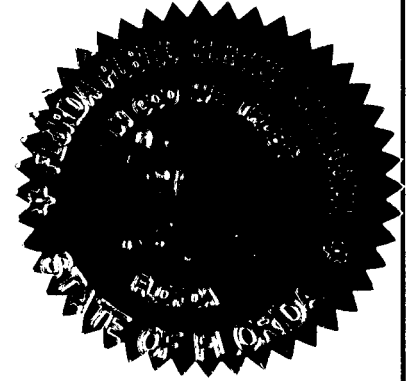


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 030851-TP

In the Matter of

IMPLEMENTATION OF REQUIREMENTS
ARISING FROM FEDERAL COMMUNICATIONS
COMMISSION'S TRIENNIAL UNE REVIEW:
LOCAL CIRCUIT SWITCHING FOR MASS
MARKET CUSTOMERS.



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VOLUME 14

Pages 1901 through 2000

PROCEEDINGS: HEARING

BEFORE: CHAIRMAN BRAULIO L. BAEZ
COMMISSIONER J. TERRY DEASON
COMMISSIONER LILA A. JABER
COMMISSIONER RUDOLPH "RUDY" BRADLEY
COMMISSIONER CHARLES M. DAVIDSON

DATE: Wednesday, February 25, 2004

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APPEARANCES: (As heretofore noted.)

I N D E X

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P R O C E E D I N G S

(Transcript follows in sequence from Volume 13.)

CHAIRMAN BAEZ: We will go back on the record.

Mr. O'ROARK, I think we had interrupted your cross, so please continue.

MR. O'ROARK: Thank you, Chairman.

Mr. Ainsworth, just let me know when you're ready, please.

THE WITNESS: I'm ready. Go ahead.

MR. O'ROARK: You're ready?

THE WITNESS: I'm ready.

KENNETH L. AINSWORTH

continues his testimony under oath from Volume 13:

CONTINUED CROSS EXAMINATION

BY MR. O'ROARK:

Q At the break we had been talking about completion intervals, and I believe that you had agreed that for UNE-P, the interval was about a day. And you would agree, wouldn't you, that for UNE-L, depending on whether it is design or nondesign, the BellSouth interval is three or four days?

A Yes, I would agree to that.

Q For a noncoordinated cut, Mr. Ainsworth, BellSouth currently does not measure how long a customer is out of service, is that right, during the cut?

A During the cut process itself, if you are talking

1 about the wiring portion of that cut --

2 Q Yes.

3 A No, we do not measure that today.

4 Q And BellSouth also does not measure the time it takes
5 after the cut to notify the CLEC, correct?

6 A No, today we do not have a measure. However, I
7 understand that Mr. Varner has proposed some measures, and I'm
8 not sure how they will cover some of those, but I know some of
9 those are included.

10 Q Most UNE-L migration orders fall out for manual
11 processing, don't they?

12 A You are going to have to talk to Mr. Pate about the
13 fallout rate. I'm not sure I can quote you what that is.

14 Q Mr. Ainsworth, for purposes of the force model, you
15 assumed a 37 percent flow-through rate for UNE-L orders, didn't
16 you?

17 A Thirty-seven percent is in one of the months. I
18 believe when we were taking the deposition I was asked, and I
19 was looking at the chart, and I did give 37 percent, yes.

20 Q And that 37 percent is what BellSouth assumed would
21 happen for purposes of its force model, correct?

22 A Yes. In that force model the group of UNE-P services
23 that were included in that, in that grouping for that
24 projection, those loops, that would be the percentage based on
25 those calculations.

1 Q For UNE-L loops?

2 A For UNE-L loops, yes.

3 Q And than means that 63 percent of those orders are
4 falling out for manual handling by the folks at the LCSC,
5 correct?

6 A No. Again, that is a calculation, and it is a
7 worst-case calculation. You would have to ask Mr. Pate exactly
8 what that fallout rate is. But the assumption based on that
9 calculation, that would be correct.

10 Q You say the assumption based on the calculation. In
11 other words, when BellSouth figured out what the input to the
12 model should be, it looked at its experience and said, let's
13 use 37 percent?

14 A Right. We put the 37 percent in, and that assumption
15 would be in the model, your assumption would be correct on the
16 fallout.

17 Q Now, the cut-over process itself also is manual,
18 correct?

19 A Yes, it is.

20 Q Before the cut-over a technician has to prewire the
21 circuit by hand, connecting from the CLEC demarcation point to
22 the main distributing frame, is that right?

23 A That's correct.

24 Q For nondesigned loops, the technician may have to
25 have as many as three different wire connections to get from

1 the demarcation point to the main distributing frame, is that
2 right?

3 A That's right. I think we had stated -- I think it's
4 stated in the testimony two or three, depending on the type
5 frame we are utilizing. That is correct.

6 Q And for design loops it may take as many as six wire
7 connections?

8 A Yes. On the design loops you are including test
9 points and test capabilities, so you would have additional
10 wiring there to wiring those test points.

11 Q For the cut itself, the technician has to physically
12 lift the customers loop from the MDF, the main distributing
13 frame, and lay it to connect it to the CLEC's facilities,
14 right?

15 A Basically, that is right, yes.

16 Q Now, let's talk about an IDLC loop for a moment. An
17 IDLC loop is one where you have copper from the customer's
18 premises to a remote terminal, and then you have got a DLC that
19 goes from the remote terminal straight into the switch,
20 correct?

21 A I think you said that right, or maybe I was thinking
22 ahead of you. An IDLC loop is a integrated digital loop
23 carrier that's direct into the switch with a remote terminal.
24 And from that remote terminal we would feed that end user
25 either by a copper loop -- normally, yes.

1 Q Now, if BellSouth is going to provision a loop that
2 is riding IDLC, BellSouth is going to change the way the
3 customer service is provisioned in order to provide the CLEC
4 with an unbundled loop, correct?

5 A Yes. If we are going to provide an unbundled loop,
6 and it is riding IDLC, then we would provide that via another
7 facility alternative or do a side door hairpin.

8 Q BellSouth's preferred method is to use spare copper
9 for the feeder facility, right?

10 A Yes. If I am looking at the alternatives, that would
11 be first.

12 Q And if you are using spare copper, not only do you
13 have to do prewiring at the central office, but you have also
14 got to prewire that feeder facility, that copper -- that spare
15 copper all the way to the remote terminal, don't you?

16 A Well, the only -- no. I would explain it this way:
17 You would do the prewiring as you did in the central office on
18 the cuts that would be -- what I call central office cuts only.
19 But if you are doing an IDLC cut, you would do the same wiring
20 in the central office; however, you would go ahead and make the
21 connection to the copper facility going out to the cross box
22 where the cut would be made, and then on the due date the I&M
23 technician would make the cut at that cross box the same as the
24 central office technician would make the cut if it were a
25 central office cut only.

1 Q Now, If there is no spare copper, someone has to
2 figure out what alternative method will be used to serve the
3 customer, is that right?

4 A Yes, that is correct.

5 Q And the steps that I have just described, both for
6 IDLC and for copper loop, those steps have to be taken
7 regardless of whether we are talking about the individual hot
8 cut process or the batch cut process, is that right?

9 A Yes. If you are talking about the functions that we
10 just discussed, that would be correct.

11 Q Now, after the cut-over is complete, the CLEC is
12 notified by telephone for a coordinated cut and by e-mail or
13 fax for a noncoordinated cut?

14 A Yes, that is correct.

15 Q After notification BellSouth's provisioning systems
16 still have some work to do to make all the changes to the
17 customer's records is that right?

18 A Yes, that is also correct.

19 Q And it is possible even during that provisioning
20 process that orders can fall out for manual processing, isn't
21 it?

22 A No, I wouldn't say orders fall out for processing.
23 If there were any service order type errors that would require
24 assistance, it would fall out on a list to the LCSC, but the
25 order itself would not fall out.

1 Q Are there not service orders that go to various
2 systems for completion after the cut?

3 A Yes.

4 Q And sometimes those service orders have to be handled
5 manually, don't they?

6 A The service orders would have to have things like --
7 yes, the service orders, if they fell out like, or when -- a
8 hold file error or some type of error, they would fall out on
9 an error list, and a LCSC rep would engage that error, clear
10 that error to process that order.

11 Q And the hold file is something that BellSouth uses in
12 the billing process, is that right?

13 A That's correct.

14 Q And so if something falls to the -- if service orders
15 fall to the hold file, BellSouth is going to continue billing
16 that customer even after the cut until an LCSC rep makes the
17 necessary manual adjustments?

18 A Yes. If it fell out and held the order before it
19 could complete, that could happen, but we have reps that are
20 dedicated to those functions.

21 Q Mr. Ainsworth, I am going to hand you a sheet, and
22 I'm going to represent to you -- in the interest of not killing
23 more trees than we have to, this is one page from BellSouth's
24 responses to AT&T 's interrogatories that were filed in
25 Georgia. I'm referring specifically to BellSouth's response to

1 Interrogatory Number 25, which has not only some regional
2 information, some regional totals, but information on each
3 state, do you have that in front of you?

4 A Yes, I do.

5 Q And I would like for you to look at the Florida row.
6 What I am interested in is the percentage IDLC that BellSouth
7 has in Florida. And do you see the second -- the fourth column
8 over is headed, Integrated DLC, and it shows 36 percent for
9 Florida?

10 A No, I'm not with you. I am with you on integrated,
11 yes, I am. Okay.

12 Q And then if you go over two more columns, we have got
13 integrated next generation DLC. Do you see that?

14 A Yes, I do.

15 Q And that throws in an additional two percent?

16 A Yes, it does.

17 Q Would the conclusion that there is 38 percent IDLC in
18 Florida be consistent with your understanding?

19 A My understanding that for the state of Florida it is
20 around 35 percent, so.

21 Q So if the answer were 38 percent that would be pretty
22 close to what you are understand?

23 A It would be close to what I understand.

24 MR. O'ROARK: And, Mr. Chairman, I would like that
25 page marked as an exhibit, please, because that is not

1 currently in the record.

2 CHAIRMAN BAEZ: We'll call this -- this is Georgia
3 interrogatory response.

4 MR. O'ROARK: Thank you.

5 CHAIRMAN BAEZ: Okay. And that will be marked
6 Exhibit 84.

7 (Exhibit 84 marked for identification.)

8 BY MR. O'ROARK:

9 Q If BellSouth is not able to find spare copper in the
10 situation where we have got an IDLC, any other alternative that
11 BellSouth would use requires an additional analog-to-digital
12 conversion, does it not?

13 A I'm thinking through the alternatives. Copper would
14 not. I would think that -- yes, that would be true. I think
15 Mr. Tennyson explains the technical side in more detail than I
16 do, but I would say that is correct.

17 Q Let's talk about EELs for just a moment. A DS-0 EEL
18 has a DS-0 loop combined with transport at the DS-0 or DS-1
19 level, is that accurate?

