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February 4, 2004

VIA HAND DELIVERY

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

Re: Docket No. 030852-TP


Dear Ms. Bayo:

On behalf of the Florida Competitive Carriers Association (FCCA), I am enclosing the following:

- Original and 15 copies of the Surrebuttal Testimony and Exhibits of Gary J. Ball (Public Version);

Please stamp and return the extra copy that I have enclosed. Thank you for your assistance.

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Yours truly,



Joseph A. McGlothlin

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising	)	Docket No. 030852-TP
from Federal Communications Commission's	)	
Triennial UNE Review: Location-Specific Review	)	Filed: February 4, 2004
for DS1, DS3 and Dark Fiber Loops, and Route-	)	
Specific Review for DS1, DS3 and Dark Fiber Transport	)	

**SURREBUTTAL TESTIMONY AND EXHIBITS**

**OF**

**GARY J. BALL**

**ON BEHALF OF**

**THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION**

**PUBLIC VERSION**

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1 **Q. PLEASE STATE YOUR FULL NAME, TITLE AND BUSINESS**  
2 **ADDRESS.**

3 A. My name is Gary J. Ball. I am an independent consultant providing  
4 analysis of regulatory issues and testimony for telecommunications  
5 companies. My business address is 47 Peaceable Street, Ridgefield,  
6 Connecticut 06877.

7

8 **Q. ARE YOU THE SAME GARY BALL WHO SUBMITTED DIRECT**  
9 **TESTIMONY IN THIS PROCEEDING ON DECEMBER 22, 2003,**  
10 **AND REBUTTAL TESTIMONY ON JANUARY 21, 2004?**

11 A. Yes.

12

13 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS**  
14 **PROCEEDING?**

15 A. I am testifying on behalf of the Florida Competitive Carriers Association  
16 (FCCA).

17

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

19 A. The purpose of my testimony is to rebut issues raised by BellSouth  
20 witness Shelley Padgett in her rebuttal testimony.

21

22 **Q. HOW IS YOUR TESTIMONY ORGANIZED?**

1 A. My testimony is divided into five sections. In Section I, I respond to Ms.  
2 Padgett's claim, which relates to all issues identified by the Commission,  
3 that BellSouth does not have the burden of proof in this proceeding. In  
4 doing so, I explain the importance of ensuring that BellSouth meets its  
5 burden of demonstrating with specific, granular evidence that both the  
6 self-provisioning and wholesale triggers are satisfied. In Section II, I  
7 respond to Ms. Padgett's testimony regarding the appropriate definition of  
8 a transport route (Issues 7-19). In this section, I explain that switched  
9 transport routes are separate and distinct from dedicated transport, and that  
10 switched transport should not be included in evaluating the triggers. In  
11 Section III, I respond to Ms. Padgett's assumptions regarding operational  
12 readiness, and demonstrate that, under the Triennial Review Order  
13 ("TRO"), Ms. Padgett's analysis is incorrect. (Issues 1-19). In Section IV,  
14 I respond to Ms. Padgett's testimony regarding the definition of a customer  
15 location; in this section, I demonstrate that, under the TRO, CLECs must  
16 have access to an entire building before the self-provisioning trigger can  
17 be met. (Issues 1-6). Finally, in Section V, I respond to Ms. Padgett's  
18 testimony pertaining to transitional issues, and demonstrate that Ms.  
19 Padgett's proposed 90-day transition period is inadequate. (Issue 20).

20

21

22

23

24

**I.**  
**BELLSOUTH HAS NOT MET ITS BURDEN OF DEMONSTRATING**  
**THAT CLECS ARE NOT IMPAIRED**

1 Q. ON PAGE 2 OF HER REBUTTAL TESTIMONY, MS. PADGETT  
2 CLAIMS THAT BELL SOUTH DOES NOT HAVE THE BURDEN  
3 OF PROOF IN THIS CASE. DO YOU AGREE?

