

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida,
Inc. for arbitration of
Unresolved issues with BellSouth
Telecommunications, Inc.

Docket No.: 011119-TP
Filed: March 26, 2002

Rebuttal Testimony and Exhibit of Rex Knowles

on behalf of

XO Florida, Inc.

DOCUMENT NUMBER DATE

03450 MAR 26 02

FPSC-COMMISSION CLERK

1 **Q. PLEASE STATE YOUR NAME.**

2 **A.** Rex Knowles.

3 **Q: DID YOU SUBMIT DIRECT TESTIMONY IN THIS PROCEEDING.**

4 **A:** Yes. I filed direct testimony on behalf of XO Florida, Inc.

5 **Q: WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY.**

6 **A:** The purpose of my rebuttal testimony is to respond to the direct testimony filed by John A.
7 Ruscilli of BellSouth Telecommunications.

8 **ISSUE 4 – AFTER XO HAS ORDERED A LOOP, SHOULD BELLSOUTH BE**
9 **ALLOWED TO MODIFY THAT LOOP WITHOUT XO’S CONSENT**

10 **Q: WHAT DOES BELLSOUTH SAY ABOUT THIS ISSUE?**

11 **A:** At page 3 of his testimony Mr. Ruscilli says “it is BellSouth’s intention to do all that it can
12 to avoid” disconnecting XO’s customers. Mr. Ruscilli’s testimony assumes only a minor,
13 temporary service interruption during the actual provisioning of the network change. At
14 issue here, however, is not a simple temporary physical disruption on individual circuits as
15 the network changes are implemented, but whether BellSouth should be allowed to change
16 the makeup of XO’s loops, possibly resulting in rendering a particular loop incapable of
17 continuing to provide the same service to the end user as was provided over that loop prior
18 to the network change.

19 **Q: HOW DOES BELLSOUTH SUGGEST XO AVOID HAVING ITS CUSTOMERS**
20 **DISCONNECTED?**

21 **A:** BellSouth attempts to shift away from what is truly at issue in this proceeding by
22 suggesting that XO utilize a different loop-type: the unbundled copper loop – non-designed

1 (UCL-ND). This proposal does not prevent BellSouth from interfering with the service on
2 existing, non-UCL-ND loops that are in service today; further, BellSouth should not be
3 allowed to force XO to order a particular loop type simply to ensure that BellSouth does
4 not take unilateral action to disrupt service to XO end users. Further, based on
5 problems other ALECs have had with the UCL-ND, XO has serious concerns about both
6 the quality of this loop as well as BellSouth's ability to provision this loop.

7 **Q: WHAT TYPES OF PROBLEMS DO YOU MEAN?**

8 A: Broadslate Networks detailed some of these problems at the FCC in response to
9 BellSouth's Section 271 Application for Georgia and Louisiana.¹ In his affidavit (attached
10 as Exhibit No. ____ (RK-3), Tom Whitaker stated that BellSouth has been unable to
11 process UCL-ND orders on a timely and reliable basis, thus jeopardizing Broadslate's
12 relationship with its customers. The UCL-ND could not be ordered through BellSouth's
13 web-based ordering systems, BellSouth was incapable of providing accurate directions on
14 how to populate ordering fields, and BellSouth's Local Carrier Service Center personnel
15 indicated they were not familiar with UCL-ND loop. Further, BellSouth missed one
16 quarter of the Firm Order Confirmation ("FOC") dates they provided to Broadslate, and
17 nearly half of revised FOC dates. New customers who were depending on Broadslate to
18 deliver their service on time had to be told that there would be delays; even multiple
19 delays. Customers were disconnected, or had to be switched to more expensive loop types.
20 These problems continued to occur even six months after BellSouth agreed to provide the
21 UCL-ND. BellSouth personnel have conceded that their systems are not equipped to
22 handle the UCL-ND loop. XO does not want to place its customers at a similar risk.

1 Further, as stated above, BellSouth should not be allowed to disrupt service to XO
2 end users on any loop type, existing or future. BellSouth's proposal that XO must use
3 UCL-ND loops to avoid service disruptions does nothing to protect current end users, and
4 is, in effect, blackmail, forcing XO to order UCL-ND loops on a going forward basis or
5 risk BellSouth taking unilateral action to disrupt end user service.

6 **Q: DOESN'T MR. RUSCILLI SAY THAT WHEN BELL SOUTH MODIFIES A LOOP,**
7 **THAT THE LOOP WILL RETAIN ITS SAME SERVICE CHARACTERISTICS?**

8 **A:** Only within certain parameters; the loop will not necessarily maintain the exact same
9 characteristics, or support the same services as before the modification. Mr. Ruscilli's
10 statement means only that the loop will still support only the services BellSouth wants it to
11 support, not necessarily the same service that was provided by that very loop prior to the
12 network change. XO should be allowed to determine for itself whether loops serving its
13 end users should be subject to modification.

14 **Q: WHAT ARE YOU REQUESTING THE COMMISSION FIND ON ISSUE 4?**

15 **A:** The Commission should direct that BellSouth not modify facilities ordered by XO or
16 currently serving XO end users without first obtaining XO's written consent.

