

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.)

SURREBUTTAL TESTIMONY OF CHERYL L. BURSH
ON BEHALF OF
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC

JANUARY 28, 2004

DOCUMENT NUMBER DATE

01314 JAN 28 04

FPSC-COMMISSION CLERK

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
3 8100, Atlanta, Georgia 30309.

4 **Q. ARE YOU THE SAME CHERYL BURSH WHO PREVIOUSLY FILED**
5 **REBUTTAL TESTIMONY IN THIS DOCKET ON JANUARY 7, 2004?**

6 A. Yes, I am.

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

8 A. The purpose of my testimony is to respond to various performance related issues
9 raised in the Rebuttal Testimony filed by BellSouth witness Alphonso J. Varner.

10 **Q. BELLSOUTH WITNESS ALPHONSO VARNER'S REBUTTAL**
11 **TESTIMONY AT PAGE 9 DISPUTES AT&T'S EXPERIENCE WITH**
12 **HOT CUT IMPAIRMENTS. PLEASE COMMENT.**

13 A. AT&T witness Mark Van De Water has described AT&T's negative experience
14 with BellSouth's hot cut process, specifically listing provisioning delays and
15 factors that contributed to customer service outages. (See Van De Water Direct at
16 pp. 8 and 9.) Nonetheless, Mr. Varner dismisses "substandard performance in
17 returning timely firm order confirmations', and other failures related to the
18 scheduling of hot cuts and 'erroneous disconnection of end users' line,' and
19 'undue delay in reconnection'" as meritless. (See Varner Rebuttal, p. 9, lines 13-
20 20.) And although his testimony purportedly demonstrates this, it, in fact, focuses
21 on a different period of time than that discussed in AT&T's testimony and does
22 not focus on data for 2Wire Analog Loop w/Local Number Portability ("2W
23 Analog Loop w/LNP"), the type of loop that will be most frequently used in an
24 Unbundled Network Element-Loop ("UNE-L") environment.

1 **Q. WHY DO YOU MAINTAIN THAT MR. VARNER'S TESTIMONY USES**
2 **A TIME PERIOD WHICH DOES NOT SUPPORT THE POINT HE**
3 **PURPORTS TO MAKE?**

4 A. As AT&T has noted, the company virtually eliminated UNE-L as a means of
5 acquiring customers several years ago, in 2001. (See Van De Water Direct at p.
6 8; AT&T's Responses to BellSouth's Interrogatory Nos. 125 and 134.) For the
7 last several years, including September 2002 through August 2003, the period of
8 time used by Mr. Varner, AT&T has been acquiring its mass market (residential
9 and small business) customers using UNE-P. *Id.*

10 **Q. BELLSOUTH CLAIMS THAT "...FOR THE 12-MONTH PERIOD**
11 **SEPTEMBER 2002 TO AUGUST 2003, OVER 92% OF THE LSRS FOR**
12 **UNE LOOP ORDERS (WHICH INCLUDE HOT CUTS ORDERS)**
13 **RECEIVED A FOC WITHIN THE INTERVAL ESTABLISHED BY THIS**
14 **COMMISSION" (SEE VARNER REBUTTAL, P. 10, LINES 4-8). DOES**
15 **THIS SUPPORT YOUR POINT THAT BELLSOUTH'S PERFORMANCE**
16 **ASSESSMENT DOES NOT FOCUS SPECIFICALLY ON THE TYPES OF**
17 **LOOPS THAT WOULD BE USED IN A UNE-L ENVIRONMENT?**

18 A. Yes. The 92% touted by BellSouth appears to encompass all UNE Loops even
19 though 2W Analog Loop w/LNP results would be more meaningful for evaluating
20 hot cut performance. Evaluating the Firm Order Confirmation ("FOC")
21 performance for 2W Analog Loop w/LNP shows non-compliant levels of service.
22 In the period from September 2002 to August 2003, both 2W Analog Loop
23 w/LNP Design and 2W Analog Loop w/LNP Non-Design reflect 12 months of
24 non-compliance.