4 A. No. BellSouth has the burden of proof in this proceeding. Ms. Padgett  
5 quotes the TRO out of context. In making a national finding of  
6 impairment, the FCC did not require either the ILECs or the CLECs "to  
7 prove or disprove the need for unbundling." TRO ¶ 92. That statement,  
8 however, applied only to the FCC's initial analysis of impairment. The  
9 FCC requires a different approach to rebut the national finding under the  
10 triggers. ILECs are permitted to challenge the FCC's national finding of  
11 impairment by raising evidence that the triggers have been satisfied at  
12 particular locations or on certain routes. States, however, are only  
13 required to "address routes for which there is relevant evidence in the  
14 proceeding that the route satisfies one of the triggers...." TRO ¶ 417.  
15 Since it is the ILECs that are challenging the FCC's finding of impairment,  
16 then it is the ILECs that bear the burden of proving that the triggers have  
17 been satisfied. Ms. Padgett's testimony inappropriately offers a variety of  
18 assumptions to replace the facts necessary to rebut the FCC's national  
19 finding, and shifts to the CLECs the burden of re-proving the FCC's  
20 finding of impairment. Nothing in the TRO permits this approach.

21

1 **Q. PLEASE DESCRIBE WHY BELLSOUTH BEARS THE BURDEN**  
2 **OF DEMONSTRATING THAT THE TRIGGERS HAVE BEEN**  
3 **MET.**

4 A. The starting point for this proceeding is the FCC's national finding of  
5 impairment for loops and transport at the DS3, DS1, and dark fiber  
6 capacity levels. The FCC has given BellSouth the opportunity to propose  
7 specific locations and routes for which it believes that CLECs (or other  
8 carriers) provide sufficient services such that CLECs are not impaired at  
9 the requisite capacity levels if the ILEC does not offer loops or transport  
10 as a UNE at those locations or on those routes. BellSouth has taken this  
11 opportunity, claiming that a large number of buildings and routes in  
12 Florida meet either the triggers or the potential deployment criteria. As  
13 the entity seeking to obtain findings of non-impairment for specific  
14 transport routes and building locations to override the FCC's national  
15 finding of impairment, BellSouth is the entity that is required to provide  
16 sufficient evidence consistent with the FCC's requirements to support a  
17 finding of non-impairment by the Commission with respect to each  
18 building location or transport route for which BellSouth asserts that the  
19 triggers or the potential deployment criteria are met.

20  
21 **Q. HAS BELLSOUTH MET ITS BURDEN IN THIS PROCEEDING?**

22 A. No. Under the TRO, the FCC requires that the carrier challenging the  
23 national finding of impairment provide route-specific and location-specific

1 evidence for each capacity level for which it challenges the FCC's national  
2 finding of impairment. BellSouth has not provided this information.  
3 Instead, BellSouth relies on sweeping unsupported assertions to support its  
4 claim that the triggers have been satisfied at certain customer locations  
5 and on various routes. As a result, BellSouth has identified a larger list of  
6 buildings and routes than could satisfy the FCC's triggers.

7  
8 **Q. PLEASE DESCRIBE WHAT YOU MEAN WHEN YOU STATE**  
9 **THAT BELLSOUTH BASED ITS FILING UPON ASSUMPTIONS**  
10 **ABOUT THE POTENTIAL CAPABILITIES OF CLECS.**

11 A. As I describe in Sections III and IV, BellSouth made several broad  
12 assumptions about the capabilities of CLEC networks, and used those  
13 assumptions as its primary evidence to support the triggers. I describe this  
14 approach as an "assumption-based trigger" approach. The "assumption-  
15 based" trigger approach is not sanctioned by the FCC and should be  
16 rejected. Indeed, the Commission should distinguish and reject  
17 BellSouth's "assumption-based trigger" approach not only from the self-  
18 provisioning and competitive wholesale triggers, but also from the  
19 potential deployment analysis set forth in the TRO. In Section III, I  
20 discuss BellSouth's assumption that a transport route that traverses a  
21 CLEC switch (i.e., switched transport) can be counted as dedicated  
22 transport. This approach is a subset of what I referred to in my rebuttal  
23 testimony as the "connect the dots" approach, in which BellSouth assumes



1 any two CLEC wire center collocations to be end points of a transport  
2 route.

