BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
from Federal Communications Commission)   Docket No. 030851-TP
triennial UNE review: Local Circuit Switching)
for Mass Market Customers.)

REBUTTAL TESTIMONY OF

CHERYL L. BURSH

ON BEHALF OF

AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC

JANUARY 7, 2004

1	Q.	**PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

1 Q. **PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Cheryl L. Bursh. My business address is 1200 Peachtree Street, Suite 8100,

3 Atlanta, Georgia 30309.

4
5 Q. **PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL**
6 **BACKGROUND.**

7 A. I have a Bachelor of Science Degree from Johnson C. Smith University and a Master of

8 Science Degree from George Washington University. I am employed as a District

9 Manager by AT&T, operating in Florida as AT&T of the Southern States, LLC

10 ("AT&T"), where I am responsible for performance measurement and remedy plan

11 advocacy for AT&T's Southern Region. My area of expertise is the development of an

12 effective methodology for measuring BellSouth's performance and includes policy

13 development for effective remedy plans. I have represented AT&T in a number of

14 regulatory proceedings, including performance measurement workshops and hearings

15 conducted in Alabama, Louisiana, Florida, North Carolina, South Carolina, Kentucky,

16 Tennessee and Georgia. In over 22 years with AT&T, I have held a variety of

17 management positions, including strategic planning, sales of large business systems and

18 telecommunications services, system development for operation support systems, product

19 marketing and technical support for computer systems.

20
21 Q. **WHAT ISSUES DOES YOUR TESTIMONY ADDRESS?**

22 A. My testimony provides information related to the Commission's consideration of Issue

23 5(c)1.

1

2 Q. **WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

3 A. The purpose of my testimony is to respond to the Direct Testimony filed by BellSouth

4 witness Alphonso J. Varner, and specifically to demonstrate that:

5   * BellSouth's assessment of its loop performance data for Florida does not dispute
6   that Competitive Local Exchange Carriers ("CLECs") face operational barriers to
7   market entry absent unbundled local switching (Unbundled Network Element
8   Platform or "UNE-P").
9

10   * BellSouth's Florida performance data does not settle whether its existing
11   processes can handle anticipated loop migration demand if UNE-P is eliminated.
12

13   * BellSouth's proposed changes to its Performance Assurance Plan fail to properly
14   sanction poor performance in the batch hot cut process; even with them, key
15   performance areas are excluded.
16

17

18 Q. **PLEASE SUMMARIZE YOUR TESTIMONY.**

19 A. To bolster its effort to persuade this Commission that its existing hot cut and loop

20 provisioning process will perform well in a different, untested future, BellSouth relies on

21 the performance data presented in Mr. Varner's testimony, coupled with an incorrect

22 standard. For compelling reasons, this information does not support BellSouth's case.

23 Assembled as directed by this Commission's orders in the 271 approval process, and

24 reflecting an environment where UNE-P is the local service mechanism used by CLECs,

25 such performance data provides limited insight into how BellSouth would perform if

26 UNE-P is no longer available. In that event, CLECs would use an Unbundled Network

27 Element-Loop ("UNE-L") approach, existing today in low volumes with uneven

28 performance by BellSouth. I will demonstrate areas of concern in the reporting, which

29 should be gauged by the standard that in a UNE-L environment, loops should be

30 transferred as promptly and efficiently as UNE-P. Additionally, BellSouth's proposed

31 changes to its Performance Assurance Plan, specifically, the Self Effectuating