25 **Q. ARE MR. VARNER'S COMMENTS CONCERNING THE AVERAGE**
26 **COMPLETION NOTICE INTERVAL PERFORMANCE RESPONSIVE**
27 **TO AT&T'S CONCERN OVER BELLSOUTH'S FAILURE TO NOTIFY**
28 **"CONSISTENTLY AND TIMELY THAT CUSTOMER LOOPS HAD**
29 **BEEN TRANSFERRED TO AT&T"? (SEE VARNER DIRECT AT P. 11;**
30 **VAN DE WATER DIRECT AT PP. 8-9.)**

1 A. No. BellSouth references a different notification than that discussed in Mr. Van
2 De Water's Direct Testimony. Mr. Van De Water refers to the call that the
3 BellSouth provisioning center makes to the Competitive Local Exchange Carrier
4 ("CLEC") to advise that the old cross connection jumper that connected the
5 customer's loop to the Incumbent Local Exchange Carrier's ("ILEC's") switch
6 was removed and that the re-wired cross connection from the CLEC's Connecting
7 Facility Assignment ("CFA") has been terminated to the customer's loop.

8 Mr. Varner's testimony references something different, the Average
9 Completion Notice Interval ("ACNI") metric. The endpoint for this metric is the
10 time stamp when the completion notice was delivered to the CLEC interface for
11 mechanized order. For non-mechanized orders, the endpoint for the ACNI metric
12 is when the order status is changed to complete in the Service Order Control
13 System ("SOCS"). The starting point for the ACNI metric does not even begin
14 until several steps after the re-wired cross connection from the CLEC's CFA has
15 been terminated to the customer's loop. Any performance results associated with
16 the ACNI metric have no relevance to Mr. Van De Water's point that BellSouth
17 fails to notify AT&T consistently and timely that customer loops have been
18 transferred to AT&T.

19 **Q. STARTING ON P. 13 OF HIS DIRECT TESTIMONY, MR. VARNER**
20 **DISCUSSES BELL SOUTH'S PERFORMANCE FOR THE THREE LNP**
21 **DISCONNECT TIMELINESS MEASURES FOR THE PAST SIX**
22 **MONTHS IN FLORIDA. DOES THAT DISCUSSION OMIT PERTINENT**
23 **INFORMATION?**

24 A. Yes, BellSouth neglected to convey the impact of being non-compliant for a
25 sustained period of time for the P-13D: LNP-Average Disconnect Timeliness

1 (Non-Trigger) metric. This measures the percentage of time BellSouth
2 disconnects the LNP service within 4 hours for non-trigger orders. The ILEC
3 issues the number portability “trigger” order by setting switch triggers which will
4 ensure the customer receives intra-switch calls between the period of time the
5 CLEC ports the number to its switch until the ILEC disconnects the telephone
6 number in its switch. If no trigger is set, then of course the intra-switch calls to
7 the ported number cannot be completed until the ILEC disconnects the telephone
8 number in its switch. This is the situation captured in Metric P-13D. Thus,
9 failing P-13D means that calls made by customers on the same switch from which
10 a number was ported were unable to complete their calls to the ported number for
11 more than 4 hours. This level of performance negatively impacts the CLECs’
12 reputation. If the CLEC’s customer is a small business serving a local area, this
13 level of performance would even have direct, negative impacts on the CLEC’s
14 customer.

15 **Q. DOES FAILING THE P-13B: LNP-PERCENTAGE OF TIME**
16 **BELLSOUTH APPLIES THE 10-DIGIT TRIGGER PRIOR TO THE LNP**
17 **ORDER DUE DATE HAVE CUSTOMER CONSEQUENCES SIMILAR**
18 **TO FAILING THE P-13D METRIC?**

19 A. Yes. Metric P-13B measures the percentage of time BellSouth applies the 10-
20 digit trigger before the LNP order due date. This is important because intraswitch
21 calls are dropped between the period of time the CLEC ports the number to its
22 switch until the ILEC disconnects the telephone number in its switch if the 10-
23 digit trigger is not applied before the LNP order due date. BellSouth has failed
24 this metric because the trigger was applied less than 95% of the time. The
25 consequences of this for customers are similar to failing the P-13D metric: CLEC

1 residential and small business customers would be negatively affected, because
2 they would miss calls.