20 A Yes.

21 Q A CLEC today cannot migrate from a UNE-P arrangement
22 to an EEL arrangement, can it?

23 A Today they cannot.

24 Q Likewise, a CLEC today cannot migrate a customer from
25 a BellSouth to a EEL arrangement?

1 A Yes.

2 Q DS-0 EEL arrangement.

3 A Yes, that's correct.

4 Q The target implementation for making that possible is
5 July 2004?

6 A Yes, that's correct.

7 Q And that would be after the Commission is scheduled
8 to reach a decision in this case?

9 A Yes, that -- well, July would be the date that the
10 Commission would make a decision, but that is the target date,
11 yes.

12 Q And BellSouth has not yet distributed information on
13 the process requirements and functionality of DS-0 EELs?

14 A No. I think in my late exhibits that were filed, I
15 think we gave the EELs -- we did give that document from the
16 product team.

17 Q Okay. BellSouth does not intend to implement a batch
18 hot cut process for migrations from BellSouth to a CLEC, does
19 it?

20 A I'm sorry. Would you ask that again?

21 Q BellSouth does not intend to implement a batch hot
22 cut process for migrations from BellSouth to a CLEC?

23 A From retail to a CLEC, no.

24 Q And when you say retail, you mean BellSouth retail?

25 A Yes.

1 Q Nothing in BellSouth's batch hot cut process will
2 address the cost and timeliness issues associated with the
3 individual hot cut process?

4 A No.

5 Q In BellSouth's current batch hot cut process, the
6 provisioning process is largely the same as the individual hot
7 cut process, is that correct?

8 A No, I don't agree with that.

9 Q Well, let me ask you to turn to your direct testimony
10 at Page 9?

11 A I'm already there.

12 Q Actually, I don't see it on Page 9, so let me show
13 you your deposition, Mr. Ainsworth, just to refresh your memory
14 on this.

15 Do you have this in front of you? Does that refresh
16 your memory? Isn't the batch hot cut process largely the same
17 as the individual hot cut process?

18 A Where you have it marked here the statement I made
19 is, yes, there are similarities in the process. And the
20 similarities in the process are the wire work portion of that
21 process. The wire work piece where you actually -- how you
22 provision that and the wire work piece of how you actually
23 would make a cut on the due date, certainly, they are the same.
24 There is no question about that, and we admit that.

25 However, the process for getting it loaded and the

1 process for doing the work, if you batch load that process for
2 a time frame to get that work done with dedicated personnel,
3 and you batch load that process on a due date to do the cuts,
4 that is the efficiencies you have on the batch process versus
5 the lack of efficiencies for that same process on an
6 individual.

7 Q So the primary difference between the two is that
8 with the batch process the project manager brings some
9 additional coordination of the process?

10 A The project manager brings additional coordination of
11 that process. And as I described, the method of that
12 interaction with the network people to get those dedicated
13 people there working on the time frame, then you have
14 uninterrupted time to do that work.

15 Q Let's talk about the ordering process a bit. The
16 first step is that the CLEC sends a notification form to
17 BellSouth, is that right?

18 A Yes, that is correct.

19 Q And BellSouth has four business days to return the
20 notification form?

21 A Yes, that is correct.

22 Q The CLEC then has three business days to submit a
23 clean bulk LSR?

24 A Yes.

25 Q And once the CLEC does that, the first service order

1 due date will be a minimum of 14 business days?

2 A That's correct.

3 Q So that if you add the four business days, the three
4 business days to the 14, that is about 21 business days?

5 A That is the current end-to-end interval, yes.

6 Q So the current end-to-end interval is about a month,
7 isn't it?

8 A Twenty-one days.

9 Q I learned from Mr. Heartley that a typical month is
10 22.3 business days, so we are pretty close.

11 A Working days.

12 Q And the reason that it takes a month to process a
13 batch hot cut is that it takes a lot of time to coordinate that
14 volume of orders?

15 A No. As far as the coordination aspect of that, the
16 scheduling in the first four days of that is to coordinate with
17 the network to set up the due dates, and then to interface with
18 either the CWINS technician, if they have to be design services
19 for their coordination part of that, or for the central office
20 to notify them. But, no, we are looking for large volumes of
21 orders through the batch process, so we are not looking for low
22 volumes of orders. So to be prepared for large volumes of
23 orders, we want -- we want to be sure that we have an interval
24 that will allow us to do the preparation wiring, all of the
25 testing that needs to be done, and to make sure that we and the

1 CLEC are ready on -- at the those times to make those
2 conversions. So it is more than just as you stated.

3 Q Well, the bottom line is that for an individual hot
4 cut, BellSouth's targeted interval is three or four days; and
5 for a larger volume, the interval is about a month.

6 A Yes. However, you can do that -- you can do that
7 simultaneously, you can do multiple bulks. Again, if you look
8 at the process and you understand that we were looking at this
9 primarily based on UNE-P to UNE-L, our expectation is that
10 there would be huge volumes. We'd be moving huge embedded
11 bases. And you would not want to attempt to do that on a
12 single order process. You would want to have a process that
13 would allow you the planning time so that both the CLEC and
14 BellSouth could plan that and work that in a process that would
15 take you from one point to another.

16 Q Now, BellSouth is proposing a process improvement
17 that would take the first service order due date from 14 days
18 to eight days, is that right?

19 A Yes, they are. We are.

20 Q And when are you going to roll that out?

21 A That is scheduled for the 16.0 release, I believe in
22 -- I think that is also -- that release is scheduled for July,
23 I think. But I would have to do that to check. I would have
24 to check that.

25 Q And even after you have rolled out that process

1 improvement for a batch order, we are still talking about three
2 weeks at a minimum to process the batch request?

3 A Again --

4 Q Yes or no, and then please explain.

5 A Yes. Again, that is correct. But, again, based on
6 the fact that we are looking for the batch process to be for
7 large volumes of orders, I think that is very appropriate.

8 Q BellSouth plans to add a web-based communications
9 system that it does not currently have?

10 A Yes.

11 Q That will enable CLECs to see completions when they
12 occur?

13 A The web -- no. The web-based communication tool that
14 is being presented, it was filed in the late-filed exhibits. I
15 think some of the screen shots was some descriptions of that,
16 is basically set up for the SL-1 noncoordinated. And it will
17 allow some functionality with that to correspond with the
18 SL-1s, which will give you several different views. You will
19 be able to look at the loads, you will be able to get go-ahead
20 notices cumulative on a web site and make those determinations.
21 But CSOTS is a system that would be viewed for what you had
22 requested.

23 Q So CLECs will not be able to use the new system to
24 see when the completions have occurred?

25 A They will be able to see when the notifications are

1 sent.

2 Q I see. So for a noncoordinated cut, somebody at
3 CWINS either sends a fax or an e-mail to the CLEC to notify
4 them of the cut, right?

5 A Today, yes.

6 Q You say today, is that going to be changed?

7 A The coordination tool that you are describing -- and
8 let me see if I've got a copy of the last exhibit. I'm
9 looking. The notification tool that we have under development
10 that will be deployed will provide you a list of all the
11 noncoordinated pending orders on the due date, by the due date,
12 provide you a list of go-ahead notifications, with the time
13 stamp when those notifications were sent. Also will provide
14 the CLECs with no dial tone notification, with a time stamp of
15 when that occurred. And those are the functionalities that we
16 are going to provide.

17 Q Thank you. Let me make sure I understand. The way
18 the process works today, and will continue to work, is that for
19 a noncoordinated cut, once the technician completes the cut, he
20 has got two hours to notify the CLEC either by e-mail or fax?

21 A Yes, that is correct.

22 Q Now, the communications tool puts on the web site
23 that -- the fact of the notification and when it went out?

24 A Yes. It will add that functionality so that now you
25 could continue to have the fax, if you chose, you could get the

1 e-mail, if you chose, or you could use the web site for that
2 mode.

3 Q There would be three in the alternative, then?

4 A Yes, that is correct.

5 Q And the new system alternative that you are
6 describing would only be available for batch noncoordinated
7 cuts?

8 A No, this would -- this would apply to any SL-1.

9 Q This would apply to individual cuts as well?

10 A Yes, it would.

11 Q But it has to be noncoordinated?

12 A It has to be noncoordinated, yes.

13 Q BellSouth also plans to include CLEC-to-CLEC and
14 UNE-L-to-UNE-L migrations, but there is no implementation date
15 yet?

16 A I have not seen the schedule on that as yet, no.

17 Q Then BellSouth also plans to implement a scheduling
18 tool that would enable CLECs to schedule on-line before
19 submitting a batch request?

20 A Yes, that is correct.

21 Q And implementation is scheduled for October?

22 A Implementation is scheduled for October, that's
23 correct.

24 Q The scheduling tool that BellSouth proposes to
25 implement would limit CLECs collectively to 200 cuts per end

1 office per day?

2 A They will allow up to 200 cuts per CO per day, yes.

3 Q Going back for just a moment to the communications
4 system, that is scheduled for roll out in June, is that right?

5 A That is correct, yes.

6 MR. O'ROARK: That's all I have.

7 CHAIRMAN BAEZ: Mr. Cruz.

8 MR. CRUZ-BUSTILLO: Thank you, Mr. Chairman.

9 CROSS EXAMINATION

10 BY MR. CRUZ-BUSTILLO:

11 Q Good afternoon, Mr. Ainsworth.

12 A Good afternoon.

13 Q Would you agree with -- Mr. Ainsworth, would you
14 agree that there is no guarantee that the work for a hot cut
15 will even be performed on a specified date for a noncoordinated
16 cut?

17 A No. I would not agree with that.

18 Q Would you turn to your Direct Testimony, Page 7,
19 Line 25, and go to Page 8, Lines 1 and 2. When you get there,
20 let me know. Are you there?

21 A Yes, I am.

22 Q Okay. Did you, in fact, write on Page 7, beginning
23 at Line 25, hot cut requests are converted by BellSouth's
24 network personnel during normal working hours, eight a.m. to
25 five p.m., at various times on the due date based upon the

1 network technicians workload activity and schedule. Did you
2 write that, Mr. Ainsworth?

3 A Yes, I did.

4 Q And what did you mean by that, Mr. Ainsworth?

5 A What I meant by that was that for non -- this is
6 under the noncoordinated section.

7 Q That's correct.

8 A That normal provisioning business hours are eight to
9 five, and that for SL-1 noncoordinated services that we would
10 attempt to complete those between the eight and five normal
11 provisioning hours. But that is based on the schedule, the
12 work activity schedule of the network technicians.

13 Q Do you have a copy of your deposition?

14 A No, I do not.

15 MR. CRUZ-BUSTILLO: Do you have a copy of his
16 deposition?

17 A Well, I don't know. I've got a copy that --

18 BY MR. CRUZ-BUSTILLO:

19 Q Can you turn to Page 74?

20 MR. CRUZ-BUSTILLO: Can I approach the witness,
21 BellSouth? Jim?

22 (Pause.)

23 CHAIRMAN BAEZ: Did you straighten out the page
24 reference?

25 MR. CRUZ-BUSTILLO: I'll ask the question anyways.

1 BY MR. CRUZ-BUSTILLO:

2 Q Mr. Ainsworth, on the Page 74, Lines 20 through 24 of
3 the deposition which I have, which is an electronic version
4 downloaded, this was the question that I asked you and the
5 answer you gave.