1	Enforcement Mechanism ("SEEM") and the performance measures, are inadequate and
2	will excuse poor performance without sanctions. I also propose measures which are
3	needed in a batch hot cut environment.
4	
5 6 7	I. **BELLSOUTH'S CURRENT PERFORMANCE IN EXECUTING HOT CUTS AND PROVIDING LOOPS IS IRRELEVANT IN CONSIDERING THE BATCH HOT CUT PROCESS REQUIRED IN THIS PROCEEDING.**
8 9 10 11 12	Q. **ON PAGE 3 OF HIS DIRECT TESTIMONY, MR. VARNER ASSERTS THAT BELLSOUTH'S CURRENT PEFORMANCE DATA SUPPORTS BELLSOUTH'S CLAIM THAT ITS EXISTING PROCESSES WILL ADEQUATELY SUPPORT ANTICIPATED LOOP MIGRATION. DO YOU AGREE?**
13	A. No. The current performance data reflects the fact that hot cuts and loop provisioning are
14	at low levels. If access to unbundled local switching is denied to CLECs, these volumes
15	will increase dramatically. As described in the testimony of AT&T's witness Mark Van
16	De Water, BellSouth's highly manual provisioning process will be inadequate to handle
17	this situation. Because the different volume levels create two very different
18	environments, how BellSouth handles hot cuts and loop provisioning in a low volume
19	environment does not carry over to an environment with dramatic increases in volume.
20	The Federal Communications Commission ("FCC") recognized this point in the
21	Triennial Review Order ("TRO"). Incumbent Local Exchange Companies ("ILECs")
22	made the same argument in that case, claiming that performance data demonstrated that
23	hot cut performance is satisfactory. The FCC accurately pointed out that this data was
24	irrelevant: "the issue is not how well the process works currently with limited hot cut
25	volumes..." TRO at ¶ 469. BellSouth's continued effort to twist current performance
26	data to support a different future should similarly be given no weight by this
27	Commission.

1
2 Q. ON PAGE 9 OF HIS DIRECT TESTIMONY, MR. VARNER SUGGESTS THAT
3 BELLSOUTH'S PERFORMANCE DATA DEMONSTRATES THAT IT
4 "PROVIDES TODAY, AS IT PROVIDED AT THE TIME OF ITS 271
5 APPLICATION, NON-DISCRIMINATORY, TIMELY AND EFFICIENT
6 ACCESS TO UNE LOOPS." WHAT RELEVANCE DOES THAT HAVE FOR
7 THIS CASE?

8 A. None. This point was explicitly rejected in the TRO, where the FCC found that "the

9 number of hot cuts performed by BOCs in connection with the 271 process is not

10 comparable to the number that incumbent LECs would need to perform if unbundled

11 switching were not available for all customer locations served with voice-grade loops." ¶

12 469 (fn. omitted). BellSouth (and other regional Bell operating companies) relied on

13 UNE-P in order to obtain 271 approval, with the result that its hot cut performance has

14 been limited. BellSouth's effort to transform the performance data into evidence that

15 BellSouth will perform as well in a UNE-L environment fails. There is no casual

16 connection between the two different environments.

17
18 II. **BELLSOUTH USES THE WRONG STANDARD IN ATTEMPTING TO**
19 **DEMONSTRATE THAT CLECS DO NOT FACE OPERATIONAL BARRIERS**
20 **TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING.**

21 Q. WHAT STANDARD SHOULD BE USED IN ANALYZING WHETHER CLECS
22 FACE OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT
23 UNBUNDLED LOCAL SWITCHING?
24
25 A. The FCC suggested a review of performance data could be appropriate as part of the

26 inquiry into the ILEC's "ability to transfer loops in a timely and reliable manner." TRO at

27 ¶ 512. Such an analysis "is necessary to ensure that customer loops can be transferred

28 from the incumbent LEC main distribution frame to a competitive LEC collocation as

29 promptly and efficiently as incumbent LECs can transfer customers using unbundled

30 local circuit switching." *Id.* at n. 1574. This approach is sound, for if the prompt and

3

efficient local service delivery method of UNE-P is no longer available, the ILEC must follow the same standard in performing its replacement. Anything less will cause customer dissatisfaction and confusion. While Mr. Varner's testimony is lengthy, his discussion provides little insight into the issue of whether BellSouth's loop provisioning is as prompt and efficient as UNE-P. Claiming that measurement results show that BellSouth responds to CLEC loop orders accurately and timely and performs maintenance and repair activities in a nondiscriminatory manner falls short of actually comparing loop performance to the FCC-prescribed standard of UNE-P performance.

