the customers it
19 allegedly has lost as a result of BellSouth's alleged actions. IDS provided no
20 information whatsoever in response to these Interrogatories, and during the
21 Prehearing Conference on September 10, 2001, IDS' counsel stated that IDS "has
22 no documentation that shows what services those customers had, what revenue it
23 got from those customers for the six months prior to [the] date [the customer left
24 IDS]. IDS does not have this information, and that is the only thing – there's
25 nothing else I can say. They don't have this information." See Tr. Prehearing

1 Conference at 65.

2

3 Similarly, BellSouth asked IDS to state the amount of its “acquisition cost” for its
4 customers (which Mr. Kramer references as an element of IDS’ alleged damages
5 on page 63 of his direct testimony) and to explain in detail how IDS calculated
6 that amount. IDS claims that the amount of this alleged “acquisition cost” is \$83
7 per customer, but IDS has stated that “[t]he company had no documentation of
8 that – the derivation of that \$83 . . . they don’t have any documentation that spells
9 out precisely where that’s coming from.” *See* Tr. Prehearing Conference at 65.

10

11 On page 54 of his direct testimony, Mr. Kramer claims that “[b]y January 8, 2001,
12 IDS had performed an audit. IDS determined that BellSouth had backdated every
13 conversion they had done through November and December 2000 and charged
14 IDS for them.” Interrogatory No. 32 asks IDS to explain in detail how this audit
15 was conducted, but IDS has failed to provide such an explanation. Instead, IDS
16 has merely stated that “it was an on-the-fly audit” and that “[t]hey don’t have any
17 details beyond that they just randomly called customers.” *See* Tr. of Prehearing
18 Conference at 71.

19

20 Interrogatory 48 asks for all facts supporting IDS’ contention that BellSouth has
21 consistently changed LENS and its other electronic interfaces without adequate
22 notice to IDS. IDS produced one letter from BellSouth in support of this
23 contention and explained that “if we had specific occasions that [IDS] had
24 documented, we would be producing it. [IDS doesn’t] have it.” Tr. of Prehearing
25 Conference at 75.

1 These are but a few examples that demonstrate how unsubstantiated most of IDS'
2 allegations in this proceeding really are.

3

4 Q PLEASE ADDRESS IDS' SUPPLEMENTAL RESPONSES TO BELLSOUTH
5 INTERROGATORY NO. 18.

6

7 A. On page 35 of his direct testimony, Mr. Kramer states that :

8 On many occasions, a BellSouth technician would appear on the
9 premises of a newly acquired IDS customer and the technician
10 would tell the customer that he was there to disconnect the
11 customer's services. When the customer questioned the BellSouth
12 technician about this, the technician would say IDS said to
13 disconnect your services.

14

15 Interrogatory No. 18 asks IDS to identify the customers who purportedly had this
16 type of experience.

17

18 Q. HOW DID IDS RESPOND TO THIS INTERROGATORY?

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20 A. IDS' initial response was that it did not have the resources to collect all of the
21 records, notes, and correspondence that it may have in its possession.

22 Subsequently, IDS provided a supplemental response that identified thirteen IDS
23 customers.

24

25

1 Q. HAS BELLSOUTH ATTEMPTED TO CONTACT THE THIRTEEN
2 CUSTOMERS IDENTIFIED BY IDS?

3

4 A. Yes. BellSouth engaged counsel to interview these customers to determine what
5 experiences they actually had with BellSouth. Counsel was able to speak to all
6 but four of these thirteen customers.

7

8 As the affidavit attached as Supplemental Rebuttal Exhibit JAR-5 reflects, six of
9 the customers that counsel was able to reach stated that BellSouth's technician did
10 not state that IDS had said to disconnect the service. Two of these customers said
11 that they did not recall any such statements being made by a BellSouth technician,
12 and one of these customers stated that she was not sure whether any such
13 statements were made by a BellSouth technician. Additionally, at least two of
14 these customers stated that they were changed from BellSouth to IDS against their
15 wishes in the first place.

16

17 Q. DOES THIS CONCLUDE YOUR SUPPLEMENTAL REBUTTAL
18 TESTIMONY?

19

20 A. Yes.

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