6 "Question: So could there be a case where you --
7 could there -- would it be reasonable to conclude that you
8 could schedule cuts for that day but due to workload they
9 wouldn't be met? Is that reasonable?

10 "Answer: That could be the case, yes."

11 Do you remember that question and giving that answer?

12 A Yes.

13 Q Thank you.

14 For noncoordinated cuts, if no dial tone exists on
15 the line, is it true that BellSouth will not disclose this
16 information to a CLEC until after the time for the hot cut has
17 passed?

18 A No. It is dependent on what type of conversion you
19 are doing. If you are doing coordinated conversions, it will
20 be communicated back. CLECs have the opportunity to order
21 coordinated conversions, and when they -- the CWINS would be in
22 control of that. The CWINS technician would, in fact, notify
23 the CLEC.

24 Q Okay. Mr. Ainsworth, I began my question off -- my
25 question with for noncoordinated cuts?

1 A I'm sorry. For noncoordinated SL-1 cuts, no, they
2 would not.

3 Q No, you would not disclose that information to the
4 CLEC until after?

5 A No, we do not provide that under the procedures we
6 have. That is a coordinated function and the CLEC did not
7 request a coordinated function.

8 Q So let me go back to my question. In the
9 noncoordinated process, do you not disclose that information to
10 the CLEC, let me finish my question, until after the time for
11 the hot cut has passed? Yes or no, and then explain your
12 answer?

13 A No. We do not provide a -- we do not provide that
14 information back to the CLEC on a noncoordinated, because that
15 is part of the coordination function to provide that. On the
16 due date if that no dial tone is still not present, then we
17 will not make the hot cut, and we will put an MA on that order
18 back to the CLEC for a missed appointment.

19 Q Why is it efficient for a technician doing a single
20 coordinated cut to report the completed activity to CWINS
21 immediately upon completion, but it is not efficient for that
22 same technician doing a single noncoordinated cut to report the
23 completed activity to the CLEC immediately upon completion?

24 A Again, the coordination function you have to order
25 coordination if you want that -- that part of that process, if

1 you want us to deliver that process. That process is not part
2 of the noncoordinated SL-1.

3 Q So it is just a matter of price?

4 A Yes. It is a cost. When we set up the processes
5 there was a price for SL-1 noncoordinated, and there is a price
6 for SL-1 coordinated, and there is a price for SL-2, which
7 incorporates coordination.

8 Q Would you agree with me that the noncoordinated hot
9 cut is the preferred option for CLECs whom economics are of the
10 utmost importance?

11 A I would agree with you if economics were the only
12 prerequisite, yes, that would be true.

13 Q Do you have a copy of your Direct Testimony?

14 A Yes, I do.

15 Q Can you turn to Page 14, Lines 15 through 17? And
16 when you get there let me know, please.

17 A 14, 15 through 17, okay.

18 Q Do you state in your Direct Testimony: "Remember,
19 however, that noncoordinated hot cuts only are an option for
20 the CLEC for whom economics are of the utmost importance." Did
21 you write that in your testimony, Mr. Ainsworth?

22 A Yes, I did.

23 Q Thank you.

24 For SL-1 noncoordinated cuts, would you agree that on
25 average two hours elapses between the completion of the

1 conversion and the notification of the CLEC?

2 A Yes. Our stated commitment is that we would notify
3 within two hours. However, if you are in the two-hour time
4 span, if you are on the front end of that, it could go two
5 hours; if you are on the end of the two-hour span, it could go
6 less than that.

7 Q Would you agree that until the CLEC -- would you
8 agree that until the CLEC notifies NPAC, number portability
9 administration center, with an activation notice, that the
10 customer cannot receive incoming calls?

11 A Yes.

12 Q Would it be correct to say that the CLEC cannot
13 notify NPAC, N-P-A-C, until BellSouth notifies the CLEC that
14 the loop has been cut over?

15 A No, I would not agree to that. The CLEC can activate
16 LNP after an 18-hour period. Prior to any notification they
17 could port early, if they chose to do that. That would not be
18 within the process that we're following, but they could
19 certainly do that.

20 Q Would a CLEC choose to do that process?

21 A If I were a CLEC, I would not choose to do that
22 process.

23 Q You would not?

24 A It would be an early cut, yes.

25 Q You would not choose to do that process?

1 A No, I would not.

2 Q Okay. So going back to my question, would it be
3 correct to say that a CLEC in practice wanting to be efficient,
4 that the CLEC cannot notify NPAC to port the number until
5 BellSouth notifies the CLEC that the loop has been cut over?

6 A No. Again, it would -- no, it would not be a
7 practice for a CLEC to do a port until the notification
8 arrived.

9 Q Thank you.

10 Would you agree that if it took two hours -- that if
11 it took up to two hours to notify a CLEC of a noncoordinated
12 cut, that the customer would not be able to receive incoming
13 calls for those two hours?

14 A Yes. In a situation where it took a two-hour
15 notification, the customer would not be able to receive calls,
16 they would have dial tone.

17 Q Would you agree with me that the inability to receive
18 an incoming call is a service disruption?

19 A Yes. It would be a service interruption for the
20 portion of the service on incoming calls. Again, they would
21 still have dial tone.

22 Q Must a CLEC be collocated in order to provide UNE-L
23 service via EELs?

24 A Yes. It is my understanding there must be a
25 collocation.

1 Q If a CLEC is processing 3,000 new conversion orders a
2 day, would you agree that BellSouth could not convert all of
3 those orders in one day in one central office?

4 A I'm not sure I can answer that question. If we are
5 talking -- no, I wouldn't agree, because I don't know the
6 answer to that question.

7 Q You would agree with me that you stated earlier to
8 Mr. O'Roark's question that the wire work for an individual cut
9 is the same for the -- for the wire work in a batch cut?

10 A The wire work is the same, yes.

11 Q Thank you.

12 Would no dial tone be considered a service
13 disruption?

14 A Yes.

15 Q Given that BellSouth's process checks for dial tone
16 before conversion, if the technician in the network group
17 identifies no dial tone before the cut, and the technician
18 fixes the no dial tone condition, would you agree that the
19 cause of the no dial tone was on the BellSouth side?

20 A No, that question takes me several different
21 directions. First of all, if a technician was doing
22 provisioning and had a no dial tone situation at cut time, we
23 would not -- we would not cut. So if we -- if, in fact, we
24 found a dial tone problem prior to the cut in part of our
25 prework process, we would resolve that, and we would make that

1 cut. But that doesn't necessarily mean the customer is without
2 dial tone.

3 Q No, no. My question is -- I liked your answer. My
4 question is if you discover the problem and you fixed the
5 problem prior to the cut, would you agree that the cause of the
6 problem would have been on the BellSouth side?

7 A If we fixed a problem on our side for no dial tone,
8 the problem could be on our side. But my point is that if we
9 are fixing a problem prior to cut, the customer is not cut.
10 The customer still has dial tone and the service exists on the
11 originating switch. So if we are working on the CLEC side,
12 listening to their dial tone and we fix the problem, it may be
13 our problem, but there is no service interruption.

14 Q Okay. The second part of the question -- the second
15 part of the answer wasn't part of my question, but I appreciate
16 the first answer.

17 I think we established earlier in my question that
18 all the normal working hours for a technician performing hot
19 cuts is between eight and five?

20 A The normal provisioning hours are eight to five, yes.

21 Q Assume that a noncoordinated hot cut is performed at
22 4:49 p.m. during the normal workday of eight to five for the
23 technician, and the go-ahead notice is sent to the CLEC at 6:59
24 p.m., would BellSouth be in process?

25 A If the work was completed at 4:49 whenever we would

1 have the -- we would have the two-hour period, we would be in
2 the two-hour period for the notification, then the go-ahead
3 could be sent -- in process go-ahead notification would be sent
4 at 6:49.

5 Q Right. Actually, it wasn't a trick question. I
6 should have said 4:59.

7 A Well, thank you. I appreciate that.

8 Q Would you agree that BellSouth would be in process,
9 yes or no?

10 A Yes.

11 Q Okay. Last question. Assume that a noncoordinated
12 hot cut is performed at 4:59 p.m., during a normal work day of
13 eight to five for the technician, and the go-ahead notice is
14 sent to the CLEC at 9:30 p.m., would you agree that BellSouth
15 would be out of process?

16 A If the cut were made at 4:59, it should have been
17 received within a two-hour time frame. But I don't know that
18 BellSouth would be out of process, I just know that that is
19 when the notification was received.

20 Q Just one moment, please.

21 I am looking at your deposition on Page 107, what I
22 have. And I am going to read to you the question and the
23 answer, and you tell me if you remember the question and giving
24 the answer. Page 107 that I have, Lines 14 through 17:

25 "Question. Okay. If you sent the notice at 9:30 at

1 night under the same scenario, would you be in process?

2 "Answer: If we -- if we sent the notice, completed
3 the activity at 9:30 tonight, we would not be in process."

4 Do you remember that question and giving that answer?

5 A I remember the question.

6 MR. MEZA: Excuse me. I object to that question,
7 because Mr. Cruz-Bustillo has not allowed the witness to read
8 the entire text of the deposition that he is referring to. And
9 he says -- and specifically in the quote that he just read, he
10 said "in this scenario," without defining the scenario. And we
11 don't know if the scenario is the same that he is questioning
12 Mr. Ainsworth about.

13 CHAIRMAN BAEZ: Mr. Cruz, can you be a little more
14 careful and restate your question and try to be as complete as
15 possible so that Mr. Ainsworth can have an idea of what -- and
16 more importantly Mr. Ainsworth's counsel.

17 MR. CRUZ-BUSTILLO: Yes, Mr. Chairman.

18 BY MR. CRUZ-BUSTILLO:

19 Q Beginning on what I have as Page 106 at the bottom of
20 Line 20 -- beginning on Line 24 I say:

21 "Question: Okay. We have a two-hour interval, you
22 finish at 4:59. I should get my last notice at 6:59 to go
23 ahead on that day. If I don't, would BellSouth be out of
24 process by your testimony here today?

25 "Answer: We would be out of process if we did not

1 complete that, send the notification prior to five o'clock,
2 yes.

3 "Question: Oh, if you didn't send the notification
4 prior to five o'clock the notification to the CLEC?

5 "Answer: No, if -- no, I said if we completed it
6 prior to five o'clock, we would be in process. If we completed
7 it after five o'clock, we would be out of process.

8 "Question: If you completed it before five o'clock,
9 but sent the notice at 6:59, would you be in process?

10 "Answer: Yes. According to the process we have
11 today, that would generate the activity, we would be in
12 process.

13 "Question: Okay. If you sent the notice at 9:30 at
14 night under the same scenario, would you be in process?

15 "Answer: If we -- if we sent the notice, completed
16 the activity at 9:30 tonight, we would be -- we would not be in
17 process."