Table 1 below illustrates that BellSouth's loop performance falls woefully short when compared against UNE-P performance. Data for this table is obtained from BellSouth's Performance Measurement and Analysis Platform ("PMAP") website, as well as Mr. Varner's testimony, Exhibit AJV-1, and reflects the performance (from the PMAP website) for UNE-P (Loop+Port Combinations/<10circuits/Non-Dispatch), compared to the results (as set forth in Mr. Varner's Exhibit AJV-1) for the 2-W Analog Loop W/LNP Non-Design<10/Dispatch-In. The latter was chosen for comparison because this will generally be one of the most prevalent loop categories ordered in a UNE-L environment. The table reflects the performance for the Order Completion Interval ("OCI"), which measures the time from the issuance of the Firm Order Completion ("FOC") until the order is completed. These intervals are added for each Local Service Request ("LSR") and then divided by the total number of LSRs to ascertain the interval average. The numbers in Columns 2 and 3 are expressed in terms of days, with 1.0 meaning one day.

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Table 1: Order Completion Interval ("OCI")

Month	UNE-P	2-W Analog Loop W/LNP Non-Design<10/Dispatch-In
11/02		
12/02	0.83	5.03
1/03	0.88	4.99
2/03	0.85	4.85
3/03	0.86	4.85
4/03	0.84	4.97
5/03	0.48	4.92
6/03	0.53	4.95
7/03	0.53	4.90
8/03	0.51	4.98
9/03	0.47	4.82

3
4   As reflected above, the UNE-P performance is less than one day, but the OCI for

5   a 2-W Analog Loop is approximately four days. While this type of performance was

6   tolerated in an environment where UNE-L was an infrequently used option, without

7   UNE-P, the OCI for 2-W with Analog Loop w/LNP should be required to meet the UNE-

8   P interval, which currently is less than a day. Otherwise, CLECs competing in Florida

9   that today have access to UNE-P installations will face difficulties offering customers

10   intervals almost 4 days longer. In addition, because the OCI does not include the Firm

11   Order Confirmation interval, the actual customer experience would be even worse if

12   UNE-P is no longer available. Clearly, an extensive interval for basic phone service

13   qualifies as an operational barrier to market entry.

14
15 III. **CONSOLIDATING PERFORMANCE RESULTS FOR "ALL LOOPS" HIDES**
16   **PERFORMANCE RESULTS RELEVANT TO THE ISSUE OF OPERATIONAL**
17   **BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL**
18   **SWITCHING.**

19 Q.   **SETTING ASIDE FOR THE MOMENT THE ISSUES YOU DISCUSS ABOVE –**
20   **THAT CURRENT PERFORMANCE IS IRRELEVANT AND BELLSOUTH USES**
21   **THE WRONG STANDARD – DO YOU HAVE OTHER CONCERNS ABOUT**

1   THE PERFORMANCE ASSESSMENTS REPORTED IN MR. VARNER'S
2   TESTIMONY?

3   A.   Yes. Mr. Varner's performance assessments are reported in such a way that one cannot

4   readily discern pertinent information.   Basing the performance assessment on a

5   consolidation of a variety of loops does not allow this Commission to consider the

6   performance of loops which are more relevant if UNE-P is eliminated. Mr. Varner's

7   performance assessment contained in Exhibit AJV-1 is offered for "All Loops" which

8   includes some which are relevant and others which are not. I will address why this is a

9   problem.

10
11 Q.   CAN THIS COMMISSION RELY ON "ALL LOOPS" PERFORMANCE
12   ASSESSMENT TO MAKE A DECISION ON BELLSOUTH'S ABILITY TO
13   PERFORM HOT CUTS?

14 A.   No. There are two problems with relying on the "all loops" results relied upon by Mr.

15 Varner. First, the "all loops" results commingles information from dissimilar products

16 and activities. As a result, it does not give a realistic view of BellSouth's performance in

17 migrating the specific types of loops that will most frequently be migrated for mass

18 market customers.   Second, the "all loops" reporting includes data on loops that

19 BellSouth does not appear to migrate at all.

20
21 Q.   PLEASE   EXPLAIN   YOUR   FIRST   CONCERN   REGARDING   THE
22   COMMINGLING OF DATA RELATING TO DISSIMILAR PRODUCTS AND
23   SERVICES IN THE "ALL LOOPS" REPORTING.

24 A.   First, by way of background, it is important to realize that BellSouth includes the

25 following products in the UNE loop performance data:

26   (1)   xDSL – this incudes ADSL, HDSL, and Unbundled Copper Loop ("UCL"),
27   except UCL-Non-Design ("ND");
28
29   (2)   Unbundled Copper Loop–Non-Design ("UCL-ND");

1 (3) UNE ISDN Loops – this includes Basic Rate Interface ("BRI"), Primary Rate
2   Interface ("PRI"), and UDC;
3
4 (4) UNE 2-W Analog Loops Design with and without Local Number Portability
5   ("LNP");
6
7 (5) UNE 2-W Analog Loops Non Design with and without LNP; and

8 (6) Enhanced Extended Links ("EELs").

