BELLSOUTH TELECOMMUNICATIONS, INC.

REBUTTAL TESTIMONY OF W. KEITH MILNER

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 030137-TP

June 25, 2003

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

A. My name is W. Keith Milner. My business address is 675 West Peachtree Street, Atlanta, Georgia 30375. I am Assistant Vice President - Interconnection Operations for BellSouth. I have served in my present position since February 1996.

Q. ARE YOU THE SAME W. KEITH MILNER WHO EARLIER FILED DIRECT TESTIMONY IN THIS DOCKET?

A. Yes.

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

A. I respond to portions of the direct testimony of Mr. Steve Brownworth on behalf of ITC^Deltacom Communications, Inc. ("Deltacom") with

respect to Issues 8, 20, and 21. It is BellSouth's understanding that the parties have reached agreement as to Issues 8(b), 20(a), 23, 29, and 50. Should these issues not be resolved, BellSouth reserves its right to file supplemental testimony on those issues.

Issue 8: <u>Universal or Integrated Digital Loop Carrier ("UDLC/IDLC") Technology</u>

(a) Should BellSouth be required to provide an unbundled loop using IDLC technology to DeltaCom which will allow Deltacom to provide consumers the same quality of service (i.e., no additional analog to digital conversions) as that offered by BellSouth to its customers? If so, under what rates, terms and conditions should it be provided?

Q. BEFORE ADDRESSING THIS ISSUE IN MORE DETAIL, COULD YOU PUT IT INTO CONTEXT FOR THE COMMISSION?

A. Yes. BellSouth uses integrated digital loop carrier ("IDLC") equipment to serve some of its end user customers. This IDLC equipment allows a single transmission facility to carry multiple voice messages at once through a process known as multiplexing. Rather than "demultiplexing" the various voice multiplexed lines into separate lines prior to running them through a circuit switch at the central office, BellSouth runs transmission facilities carrying these multiple voice lines directly into a circuit switch, and the switch separates the various voice

lines out and sends them on the way to their appropriate destinations. This is what is meant when it is said that IDLC equipment allows the 'integration' of loop facilities with switch facilities by eliminating equipment in the central office referred to as Central Office Terminals ("COTs").

Issue No. 8 arises when an Alternative Local Exchange Carrier ("ALEC") like Deltacom wins the local exchange business of an end user that BellSouth is serving over an IDLC loop, and that ALEC wants to use a non-BellSouth switch[1] to serve that end user. In that situation, the ALEC cannot use the IDLC loop to serve the end user because the IDLC transmission facility carries voice lines not only from the ALEC's end user customer, but also from various other end users (including BellSouth's end user customers). Instead, a separate loop facility that carries only that end user's voice messages has to be provided and connected to Deltacom's voice switch.

Q. HAS THIS COMMISSION PREVIOUSLY RULED ON THIS ISSUE?

A. Yes. In the first Deltacom-BellSouth arbitration proceeding, Deltacom argued that "BellSouth uses either excessively long copper loops, outdated Universal Digital Loop Carrier (UDLC), or in rare instances, provides the 'side-door' IDLC, but does so via a voice-grade interface, which will not always provide the same quality and features of

[1] The ALEC may want to use its own switch, or it may be purchasing switching functionality from another entity.

BellSouth provisioned IDLC."[2] In response, BellSouth stated that "the inherent capabilities of the various types of loops (copper loops, IDLC loops, and UDLC loops) are the same whether used for a BellSouth retail customer or an ALEC's customer."[3] After considering the record, the Commission ruled that

> Based upon the foregoing, we find that the record supports that BellSouth has met its obligation under Section 251 of the Act to provide non-discriminatory access to UNE loops. We believe that BellSouth provides the avenue of choice to ITC^DeltaCom, and there is little, if any, evidence in this record to support that ITC^DeltaCom has requested loops with specific transmission characteristics from BellSouth. BellSouth states that if ITC^DeltaCom, or any other ALEC, desires a loop which was provisioned by it via an IDLC and having certain capabilities, the ALEC may order it, and where technically feasible, BellSouth will provide the service, as requested.[4]

Q. IS THERE ANY REASON FOR THE COMMISSION TO DEVIATE FROM THIS PRIOR RULING?

A. No. Nothing related to IDLC technology or UDLC technology has changed since the Commission entered this prior ruling. The

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[2] Order on Arbitration, *In Re Petition of ITC^DeltaCom Communications, Inc. for Arbitration with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996,* Order No. PSC-00-0537-FOF-TP in Docket No. 990750-TP at p. 19 (March 15, 2000).