18 Do you remember those questions and giving those
19 answers?

20 A I remember the set of questions. And if I go back,
21 and I'm not looking at everything here, if I go back, we were
22 having a conversation about -- a discussion about batch and
23 individual cuts when we started that process. And I think one
24 of the things that was brought up in there was if this were a
25 batch type process, or a batch cut, and I would have to look

1 back in the testimony. And I'm not sure if that is what you
2 are referring. And in that case, where we should have project
3 managed that into a time span, and if we were outside of that
4 time span, we should have had information of that, then I would
5 have wanted to look at that as a process issue. But I am not
6 sure that that is -- that is the exact information that you are
7 reading me.

8 Q Okay. Mr. Ainsworth, that wasn't my question. It
9 wasn't my question now, and it wasn't my question then. On an
10 individual hot cut, noncoordinated, that is done at 4:59 p.m.
11 in which you have said the latest time period you can send that
12 notice for that cut to be in process is 6:59 p.m. My question
13 is very simple. It is simply the opposite of the -- it is
14 simply the flip side of that, and the obvious. If you do a
15 single noncoordinated hot cut at 4:59 p.m., and I get a
16 go-ahead notice at 9:30 p.m. at night, is BellSouth out of
17 process, yes or no?

18 A No. We may not be out of process. The notification
19 should not have come that late. But from a technician
20 standpoint, they may have completed that, sent that properly.

21 Q But, Mr. Ainsworth, that was not my question. I
22 concede that he completed it on time at 4:59. If the
23 notification can be sent to the CLEC in order to be in process,
24 it must be there the latest at 6:59. My question again is if
25 the CLEC receives that go-ahead notice at 9:30 p.m. at night,

1 is BellSouth out of process, yes or no?

2 A Again, no, I don't know that we were out of process.
3 What I will -- what I will admit here is that -- that as far as
4 the technician performing their work, if they performed that
5 work, I would say there was a problem with that, if you got it
6 at 9:15. But I don't know that it was a technician out of
7 process. It would be, maybe, an issue.

8 Q Hypothetically, okay? Last time. Hypothetically, I
9 am not talking about the technician, I am talking about the
10 process in general. The technician completes the work. If the
11 CLEC gets a notice at 9:30, a go-ahead notice, assuming it is
12 hypothetical, there is nothing else you can look at. It is
13 either in process or out of process. To be in process it has
14 to arrive at 6:59 p.m.?

15 A I would agree based on your hypothetical that you
16 should have received it, and it is not within the process that
17 we have defined.

18 Q If I got it at 9:30?

19 A That is correct.

20 MR. CRUZ-BUSTILLO: Thank you very much,
21 Mr. Ainsworth. I have nothing further.

22 CHAIRMAN BAEZ: I'm sorry, what is that?

23 MR. CRUZ-BUSTILLO: I have nothing further, Mr.
24 Chairman.

25 CHAIRMAN BAEZ: Okay. That leaves -- does staff have

1 any questions?

2 MR. SUSAC: Yes, we do, Mr. Chairman.

3 CHAIRMAN BAEZ: Brief questions?

4 MR. SUSAC: They are brief, I promise that.

5 CHAIRMAN BAEZ: Go ahead.

6 CROSS EXAMINATION

7 BY MR. SUSAC:

8 Q Good afternoon, Mr. Ainsworth. How are you doing?

9 A Good afternoon.

10 Q Mr. Ainsworth, is the provisioning process used by
11 BellSouth the same regardless of whether the order was placed
12 by using the individual LSR process or the batch migration
13 process?

14 A No. As we had discussed today, the wire work portion
15 of that is the same, the actual wiring and the provisioning
16 wiring steps to take place, as well as the wiring steps on the
17 due date. The difference would be in the method that we are
18 batching that process to be provisioned and batching that
19 process to be cut on the due date. We are batching that
20 process, dedicating that to individuals in a span of time
21 without interpretation to do that work, and as well as on the
22 due date we would be batching that process to complete that
23 function. So that would be a difference in the efficiencies in
24 that process.

25 Q Give me one second, please.

1 Mr. Ainsworth, do you have your Direct Testimony with
2 you today?

3 A Yes, I do.

4 Q Could you please turn to Page 23 of that?

5 A Okay.

6 Q In particular I would like to direct your attention
7 to Lines 18 through 24, where the question was to describe the
8 provisioning process and the batch migration process. Your
9 answer, and I am -- if you could just review your answer. It
10 seems to state that the batch hot cut process -- provisioning
11 process is the same as the individual cut provisioning process.
12 Do you see that on Lines 21 and 22?

13 A Yes, I do.

14 Q Okay. So my question, again, is the provisioning
15 process used by BellSouth the same regardless of whether the
16 order was placed by using the individual LSR process or the
17 batch migration process?

18 A I think the intent of this answer is that that is
19 wire work. But I want to make sure that we understand that is
20 the wire work portion that is identical.

21 Q Okay. So, if the provisioning portion of the process
22 is the same for individual versus batch, we can agree that the
23 efficiencies do not come from that side of the process?

24 A No. As I said, it is the wire work that is the same,
25 it is the loading and the project management intervention that

1 causes the batch loading and the batch cutting that gains our
2 efficiencies in that process. We are cutting simultaneously in
3 that process without any interruption. If you have ever been
4 on a central office frame, and you are doing individual cuts,
5 you will know that that frame attendant doesn't just start
6 cutting in the morning and cut one order after the other. That
7 frame attendant has other activities going on, and they are
8 cutting intermittently between those the service orders that
9 are due that day. On a batch process you load a technician or
10 two technicians, whatever the load is, and you begin that
11 process and you complete that process, so those are the
12 efficiencies that are gained.

13 Q Thank you.

14 Does the individual LSR process for converting UNE-P
15 to UNE-L also have electric ordering capability?

16 A Electronic ordering capability?

17 Q Yes.

18 A Yes, it does.

19 Q Okay. And is it correct that the batch, that both
20 batch and individual orders are designed to, quote, unquote,
21 flow through the ordering system for UNE-P to UNE-L?

22 A Yes, they are.

23 Q And what is the estimated standard interval for an
24 individual LSR from the point the CLEC submits a valid order to
25 provisioning completion for a migration from UNE-P to UNE-L.

1 A Wow.

2 Q And that's a mouthful.

3 A Let me be sure I understand that we are talking the
4 same language here.

5 Q Sure.

6 A The interval that we are talking about here -- when I
7 talk about an interval, it means the interval on the interval
8 guide that the CLEC can select when they order. If they order
9 a type of loop that is an SL-1 loop, they can order that for a
10 three-day interval, and that would be the processing time to
11 get to that due date. If they order an SL-2 loop, it would be
12 a four-day interval on that due date. And that is what we
13 offer.

14 I think your question went beyond that to what is the
15 time frame it takes to do that? And my answer to that would be
16 if you look at our performance and they are ordering among
17 those -- on the three and the four-day interval, we would be
18 meeting those, then those would be the interval. But if they
19 are ordering them as we had talked earlier, if a CLEC did not
20 choose to order those intervals, if they chose to toward a
21 five-day interval or ten-day interval, then that would be the
22 due date.

23 So the shortest interval that we offer is an SL-1.
24 It's three days, and for a SL-2, it is four days. And I hope I
25 answered your question.

1 Q Yes. Hold on one second.

2 Following along on that, if you could just please
3 elaborate, what would that same interval for a batch cut
4 process, assuming there was an order with 101 telephone lines?

5 A Today, the batch cut interval would be 21 days.
6 Actually, let me clarify. It was 21 days end-to-end. The
7 provisioning interval would be 14 days. From the submission
8 interval all the way through the provisioning would be 21 days.

9 Q And how long would that take for an individual hot
10 cut, 101 lines?

11 A I don't know if I could answer that. It would be
12 based on the interval they selected, if they processed that.
13 But, again, you are dealing with a difference in the batch
14 process and a difference in the individual process. We are
15 looking for a greater volumes to be able to process our
16 ordering volume, and we are looking for embedded base
17 conversions here. So that is what the batch process was
18 created for. You are talking about, I believe, normal ordering
19 processes for individuals, which if they ordered that on the
20 three, four-day interval, that would be the interval that would
21 be provided.

22 Q So would you agree with me in terms of timeliness
23 that the bulk migration process takes more time from the date
24 of project notification to order completion than an individual
25 loop migration?

1 A Yes, I would agree that -- that just from that
2 statement that it takes longer. But I also want to make sure
3 that we understand what that process enables. And that process
4 enables us to do mass migrations and high volumes of
5 migrations. If you heard today some of the conversation about
6 3.84 million circuits, if you tried to transition that on an
7 individual process, there would be big problems. The bulk
8 process is made to handle and be able to schedule and take
9 those kinds of volumes and handle those through a process that
10 we can take those to conclusion efficiently and effectively.

11 Q I guess my bottom line question is, if it does take
12 longer to provision a batch request, is it more efficient?

13 A Absolutely. When you are dealing with volumes, it is
14 absolutely more efficient.

15 MR. SUSAC: We have no further questions.

16 CHAIRMAN BAEZ: Commissioners, any questions? No
17 questions.

18 Thank you, Mr. Ainsworth.

19 THE WITNESS: Thank you.

20 CHAIRMAN BAEZ: Next up, we have -- I'm showing
21 Witness Gray.

22 MR. HENRY: Mr. Chairman, while we're making this
23 transition --

24 CHAIRMAN BAEZ: Yes, Mr. Henry.

25 MR. HENRY: Since I have been the designated cat

1 herder on my side of the fence, I just wanted to get squared
2 away on and what your plans were, and I can tell you where we
3 think we are. I think we did like two and a half yesterday,
4 and we were looking at doing nine hours today. We started at a
5 little after nine. Anyway, I look at like three in the
6 morning, six in the afternoon, but it looks to me like we
7 probably ought to be able to get our side of the cross done by
8 about seven --

9 CHAIRMAN BAEZ: That would be my expectation.

10 MR. HENRY: -- o'clock.

11 CHAIRMAN BAEZ: I'm sorry. You said?

12 MR. HENRY: Seven o'clock.

13 CHAIRMAN BAEZ: Seven o'clock. Well, my plans were
14 to go about as late as eight. So if you can make it sooner,
15 you know, if you can work it to cut back on that time, and I'm
16 not saying that you have to. But if you can, then that puts us
17 on good course to get at least OPC and the AARP started.

18 MR. HENRY: Tonight?

19 CHAIRMAN BAEZ: Well, I mean, if you are as good --
20 if you are as good as your estimates.

21 MR. HENRY: Okay.

22 CHAIRMAN BAEZ: And, again, I'm not putting you on
23 the spot, but --

24 MR. HENRY: My estimates are as good as my ability to
25 get the cats to run through the gate.

1 CHAIRMAN BAEZ: We all know how hard that is, but
2 based on what you are telling me, then, you know, I figure we
3 might be able to cut into the next groups' testimony. And if
4 we can make that, it will have exceeded all of my expectations.