3

4 **Q. DID THE FCC PROVIDE THE ILECS WITH THE ABILITY TO**  
5 **PROPOSE LACK OF IMPAIRMENT BASED UPON**  
6 **“ASSUMPTION-BASED TRIGGERS”?**

7 A. No. The TRO provides only two options for demonstrating lack of  
8 impairment: the self-provisioning and wholesale triggers, and the  
9 potential deployment analysis. If BellSouth cannot demonstrate with  
10 respect to a particular route between ILEC wire centers, or with respect to  
11 an enterprise customer location, that the necessary numbers of CLECs or  
12 other carriers are providing the service at the requisite capacity levels, then  
13 the only other recourse for BellSouth is to attempt to prove that the  
14 location or route meets the potential deployment test. The FCC’s potential  
15 deployment test provides a more rigorous set of requirements than the  
16 triggers, because it requires both a validation that the location or route can  
17 accommodate multiple competitors, as well as an economic analysis to  
18 compare the potential revenues and costs of each individual building or  
19 route.

20

1  
2 **II.**  
3 **BELLSOUTH'S ATTEMPT TO REDEFINE DEDICATED TRANSPORT**  
4 **TO INCLUDE ALL TRANSPORT, INCLUDING SWITCHED**  
5 **TRANSPORT, CANNOT BE INCLUDED IN THE DEDICATED**  
6 **TRANSPORT TRIGGERS**

7 **Q. ON PAGE 3 OR HER REBUTTAL TESTIMONY, MS. PADGETT**  
8 **DEFENDS THE INCLUSION OF CLEC-PROVIDED SWITCHED**  
9 **TRANSPORT IN THE DEFINITION OF DEDICATED**  
10 **TRANSPORT. IS MS. PADGETT'S DEFINITION OF A**  
11 **TRANSPORT ROUTE CORRECT?**

12 A. No. Ms. Padgett includes switched transport in the definition of dedicated  
13 transport. The FCC provided a very specific and narrow definition of the  
14 type of CLEC transport to be included in this test: dedicated transport  
15 between two ILEC wire centers. Contrary to Ms. Padgett's broad  
16 interpretation, the FCC does not even include all CLEC-provided  
17 dedicated transport, excluding any and all CLEC transport that does not  
18 provide a connection between ILEC wire centers.

19  
20 **Q IS IT POSSIBLE FOR ANY TYPE OF SWITCHED TRANSPORT**  
21 **ARRANGEMENT TO MEET THE DEFINITION OF DEDICATED**  
22 **TRANSPORT?**

23 A. No. Dedicated transport, by definition, provides a fixed path between two  
24 points, in this case BellSouth wire centers. In the TRO, the FCC defines  
25 dedicated transport as "facilities dedicated to a particular customer or

1 competitive carrier that it uses for transmission among incumbent LEC  
2 central offices and tandem offices.” TRO ¶ 360. Attached to my  
3 testimony as Exhibit No. \_\_ (GJB-6) is a diagram which describes a  
4 theoretical CLEC network configured to enable dedicated transport to be  
5 provided (subject to the constraints described in my testimony previously  
6 submitted in this proceeding).

7 If a switch is present along the transport route, then the fixed path no  
8 longer exists, as traffic can be routed to and from points outside of the  
9 fixed path by the switch, and traffic from other customers and carriers will  
10 “share” the transport route. In Exhibit No. \_\_ (GJB-7) I have prepared a  
11 diagram which describes a CLEC network configured to aggregate ILEC  
12 loops back to a CLEC switch.