3 **Q. IS MR. VARNER CORRECT IN STATING THAT ANY DIFFERENCE**
4 **BETWEEN THE ORDER INTERVALS FOR UNE-P VERSUS UNE-L**
5 **ORDERS IS IRRELEVANT? (VARNER DIRECT AT PP. 11-17.)**

6 A. No. For the reasons specified in my Rebuttal Testimony, comparing order
7 intervals for UNE-P versus UNE-L orders is important to understanding
8 impairment in an environment in which UNE-P is absent. (See Bursh Rebuttal at
9 pp. 3-4.)

10 **Q. DOES MR. VARNER'S ATTEMPT TO EXPLAIN THE FLAW IN**
11 **COMPARING THE PERFORMANCE OF UNE-P TO UNE-L ACTUALLY**
12 **SUPPORT AT&T'S POINT THAT IT IS APPROPRIATE TO USE UNE-P**
13 **PERFORMANCE AS THE STANDARD TO DEMONSTRATE HOW**
14 **IMPAIRED CLECS WOULD BE IN AN ENVIRONMENT WITHOUT**
15 **UNE-P?**

16 A. Yes. Mr. Varner states,

17 An order for UNE-P has typically involved little more than
18 changing the billing of an existing end-user from BellSouth
19 retail (or from another CLEC) to the acquiring CLEC. In
20 this instance, no physical work is required, an outside
21 dispatch is not needed and the order is not subject to
22 facility shortages. In contrast a UNE-L order will always
23 require some form of physical work, in the central office, at
24 the customer's premise, or both. A dispatch may be needed
25 and the order interval can be affected by facility shortages.
26 As a result of these two processes, the applicable ordering
27 intervals will usually differ.
28

29 Varner Rebuttal, p. 15, lines 13-21. The fact that the processes differ demonstrates
30 the very reason why the comparison is appropriate. It is only via the comparison
31 that the differences can be assessed and later evaluated to determine how the
32 difference will contribute to the CLECs being impaired in the local market.

1 **Q. MR. VARNER CRITICIZES AT&T'S COMPARISON OF UNE-L TO UNE-**
2 **P PERFORMANCE, SAYING THAT THIS COMPARISON IS NOT**
3 **CONSISTENT WITH RULINGS IN THE COMMISSION'S**
4 **PERFORMANCE MEASUREMENT PROCEEDINGS. (SEE VARNER**
5 **DIRECT, P. 19.) IS THE COMMISSION'S OBJECTIVE IN THIS**
6 **PROCEEDING THE SAME AS THAT FOR PERFORMANCE**
7 **MEASUREMENT PROCEEDINGS?**

8 A. No. In response to the Federal Communications Commission's (FCC) August 21,
9 2003, Triennial Review Order ("TRO"), this Commission opened two dockets to
10 ascertain whether impairment exists within the state and local market."¹ In other
11 words, this Commission will evaluate the difference in the CLEC customer
12 experience in an environment without UNE-P and how that less desirable
13 experience will impair CLECs. The Performance Measurement Docket, was
14 opened, however, to develop permanent performance metrics for the ongoing
15 evaluation of operations support systems provided for CLEC use by ILECs².

16 **Q. DO COMPARISONS OF UNE LOOPS AND UNE-P IN THIS**
17 **PROCEEDING CONTRADICT ANY RULINGS IN THE PERFORMANCE**
18 **MEASUREMENT PROCEEDING?**

19 A. No. A comparison of UNE-P versus Analog Loop/with LNP is not in conflict
20 with the Commission's findings that established a retail analogue for each
21 product. Determining impairment requires incremental steps from monitoring
22 performance. Once performance is assessed for UNE-P and Analogue Loop/with
23 LNP based on the performance standard ordered by this Commission, the
24 Commission also will understand differences in the two results. Next, the

¹ In re: Implementation Of Requirements Arising From Federal Communications Commission's Triennial UNE Review: Local Circuit Switching For Mass Market Customers. In re: Implementation Of Requirements Arising From Federal Communications Commission's Triennial UNE Review: Location Specific Review for DS1, DS3 and Dark Fiber Loops, and Route-specific Review For DS1, DS3 and Dark Fiber Transport, Order No. PSC-03-1265-PCO-TP, Docket No. 030851-TP, November 7, 2003, page 1.