5 MR. HENRY: Okay.

6 CHAIRMAN BAEZ: I would love it.

7 MR. HENRY: Okay.

8 CHAIRMAN BAEZ: Thank you, Mr. Henry.

9 MR. CRUZ-BUSTILLO: Mr. Chairman?

10 CHAIRMAN BAEZ: Yes, sir.

11 MR. CRUZ-BUSTILLO: Are we ready? I'm going first.

12 CHAIRMAN BAEZ: You're up first?

13 MR. CRUZ-BUSTILLO: Yeah.

14 CHAIRMAN BAEZ: Okay. How many? We have three?

15 MR. CRUZ-BUSTILLO: Two.

16 CHAIRMAN BAEZ: Two questioning? All right.

17 Mr. Cruz.

18 A. WAYNE GRAY

19 **was called as a witness on behalf of BellSouth**
20 **Telecommunications, Inc., and** having been duly sworn, testified
21 as follows:

22 CROSS EXAMINATION

23 BY MR. CRUZ-BUSTILLO:

24 Q Good afternoon, Mr. Gray.

25 A Good afternoon.

1 Q Mr. Gray, are you responsible for ensuring that
2 BellSouth provisions collocation arrangements in the time
3 frames required by state commissions, including the Florida
4 Public Service Commission and BellSouth's interconnection
5 agreements?

6 A Yes, I am.

7 Q Is it true that BellSouth's goal is to complete the
8 provisioning of collocation space as quickly as possible?

9 A Yes, it is.

10 Q Did you write in your Direct Testimony -- I'm going
11 to be turning to Page 7, Lines 3 through 5 of your Direct
12 Testimony, to the extent that you want to look at it, but --

13 A I didn't file any Direct Testimony.

14 Q Let me read you what you wrote and you tell me if you
15 remember.

16 A Well, I didn't file any Direct Testimony in this
17 case.

18 Q Oh, I'm sorry, Rebuttal Testimony.

19 A Okay.

20 Q Thank you very much, Mr. Gray.

21 A Which page are you referring to?

22 Q Oh, Page 7, Lines 3 through 5. My question is, for
23 the record, "Mr. Gray, did you state in your, or write in your
24 January 7th, 2004, Rebuttal Testimony the following: BellSouth
25 is not aware of any CLEC that has not been able to access its

1 collocation arrangement pursuant to the terms and conditions
2 contained in the CLECs interconnection agreement?"

3 A Yes, I did.

4 MR. CRUZ-BUSTILLO: I'm now going to hand out what I
5 would ask to be marked as exhibit. I am going to ask the
6 parties to turn to Page 4, and I would ask this be marked as an
7 exhibit, but whatever number, I will ask that it be moved into
8 the record subsequently.

9 BY MR. CRUZ-BUSTILLO:

10 Q Mr. Gray, I handed you a Commission Order from this
11 Commission, Order PSC-99-0060-FOF-TP, issued January 6, 1999,
12 and I would ask you to turn to Page 4 of that Order, and the
13 yellow highlighted before I begin to ask my questions.

14 A I'm there.

15 Q Thank you, Mr. Gray. Isn't it true that the Order
16 states in the first paragraph of Page 4 that on June 30th,
17 1998, and I am going to say Supra Telecom for short, filed a
18 petition for emergency relief against BellSouth
19 Telecommunications. And by its petition Supra asked that we
20 require BellSouth to permit Supra to physically collocate in
21 BellSouth's North Dade Golden Glades and West Palm Beach
22 Gardens central offices. Is it true that this Order states
23 what I just read?

24 A Yes.

25 Q Thank you.

1 If you look down to the second paragraph and the last
2 sentence, isn't it true that the Order reads it is as follows:
3 By its petition BellSouth claimed that it could no longer
4 provide physical collocation in its West Palm Beach Gardens and
5 North Dade Golden Glades central offices because it no longer
6 has sufficient space? Does the order state that?

7 A Yes, it does.

8 Q Okay. I would like you now to turn to Page 20. And
9 on Page 20, when you get there, I'm going to ask you to look at
10 the second paragraph on Page 20 and the highlighted portions in
11 yellow. And, Mr. Gray, let me know when you are there, please.

12 A Okay.

13 Q I'm going to read the first sentence and the last
14 sentence. Is it true that the Order states as follows: Based
15 on the foregoing, we find that BellSouth has enough space in
16 the North Dade Golden Glades central offices -- central office
17 to allow Supra to collocate. And the last sentence says:
18 Nevertheless, we emphasize that BellSouth shall be required to
19 allow Supra to physically collocate as set forth herein. Is it
20 true that the Order states what I just read?

21 A Yes, it does.

22 Q Okay. Could you turn to Page 25, please, and I would
23 ask you to turn to the first paragraph, first sentence and look
24 at the highlighted yellow portion. And when you are there,
25 please let me know, Mr. Gray.

1 A I'm there.

2 Q Is it true that the order states as follows: Upon
3 consideration of the evidence and the arguments presented, we
4 find that there is adequate space to permit physical
5 collocation by Supra in the West Palm Beach Gardens central
6 office. Does the Order state what I just read?

7 A Yes, it does. I would like to point out, though,
8 that none of these -- this Order relates to cases where
9 BellSouth's had declared an office with no collocation space.
10 The statement you had me read earlier in my testimony has
11 nothing to do with that.

12 Q Thank you, Mr. Gray.

13 A It has to do with people able -- with collocators
14 actually able to access space once they have already collocated
15 in the office, not having to do with, anything to do with space
16 availability.

17 Q Thank you, Mr. Gray.

18 Can you now turn to Page 28. And the first two
19 sentences I'm going to read under the paragraph -- under the
20 heading, conclusion. It is true that the Order states as
21 follows: Upon consideration of the evidence presented, we find
22 that the contract is silent on time frames for providing
23 physical collocation. The agreement does, however, provide
24 that the parties are to negotiate a completion date. We agree
25 with Supra that BellSouth's estimate of six to eight months is

1 excessive. BellSouth has not demonstrated why any of Supra's
2 applications for physical collocations require six to eight
3 months to complete.

4 Is it true that the order states what I just read?

5 A Yes, that is true.

6 Q And now I would like to turn --

7 A I'm not finished, please.

8 Q Sure.

9 A I would also like to point out that at the time this
10 order was issued, and it is even referenced in this line, we
11 did not have collocation -- agreed to collocation intervals in
12 Florida. We since have those. We have had many collocation
13 hearings in this state. We have established provision
14 intervals. It is now 90 days, which if you read later in this
15 document, the Commission recommended three months, which is 90
16 days. So we now have established intervals, and we have
17 processes that are very efficient to deliver in those time
18 frames.

19 Q Okay. Thank you, Mr. Gray.

20 Can you now turn to the next paragraph on that same
21 page, and I would like to read the first sentence.

22 A We are on Page 28?

23 Q We are still on Page 28, and the second paragraph
24 under the hearing, Conclusion.

25 Based on the arguments -- is it true that the order

1 states it is a follow: Based on the arguments presented, we
2 believe that three months is a reasonable time frame for the
3 provision of collocation. It is true that the order states
4 that?

5 A Yes, as I said just a minute ago, that is what the
6 order says.

7 Q Isn't it true that BellSouth did not provide physical
8 collocation to Supra within three months of this order?

9 A Say that again?

10 Q Isn't it true that BellSouth did not provide Supra
11 collocation three months after the issuance of this order?

12 A I have no idea. I wasn't involved in collocation at
13 that time. This is over, what, four years old, five years old?

14 Q Thank you, Mr. Gray.

15 I would like you now to turn to --

16 MR. CRUZ-BUSTILLO: Could you hand out the second
17 exhibit?

18 Mr. Chairman, I would ask that that be marked as an
19 exhibit and introduced -- placed in the record?

20 CHAIRMAN BAEZ: Do we need to mark these orders as
21 exhibits, I am kind of -- forgive the ignorance, but I'm lost.

22 MR. SUSAC: Right. I think we ought to exercise
23 precaution. We can mark them, but I don't think we are really
24 required to.

25 MR. CRUZ-BUSTILLO: Okay.

1 CHAIRMAN BAEZ: No problem. We will mark it as
2 order -- PSC Order 99-0060.

3 MR. CRUZ-BUSTILLO: And Mr. Chairman, the only reason
4 that I -- thank you very much. I appreciate it, staff. The
5 only reason I would ask that it be marked in this -- at this
6 time is because I actually used it in the cross-examination, as
7 opposed to just generically saying for post-hearing briefs,
8 blah, blah, blah.

9 CHAIRMAN BAEZ: Fair enough.

10 MR. CRUZ-BUSTILLO: Thank you, Mr. Chairman.

11 CHAIRMAN BAEZ: That will marked as Exhibit 85.

12 (Exhibit Number 85 marked for identification.)

13 BY MR. CRUZ-BUSTILLO:

14 Q I'm now showing you -- do you have the exhibit? Has
15 it been handed to you, Mr. Gray?

16 A Yes.

17 Q I am now showing you an order from a panel of
18 commercial arbitrators in what is being characterized as
19 Consolidated Arbitrations Number I and II. Do you have that in
20 front of you?

21 A Yes. I believe that is what this is.

22 Q Okay. I would ask you to turn to Page 17 of that
23 order and look at the highlighted portions of the order, or
24 what I believe should be highlighted in everybody's copy.

25 A Could I ask a question? What is the date of this?

1 There is no date on it.

2 Q It generally is -- it should be in the back. The
3 date of the award is June 5th, 2001. In fact, it is on Page
4 50. It says dated June 5th, 2001, and it's signed by the
5 three-judge panel.

6 A Okay. What page did you ask me to turn to?

7 Q Page 17.

8 A Seventeen.

9 Q Can you tell me when you are there, Mr. Gray.

10 A I'm there.

11 Q It is true that on the third paragraph of that Page
12 17 that the award states as follows: Next BellSouth took the
13 position that Supra has been unable over a period of a year and
14 a half to complete the necessary forms accurately. This
15 despite the fact that a number of Supra's applications had been
16 previously approved. Subsequent applications by Supra were
17 routinely rejected by BellSouth.

18 Does that order state what I just said?

19 A Yes.

20 Q Thank you, Mr. Gray.

21 Could you now turn to Page 48? And please let me
22 know when you are there?

23 A I'm there.

24 Q I'm going to be looking at the -- at a few
25 sentences -- a few lines below the heading, Summary of Award on

1 Page 48. Is it highlighted on your page, Mr. Gray?

2 A Yes, it is.

3 Q Okay. I'm going to read the highlighted portions.
4 To the extent that counsel for BellSouth believes that it is
5 out of context, they can come back and include it. But I think
6 for the purpose of this proceeding, I'm focusing on
7 collocation.

8 MR. SHORE: And with that -- with that invitation, I
9 think talking about this entire award is out of context, but I
10 don't have any objection if counsel wants to talk about it.

11 CHAIRMAN BAEZ: If you don't have been any objection
12 to talk.

13 MR. CRUZ-BUSTILLO: Thank you, Mr. Chairman. Thank
14 you.

15 BY MR. CRUZ-BUSTILLO:

16 Q On Page 48 of the award, under Summary of Award, is
17 it true that the order states as follows: The Tribunal orders
18 that no later than June 15th, 2001, BellSouth shall collocate
19 all equipment as Supra has included in prior applications to
20 BellSouth, and cooperate with and facilitate any new Supra
21 applications for collocation, including, but not limited to,
22 collocating any Class 5 or other switches in BellSouth's
23 central offices.