13 **Q. IS SWITCHED TRANSPORT THE SAME AS SHARED OR**  
14 **COMMON TRANSPORT?**

15 A. Yes. These terms all have the same meaning, and are used  
16 interchangeably when describing the functionality in ILEC and CLEC  
17 networks of providing the capability routing traffic between multiple  
18 points via a switch. In every instance, switched or shared transport is  
19 treated as a completely separate service from dedicated transport. For  
20 example, in BellSouth’s access tariffs, switched transport and dedicated  
21 transport have different sections and applications.

22

1 **Q. IN THE TRO, DOES THE FCC EVALUATE SWITCHED OR**  
2 **SHARED TRANSPORT SEPARATELY FROM DEDICATED**  
3 **TRANSPORT?**

4 A. Yes. In footnote 1100 of the TRO, the FCC states that “[w]e refer  
5 generically to “transport” in this Part as meaning dedicated transport. We  
6 address shared transport in Part VI.E. of this Order.” If the FCC created a  
7 separate section to evaluate shared transport, it could not have intended to  
8 have it included as dedicated transport as well.

9  
10 **Q. BASED UPON YOUR EXPERIENCE, IS IT LIKELY THAT MOST**  
11 **OF THE CLEC COLLOCATIONS THAT BELLSOUTH**  
12 **IDENTIFIES ARE USED TO PROVIDE SWITCHED OR SHARED**  
13 **TRANSPORT, AS OPPOSED TO DEDICATED TRANSPORT AS**  
14 **DEFINED IN THIS SECTION?**

15 A. Yes. As I described in my direct testimony, the typical business plan for a  
16 CLEC that has entered the switched voice market is to establish  
17 collocation arrangements for the primary purpose of aggregating  
18 unbundled loops, and using transport facilities to connect the loop  
19 aggregation equipment to a switch that is located at another location. If  
20 the switch were located at the central office, as it is for BellSouth, the  
21 CLEC would not need any transport facilities back to the switch. This is  
22 why it is critical that information be collected from the CLECs that would  
23 exclude switched transport in its entirety from the trigger analysis.

1

2 **Q. DOES THE DEFINITION OF A TRANSPORT ROUTE IN THE**  
3 **TRO ALLOW FOR INSTANCES FOR WHICH SERVICE IS NOT**  
4 **CURRENTLY BEING PROVIDED, SUCH AS THAT PROPOSED**  
5 **UNDER THE “CONNECT THE DOTS” OR “ASSUMPTION-**  
6 **BASED TRIGGER?”**

7 A. No. In the TRO, the FCC states: “Both triggers we adopt today evaluate  
8 transport on a route-specific basis. We define a route, for purposes of  
9 these tests, as a connection between wire center or switch 'A' and wire  
10 center or switch 'Z.' Even if, on the incumbent LEC’s network, a transport  
11 circuit from 'A' to 'Z' passes through an intermediate wire center 'X,' the  
12 *competitive providers must offer service connecting wire centers 'A' and*  
13 *'Z,'* but do not have to mirror the network path of the incumbent LEC  
14 through wire center 'X.’” TRO ¶ 401 (emphasis added). The FCC went on  
15 to state that “A route-specific test is sufficiently granular to avoid falsely  
16 identify as competitive a route between two offices.”

17

18 **Q. DOES THE FACT THAT THE FCC PROVIDED THAT THE**  
19 **ROUTE CAN GO THROUGH AN INTERMEDIATE POINT MEAN**  
20 **THAT SWITCHING CAN BE INVOLVED IN THE ROUTE?**

21 A. No. The FCC merely acknowledged that CLEC networks do not mirror  
22 ILEC networks, and that there may be an intermediate point where  
23 multiplexing or a cross-connection occurs. Nothing in the TRO states that

1 a dedicated transport route can include switching functionality. If  
2 switching occurs at the intermediate point, then the route cannot be  
3 classified as dedicated transport under the FCC definitions.  
4