1 Commission will assess how this difference or inferior performance impairs
2 CLECs' ability to compete. In other words, this Commission will evaluate the
3 difference in the CLEC customer experience in an environment without UNE-P
4 and how that less desirable experience will impair CLECs. Evaluating impairment
5 requires a different methodology than that of monitoring performance.
6 Evaluating impairment requires an additional step, beyond that required for
7 monitoring performance.

8 **Q. AT PP. 15-16 OF HIS DIRECT TESTIMONY, MR. VARNER IS**
9 **CRITICAL OF AT&T'S USE OF UNE-P/SWITCHED-BASED**
10 **COMPLETIONS FOR COMPARISON WITH ANALOG LOOPS/WITH**
11 **LNP. IS THIS JUSTIFIED?**

12 A. No. As explained in Mr. Van De Water's Direct Testimony, data demonstrates
13 that UNE-P orders are completed much more quickly than UNE-L orders. The
14 chart included in Mr. Van De Water's testimony shows completion intervals for
15 UNE-P orders without any field work to compare against UNE-L orders without
16 any field work. Data for both switch-based and central office based completions
17 for UNE-P orders is provided. Contrary to Mr. Varner's assertions, switch based
18 completions contain both feature changes and migrations that do not require
19 central office work. Notably, Mr. Varner has no comment regarding the central
20 office based completions, which completed on average in only 1.20 days, far
21 more quickly than UNE-L completions.

22 **Q. ON PAGE 17, MR. VARNER STATES THAT MOST UNE-P ORDERS**
23 **ARE MIGRATION ORDERS. WHAT IS YOUR RESPONSE?**

² Investigation Into The Establishment Of Permanent Performance Measures For Incumbent Local Exchange Telecommunications Companies, Docket No. 000121-TP, August 2, 2001, page 2.

1 A. Mr. Varner should certainly have access to information regarding types of orders
2 being processed by BellSouth. However, I find it quite bizarre that he would
3 make that statement, since it contradicts his earlier comments. For example, he
4 contends on page 16 that switch-based completions are not migrations (i.e.,
5 “nothing more than a feature change”) knowing full well that those types of
6 completions comprise the vast majority of the UNE-P orders. Now he is saying
7 that most UNE-P orders are migrations. Further, it is unclear why he comments
8 that Mr. Van De Water’s analysis is based on the ordering patterns of today, since
9 he presents no evidence as to why this is an inappropriate approach or what the
10 changes should be.

11 **Q. DOES MR. VARNER’S STATEMENT ON PAGE 18 THAT “UNE-L DATA**
12 **REFLECTS DATA FOR NEW SERVICES...” APPLY TO THE AT&T**
13 **TABLE HE CRITICIZES?**

14 A. No. The data reflected on page 17 of the Direct Testimony of Mr. Van De Water
15 represents performance specifically for Analog Loops/with LNP which is
16 migration of existing service. The table “illustrates the inferior performance
17 BellSouth provides for analog loops compared to UNE-P in Florida...” (See Van
18 De Water Direct at p. 17, lines 4-5.) Mr. Varner, however, states that “[f]or the
19 most part UNE-L data reflects data for new service while UNE-P data is largely
20 migration of existing service.” (See Varner Rebuttal, p. 18, lines 11-12.) While
21 this may be true for UNE Loops in general, it does not apply to the AT&T table,
22 for the data it contains reveals Analog Loop/with LNP performance results, which
23 is existing service. Therefore, the differences appear to represent inferior

1 performance for Analog Loop/with LNP given that both reflect data that is largely
2 migration of existing service.

3 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

4 A. An assessment of the anticipated customer experience in an environment that
5 excludes UNE-P is essential for determining whether CLECs will be impaired
6 without its continued availability. Comparisons of the UNE-P versus UNE-L
7 experience provide valuable information for that assessment. AT&T originally
8 had market plans based on a UNE-L strategy that resulted in customer
9 dissatisfaction. Therefore, assessing anticipated differences in a new
10 environment, in which UNE-P is absent, is critical.

11

12 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

13 A. Yes.