24 Does the order state what I just read?

25 A Yes.

1 Q And, finally, Mr. Gray, I would ask you to turn to
2 Pages 40 and 41 of this award. And I am going to be asking you
3 to look at the highlighted portions at the bottom of Page 40
4 and the top of Page 41.

5 MR. SHORE: Now, I do have an objection, Mr.
6 Chairman.

7 CHAIRMAN BAEZ: What is your objection, Mr. Shore?

8 MR. SHORE: I don't see any reference on Page 40, at
9 least, and I haven't made it to 41, but now that I am, I don't
10 see any reference on Pages 40 or 41 to collocation or anything
11 having to do with collocation, and that is the subject of this
12 witness' testimony. And I would object to -- I think it's
13 prejudicial to try to read into this record comments from an
14 order that don't have anything to do with the issue this
15 witness is testifying about.

16 CHAIRMAN BAEZ: Mr. Shore, I see a reference to
17 collocation, unfortunately, but, yes, there it is.

18 Mr. Cruz, I think you have made your point, but go
19 ahead.

20 MR. CRUZ-BUSTILLO: This is my last question.

21 BY MR. CRUZ-BUSTILLO:

22 Q Mr. Gray, does the award state as follows. The
23 evidence shows that BellSouth breached the interconnection
24 agreement in material ways and did so with a tortious intent to
25 harm Supra, an upstart and litigious competitor. The evidence

1 of such tortious intent was extensive, including BellSouth's
2 deliberate delay and lack of corporation regarding UNE combos,
3 switching Attachment 2 to the interconnection agreement before
4 it was filed with the Florida Public Service Commission,
5 denying access to BellSouth's OSS and related data bases,
6 refusals to collocate any equipment and deliberately cutting
7 off LENS for three days in May 2000.

8 And at the top of Page 41, the Tribunal does not make
9 this finding of tortious intent lightly, but the full record
10 belies BellSouth witnesses' mantra-like testimony that
11 BellSouth's aim was to profit from Supra's success. BellSouth
12 attempted to give the appearances of cooperating with Supra,
13 while deliberately delaying, obfuscating and impeding Supra's
14 efforts to compete.

15 Mr. Gray, does the order state what I just said?

16 A Yes.

17 Q Thank you, Mr. Gray.

18 Mr. Gray, my final question is would you agree with
19 me that given the above-referenced orders that several years
20 elapsed between Supra's initial collocation applications and
21 Supra's ability to actually collocate.

22 A It appears so.

23 MR. CRUZ-BUSTILLO: Thank you, Mr. Gray. I have no
24 further questions.

25 CHAIRMAN BAEZ: Thank you, Mr. Cruz.

1 Okay.

2 MS. ROSS-BAIN: Yes. Mr. Chairman, I'm Martha
3 Ross-Bain with AT&T, members of the Commission.

4 CHAIRMAN BAEZ: Good afternoon.

5 MS. ROSS-BAIN: Good afternoon.

6 CROSS EXAMINATION

7 BY MS. ROSS-BAIN:

8 Q Good afternoon, Mr. Gray?

9 A Good afternoon.

10 CHAIRMAN BAEZ: Ms. Ross, can you hold on a moment?
11 Mr. Cruz, what did you intend on doing with --

12 MR. CRUZ-BUSTILLO: Thank you, Mr. Chairman. I would
13 please ask that it be marked as an exhibit and placed in the
14 record.

15 CHAIRMAN BAEZ: Very well.

16 MR. SHORE: We would object to that, Mr. Chairman.

17 CHAIRMAN BAEZ: I'm sorry.

18 MR. SHORE: BellSouth would object to that.

19 CHAIRMAN BAEZ: Okay. What is your basis for the
20 objection?

21 MR. SHORE: Well, he had the witness read into the
22 record portions of the award, so those are already in the
23 transcript, in the record. There is no need to litter an
24 already voluminous record with things that are in this order
25 that have nothing to do with this proceeding.

1 CHAIRMAN BAEZ: So the basis for your objection is
2 littering, Mr. Shore?

3 MR. SHORE: In part.

4 CHAIRMAN BAEZ: I am going to overrule it. We will
5 show the arbitration award marked as Exhibit 86.

6 MR. CRUZ-BUSTILLO: Thank you Mr. Chairman.

7 (Exhibit Number 86 marked for identification.)

8 CHAIRMAN BAEZ: I'm sorry, Ms. Ross.

9 MS. ROSS-BAIN: Thank you, Mr. Chairman.

10 CHAIRMAN BAEZ: Please continue.

11 BY MS. ROSS-BAIN:

12 Q Mr. Gray, one of the items that you cover in your
13 testimony is the issue of cross-connects, specifically
14 CLEC-to-CLEC cross-connections. Let's make sure that we agree
15 on what a cross-connect is. And I am going to read you the
16 definition from Footnote 1473 of the TRO, and I quote:
17 "Cross-connection is the attachment of one wire to another,
18 usually by anchoring each wire to a connecting block, and then
19 placing a third wire between them so that an electrical
20 connection is made." And that is the end of the quotation.

21 Can we agree with that as a definition?

22 A That is a general definition of a cross-connect. And
23 I think you heard in Mr. Varner's Direct Testimony earlier in
24 this proceeding that a CLEC-to-CLEC cross-connect is a special
25 type of that general definition of a cross-connect.

1 Q Well, since you have mentioned Mr. Varner, let me
2 refer you to his Direct Testimony at Page 27, where he
3 discussed the co-carrier cross-connect situation. Let me quote
4 that testimony?

5 A I don't have a copy of that.

6 Q Okay. We can get you a copy and make sure you have
7 it in front of you as you refer to it.

8 CHAIRMAN BAEZ: Ms. Ross, what are you referring to?
9 Forgive me.

10 MS. ROSS-BAIN: Mr. Chairman, I was referring to Mr.
11 Varner's Direct Testimony, Page 27, Lines 6 through 10. So we
12 can let counsel locate that, and we will provide a copy of that
13 to Mr. Gray.

14 BY MS. ROSS-BAIN:

15 Q Mr. Gray, we were at Page 27 of the Direct Testimony
16 of Mr. Varner, Lines 6 through 10, if you will locate that.

17 A Yes.

18 Q All right. Let me read to you what Mr. Varner of
19 BellSouth states there. Quote, "The cross-connect process is a
20 very basic procedure."

21 A Hold on a second. I'm not there.

22 Q Are you at Lines 6 through 10?

23 A Six through 10 on Page 27, you said?

24 Q Right.

25 A The copy I had starts out, as previously stated in my

1 testimony. Okay. Go ahead.

2 Q It would be -- you found the place in that line,
3 then?

4 A Okay. I found you, now, yes.

5 Q Right. Very good. Starting again, quote, "The
6 cross-connect process is a very basic procedure that BellSouth
7 performs on an ongoing basis with a great deal of frequency.
8 There is no appreciably greater difficulty involved in
9 providing co-carrier cross-connect as compared to a
10 cross-connect between BellSouth and a CLEC. A cross-connect is
11 a cross-connect." That is the end of the quotation.

12 You would agree with what Mr. Varner said there,
13 don't you?

14 A Yes.

15 Q All right. And what we are talking about is the ILEC
16 swinging a third wire at the main distribution frame to connect
17 one CLEC to another CLEC, correct?

18 A In the -- BellSouth has two co-carrier cross-connect
19 offerings. One is where the CLEC self-provisions.

20 Q If you could answer yes or no. I think I asked you a
21 question --

22 A Okay. Yes, for one of our offerings. No, for the
23 other.

24 Q All right. And that yes would refer to what
25 Mr. Varner is discussing?

1 A The yes refers to our FCC Tariff 1 offering,
2 intra-office collocation cross-connect, where we, indeed,
3 provide a jumper on the main distributing frame. The no refers
4 to CLEC self-provision, which is done a different way.

5 Q And just to make sure that we have the context
6 straight, this is an issue that comes up in connection with
7 provisioning line-splitting to CLEC customers, correct?

8 A It could. That could be one case, yes.

9 Q So it has to do with DSL where a CLEC is offering
10 voice and data -- offering voice and data service partners with
11 another CLEC that provides the data service?

12 A That is one use of co-carrier cross-connects, yes.

13 Q Now, you would agree, wouldn't you, that the TRO
14 lists this as an item that can result in impairment if an ILEC
15 fails to provide cross-connections between the facilities of
16 two CLECs on a timely basis?

17 A I believe that the FCC rules state that we either
18 have to allow the CLECs to self-provision or provide it. And
19 then there is another requirement under -- I believe it's 201,
20 for an interconnect -- for an intrastate type cross-connect,
21 which is the one we offer in the tariff, in the FCC tariff.

22 Q All right. Mr. Gray, you just referenced the FCC
23 rules and Section 201. Let me just make sure we are clear,
24 because I'm asking you questions pertaining to the TRO. And,
25 in fact, if it would help you out, let me pass to you two

1 paragraphs of the TRO for your reference.

2 A Sure.

3 MS. ROSS-BAIN: And what is being handed to Mr. Gray
4 is Paragraphs 478 and 514 of the TRO?

5 MR. SHORE: Mr. Chairman, could I ask if AT&T has an
6 extra copy?

7 MS. ROSS-BAIN: I'm sorry. I didn't hear what you
8 said, Mr. Shore.

9 CHAIRMAN BAEZ: Can you provide a copy to counsel.

10 MS. ROSS-BAIN: To counsel? Do you mean a copy of
11 the TRO?

12 MR. SHORE: Just the sections you handed to Mr. Gray.
13 Do you mind -- do you have a separate --

14 MS. ROSS-BAIN: We'll get that for you. It is
15 Paragraphs 478 and 514.

16 CHAIRMAN BAEZ: I expect you will have to give that
17 back, Mr. Shore.

18 MR. SHORE: Mr. O'Roark made that clear.

19 CHAIRMAN BAEZ: And if you need a copy, I think Ms.
20 White can scare one up, I'm sure.

21 MR. SHORE: I've got a copy. I just didn't have it
22 handy with me here in the room.

23 BY MS. ROSS-BAIN:

24 Q Again, what we are referring to are Paragraphs 478
25 and 514. Do you have that in front of you, Mr. Gray?

1 A Yes, I do.

2 Q All right. If you will look at Paragraph 478,
3 wouldn't you agree the language of it is, and I quote, you can
4 read from the TRO, Paragraph 478, we further find that an
5 incumbent LEC's failure to provide cross-connections between
6 the facilities of two competitive LECs on a timely basis can
7 also result in impairment. Competition in the absence of
8 unbundled local circuit switching requires seamless and timely
9 migration, not only to and from the incumbent's facilities, but
10 also to and from the facilities of other competitive carriers.
11 And it references Footnote 1474.

