

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Petition of AT&T )  
Communications of the Southern ) DOCKET NO.: 030296-TP  
States, LLC and TCG South )  
Florida For Arbitration of Certain )  
Items and Conditions of a ) FILED: JULY 10, 2003  
Proposed Interconnection )  
Agreement with Sprint-Florida, )  
Inc. Pursuant to 47 U.S.C. § 252 )**

**REBUTTAL TESTIMONY OF  
JAY M. BRADBURY  
ON BEHALF OF  
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC  
AND TCG SOUTH FLORIDA**

**July 10, 2003**

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1 INTRODUCTION

2 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, BY WHOM**  
3 **YOU ARE EMPLOYED, AND IN WHAT CAPACITY.**

4 A. My name is Jay M. Bradbury. My business address is 1200 Peachtree  
5 Street, Suite 8100, Atlanta, Georgia 30309. I am employed by AT&T  
6 Corp. ("AT&T") as a District Manager in the Law and Government  
7 Affairs Organization.

8  
9 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL**  
10 **BACKGROUND.**

11 A. I graduated with a Bachelor of Arts degree from The Citadel in 1966. I  
12 have taken additional undergraduate and graduate courses at the  
13 University of South Carolina and North Carolina State University in  
14 Business and Economics. I earned a Masters Certificate in Project  
15 Management from the Stevens Institute of Technology in 2000.

16  
17 I have been employed in the telecommunications industry for more  
18 than thirty-three years with AT&T, including fourteen (14) years with  
19 AT&T's then-subsiidiary, Southern Bell. I began my AT&T career in  
20 1970 as a Chief Operator with Southern Bell's Operator Services  
21 Department in Raleigh, North Carolina. From 1972 through 1987, I

1 held various positions within Southern Bell's (1972 - 1984) and  
2 AT&T's (1984 - 1987) Operator Services Departments, where I was  
3 responsible for the planning, engineering, implementation and  
4 administration of personnel, processes and network equipment used  
5 to provide local and toll operator services and directory assistance  
6 services in North Carolina, South Carolina, Kentucky, Tennessee and  
7 Mississippi. In 1987, I transferred to AT&T's External Affairs  
8 Department in Atlanta, Georgia, where I was responsible for managing  
9 AT&T's needs for access network interfaces with South Central Bell,  
10 including the resolution of operational performance, financial and  
11 policy issues.

12  
13 From 1989 through November 1992, I was responsible for AT&T's  
14 relationships and contract negotiations with independent telephone  
15 companies within the South Central Bell States and Florida. From  
16 November 1992 through April 1993, I was a Regulatory Affairs  
17 Manager in the Law and Government Affairs Division. In that  
18 position, I was responsible for the analysis of industry proposals  
19 before regulatory bodies in the South Central states to determine their  
20 impact on AT&T's ability to meet its customers' needs with services  
21 that are competitively priced and profitable. In April 1993, I  
22 transferred to the Access Management Organization within AT&T's

1 Network Services Division as a Manager – Access Provisioning and  
2 Maintenance, with responsibility for ongoing management of  
3 processes and structures in place with Southwestern Bell to assure  
4 that its access provisioning and maintenance performance met the  
5 needs of AT&T's strategic business units.

6  
7 In August 1995, as a Manager in the Local Infrastructure and Access  
8 Management Organization, I became responsible for negotiating and  
9 implementing operational agreements with incumbent local exchange  
10 carriers needed to support AT&T's entry into the local  
11 telecommunications market. I was transferred to the Law and  
12 Government Affairs Organization in June 1998, with the same  
13 responsibilities. One of my most important objectives was to ensure  
14 that BellSouth provided AT&T with efficient and nondiscriminatory  
15 access to BellSouth's Operations Support Systems (OSS) throughout  
16 BellSouth's nine-state region to support AT&T's market entry.

17  
18 Beginning in 2002 my activities expanded to provide continuing  
19 advise to AT&T decision makers concerning industry-wide OSS,  
20 network, and operations policy, implementation, and performance  
21 impacts to AT&T's business plans.

1

2 **9. HAVE YOU EVER TESTIFIED BEFORE?**

3 A. Yes, I have testified on behalf of AT&T in numerous state public utility  
4 commission proceedings regarding various network and related  
5 issues, including arbitrations, performance measures proceedings,  
6 Section 271 proceedings, and quality of service proceedings, in all  
7 nine states in the BellSouth region. I also have testified on behalf of  
8 AT&T in proceedings before the FCC regarding BellSouth's  
9 applications to provide in-region interLATA long distance service.