5 **Q. IS IT REASONABLE TO ASSUME THAT A CLEC THAT HAS**  
6 **PROVISIONED TRANSPORT BACK TO ITS SWITCH FROM**  
7 **TWO WIRE CENTERS IS OPERATIONALLY READY TO**  
8 **PROVISION A DEDICATED TRANSPORT ROUTE BETWEEN**  
9 **THE TWO WIRE CENTERS?**

10 A. No. In her rebuttal testimony, Ms. Padgett makes an incorrect assumption,  
11 and even refers to her statement as an assumption, that all CLECs can  
12 provide transport between their collocations. *See* Padgett Rebuttal at 4-5.  
13 Ms. Padgett selectively cites to three carriers that claim that their network  
14 can connect points between ILEC central offices. BellSouth, however,  
15 ignores the testimony and discovery responses of numerous other CLECs  
16 that state that their networks are not constructed in this manner and that  
17 they do not provide dedicated transport between ILEC central offices. In  
18 my direct and rebuttal testimony, I stated that the Commission should rely  
19 on the CLEC-provided discovery responses to generate lists of routes and  
20 customer locations that could satisfy the FCC triggers. This is precisely  
21 what commissions have done in other states.  
22

1    **Q.    PLEASE PROVIDE AN EXAMPLE OF STATES THAT HAVE**  
2           **USED AN APPROACH DIFFERENT THAN THAT USED BY**  
3           **BELLSOUTH IN FLORIDA TO COLLECTING DATA FROM**  
4           **CLECS.**

5    A.    Ohio and Wisconsin both implemented a process in which SBC was  
6           required to rely upon the results of questions sent by the commission staffs  
7           of those states. For these locations and routes, the CLECs were able to  
8           provide specific responses, and the result is a much more accurate and  
9           manageable record. As a result of this Commission-driven discovery  
10          approach, SBC identified a significantly lower number of buildings and  
11          routes for Wisconsin and Ohio as satisfying the triggers than Bellsouth did  
12          for Florida.

13  
14          In Ohio, for example, SBC claimed that 18 routes meet the self-  
15          provisioning trigger, and that 28 routes meet the wholesale trigger, in  
16          contrast with BellSouth's Florida claim that over 700 routes satisfy one of  
17          the triggers. In Wisconsin, SBC claimed that 19 routes meet the self-  
18          provisioning trigger, and that 22 routes meet the wholesale trigger.

19          Although Florida has had more CLEC network deployment than these two  
20          states, a significant reason SBC provided a lower list in those states is that  
21          it was forced to rely upon the responses to the commission data requests,  
22          which limited SBC's ability to create "assumption-based triggers."

23

1 Q. IS SIMILAR CLEC-PROVIDED INFORMATION AVAILABLE TO  
2 THE FLORIDA COMMISSION?

3 A. Yes. The data requests that this Commission sent to carriers are similar to  
4 that requested in Wisconsin and Ohio. It appears that many, but not all, of  
5 the CLECs responded to these, but BellSouth chose not to rely upon the  
6 information that the CLECs provided to these requests as its primary  
7 source of trigger information.

8  
9 To illustrate the discrepancy in using BellSouth's overbroad and incorrect  
10 definitions of routes and loops and the correct CLEC responses, I attached  
11 to my rebuttal testimony a preliminary analysis of BellSouth's list of  
12 transport routes and customer locations claimed to satisfy the FCC's  
13 triggers. BellSouth has now cited to selected discovery responses from  
14 CLECs as support for its "assumption based" approach, but it inexplicably  
15 has failed to use all of those discovery responses, instead choosing to  
16 accept responses that are beneficial to its position while wholly ignoring  
17 factual assertions that are adverse to its position. It is obvious why Ms.  
18 Padgett chose to rely only on the responses of three carriers in her rebuttal  
19 testimony. If she had used *all* of the CLEC responses to create a list of  
20 routes and loops from the ground up, it would be apparent that, while there  
21 is significant competitive deployment within the state, very few routes or  
22 loop locations could satisfy the FCC triggers.