17 **ISSUE 7 – IS XO ENTITLED TO THE TANDEM SWITCHING RATE FOR THE**
18 **EXCHANGE OF LOCAL TRAFFIC**

19
20 **Q. WHAT DID MR. RUSCILLI SAY ABOUT THIS ISSUE?**

21
22 **A.** Mr. Ruscilli agreed with XO that an ALEC is entitled to the tandem switching rate if it can
23 demonstrate that its switch serves an area geographically comparable to that served by a
24 BellSouth tandem. Along with my direct testimony, XO submitted evidence that it has

¹ In re: Application of BellSouth Corporation Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Georgia and Louisiana CC Docket No.: 01-277

1 both deployed NPA/NXXs, and is serving customers in, more Southeast Florida rate
2 centers than BellSouth is with its Miami tandem.

3 **Q. WHAT IS XO ASKING THE COMMISSION TO FIND ON ISSUE 7?**

4 A. XO is asking the Commission to find that its switch serves an area geographically
5 comparable to BellSouth's switch, and it is therefore entitled to reciprocal compensation at
6 the tandem switched rate.

7 **ISSUE 8 – SHOULD BELLSOUTH BE ABLE TO CHANGE THE RATES, TERMS**
8 **AND CONDITIONS OF THIS AGREEMENT BY REFERRING TO THE**
9 **JURISDICTIONAL REPORT REQUIREMENTS, OR RULES AND**
10 **REGULATIONS FOR INTEREXCHANGE CARRIERS SPECIFIED IN**
11 **BELLSOUTH'S INTERSTATE ACCESS SERVICES TARIFF?**

12
13 **Q. WHAT IS BELLSOUTH'S POSITION ON THIS ISSUE?**

14 A. At page 9 of his testimony, Mr. Ruscilli states that when there is a conflict between its
15 agreement with XO, and its tariff, that XO would be bound by the tariff. To abide by the
16 agreement, Mr. Ruscilli claims, would discriminate against other ALECs.

17 However, parties enter interconnection agreements to determine the terms which will
18 govern their relationship. Under Section 252(i) of the Telecommunications Act, BellSouth
19 must offer any ALEC the same interconnection terms it offers any other ALEC.
20 Therefore, Mr. Ruscilli's argument that certain carriers would suffer discrimination does
21 not make sense.

22 Further, in other sections of the Agreement (Sections 5.6 and 5.7 of Attachment 3),
23 BellSouth has agreed that when there is a conflict with the tariff, the terms of the
24 Agreement will govern.

25 **Q: DOESN'T MR. RUSCILLI EXPLAIN WHY BELLSOUTH PROPOSES TO TREAT**
26 **SECTION 5.8 DIFFERENTLY THAN SECTIONS 5.6 AND 5.7?**

1 A: Partially. Mr. Ruscilli is correct that the Interconnection Agreement is the appropriate
2 vehicle to govern the parties' relationship for local services. What he does not discuss is
3 the way in which the percent interstate use factor ("PIU") inversely affects the local use
4 factor, and, thus local services governed by the interconnection agreement. XO is simply
5 asking that BellSouth acknowledge what Mr. Ruscilli has stated: that the interconnection
6 agreement, not potentially conflicting tariff provisions, should govern the parties'
7 relationship for local services.

8 **Q. PLEASE COMMENT ON MR. RUSCILLI'S STATEMENT (AT PAGE 10) THAT**
9 **PARTIES HAVE AN "AMPLE OPPORTUNITY" TO CHALLENGE A**
10 **BELLSOUTH TARIFF FILING.**

11 A. That statement by Mr. Ruscilli is misleading and misses the point. XO operates either
12 local and/or long distance services in virtually every state in the country. Each state has
13 several incumbent carriers. It is nearly impossible to monitor tariff filings of each of these
14 carriers with the level of detail required to determine whether a subtle change in one
15 section of an incumbent's tariff will supercede provisions expressly agreed to in one of our
16 contracts. Even if BellSouth would not willfully try to circumvent the express terms of its
17 agreement through these tariff modifications, they may do so inadvertently. The parties
18 have negotiated the specific terms of this agreement for over a year. The agreed terms of
19 the Agreement itself state that "No modification, amendment, supplement to, or waiver of
20 the Agreement or any of its provisions shall be effective and binding upon the Parties unless it
21 is made in writing and duly signed by the Parties." [Interconnection Agreement, General
22 Terms and Conditions, para. 16.2.] BellSouth should not be able to render this
23 requirement meaningless with a seemingly innocuous cross-reference to its own tariffs.

1 **Q: WHAT IS XO ASKING THE COMMISSION TO RULE ON ISSUE 8?**

2 **A:** XO asks the Commission to find that BellSouth should not be permitted to supercede,
3 cancel or modify any of the terms of the Parties' interconnection agreement by reference to
4 BellSouth's interstate tariffs.

5 **Q: DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

6 **A:** Yes.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

CC Docket No. 01-277

In re:)
Application of BellSouth Corporation)
Pursuant to Section 271 of the Telecommunications) **AFFIDAVIT OF TOM WHITAKER**
Act of 1996 to Provide In-Region, InterLATA) **ON BEHALF OF BROADSLATE**
Services in Georgia and Louisiana)

Tom Whitaker, being first duly sworn, deposes and says:

1. My name is Tom Whitaker, and I am employed as Vice President of Operations for Broadslate Networks, Inc. ("Broadslate"). My business address is 630 Peter Jefferson Parkway, Suite 300, Charlottesville, VA 22911.

2. As Vice President of Operations, I am responsible for all network construction and development, the network operations center (NOC), customer support and customer provisioning for all Broadslate markets across the territories of six different incumbent local exchange carriers ("ILECs").

3. I graduated from West Virginia Wesleyan College in 1983 with a Bachelors of Science Degree. I have nearly 20 years of experience in engineering and communications. In 1999, I joined Broadslate Networks as Director of Operations and later became Vice-President of Operations.