9 See Varner Direct, pp. 8-9. Thus, the performance assessment for "all loops"

10 consolidates the results for varying loops and for dissimilar activity types such as

11 dispatch and non-dispatch. Review of the more granular performance results reveals that

12 actual performance for the individual loop types commingled in the "all loops" category

13 are different. The aggregated assessment, therefore, may mask the more relevant

14 performance.

15 There should be no consideration of Mr. Varner's claims that "a cursory review of

16 the data by simply comparing the number of submetrics met indicates the high level of

17 performance...[table omitted] BellSouth met an average of 90% of all the UNE Loop

18 provisioning submetrics over the last 12 months in Florida." (Varner Direct, p. 20, lines

19 10-12, 15-16.) Even if BellSouth's claim of compliance for 90% of the provisioning

20 submetrics were true, this is somewhat meaningless given that a number of the missed

21 submetrics were for provisioning of product areas that will be dominant if unbundled

22 local switching is eliminated. That is, some submetrics BellSouth failed are for the

23 services to which CLECs will migrate if UNE-P is eliminated. This is troubling, for it

24 portends that what is a sub-par performance in a low volume environment will remain so

25 and become magnified in the high volume environment which would result if CLECs are

26 denied access to unbundled local switching.

1   To illustrate this point, the PMAP reports reveal that BellSouth failed to meet the

2   benchmark for the following submetrics, pertaining to Order Completion Interval, which

3   will have volume at the level of UNE-P if UNE-P is eliminated:

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5
6
7
- 2-W Analog Loop w/LNP Non-Design/<10circuits/Dispatch In: non-compliant for 12 consecutive months, spanning from September 2002 to August 2003; and

8
9
- 2-W Analog Loop w/LNP Non-Design/>10 circuits/Dispatch In: non-compliant for 3 of 12 months for provisioning.

10   These examples demonstrate that what Mr. Varner offers as a relevant performance

11   assessment turns out to be of little help in analyzing whether BellSouth is capable of

12   providing CLECs with access to unbundled loops in a manner "as promptly and

13   efficiently as incumbent LECs can transfer customers using unbundled local switching."

14   TRO at n.1574. It is therefore important to analyze the data with more than a "cursory

15   review" because aggregating results for "all loops" masks areas that are critical in a

16   UNE-L environment.

17

18 **Q.** **DOES MR. VARNER'S PERFORMANCE ASSESSMENT OF FOC /REJECT**
19   **RESPONSE COMPLETENESS METRIC MASK PERTINENT**
20   **PERFORMANCE?**

21 **A.** Yes. Despite BellSouth's touting of 94% attainment of FOC/Reject Response

22   Completeness for "all loops" (See Varner Direct, p. 18), aggregating varying results for

23   multiple products/services masks the performance for products/services to which UNE-P

24   would be migrated if UNE-P is eliminated. The FOC/Reject Completeness metric,

25   having a benchmark of 95%, specifies the percentage of LSRs that receive a response of

26   either a reject or FOC. To illustrate once again how Mr. Varner's performance

27   assessments provide little insight into operational impairment if UNE-P is eliminated, the

1 performance results for FOC/Reject Completeness reveals a less desirable performance

2 than he represented.

3 For FOC/Reject Completeness (mechanized)-2W-Analog Loop w/LNP Design,

4 BellSouth did not meet the benchmark nine out of 12 months for EDI (See Exhibit AJV-

5 1, page BST000135) and 11 out 12 months for TAG (See Exhibit AJV-1, page

6 BST000135). For the products/services most likely to be migrated from UNE-P, namely

7 2W Analog Loop w/LNP Non-Design, BellSouth did not meet the benchmark for EDI 6

8 out of 12 months and TAG 8 out of 12 months (See Exhibit AJV-1, page BST000136). It

9 is apparent from these examples that the performance for loops collectively does not

10 necessarily represent the performance for individual loop categories. They are a

11 cautionary note that what BellSouth offers as relevant performance data turns out to be of

12 little help in analyzing whether BellSouth is capable of providing CLECs with access to

13 unbundled loops in a manner "as promptly and efficiently as incumbent LECs can

14 transfer customers using unbundled local switching." TRO at n. 1574.