23



1 To illustrate this point, I have compiled an exhibit to my surrebuttal  
2 testimony that identifies a loop and route list based solely on CLEC data  
3 responses. See Exhibit \_\_\_ (GJB-4) (loops); Exhibit \_\_\_ (GJB-5)  
4 (transport). The source materials for these compilation are the responses  
5 to the PSC's TRO data requests, where those responses were available to  
6 me. For those CLECs for whom such responses were not available, I have  
7 reviewed the CLEC responses to BellSouth's first set of data requests in  
8 this proceeding.

9  
10 As illustrated in GJB-4 (see GJB-4B and 4F), based on CLEC discovery  
11 responses, although at least one competitive provider is present in over  
12 700 buildings, there are only twenty-three (23) buildings (excluding  
13 duplicates) that potentially satisfy one of the triggers. (In some situations,  
14 the same carrier listed a building two times in its discovery responses, so  
15 that building may appear on the list even though it does not qualify for  
16 purposes of the triggers).

17  
18 With regard to dedicated transport, although it appears that CLECs are  
19 present in a large number of routes (almost 700), only nine (9) routes  
20 potentially satisfy one of the dedicated transport triggers. When breaking  
21 these down these routes, only 9 routes potentially satisfy the DS3  
22 wholesale provisioning trigger, and there are no routes that satisfy the

1 either the remaining wholesale provisioning triggers (DS1 and dark fiber)  
2 or any of the self-provisioning triggers.

3  
4 This is another example why BellSouth's "assumption-based triggers", in  
5 which the potential capabilities of the CLEC's network are inappropriately  
6 used in place of evidence of actual CLEC services, cannot be relied upon  
7 in this proceeding.

8

9 **III.**  
10 **BELLSOUTH'S INTERPRETATION OF OPERATIONAL READINESS IS**  
11 **WRONG**

12

13 **Q. ON PAGE 5 OF HER TESTIMONY, MS. PADGETT CLAIMS**  
14 **THAT YOUR DEFINITION OF OPERATIONAL READINESS IS**  
15 **INCORRECT BECAUSE YOU STATE THAT A**  
16 **DEMONSTRATION BE MADE THAT SERVICE IS BEING**  
17 **PROVIDED AT THE RELEVANT CAPACITY LEVEL. IS MS.**  
18 **PADGETT CORRECT?**

19 **A.** No. Contrary to Ms. Padgett's statement, the FCC's rules do require  
20 CLECs to currently provide service between the two ILEC central offices  
21 at each end of the dedicated transport route. To satisfy the triggers, the  
22 FCC requires that CLECs currently must provide service at the relevant  
23 capacity level. In the TRO, the FCC states, that it is establishing "two  
24 different types of triggers to identify the specific customer locations where

1           there may be no impairment for the high-capacity loops we identify below  
2           and the incumbent LEC unbundling obligation can be eliminated at that  
3           customer location: 1) where a specific customer location is identified as  
4           *being currently served* by two or more unaffiliated competitive LECs with  
5           their own loop transmission facilities *at the relevant loop capacity level*  
6           (Self Provisioning Trigger); or 2) where two or more unaffiliated  
7           competitive providers have deployed transmission facilities to the location  
8           and are offering alternative loop facilities to competitive LECs on a  
9           wholesale bases *at the same capacity level* (Competitive Wholesale  
10          Facilities Trigger.)" TRO ¶ 329 (emphasis added).

11  
12          Likewise, in introducing the wholesale transport trigger, the FCC states,  
13          "we find that competing carriers are not impaired where competing  
14          carriers have available two or more alternative transport providers, not  
15          affiliated with each other or the incumbent LEC, *immediately capable and* .  
16          *willing to provide transport at a specific capacity* along a given route  
17          between incumbent LEC switches or wire centers. If a state commission  
18          finds no impairment for a specific capacity level of transport on a route,  
19          the incumbent LEC will no longer be required to unbundled that transport  
20          along that route, according to the transition schedule adopted by the state  
21          commission." TRO ¶ 400 (emphasis added).