4. I address checklist items 1 (interconnection), 2 (access to unbundled network elements) and 4 (access to loops).

xDSL LOOPS (Checklist Items 2 and 4)

5. BellSouth has been unable to process orders on a timely and reliable basis for the Unbundled Cooper Loop – Nondesignated (“UCL-ND”). As a result, Broadslate has been forced to order a far more expensive loop product to serve its customers. BellSouth errors and delays have jeopardized Broadslate’s relationship with its customers.

6. In March 2001, Broadslate and other CLECs entered into a region-wide settlement with BellSouth in Georgia under which BellSouth agreed to offer the UCL-ND. On May 9, 2001, Broadslate amended its interconnection agreement with BellSouth to incorporate the UCL-ND.

7. With access to loop make-up information, a competitive local exchange carrier (“CLEC”) can determine if a UCL-ND meets its technical requirements for providing xDSL service. The alternative loop available to CLECs, the UCL-Short, costs three times as much as the UCL-ND.

8. When Broadslate began ordering the UCL-ND loops in mid-June 2001, we immediately encountered problems. The UCL-ND could not be ordered through BellSouth’s web-based Local Exchange Navigation System (“LENS”). Further, BellSouth could not provide accurate directions on how to populate the fields in the local service request for a manual UCL-ND loop order. As such, we simply could not get orders accepted.

9. We escalated these orders at BellSouth’s Local Carrier Service Center (“LCSC”). The LCSC personnel indicated they were not familiar with UCL-ND loop.

10. We also escalated the issue to the BellSouth personnel assigned to our account Cynthia Hodges and Darryl Washington. They confirmed that Broadslate had submitted the orders properly. However, BellSouth’s Operation Support Systems (“OSS”) systems and LCSC

personnel could not accommodate orders for this product. Due to these problems, Broadslate suspended placing UCL-ND orders at the end of June.

11. Based on BellSouth assurances that the ordering problems in the LCSC had been resolved, Broadslate initiated UCL-ND orders again in mid-July. However, rather than depend on electronic ordering through BellSouth's LENS system, we manually prepared orders and faxed them to BellSouth. Manual ordering is far less efficient and is much more expensive. However, we had no choice if we wanted to place orders for the UCL-ND.

12. Broadslate placed approximately 86 UCL-ND orders with BellSouth in July.

13. BellSouth missed one quarter of the Firm Order Confirmation ("FOC") dates they provided to Broadslate. Revised FOCs were issued on these orders. BellSouth missed nearly half of these revised dates. These new customers who were depending on Broadslate to deliver their service on time had to be told that there would be delays. In some instances, their installation was delayed twice.

14. Attached to my affidavit, as Exhibit TW-1 is a spreadsheet containing the information on these orders. This exhibit shows the BellSouth order number and the date Broadslate placed the order. The "FOC Miss" column indicates which of these dates BellSouth missed. The final column indicates which of those subsequent FOC dates were missed by BellSouth.

15. The timing of these orders was especially important. Several customers of a DSL company going out of business were going to convert to Broadslate. These customers were anxious about having the Broadslate service installed before their other service was disconnected.

16. BellSouth's inability to provision the UCL-ND on time disrupted service for several customers. Two customers were completely disconnected. Nine of the UCL-ND orders had to be converted to more expensive loop products because BellSouth lost or cancelled the UCL-ND orders for no apparent reason.

17. As an example of the types of problems we experienced, on July 13, 2001 Broadslate won a new customer, George Pickett & Associates of Cary, North Carolina. A UCL-ND order was placed with BellSouth on July 16th. A FOC was received with an installation date of July 25th. However, BellSouth was unable to deliver the loop on July 25th.

18. On July 26th, the BellSouth technician called Broadslate to report he was working on the order. On July 30th the BellSouth technician informed Broadslate that he had encountered a problem in provisioning the loop but that the problem was resolved. The loop was finally provisioned and Broadslate was able to get the customer up and working on August 2nd.

19. On August 13th, the customer called Broadslate to report that the service was down. BellSouth could not explain what the problem was, but it was apparent that the jumper on the frame had been pulled by BellSouth.

20. After these problems with BellSouth's provisioning of the loop, the customer was very upset with Broadslate. After exhaustive escalation efforts by Broadslate, the customer finally had its service restored on the 14th.

21. Broadslate is no longer ordering the UCL-ND. BellSouth has been unable to reliably process our orders for the UCL-ND or to reliably provision these loops. We have lost confidence in BellSouth's ability to provide Broadslate access to this loop. Nearly 6 months after agreeing to provide the UCL-ND, BellSouth's systems and personnel cannot handle these

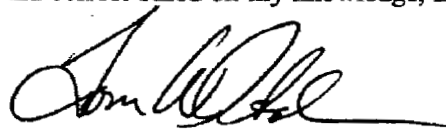
orders. After the experiences described here, Broadslate does not want to place other customers at risk.

22. Also, since losing confidence in the UCL-ND, we had placed approximately 250 orders as UCL-Shorts through the end of August 2001. This is a conservative estimate. This has added roughly \$33,000 to our costs for BellSouth to provision these orders.

23. BellSouth personnel have conceded that their systems are not equipped to handle the UCL-ND loop. On July 26th, I had a conversation with Tim Miller, BellSouth's Director of Customer Support, in which he conceded that BellSouth's interfaces were unable to process these orders.

