

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

REBUTTAL TESTIMONY

OF

DON WOOD

ON BEHALF OF

ITC^DELTA COM COMMUNICATIONS, INC.

DOCKET NO. 030137-TP

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FPSC-COMMISSION CLERK

1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

2 A. My name is Don J. Wood. My business address is 4625 Alexander Drive,
3 Suite 125, Alpharetta, Georgia 30022.

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5 Q. ARE YOU THE SAME DON J. WOOD WHO PRESENTED DIRECT
6 TESTIMONY ON BEHALF OF ITC^DELTACOM ON MAY 19, 2003?

7 A. Yes.

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

10 A. The purpose of my rebuttal testimony is to respond to the testimony of
11 BellSouth witness John A. Ruscilli regarding Issue No. 56.

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13 *Issue 56: May BellSouth charge a cancellation charge which has not been*
14 *approved by the Commission?*

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17 Q. WHAT IS BELLSOUTH'S POSITION ON THIS ISSUE AS SET FORTH
18 IN MR. RUSCILLI'S TESTIMONY?

19 A. Mr. Ruscilli's testimony (p. 36) is nothing more than a play on words: "The
20 rates applicable when an ALEC cancels an LSR are based on Commission-
21 approved rates." In other words, while the Florida Public Service
22 Commission has in fact not approved this charge, another "commission" – the
23 FCC – has done so, thereby making the charge "Commission-approved."

24 Mr. Ruscilli's response sidesteps the issue in dispute. There has been

1 no misunderstanding in the discussions between BellSouth and
2 ITC^DeltaCom that the word “Commission” in the *Issue Description* column
3 of the issues matrix refers to the “Commission” with the responsibility for
4 evaluating and approving BellSouth’s UNE rates – the “commission” in
5 Florida, not the “commission” in Washington.

6 Mr. Ruscilli’s clever wordplay would have proven to be much more
7 clever if he had been factually correct. Setting aside the fact that the
8 “commission” in Washington applies a different standard when evaluating
9 BellSouth’s proposed federal charges than the Florida PSC applies when
10 examining proposed UNE rates, Mr. Ruscilli overstates his case: the FCC
11 does not routinely “approve” the charges in BellSouth’s federal tariff.
12 Current price cap rules allow the rates in BellSouth’s tariff filings to become
13 effective ten days after filing unless the specific rate is challenged. While it
14 might be meaningful to say that the FCC “accepts” such a charge, it is not
15 accurate to say that the FCC “approves” these charges; in the vast majority of
16 cases the proposed rates are not reviewed by the FCC at all. Any suggestion
17 that this Commission can or should forego the evaluation of a proposed UNE
18 rate pursuant to TELRIC principles because the charge already exists in an
19 FCC tariff is just wrong.

20 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

21 A. Yes.