22

1 **Q. IN THE TRO, DOES THE FCC ANTICIPATE A RESULT WHERE**  
2 **IMPAIRMENT MAY BE FOUND FOR SOME CAPACITY**  
3 **LEVELS BUT NOT OTHERS?**

4 A. Yes. In the TRO, in describing the self-provisioning trigger, the FCC  
5 states:

6 Furthermore, we note that where, through  
7 application of this trigger, impairment for  
8 unbundled transport *at a particular capacity* is no  
9 longer found, substantial competitive facilities, and  
10 perhaps *other capacities of UNE transport will be*  
11 *available*. Therefore, if this trigger removes  
12 unbundled transport *at a particular capacity level*,  
13 carriers will remain capable of serving end-user  
14 customers in all areas. This will provide certainty  
15 for new market entrants.

16 TRO ¶ 407 (emphasis added).

17

18 **IV.**  
19 **BUILDING ACCESS ISSUES**

20 **Q. MS. PADGETT ASSERTS THAT SELF-PROVISIONERS NEED**  
21 **NOT HAVE ACCESS TO THE ENTIRE BUILDING IN ORDER**  
22 **FOR THAT BUILDING TO COUNT TOWARDS THE TRIGGERS.**  
23 **DO YOU AGREE?**

24 A. No. In her rebuttal testimony, Ms. Padgett incorrectly challenges my  
25 definition of a customer location. *See* Padgett Rebuttal at 6. Although  
26 BellSouth has used the terms “building” and “customer location”  
27 somewhat interchangeably in the discussion of the triggers, the clear intent  
28 of the impairment standard is to identify locations where customers

1 actually have the ability to be served by multiple providers. If a CLEC  
2 can reach only a single customer in a multi-tenant building, then the other  
3 customers in that building are unable to be served by that CLEC unless the  
4 CLEC is able to reconfigure its network, and to gain access to the common  
5 house and riser cables into the building. The individual customer location  
6 within the building may be used for the triggers in that instance, but not  
7 the entire building. Again, this type of issue is a “assumption-based  
8 trigger”, not evidence of actual deployment.

9  
10  
11

V.  
TRANSITIONAL ISSUES

12 **Q. MS. PADGETT STATES THAT IT IS UNREASONABLE FOR**  
13 **CLECS TO REQUEST A THREE YEAR TRANSITION PERIOD,**  
14 **AND INSTEAD SHOULD ONLY HAVE NINETY DAYS. IS THIS**  
15 **REASONABLE?**

16 A. No. If anything, Ms. Padgett’s proposal is the unreasonable one. First, if  
17 CLECs were forced to disconnect their existing UNEs on a broad scale  
18 and convert them to some other type of service, it would take BellSouth  
19 much longer than 90 days just to develop a cutover plan for transitioning  
20 the circuits to another CLEC’s network. A “special project” such as this  
21 would have to be coordinated with the day-to-day operational activities of  
22 BellSouth as well as the numerous other carriers involved. Second, the  
23 Commission must ensure that CLECs can transition their services to  
24 another CLEC before such a transition could occur, which as I stated in

1 my direct testimony, is not a simple conversion process. Sufficient time  
2 must be allowed for this conversion to occur in an orderly manner, without  
3 threatening customer disruption.

4

5 **Q. WHY WOULD CLECS NOT CONVERT THEIR UNES TO**  
6 **BELLSOUTH'S SPECIAL ACCESS SERVICES?**

7 A. CLECs would face a significant increase in their underlying costs if they  
8 were forced to purchase special access instead of unbundled network  
9 elements. If the triggers are truly implemented properly, then the CLECs  
10 will have non-ILEC alternatives available to them. A transition plan  
11 should permit the CLECs to take advantage of those alternatives.