15
16 Q. **COULD YOU ELABORATE ON YOUR SECOND POINT, THAT MR. VARNER**
17 **IS RELYING ON DATA FOR LOOPS THAT BELLSOUTH DOES NOT**
18 **MIGRATE IN HIS "ALL LOOP" PERFORMANCE ASSESSMENTS.**

19 A. The loop performance represented in "all loops" includes loops that are not mentioned as

20 being migratable from UNE-P in BellSouth's "UNE-Port/Loop Combination (UNE-P) to

21 UNE-Loop (UNE-L) Bulk Migration CLEC Information Package" ("Information

22 Package"), included on the web address set forth in BellSouth witness Kenneth L.

23 Ainsworth's Direct, p. 5, identified as the BellSouth batch hot cut process. The

24 Information Package states on page five that "Bulk migration is available for existing

25 non-complex Port/Loop Combination services to Unbundled Loops with Local Number

1   Portability (LNP)," with the further explanation that "Complex UNE-P accounts are

2   prohibited on bulk requests." It further states that "[e]xamples of Complex UNE-P are 2-

3   Wire ISDN/BRI Digital Loop & Port UNE Combination, 4-Wire ISDN/PRI Digital Loop

4   & Port UNE Combination, UNE-P Centrex, Digital Direct Integration Termination

5   Service (DDITS), etc." *Id.* The Information Package does not convey that EELs or ISDN

6   can be migrated under BellSouth's "batch" hot cut process. By intermingling EELs and

7   ISDN into its "all loops" performance assessments, as appears to be the case, BellSouth

8   has complicated review by injecting irrelevant information.

9   IV. **BELLSOUTH'S PROPOSED ENHANCEMENTS TO THE PERFORMANCE**
10   **MEASURES AND SEEM PLAN ARE INADEQUATE.**

11   Q.   **IS BELLSOUTH'S PROPOSED PRE-ORDERING MEASURE ADEQUATE TO**
12   **CAPTURE BELLSOUTH'S PERFORMANCE IN THE INITIAL STAGE OF**
13   **PROCESSING A CLEC REQUEST FOR A BATCH CONVERSION?**

14   A.   No. The proposed metric, PO-3: UNE Bulk Migration-Response Time, is not included in

15   SEEM. Therefore, BellSouth will incur no consequences for extensive response intervals

16   to the Bulk Migration Notification forms. BellSouth does not provide a meaningful

17   explanation as to why such a critical area should not incur consequences for poor

18   performance. If BellSouth has no incentive to delay the response, as suggested by Mr.

19   Varner (See Varner Direct, p. 40) then BellSouth should have no concerns with including

20   PO-3 in SEEM.

21
22   Q.   **SHOULD ADDITIONAL METRICS BE ESTABLISHED FOR MONITORING**
23   **THE BATCH HOT CUT PROCESS?**

24   A.   Yes, it is essential to have performance monitoring start-time and completion time for

25   batches; therefore, two new metrics should be established. First, the metric Percent of

26   Batches Started On Time should be implemented. CLECs have minimal resources and

1		therefore must use them optimally. Having CLEC operations representatives' daily
2		schedule disrupted due to late starts results in other work not being handled as planned.
3		Second, the Percent of Batches Completed On Time should be implemented. As
4		previously stated, CLEC resources are too scarce to have technicians idle. The cut needs
5		to complete at the designated time so that the technicians can immediately commence
6		final tasks to service the customer in order for the customer to receive telephone calls.
7		Both the Percent Batches Completed On Time and Percent Batches Started On Time
8		metrics should be included in SEEM.
9		
10	Q.	**WHAT ADDITIONAL METRICS SHOULD BE INCLUDED IN SEEM?**
11	A.	For conversion service outages, the Percent Conversion Service Outages metric should be
12		established. The consequences should be commensurate with the average net revenue
13		times the average life of the customer.
14		
15	Q.	**DOES THIS CONCLUDE YOUR TESTIMONY?**
16		
17	A.	Yes.