12 Such interconnection requires that the incumbent LEC
13 place cross-connections between the competitive carrier's
14 facilities in its central office on a timely basis. So would
15 you agree having read that quotation and looking at it, that
16 the TRO does list this as an item that can result in impairment
17 if an ILEC fails to provide cross-connections between the
18 facilities of two CLECs on a timely basis?

19 A Yes. And, fortunately, since BellSouth allows CLECs
20 to self-provision cross-connects, it takes cross-connects
21 completely out of the window of timeliness. CLECs can
22 preprovision their cross-connects any time they want and have
23 them available and they're ready to go. And the cross-connects
24 are completely out of the process of transferring the loop from
25 one CLEC to the other for the switch, the loop to switch

1 connection from one CLEC to the other. So BellSouth has gone
2 one step further. Not only will we do the cross-connects under
3 our FCC tariff, but we also will allow self-provision, which
4 takes it totally out of the provisioning window completely.

5 Q All right. And you are doing that again under the
6 FCC rules in Section 201, correct?

7 A Where we provide the cross-connects ourself, yes.

8 Q All right.

9 A However, we have allowed CLECs to self-provision
10 cross-connects for many years. And, like I said, when do you
11 that, you can basically run a large cable from your collocation
12 to another CLEC's collocation, and the cross-connect timeliness
13 is no longer an issue, because it is there and ready for you.

14 Q All right. Now, in your testimony you maintain that
15 BellSouth has complied with the TRO by filing with the FCC a
16 tariff for what is referred to as, quote, intra-office
17 collocation cross-connects, isn't that correct?

18 A That is correct.

19 Q All right. And that was filed under BellSouth's FCC
20 Tariff Number 1 for special access, isn't it?

21 A That is correct.

22 Q And, in fact, let me hand you copy of that tariff
23 which was effective on January 4th, 2004, and ask you to
24 confirm that that is the tariff that we are discussing.

25 MS. ROSS-BAIN: And, Mr. Chairman, I would like to

1 ask that this be marked as an exhibit.

2 BY MS. ROSS-BAIN:

3 Q And now that you have been handed a copy of that
4 tariff, Mr. Gray, would you please look at it and confirm that
5 that is the tariff that we are discussing?

6 A I believe so. Do you happen to have a page reference
7 on where we added the collocation cross-connect in there. I
8 just want to verify it is in there.

9 Q Right. This is what was filed. If you look at the
10 first page of it, it is dated January the 9th, 2004. It has
11 that effective date, and the purpose is introduce cross-connect
12 service. Does that give you the reference you need to be able
13 to confirm that this is the tariff you are referring to?

14 A Yes. Yes, it does say that is the purpose of this
15 issuance.

16 CHAIRMAN BAEZ: Ms. Ross, if you can hold on just a
17 second.

18 MS. ROSS-BAIN: Sure.

19 CHAIRMAN BAEZ: We are going to mark it BellSouth FCC
20 Number 1 Tariff as Exhibit 87.

21 (Exhibit Number 87 marked for identification.)

22 CHAIRMAN BAEZ: Okay. You can go ahead.

23 MS. ROSS-BAIN: Thank you, Mr. Chairman.

24 BY MS. ROSS-BAIN:

25 Q Now, Mr. Gray, the way this tariff operates is two

1 CLECs would interconnect their collocation arrangements within
2 the same BellSouth central office by leasing cable racks from
3 BellSouth and self-provisioning and terminating the cable,
4 isn't that correct?

5 A Cross-connects through this tariff? No, ma'am.

6 Q Well, this is the access service tariff that would
7 require the cross-connect to be ordered and provisioned using
8 an access service request, wouldn't it?

9 A Yes, but what you described was the self-provisioning
10 process, not the tariff process.

11 Q Okay. Excuse me if I misspoke. Why don't you
12 describe what the tariff does?

13 A Okay. With the tariff, each CLEC's collocation is
14 connected to our main distributing frame via CFA, which is -- I
15 can't remember what the abbreviation CFA stands for.

16 Q Connecting facility.

17 A Connecting facility assignment. And the CFA runs
18 between the main distributing frame and the CLEC's collocation
19 space. What this tariff does is it provides the ability for
20 the CLEC to request a cross-connect on the main distributing
21 frame from one of their CFAs to another CLEC's CFA, thus
22 connecting the two collocation sites together.

23 Q All right. Thank you. And under this access service
24 tariff, the ASR, the access service request, would have to be
25 used, isn't that correct?

1 A That's correct, because it is an access service.

2 Q Right. And in the case of a local loop or UNE local
3 loop, an LSR would be us, wouldn't it, a local service request?

4 A Yes.

5 Q It's a different ordering process.

6 A Different electronic order, both are electronic
7 orders.

8 Q Okay. I'm sorry. You are saying both of those are
9 electronic orders?

10 A Yes LSR, ASR, both electronic orders.

11 Q Now, isn't it further correct that under this new FCC
12 access tariff of BellSouth's, a carrier ordering this product
13 must certify to BellSouth that more than ten percent of the
14 traffic transmitted will be interstate traffic?

15 A Yes, that is part of the FCC rule.

16 Q Part of de minimis rule that has traditionally been
17 used for the access service access tariffs?

18 A That's correct.

19 Q Or special access facilities, rather.

20 A Right.

21 Q And here, however, BellSouth would maintain that
22 CLECs would have to make the certification for a POTS line,
23 isn't that correct?

24 A If you chose to use -- yes. If you chose to use this
25 type of cross-connect for connecting a POTS line to another

1 CLEC's collocation space, then, yes. However, let me mention
2 that we have allowed self-provisioning of cross-connects for
3 some time, and that is another, I think, superior offer that
4 allows you to do your own cross-connects.

5 Q All right. And just to make sure we are clear on
6 what I think you refer to as this type of cross-connect, we are
7 talking about a connecting facility assignment between the main
8 distribution frame and the CLEC collocation space?

9 A What I was referring to was the interoffice
10 collocation cross-connect that is offered via the FCC tariff.

11 Q All right.

12 A Versus a co-carrier cross-connect that is
13 self-provisioned by the CLEC.

14 Q All right. And, please correct me if I misphrase it,
15 but as I understood what you said, the way this special access
16 tariff would work is it would have the connection made at the
17 main distribution frame via the CFA, the connecting facility
18 assignment?

19 A Right. It would connect -- yes, it would connect the
20 two collocation spaces via cross-connect at the main
21 distributing frame.

22 Q Now, given that your testimony described this FCC
23 access tariff as a Section 201 tariff offering, BellSouth
24 doesn't offer any other tariff for cross-connects in order to
25 meet Section 251 and its obligations for local or

1 interconnection of local networks, does it?

2 A No. Again, we allow self-provisioning which, in my
3 view, is a better offering.

4 Q All right. And, under this FCC special access
5 tariff, if you would, please turn and look at Page 13-76.15.
6 And for the ease of -- for your ease and the Commissioners, it
7 is quite a bit back in the document. It is several pages from
8 the end, and it is at the top right corner. It is 13-76.15?

9 A Dot 15?

10 Q Right.

11 A Okay. I'm there.

12 Q I believe it is about eight pages from the back,
13 seven or eight pages. All right. If you will look at, under
14 rates and charges at the bottom of that page, you see where it
15 says intra-office collocation cross-connect, two-wire per
16 circuit, on the right-hand column under nonrecurring charges,
17 there is listed a nonrecurring charge of \$350, isn't it?

18 A Yes.

19 Q All right. So that means that for each two-wire loop
20 per circuit, CLECs would have to pay under this tariff a charge
21 of \$350 as a nonrecurring charge?

22 A That is what it says, yes.

23 Q All right. That is certainly not a TELRIC-based
24 rate, is it?

25 A I don't know.

1 Q And, let's see, I will also hand you a copy of
2 another document that would be the BellSouth's supplemental
3 response to AT&T's third interrogatory. This is Item Number
4 135. I believe this is one we got yesterday or two days ago.

5 MS. ROSS-BAIN: I apologize, Mr. Chairman. I thought
6 we had a copy of this, but with your indulgence, I would like
7 to show it to the witness and counsel for BellSouth. This is a
8 BellSouth-provided discovery response. And let me just make
9 clear what I'm going to show him. Again, it is a supplemental
10 response to Item Number 135, and this is the second
11 supplemental response. And I will read from it -- I will hand
12 it to Mr. Gray and ask him to read from it?

13 MR. SHORE: I would like to see it.

14 MS. ROSS-BAIN: I will hand it to him first. And,
15 actually, Mr. Chairman, I can ask him a different way and see
16 if we can move this along.

17 BY MS. ROSS-BAIN:

18 Q Mr. Gray, are you aware that the current nonrecurring
19 rate in Florida for BellSouth for, quote, two-wire
20 cross-connects is \$8.22?

21 A Actually, I will have to look at it again on the
22 exhibit. But assuming that is what it says.

23 Q Does that --

24 A I would say that is not a co-carrier cross-connect.
25 That is a standard cross-connect.

1 Q All right. But, as Mr. Varner said, a cross-connect
2 is a cross-connect, but the nonrecurring charge is \$8.22 in
3 that situation versus \$350 as a nonrecurring charge under
4 BellSouth's access tariff, correct?

5 A Well, again, I read through the attachments. I can't
6 testify to whether that is the full charge or not.

7 Q Whatever the supplemental response that we have
8 identified says, that would be the amount that it is?

9 A Well, again, I'm not sure if that supplemental
10 response had all the costs in there. I would have to leave
11 that to Mr. Varner to answer.

12 Q Okay. But you would expect that BellSouth would
13 completely answer the discovery question it was posed, wouldn't
14 you?

15 A Yes.

16 Q All right. Now, just to make the differences clear
17 for the Commission, what the CLECs are requesting is a local
18 arrangement that would connect the wires of two CLECs at the
19 main distribution frame, isn't it?

20 A Oh, I don't know. No, I'm not sure that is what they
21 are requesting. Again, the self-provisioning co-carrier
22 cross-connects allows the CLEC to control the entire process.
23 You can order. You can get your certified vendor to put it in.
24 If you are certified, you can put it in. And, again, it takes
25 the whole equation of co-carrier cross-connect out of the

1 provisioning flow. It takes any costs that BellSouth would
2 incur and pass on to the CLEC out of the flow. So, basically,
3 you do it yourself and the rates you charge are basically what
4 you pay your vendor to do it.

5 Q All right. Now, I understood your answer just then
6 to say that you weren't aware of what the CLECs were
7 requesting. So, let me ask you this. Are you aware that in
8 the BellSouth line sharing/line splitting collaborative that is
9 held with CLECs, you are aware that that exists, aren't you?

10 A What I meant to say is I know the CLECs --

11 Q That was a yes or a no, please? If you will just do
12 that.

13 A You will have to ask the question again. I didn't
14 get the yes/no part of it.

15 Q As I understood your answer, I believe you referenced
16 that you weren't aware that CLECs were requesting a local
17 arrangement to connect the wires of two CLECs at the frame.
18 And so my question for you was are you aware of the BellSouth
19 line sharing/line splitting collaborative that is held with
20 CLECs?

21 A Say the last part of that question.

22 Q Are you aware of the BellSouth line sharing/line
23 splitting collaborative that is held with CLECs that BellSouth
24 participates in and the CLECs participate in?