12

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

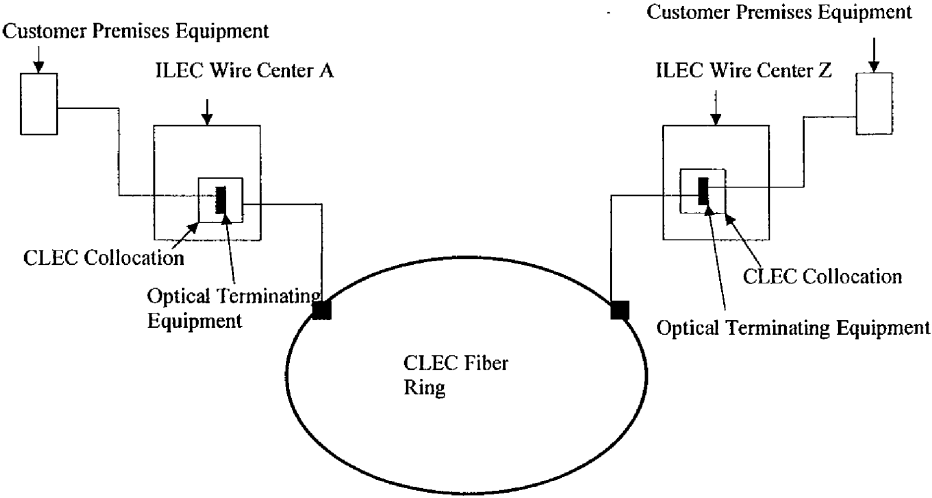
14 A. Yes.

15

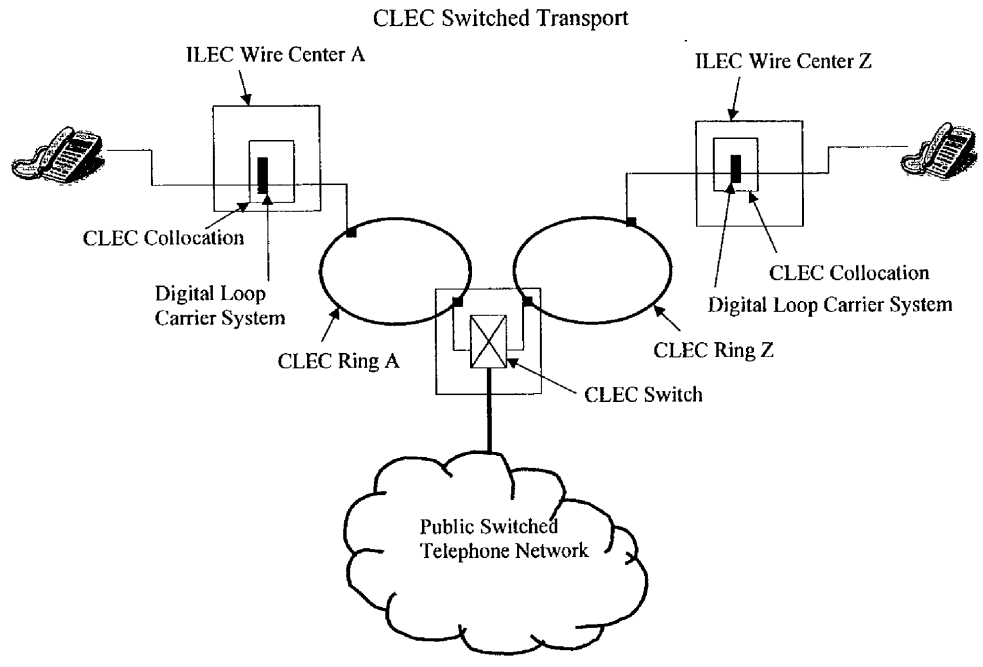
16

Exhibit Nos. \_\_\_\_\_ GJB-4 and GJB-5 are **PROPRIETARY**

CLEC Dedicated Transport







## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Public Version of the Surrebuttal Testimony and Exhibits of Gary J. Ball on behalf of the Florida Competitive Carriers Association has been provided by (\*) hand delivery, (\*\*) email and U.S. Mail this 4<sup>th</sup> day of February 2004, to the following:

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