24. Further, BellSouth has lost and cancelled other orders placed through LENS and disconnected Broadslate customers for no apparent reason. When we escalated these problems through the LENS help desk to be referred to the LCSC which, in turn, has referred us back to the LENS help desk. Specific examples of these problems are included in Exhibit TW-2 attached.

I declare that the foregoing is true and correct based on my knowledge, information and belief.



TOM WHITAKER

Subscribed and sworn to before me
this 18 day of October, 2001.


Notary Public

My Commission Expires: 8-31-04



Broadplate UCL-ND Missed Firm Order Confirmations - Exhibit TW-1

rx0w2535	16-Jul-01	6-Aug-01	18-Jul-01	Yes	25-Jul-01	Yes
N834BG60	12-Jul-01	6-Aug-01	20-Jul-01	Yes	no	
NX8TYT01	16-Jul-01	30-Jul-01	23-Jul-01	Yes	25-Jul-01	Yes
N98w2wv6	18-Jul-01	15-Aug-01	24-Jul-01	yes	3-Aug-01	Yes
N8209FHZ	17-Jul-01		24-Jul-01	No		
NW1XW831	16-Jul-01	7-Aug-01	24-Jul-01	Yes	25-Jul-01	Yes
N9C2DB86	16-Jul-01	2-Aug-01	24-Jul-01	Yes	3-Aug-01	No
N9FXCPN9	16-Jul-01	24-Jul-01	24-Jul-01	No	-	-
n960y3p9	17-Jul-01	NA	24-Jul-01	No	-	-
N812LJW8A	17-Jul-01	27-Jul-01	24-Jul-01	Yes	25-Jul-01	Yes
N9D67V27	18-Jul-01	25-Jul-01	25-Jul-01	No	25-Jul-01	No
N8ORGFK8	17-Jul-01	NA	25-Jul-01	Yes		
NW331FYN5	17-Jul-01	26-Jul-01	25-Jul-01	-	25-Jul-01	No
NX8HJY88	12-Jul-01	25-Jul-01	19-Jul-01	Yes	25-Jul-01	No
NX7L3HL2	12-Jul-01	26-Jul-01	25-Jul-01	Yes	25-Jul-01	Yes
NW8TT351	11-Jul-01	26-Jul-01	13-Jul-01	Yes	25-Jul-01	
NY29Y3Q2	17-Jul-01		25-Jul-01	No		
NW8DJT53	12-Jul-01	26-Jul-01	19-Jul-01	Yes	25-Jul-01	No
mwbqcn38 -	12-Jul-01	27-Jul-01	20-Jul-01	Yes	25-Jul-01	Yes
NWDJN6TO	13-Jul-01	25-Jul-01	25-Jul-01	Yes	23-Jul-01	Yes
nwd29bg7	16-Jul-01	No Copper	25-Jul-01	Yes	25-Jul-01	No Copper
N8OPFYT3	16-Jul-01	27-Jul-01	25-Jul-01	No		
NW7M8TY4	16-Jul-01	25-Jul-01	25-Jul-01	No		
NW70GV88	13-Jul-01	25-Jul-01	23-Jul-01	No	25-Jul-01	No
NW1HGJ88	17-Jul-01		25-Jul-01	Yes	25-Jul-01	No
NW8GCW87	17-Jul-01	25-Jul-01	25-Jul-01	No		
NY0VQ6J5	18-Jul-01		25-Jul-01	No		
N98B5462	17-Jul-01	25-Jul-01	25-Jul-01	No		
NYCQ39T7	17-Jul-01	25-Jul-01	25-Jul-01	No		
n9dpmg9	17-Jul-01	10-Aug-01	25-Jul-01	Yes	13-Aug-01	No
n13xb9	18-Jul-01	17-Aug-01	25-Jul-01	Yes	17-Aug-01	No
NX3GKJ4	17-Jul-01	N/A	25-Jul-01	N/A		
N9GD0C02	27-Jul-01	N/A	25-Jul-01	N/A	3-Aug-01	N/A
NW44VH20	18-Jul-01	6-Aug-01	25-Jul-01	No		
n97a2305	17-Jul-01	1-Aug-01	24-Jul-01	No	28-Jul-01	Yes
NX2314N3	20-Jul-01	26-Jul-01	26-Jul-01	No		
NX87K2X4	18-Jul-01	26-Jul-01	26-Jul-01	No		
N8333086	18-Jul-01	26-Jul-01	26-Jul-01	No		
NWBPK4L2	20-Jul-01	26-Jul-01	26-Jul-01	No		
NW01B7B6	19-Jul-01	26-Jul-01	26-Jul-01	No		
NW5KROT9	20-Jul-01	NA	26-Jul-01	NA		
N827MBW5	20-Jul-01	26-Jul-01	26-Jul-01	No		
NXD2LW07	20-Jul-01	26-Jul-01	26-Jul-01	No		
N95BY781	20-Jul-01	26-Jul-01	26-Jul-01	No		
NXFFmQ62	19-Jul-01	25-Jul-01	26-Jul-01	N		
C9DLCNP1	28-Jun-01	26-Jul-01	7/5/01	Yes	26-Jul-01	No
NY5L6NV0	18-Jul-01	NA	27-Jul-01	No	13-Aug-01	No
nw787554	16-Jul-01	27-Jul-01	27-Jul-01	No		
N8319KY9	20-Jul-01	27-Jul-01	27-Jul-01	No		
NX7VDD54	20-Jul-01	27-Jul-01	27-Jul-01	No		
N823BWM3	16-Jul-01	31-Jul-01	30-Jul-01	Yes		
n94m833	16-Jul-01	30-Jul-01	30-Jul-01	No		
NX521MF5	23-Jul-01	30-Jul-01	30-Jul-01	No		
ny44c5v1	20-Jul-01	2-Aug-01	30-Jul-01	Yes		
ny9750c4	20-Jul-01	NA	30-Jul-01	No		
NY68NHJ5	31-Jul-01	21-Aug-01	07-Aug-01	Yes	14-Aug-01	Yes
N836RF05	20-Jul-01	07/33/01	30-Jul-01	No		
NY3VW125	23-Jul-01	NA	30-Jul-01	No		
NY6LB189	23-Jul-01	30-Jul-01	30-Jul-01	No		
NYF28H11	20-Jul-01	20-Aug-01	30-Jul-01	Yes	21-Aug-01	No