[3] *Id.* at 21.

[4] *Id.* at 24.

Commission, therefore, should reach the same ruling in this arbitration by adopting BellSouth's position on this issue.

Q. MR. BROWNWORTH, ON PAGE 3 OF HIS TESTIMONY, STATES THAT IDLC IS VERY IMPORTANT SUCH "THAT ITC^DELTACOM BE ABLE TO ORDER A LOCAL LOOP ON BEHALF OF THE END USER CUSTOMER AND THAT LOCAL LOOP SHOULD RECEIVE THE SAME QUALITY OF SERVICE THAT BELLSOUTH CURRENTLY OFFERS THAT SAME CUSTOMER. IN OTHER WORDS, BELLSOUTH SHOULD NOT PROVIDE A DEGRADED LOCAL LOOP TO ITC^DELTACOM." PLEASE COMMENT.

A. When an ALEC such as Deltacom orders a voice grade unbundled loop from BellSouth, BellSouth provides a loop with technical characteristics suitable for voice grade services. Loops provided over IDLC are integrated into BellSouth's switch rather than being run through de-multiplexing equipment referred to as COTs. Therefore, when an ALEC obtains a customer currently served by IDLC, it is necessary to provide a non-integrated facility (for example, a copper loop or a loop served by Universal Digital Loop Carrier ("UDLC")) to serve the customer. Because IDLC loops are integrated directly into the central office switch, BellSouth must take special measures to remove the switching functionality in order to provision the desired loop to the requesting ALEC. As I stated in my direct testimony, BellSouth has eight (8) alternatives for providing this non-integrated unbundled

loop facility that are currently used by BellSouth when it is necessary to convert an IDLC loop to an unbundled loop facility. All eight (8) alternatives provide unbundled loops suitable for voice grade services. If Deltacom wants a loop with particular transmission standards (that is, different from or higher than voice grade), Deltacom should order such a loop. If BellSouth is unable to offer a loop that meets Deltacom's requirements, Deltacom should place a New Business Request ("NBR") with BellSouth for the development of such a loop.

The eight (8) alternatives for giving an ALEC access to loops served by IDLC as listed in my direct testimony are listed in order of complexity, time, and cost to implement. The simplest is listed first and the most complex, lengthy, and costly to implement listed last. Also, Alternative 1 and the copper loop solution of Alternative 3 do not add additional Analog to Digital conversions; which would appear to alleviate Deltacom's primary concern. When an ALEC orders a loop, BellSouth delivers that loop to the specifications ordered by the ALEC.

Q. HAS THE FCC ADDRESSED THESE EIGHT (8) ALTERNATIVES?

A. Yes. To reiterate from my direct testimony, the sufficiency of these eight (8) alternatives was an issue in BellSouth's Section 271 proceedings before the nine State Commissions in BellSouth's region as well as the Section 271 proceedings before the Federal Communications Commission ("FCC") as BellSouth sought in-region

interLATA long distance authority. All nine states and the FCC affirmed that BellSouth provides unbundled loops to ALECs on a nondiscriminatory basis, including those loops served by IDLC equipment. The Florida Public Service Commission made such a finding in Docket No. 960786-TL.

Q. ON PAGE 4 OF HIS TESTIMONY, MR. BROWNWORTH STATES THAT NO NEW BUSINESS REQUEST SHOULD BE REQUIRED BECAUSE OF DELTACOM'S WORKING WITH BELLSOUTH ON IMPLEMENTATION OF LANGUAGE INTO LOCAL SERVICE ORDERS CONCERNING "NO ADDITIONAL A TO D CONVERSIONS." PLEASE RESPOND.