10

11 **9. DID YOU FILE DIRECT TESTIMONY IN THIS PROCEEDING?**

12 A. No. However, I am adopting and sponsoring the direct testimony of  
13 AT&T's witness David L. Talbott filed June 19, 2003, related to Issue  
14 12.

15

16 **9. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

17

18 A. My testimony responds to the direct testimony filed by Mr. Maples on  
19 behalf of Sprint in this proceeding regarding Issue 12.

20

1 ISSUE 12: Should Sprint be required to continue to provide its DSL service  
2 when AT&T provides the voice service to the customer? (Unbundled Network  
3 Elements, Part D, Section 6.15.1)

4  
5 AT&T's Position: Sprint is required to continue to provide its retail Fast  
6 Connect DSL service to a customer when AT&T provides voice service to  
7 such customer through either facilities owned totally by AT&T or through  
8 UNE-loop or UNE-P provided by Sprint to AT&T.

9  
10 Sprint's Position: Nothing in state or federal law allows the Commission to  
11 require Sprint to continue providing its retail Fast Connect DSL service  
12 when a customer switches to AT&T for its voice service.<sup>1</sup>

13  
14 **9. ON PAGE 46, LINES 18-22, MR. MAPLES STATES THAT**  
15 **EARTHLINK, NOT SPRINT, PROVIDES THE ENHANCED SERVICE**  
16 **PORTION OF ITS FASTCONNECT® SERVICE. IS THIS RELEVANT**  
17 **TO ISSUE 12?**

18 A. No. Sprint cannot justify its discriminatory practice simply because it  
19 uses a vendor to provide part of its service.

20  
21 **9. MR. MAPLES ALSO STATES ON PAGE 46, LINES 21-22, THAT**  
22 **"AT&T IS IN NO WAY IMPAIRED BY SPRINT'S DISCONTINUANCE**  
23 **OF ITS FASTCONNECT® CUSTOMERS WHEN SPRINT NO LONGER**  
24 **PROVIDES THE UNDERLYING VOICE SERVICE." DO YOU**  
25 **AGREE?**

26 A. Absolutely not. AT&T and all CLEC's attempting to provide local  
27 service in Sprint's territory are discriminated against by Sprint's  
28 practice. Sprint's refusal to provide its existing FastConnect® service

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<sup>1</sup> Sprint Response at Page 25.

1 to its customers who choose a CLEC for local voice service is a barrier  
2 to entry that impedes the growth of competition for local service. As  
3 noted in AT&T's direct testimony this Commission already has found  
4 such practices to be discriminatory and that it has the jurisdiction to  
5 address the issue. AT&T's requested language is consistent with the  
6 Commission's prior Orders.

7  
8 **Q. ON PAGE 46, LINES 21-25, AND PAGE 47, LINES 1-4, OF MR.**  
9 **MAPLES' DIRECT TESTIMONY, HE CONTENDS THAT AT&T IS**  
10 **NOT IMPAIRED BECAUSE OF OTHER LANGUAGE IN ITS**  
11 **CONTRACT RELATED TO LINE SPLITTING (UNBUNDLED**  
12 **NETWORK ELEMENTS, PART D, SECTION 6.16). DO YOU**  
13 **AGREE?**

14 A. No. The issue is not what AT&T can do for itself or with others. The  
15 issue is the discriminatory impact that Sprint's proposed practice  
16 would have on the growth of competition for local service by requiring  
17 customers to switch DSL providers as a condition of obtaining local  
18 service from a competitor of Sprint. As Mr. Talbott discussed in this  
19 direct testimony, for those customers who have become accustomed  
20 to the faster speeds afforded by DSL service over traditional dial-up  
21 service, not having the opportunity to retain their FastConnect®  
22 service would be a significant disadvantage for customers switching  
23 from Sprint to AT&T or another CLEC for local service. Sprint would



1 penalize customers of its DSL service by requiring the customer to  
2 give up its ISP including e-mail addresses and customized information  
3 services, solely because the customer made a choice of a different  
4 voice provider from Sprint. This is clearly anticompetitive behavior  
5 that the Commission should not sanction. Indeed, this Commission  
6 has found the practices that Sprint is advocating in this proceeding to  
7 be discriminatory under both federal and state law. Thus, like in  
8 other proceedings, the Commission should require Sprint to continue  
9 to provide its FastConnect® service when a customer selects AT&T for  
10 local service.

11  
12 **9. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

13 A. Yes, it does.