Broadplate UCL-ND Missed Firm Order Confirmations - Exhibit TW-1

EST Order No.	Order Date	Est/Accept	1st FOC	FOC Miss	2nd FOC	3rd FOC Miss
NY9042M2	20-Jul-01	30-Jul-01	30-Jul-01	No		
NYG10210	31-Jul-01	7-Aug-01	07-Aug-01	No		
NY67LKD2	20-Jul-01	30-Jul-01	30-Jul-01	No		
NYDHFQH5	24-Jul-01	27-Jul-01	31-Jul-01	No		
N82XTFN3	24-Jul-01	NA	31-Jul-01	No		
nw7r7Bro	23-Jul-01	31-Jul-01	31-Jul-01	No		
NW7B2B27/ 864	24-Jul-01	31-Jul-01	31-Jul-01	No		
N86FK3M7	23-Jul-01	31-Jul-01	31-Jul-01	No		
NX9G7276	23-Jul-01	30-Jul-01	31-Jul-01	No		
NXC210L9	18-Jul-01	NA	31-Jul-01	No		
N91MPYL4	24-Jul-01	31-Jul-01	31-Jul-01	No		
N9B7BK89	23-Jul-01	27-Jul-01	31-Jul-01	No		
NYG8C2K1	23-Jul-01	31-Jul-01	31-Jul-01	No	14-Aug-01	No
NYCH2VK8	24-Jul-01	31-Jul-01	31-Jul-01	No		
NW400QW4	20-Jul-01	31-Jul-01	31-Jul-01	No		
NYB6HBJ3	23-Jul-01	31-Jul-01	31-Jul-01	No		
NXCN20NK 9	23-Jul-01	28-Jul-01	31-Jul-01	No		
nwgjgpr3	23-Jul-01	31-Jul-01	31-Jul-01	No		
NW7N86V5	24-Jul-01	31-Jul-01	31-Jul-01	No		
NY05L9K3	24-Jul-01	31-Jul-01	31-Jul-01	No		
NWD4WTF1	20-Jul-01	NA	31-Jul-01	No		
NY8D90N5	31-Jul-01	6-Aug-01	06-Aug-01	No		
NY2RGM75	24-Jul-01	31-Jul-01	31-Jul-01	No		
NY2RGM75	24-Jul-01	31-Jul-01	31-Jul-01	No		
NY5RBRK8	24-Jul-01	31-Jul-01	31-Jul-01	No		
NW9MNP01	24-Jul-01	31-Jul-01	31-Jul-01	No		

EXAMPLES OF ORDER MIS-MANAGEMENT

Consolidated Pharmacy Services, Inc. – Jacksonville, FL, Broadslate Order # 3380

Date of Sale: 6/6/01

Customer requested hold until 7/27/01.

Order placed 7/27/01, FOC Date 8/3/01, Order # CYG0HVBO

Because loop was not delivered Broadslate supped the order on 8/8/01, sup was not accepted because the order was cancelled by BellSouth.

Order was resubmitted by Broadslate on 8/10 and FOC of 8/17/01 was received, Order # CYCYQPM5. FOC was again revised top 8/22/01.

Problem – Order cancelled for no apparent reason and FOC changed for no apparent reason.

Quality Machine & Welding – Knoxville, TN, Broadslate Order #s 3606&4040

Date of Sale: June 27, 2001

LSR placed on 6/28/01 PON DQUA03606BS

From 6/28/01 – 7/5/01 resubmitted order to correct errors.

On 7/9/01 received FOC date of 7/16/01

On 7/17/01 BellSouth reports that the order has not been completed because they cannot provide an ADSL capable loop to this location that will meet design specs. The BellSouth LCSC reports the loop is too long.

Broadslate inquired as to why we would get an FOC date and circuit ID and then later have the order cancelled due to loop length. BellSouth states that it is not unusual for this to happen.

On 7/19/01 Broadslate sales and the customer dispute BellSouth's assessment of loop length because the customer currently has DSL service from BlueStar. A new order is submitted on 7/19/01.

On 7/26 received FOC of 8/1/01, Order # N90Y48PO

On 8/1/01 BellSouth reports that the pair on the frame is already in use.

On 8/6/01 Broadslate submits new order and receives FOC of 8/13/01, Order # C95BGL66.

On 8/13/01 BellSouth CWIN center (Damon) reports that the order was not completed because they cannot deliver a loop of proper technical specifications to that location, which Damon interprets as the loop exceeding 18kft.

Again Broadslate and the customer disagree with this assessment and BellSouth LENS system indicates that the loop is only about 13kft.

On 8/14/01 Broadslate escalates to Farris Huff at BellSouth to find out why we are not receiving this loop. BellSouth advises Broadslate to place an order for a UCL – Short.