A. I disagree with Mr. Brownworth's conclusion. It appears to me that Mr. Brownworth has overlooked the technical issues involved in accomplishing what Deltacom wants. As I discussed in detail in my direct testimony, BellSouth agreed to work cooperatively with Deltacom to explore some technical possibilities in an attempt to minimize or eliminate the need for additional Analog to Digital conversions. Unfortunately, those efforts were unsuccessful owing to no shortcoming on either BellSouth's or Deltacom's part. To my knowledge, there simply is no technically feasible way to accomplish what Deltacom is asking. Further, Deltacom has proposed no technical alternative beyond those that BellSouth offers to ALECs and which have already been tested. Mr. Brownworth seems to suggest

that by agreeing to make good faith efforts to explore other alternatives in those technical trials, BellSouth has somehow waived the New Business Request process. BellSouth denies that it told or implied to Deltacom that BellSouth's participation in technical trials would be used in lieu of the New Business Request process.

BellSouth provides Deltacom with unbundled loops (whether on so-called UDLC or other technology) that meet the technical transmission requirements for voice grade loops. If Deltacom wishes a loop with different or more stringent technical characteristics than the loops BellSouth currently offers, Deltacom should request such a loop via the New Business Request process.

Q. HOW DOES THE NEW BUSINESS REQUEST PROCESS DIFFER FROM THE TECHNICAL TRIALS YOU JUST DESCRIBED, AND WHY SHOULD DELTACOM GO THROUGH THIS PROCESS AFTER IT HAS PARTICIPATED IN THOSE TRIALS?

A. The New Business Request process is available should Deltacom discover some new way of provisioning loops that does not impose additional Analog to Digital conversions.

Issue 20: <u>SS7</u>

(b) Where should the parties' interconnection point be for the exchange of SS7 traffic?

Q. MR. BROWNWORTH, ON PAGES 16-17 OF HIS TESTIMONY, STATES THAT THE LOCATION OF THE SIGNALING SYSTEM 7 ("SS7") SIGNALING POINT OF INTERCONNECTION ("SPOI") SHOULD BE THE SERVING WIRE CENTER OF THE CARRIER POINT OF PRESENCE ("POP") FROM WHICH DELTACOM HANDS THE SS7 LINKS TO BELLSOUTH AND FURTHER THAT BELLSOUTH SHOULD PAY FOR A FAIR PORTION OF THE CONNECTIONS BETWEEN THE SIGNAL TRANSFER POINTS ("STPs"). WHAT IS BELLSOUTH'S POSITION?

A. BellSouth will meet Deltacom at established SS7 gateways consistent with the manner BellSouth does for all other carrier customers thereby ensuring redundancy and diversity, which is critical to maintaining network reliability and security. BellSouth should not be required to absorb Deltacom's transport costs by acceding to Deltacom's request. I would note that Mr. Brownworth makes no offer to absorb any part of BellSouth's costs for its signaling network but instead seeks to be unilaterally reimbursed for a cost that, in my view, is a cost of being a facilities-based carrier, a choice Deltacom has made for itself.

As stated in my direct testimony, BellSouth monitors the signaling links in its network 24 hours a day, 7 days per week. BellSouth also monitors utilization of the links and has definitive plans for augmentation to prevent congestion. BellSouth believes Deltacom should interconnect its signaling network with BellSouth's signaling

networks at the signaling gateways, as do all other carriers. If Deltacom wants some other arrangement, Deltacom should pay for such an arrangement.

Issue 21: Dark Fiber Availability

Does BellSouth have to make available to DeltaCom dark fiber loops and transport at any technically feasible point?

Q. MR. BROWNWORTH CONTENDS, ON PAGE 17 OF HIS TESTIMONY, THAT DELTACOM SHOULD BE ABLE TO ACCESS DARK FIBER AT AREAS OTHER THAN THE COLLOCATION SITE, AND HE CONTENDS THAT THIS IS CONSISTENT WITH ANY TECHNICALLY FEASIBLE POINT. PLEASE RESPOND.

A. Deltacom's proposal to be able to access dark fiber at areas other than the collocation site completely ignores the definitions of loops and transport established under the FCC's rules and would result in creation of a new UNE *from* whatever point Deltacom wants to access it *to* whatever point Deltacom wants to access it. BellSouth has no requirement to create new UNEs. Instead, BellSouth's obligation is to provide access to UNEs as they exist within its network. The parties may mutually agree to some other interconnection point; however, Deltacom apparently wants to be in the position that it can dictate when and where the interconnection will take place between Deltacom's network and BellSouth's network despite careful FCC

rulemaking that standardizes how and where such network interconnection takes place.

Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

A. Yes.