On 8/15/01 Broadslate receives an FOC date of 8/22/01 on the new order that was placed. BellSouth Order # C979VWR3.

Customer is advised of new FOC date and because this has been going on for six weeks they decide to call U.S. Representative Van Hilleary and TN State Senator Tim Burchett.

As a result of the call that Congressman Van Hilleary made to BellSouth, the FOC date was moved up from 8/22/01 to 8/17/01 and the loop was delivered on the 17th. BellSouth stated that Broadslate would be responsible for an order expedite fee.

Problem – BellSouth provided erroneous information regarding their ability to deliver a DSL capable loop to the customer location. This would have resulted in lost business if the customer had not already had DSL from BlueStar and therefore knew to dispute BellSouth's claim. How often are our orders rejected, and business lost because of bad information from BellSouth? This destroys their credibility when rejecting our orders due to loop length and technical specs. What is true and what is false?

DJ Powers Co. Inc. – Charleston, SC, Broadslate Order # 3901

Date of Sale: 7/9/01

LSR Submitted 7/12/01- PON DDJP03901BS

RECEIVED FOC DATE OF 07/20/2001, CIRCUIT ID # IS 90.txfu.500008.sb, ORDER # nw9kmpg8.

On 7/18/01 BellSouth revises FOC date, pushing it to 7/25/01, stating that they were sending several new FOC dates for SC and NC.

On 7/30/01 we were informed by BellSouth that the order had been cancelled by mistake per Felicia. She was going to reissue with new FOC date.

8/4/01 Has to resend order PON# DDJP03901BS-1 PAIR 1-3, RECEIVED FOC DATE OF 8-14 WO# CXDPVHM7 CID# 36.LXFU.400973.SB

On 8/11/01 Broadslate had to revise the order because the pair was already a working pair. Pair changed, new FOC date of 8/17/01 assigned.

As of 8/20/01 loop appears to be provisioned.

Problem – BellSouth changed the original FOC, then cancelled the order by mistake. The FOC got pushed out from 7/20 to 7/25 then to 8/17. Got pushed from 8/14 to 8/17 due to a Broadslate assignment error but it should have been completed back in July.

Senior Action Inc. - Greenville, SC, Broadslate Order # 4150

Date of Sale: 7/12/01

LSR Submitted 7/26/01- PON DSENI4150

Received FOC date of 08/03/2001, circuit id # is 30.lxfu.500085...SB, order # x58m2w5

Order was supped for new due date on 8/7/02. New FOC is 8/14/01, 30.lxfu.500121...SB, cx3pvjq0

Per Carrie at the LCSC this order was a duplicate. Explained to her that the first PON dseni4150 was cancelled and a new order requesting new due date was sent under PON dseni4150-1 on 08/07/01. She confirmed to me that it was an invalid clarification. She will fax to me a new FOC. Due date will be: 08/20

FOC 8/20/01, 30.lxfu.401618, order cx87xq52

Problem – invalid Bellsouth clarification results in multiple orders and FOC dates getting pushed out from 8/3/01 to 8/20/01.

Advantage Business Group – Greenville, SC, Broadslate Order # 4115

Date of Sale: 7/18/01

LSR Submitted 7/23/01- PON DADV04115

RECEIVED FOC DATE OF 08/06/2001, CIRCUIT ID # IS 30.LXFU.500098...SB, ORDER # CX6V7LB9

Loop test on 8/16/01 shows 270 ft, meaning no jumper has been run on the mainframe.

On 8/14/01 Becki realized that the order had been in jeopardy status from BellSouth but we did not respond to the notice.

On 8/14/01 we resubmitted the order as PON DABG4115, received an FOC date of 8/21/01, order # CX3MNP11.

On 8/15/01 BellSouth notifies us that there are no copper pairs available.

Customer cancels and is looking into cable modem, per customer BellSouth cannot deliver their dsl either.

Problem – Received FOC date, set expectation with customer, and then informed no copper pairs available.

George Pickett & Assoc. – Cary, NC, Broadslate Order # 3953

Date of Sale: 7/13/01

Order placed on 7/16/01, FOC 7/18/01, Order # nx2w3565.

BellSouth pushes FOC to 7/25/01 with no explanation.

On 7/26/01 BellSouth tech calls to work our order but can't find our block on the frame.

On 7/30/01 BellSouth is still working on the order. There was a mistake but everything is now ok.

Order was completed on Order # nxc4h9g2 and customer is up and working on 8/2/01.

Customer calls Broadslate on 8/13/01 to report that their service is down.

BellSouth cannot explain why the jumper on the frame was pulled and therefore disconnected the customer. After many escalation attempts customer is reconnected on 8/14/01.

Problem – BellSouth changes due date and then once customer is up and working they then disconnect the service for no apparent reason.

Johnson & Galyon, Inc. – Knoxville, TN, Broadslate Order # 4232

Date of Sale: 7/27/01

LSR submitted on 7/30/01, PON JOH4232, FOC Date 8/6/01, Circuit ID T2.LXFU.500322..SC, Order # C99K38M5.

On 8/7/01 BellSouth says order should never have been submitted, fiber to the curb and behind DLC. Broadslate investigates customer prem and identifies a circuit labeled as an LXFU which is being used to provide DSL by BlueStar. If this customer was served by DLC that circuit type would not be there and working.

8/8/01 Broadslate verifies through LENS that it should be DSL capable location and order resubmitted 8/9/01.

8/9/01 FOC Date 8/16/01, Order # C992WP01

On 8/16/01 called BellSouth to see if loop was going to be delivered and were advised that the order had been cancelled. There were no remarks indicating that a jeopardy notice had been provided. Carrie at BellSouth advised that we would not have to sup the order because it was their mistake.

On 8/17/01 Called LCSC talked to Meline on the phone she is trying to find out where this order is sitting. She sees the old order still canceled. She is trying to get in touch with Carrie. Re-entered the order, New Order # is C908J290, T2.LXFU.469872..SC New dd 8/31. Then she saw where it was in Jep. I called the PF status group and talked to Meina. She cannot see why it is PF. There are no remarks or reason why it is PF. Meina is trying to find out who did it. She gave me the name Shannon Simms (865-694-3508) she was not in so they gave me to Diana (865-694-3654). She is working on the order now. She is not sure why it was PF she thinks it is because on the loop length and remote. She is checking the

loop make up and asked me to give her a call back on Monday an she will let me know the loop length and make up.

On 8/20/01 BellSouth says the change in cable guage is causing it to fall short of their specs for db loss. Advising us to order UCL Short which should pass specs.

Problem – Received inaccurate denial due to response of fiber/DLC location, order was cancelled for no reason, and finally lots of wasted time trying to get an answer as to why the loop cannot be provisioned. It has taken from 7/30/01 until 8/20/01 for BellSouth to realize that we should order a UCL – Short to this location. How often are our orders rejected, and business lost because of bad information from BellSouth? This destroys their credibility when rejecting our orders due to DLC, loop length and technical specs. What is true and what is false?

Meta Enterprises – Knoxville, TN, Broadslate Order # 4227

Date of Sale: 7/27/01

Order submitted 7/31/01

Order required a correction to the ACTL on 8/2/01.

Received FOC date of 8/7/01, Order # c94wh099

Order placed in Missed Appointment (MA) status on 8/7/01 because they can't find the demarc at the customer location.

Sent supp to order on 8/9/01 adding additional address information but BellSouth unable to revise the due date, we have to send a whole new order.

New order submitted FOC of 8/21/01 received, Order # c9d7nrm4.

On 8/17/01 BellSouth advises that the assignment on the frame is already in use so Broadslate sends sup to change assignment.

New FOC date of 9/7/01 is provided, Order # c94v0k17.

8/21/01 Inquired as to why due date is so far out, trying to get better date.

Problem – Because of LENS system problems the revised order for additional address info has taken a new order and not a supplement to the existing and the result is a month delay from original FOC date.

Stones River Regional IPA – Murfreesboro, TN, Broadslate Order # 4304

Date of Sale: 8/1/01

Order placed on 8/2/01, FOC of 8/10/01 received.

Broadslate discovers that order has been cancelled and BellSouth can't explain why.

A new order is required and is submitted by Broadslate.

Problem – Order cancelled by BellSouth for no apparent reason.

Southern Mechanical Inc. – Greenville, SC, Broadslate Order # 4360.

Date of Sale: 8/3/01

On 8/7/01 order was placed, received FOC date of 8/15/01, Order # cxfw3x11.

Advised on 8/17/01 that the order has been cancelled because the ACTL was wrong, even though no reject notification was ever provided.

ACTL was corrected and a new order was submitted with an FOC date of 8/24/01 provided, Order # CX6VFK93.

Problem – How can BellSouth accept the order and provide an FOC if the ACTL is wrong. If it is wrong that should be identified before the order is accepted. The order should not have been cancelled, Broadslate should have been notified of the ACTL problem and been given an opportunity to correct the order without losing so much time.

Stream Audio DBA.WHZT – Greenville, SC, Broadslate Order # 4373

Date of Sale: 8/7/01

Order submitted 8/8/01, Order appears to be lost in their system.
Finally FOC DATE OF 8-23 WO#CX91FB77 is provided
Problem – Order is lost in their system and delayed in getting FOC.
Order lost in LENS results in Broadslate customer canceling service.

Order # 1845 Klinke Brother Ice Cream

4/27/01-LSR Submitted in LENS

5/01/01-FOC received with due date of 5/4/01

5/08/01-Call BS to check status, BS determined that order was lost in LENS systems.

5/09/01-Resubmitted LSR

5/14/01-FOC 5/21/01

5/17/01-BS again determines order is not in LENS systems and asked Broadslate to call the helpdesk

5/18/01-5/25/01-BNI calls LENS Manager (Bruce) @ 205-988-7211 to open a trouble ticket and is referred to provisioning manager. BNI Manger calls (Jennifer) @ 770-234-7044 and is referred back to LENS manager. No one was able or willing to help fix these LENS issues.

5/25/01-Placed manual LSR. (Charged for placing manual LSR \$21.56)

5/30/01-FOC 6/6/01

6/6/01-BNI Customer cancel's order.

BellSouth uncooperative testing example—Jim Simmons Co.—Order #3241

I have been working with BellSouth since 12:00 PM.... (Damon at the UNE Center and Reggie at the DMARC or customer premise and Howard at the CO)... Damon has stated time and time again that the Broadslate test equipment was wrong. I ran a test with B.S. equipment disconnected from Broadslate equipment at the CO test results were good at 160ft. Than we tested the loop good at 650ft just before we leave the CO. When Howard connected the heat coils test comes back with 0 (ZERO) on all readings... Damon still says it's a Broadslate issue even when our test equipment shows that we are good at 650ft inside the CO. B.S. test equipment shows the line clean and that just brings conflict between Damon and myself. Damon's supervisor tells him we need to set up a VM and that is the way it's going to be for now on. I told Damon that this was not going to happen. While all this was going on Reggie has gone to the

cross-connect to change the F1 pair just to test. I tested the loop good at 7500ft. Damon and his Supervisor still asked Reggie not to change the F1 pair even after the pair has tested good. Reggie and Howard think this might be the best thing to do to get this customer service. The inside group is still sticking with that the line is good on the first F1 pair and we should use it. Finally they give Reggie the okay to change the F1 pair. Line tested well to the customer premise at 9800ft. Even after I accepted this line from B.S., Damon still thinks the problem is the Broadslate test equipment. WOW!!!!!!! Time 5:10 PM. This issue could have been solved by 1:00 pm. at the latest.

PS. Damon also made a comment that he was told by his Supervisor that when they test a line good at B.S. and Broadslate test it bad. Broadslate need to set up a VM to solve the problem because they are holding up techs in the field..

BellSouth uncooperative testing example -Consolidates Pharmacy #3077

2001-6-11 13:03:49 Shanika Booker
Called BS and set up a vendor meet for 6/12/01 @ 9:00 at the Central Office

2001-6-12 09:27:38 Shanika Booker
Vendor Meet has been rescheduled for 12:00 p.m

2001-6-12 14:27:35 Shanika Booker
Alto went out to the Vendor Meet. He and Bells tech found the problem to be out. We were good going back to our equipment and there seems to be an open cable pair to the customer so I am dispatching out.

2001-6-12 15:35:17 Shanika Booker
The Central Office tested good per Alto and when they tested they found the problem to be out in the field between the Central Office and the Customers Premise.

2001-6-12 17:07:31 Shanika Booker
Larry Rice called along with a bell tech by the name of Kevin. I ran several tests and still came up with voltage T-G -7 and R-G-4 volts with 9000' with 2064 kbps. I asked Kevin to call the Central Office and have him pull the heat coils and he did and I received a test with 620 feet with 3500 Kohms on both sides all the way with a 100% balance. We then asked him to disconnect at the cross connect box so we could test the F1 pair and Kevin stated no he would not due to his supervisor advised him that if he was in specs that he did not have to do that and he didn't. I conferenced in Jim and we left off with Kevin taking Jim's number to have his supervisor call him. Waiting for a call back...

This started with a TT being opened on 5/29/01 due to voltage R-G
Then on I called to get status on that TT and found that it was closed due to no trouble found and the techs notes stated that the problem was with the Customer Premises Equipment. On 6/1/01 Angelina was able to test and received light ground T-G and shorts on it. Larry Rice opened a tt in the NOC to have the coils changed. I placed another TT with BellSouth to have coop testing done and it never happened. I told them it looked like we had a bad pair. Then Kipp was was sent out to the site to check our equipment and no trouble was found.

BellSouth disconnects working loop on the frame for no apparent reason.

06-07-01 T2.LXFU.468253..SC- PON DON2638

Got a call from Jim Cummings in the NOC that cust. was down (3:31 pm he had the BS CO tech and Angela from the UNE center on line). BS repair said that we had sent in a disconnect order but could not give me a disconnect order # from them. The CO tech said on May 18 BS had to move the main cable at cust. site due to road const. outside their building and this is about the time the line started to mess up. One of our Rep. went to cust. site today and saw the WAN light was flashing so they called the NOC and that is when we found out that the cust. had been pulled from frame. Repair could not help me said I had to go to the LCSC to find out what was going on, but that they would go ahead and hook a customer back up to the frame if we would send in new paper work to clear records. I called the LCSC and talked to a Ms. Campbell she did not know how to look up the order in system and had to go to her supervisor after awhile of waiting she came back and said that I would have to go to the repair because they did not have disconnect order in system. Got her supervisor on the phone and she said the same thing and that repair would have to help me. So she transferred me back to repair where I talked to Dexter. He looked up order and said that they showed it being a active line in their records and that there was not disconnect order showing. State it had been closed so I call the NOC and the customer was back up and running this was at 5:05 pm. Closed TT with BS. 2001-5-11 13:35:13 bam.hermawan

Order cancelled by BellSouth for no apparent reason.

Customer requested to move his service from one floor to another. BNI submitted the lsr to move the customer and received FOC of 5/18/01 (order number C988Q1V1). BellSouth did not show up. Becky and Jim called the LCSC once they became aware of the situation...they were told the order had been canceled.

I became aware on 5/21 and called 770-986-2047 - the operations Director at 11:30am left a message and did not get a response. I called Brian Green 770-986-2630. I also called Cynthia Hodges to let her know I had escalated this problem to Brian Green.

Kyle, from Brian Green's office called back late 5/21 to let me know she was working the problem.

I called Kyle 5/22 at 8am because I had not heard from her before I left 5/21...she called back at 10:20. We determined that the order had been canceled but the original circuit (T1LFXU363202) was active.

BNI's Service Integrator extended the demarc to the new customer location and verified the service up and running.

Yesterday I received word that BellSouth had billed the customer for this work. Tish Blakley is getting a copy of the customer's bill.

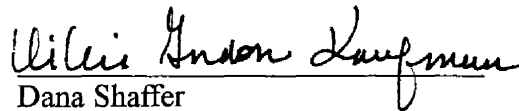
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Rebuttal Testimony and Exhibit of Rex Knowles on behalf of XO Florida, Inc. has been furnished by (*) hand delivery or by U. S. Mail on this 26th day of March, 2002, to the following:

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