25 A Yes. I am aware of the collaborative. I did not

1 participate in them. What I meant was, and you stated it
2 fairly with your restatement, is I wasn't -- I know that the
3 CLECs desire co-carrier cross-connects. I was not aware that
4 they specifically requested that they be done at the main
5 distributing frame.

6 Q All right. Let me hand you a copy of another
7 document that is dated January 15th, 2004, and this is a copy
8 of the BellSouth line sharing/line splitting collaborative
9 meeting notes or conference call notes.

10 All right. You have been handed a copy of that
11 document, Mr. Gray. If you would look at the first page in the
12 fourth paragraph from the bottom. And I'm not going to read
13 the entire document, but at the end of that fourth paragraph
14 from the bottom, I will read, and I quote, Sam further asked --
15 do you see that sentence?

16 A Yes.

17 Q -- what needed to be done to establish a process in
18 BellSouth to allow line splitting with UNE-L using existing
19 CFA. This would require BellSouth to make cross-connections
20 connecting the CFA of two CLECs. Do you see that? And then
21 further on Page 2, there is a discussion after that, and then
22 at the top of that page in the first paragraph, it says, quote,
23 the new tariff offering that is effective January 31st, 2004,
24 is an access service requested via ASR and is not meant to
25 satisfy the local need, is that correct?

1 A That is what it this document says, yes.

2 Q And that is --

3 A I'm not sure who is quoted as saying that, whether
4 that is a BellSouth employee or a CLEC employee.

5 Q Well, that is my question for you. Isn't that a
6 statement by BellSouth outlining its position that the new
7 tariff offering that is effective January 31st, 2004, and that
8 is the one we have been referring to this afternoon, is an
9 access service requested via ASR, and is not meant to satisfy
10 the local need. Isn't that BellSouth's position?

11 A I'm not sure who said that. Who is this? If you can
12 reference who said this.

13 Q Actually, I'm asking you since you are here right
14 now. Isn't that BellSouth's position?

15 A No, I don't believe it is. We offered two types of
16 cross-connects, two types -- two different cross-connect
17 offerings for co-carrier cross-connects. One is
18 self-provisioning. And if you refer to my surrebuttal
19 testimony, Page 7 and 8 I quote the FCC rule, which states
20 specifically that we are provided -- we are required to provide
21 co-carrier cross-connects, except to the extent that the
22 incumbent LEC permits the connecting parties to provide the
23 requested connection for themselves. The connection is not
24 required under Paragraph H.2 of this section. So the rules are
25 very clear. If we allow CLECs to self-provision, we don't have

1 to do it ourselves. And we do allow you to self-provision your
2 co-carrier cross-connects. Now under 201, we do have a
3 requirement, and we provide that under the FCC tariff. Now,
4 that doesn't mean you can't use the FCC tariff co-carrier
5 cross-connect for whatever purpose you want as long as you
6 certify that at least 10 percent of the traffic is interstate.

7 Q And as long as you pay \$350 as a nonrecurring charge
8 for each one that you order under it, correct?

9 A As long as you pay whatever the tariff price is, that
10 is correct.

11 Q And which we established was \$350 each, didn't we?

12 A Yes, I believe so.

13 Q All right. And wouldn't you agree --

14 A But, again, you can also self-provision at your own
15 cost.

16 Q And what is the offering that you have under Section
17 251 that complies with the TRO to do that?

18 A We allow CLECs to self-provision per the rule that is
19 quoted in my Surrebuttal Testimony.

20 Q But your rule circles back to Rule 201 -- Section
21 201, which is different, and I'm asking you about Section 251.
22 What do you do with regard to that for local interconnection?

23 A The rule that I quote in my testimony is relative to
24 201 -- 251 with the self-provisioning. It says, again, that we
25 have to provide cross-connects except when we allow the CLECs

1 to self-provision, which we do, and have for sometime. And
2 several CLECs have taken advantage of that.

3 Q All right. And going back to what we were
4 discussing, the document that we just passed out, the BellSouth
5 line sharing/line splitting collaborative that has the January
6 15th date.

7 MS. ROSS-BAIN: And if we could, Mr. Chairman, mark
8 that as the next exhibit, please. With regard to that --

9 CHAIRMAN BAEZ: Show it marked Exhibit Number 88, and
10 it's titled BellSouth Line Sharing/Line Splitting Collaborative
11 Notes, January 15, 2004.

12 (Exhibit Number 88 marked for identification.)

13 BY MS. ROSS-BAIN:

14 Q And with regard to that document and making clear
15 that we have who is stating the positions in it, if you would
16 look at the bottom of that, please, Mr. Gray, it indicates at
17 the bottom of the first page, Tommy stated that the BellSouth
18 position --

19 MR. SHORE: Pardon me, Ms. Bain. Mr. Chairman, I
20 need to interrupt. Let me apologize, and then let me do it.
21 She is questioning him about what BellSouth's position is and
22 trying to infer that that is reflected in this document. If
23 you look at the very bottom of the page it says right there,
24 this document is for a CLEC line sharing collaborative and does
25 not necessarily represent the official position of any

1 participant of the collaborative.

2 MS. ROSS-BAIN: And I'm asking this witness about
3 making sure we had BellSouth's position clear today. Maybe I
4 can ask it a different way.

5 CHAIRMAN BAEZ: Well, you can ask it a different way.
6 You can't ask it based on this document.

7 BY MS. ROSS-BAIN:

8 Q Mr. Gray, would it be true that the FCC tariff, the
9 access tariff we have been talking about is not one that
10 BellSouth intends to satisfy the local need?

11 A I can't answer that yes or no specifically, because,
12 again, we have two offerings. One, we allow you to
13 self-provision; that is the primary offering to satisfy the
14 local need. However, you do have the option of using the FCC
15 tariff intra-office collocation cross-connect, if you so choose
16 and you certify that at least 10 percent of the traffic is
17 intrastate.

18 Q And if you also use the ASR process and pay \$350,
19 correct?

20 A You have to order the access product via an ASR and
21 pay the tariff, right. That's correct.

22 MS. ROSS-BAIN: That is all the cross that I have.
23 And I would move for the admission in evidence of the exhibits
24 that we marked.

25 CHAIRMAN BAEZ: And we're going to get around to

1 that. We are going to have one big exhibit extravaganza here.

2 Did Mr. O'Roark have questions for Mr. Gray? No.

3 Does staff have questions?

4 MR. SUSAC: Staff has no questions.

5 CHAIRMAN BAEZ: Commissioners? No questions.

6 Thank you, Mr. Gray.

7 THE WITNESS: Thank you.

8 CHAIRMAN BAEZ: And I think this is a good time to
9 take a ten-minute break.

10 Let the record reflect that Mr. Shore returned the
11 TRO.

12 (Recess.)

13 MS. AZORSKY: In the interest of time, in trying to
14 make sure that we get the cross done that we want to get
15 crossed, I am going to make everybody's day, especially
16 probably some of the people who are sitting in the back. We
17 are going to, at least on this side of the table, we will have
18 no questions for Mr. Tennyson, Mr. Milner, Mr. Pate. And we
19 will wrap up with a very short amount of time with Mr.
20 McElroy's testimony and then the Verizon panel, and then
21 Mr. Fulp, and then I understand there is an agreement to have
22 Ms. Tipton in at the end.

23 CHAIRMAN BAEZ: I have Ms. Tipton -- I have Ms.
24 Tipton right after Mr. McElroy. Is that not what --

25 MS. AZORSKY: I believe there was an agreement, and I

1 don't see the two people in the room who I think made the
2 agreement.

3 MR. LACKEY: I discussed with Mr. Henry flipping
4 Tipton to the end. They didn't tell me they were going to pass
5 on all the other witnesses when he made the deal with me, but
6 that is fine. We did agree to move her to the end.

7 CHAIRMAN BAEZ: All right. Just so I have it
8 straight, Ms. Tipton will now be after Witness Fulp. Is that
9 correct? Okay.

10 MS. AZORSKY: And we will skip everyone up to Mr.
11 McElroy.

12 CHAIRMAN BAEZ: Okay. So then you are waiving cross
13 on Witness Tennyson, Witness Milner and Witness Pate. Is that
14 correct?

15 MS. AZORSKY: Yes, Mr. Chairman.

16 MR. LACKEY: We would like a check for cooperating.

17 MS. AZORSKY: We want one for saving time.

18 CHAIRMAN BAEZ: How did you know my paper was full of
19 checks?

20 Mr. Susac, let me check with you.

21 MR. SUSAC: Sure. Tennyson, we have no questions;
22 Milner, no questions; Pate, no questions; and McElroy, no
23 questions.

24 CHAIRMAN BAEZ: So this is very good news. Thank
25 you.

1 All right. I have guess that leaves Mr. McElroy on
2 the -- are you he, sir? Would you be he? Good afternoon.

3 THE WITNESS: Good afternoon.

4 MS. AZORSKY: Good afternoon, again.

5 CHAIRMAN BAEZ: Okay. Good afternoon to you.

6 MILTON McELROY

7 was called as a witness, having been previously sworn, was
8 examined and testified as follows:

9 CROSS EXAMINATION

10 BY MS. AZORSKY:

11 Q Good afternoon, Mr. McElroy.

12 A Good afternoon.

13 Q I have just a very few questions for you about the
14 attestation that was attached to your rebuttal testimony. You
15 were the key point of contact for PWC in the performance of
16 that attestation, is that correct?

17 A Yes, ma'am, it is.

18 Q Okay. And BellSouth decided to do that attestation
19 on its own, correct?

20 A Yes, ma'am, we did.

21 Q And neither the FCC nor this Commission played any
22 oversight role in that attestation, correct?

23 A Yes, ma'am, that is correct. We had no oversight,
24 and the reason for that was because the short time frame that
25 we were faced with in trying to put some sort of evidence on

1 the record about our batch migration process. Our batch
2 migration process, as Mr. Ainsworth has described, was rolled
3 out in March of this past year, and no CLEC commercially
4 attempted to use that process. We wanted to try to provide
5 some level of proof for this Commission and other commissions
6 to use as well in their assessment of that process.

7 Q All right. Mr. McElroy, my next question. And thank
8 you for the yes or no answer at the beginning. Neither this
9 Commission nor any other Commission played any part in
10 determining what management assertions you would put out there
11 for PWC to attest to, correct?

12 A Yes, ma'am, that is correct.

13 Q Okay. And PWC didn't create those management
14 assertions to which it would attest either, BellSouth did that,
15 correct?

16 A No, ma'am. We created those assertions, and
17 attempted to keep those assertions very simplistic. The first
18 assertion is that the process would work, that it would enable
19 a CLEC to migrate their embedded base of UNE-P customers over
20 to UNE loops. And the second assertion was quite simply just
21 an assertion to prove that that process is regional. It could
22 be applied regionally across the states that we serve.

23 Q So, in essence, your first assertion was that you
24 followed -- you had a process that you followed, correct?

25 A Yes, ma'am. The assertion was that we had a process,

1 and that that process would enable a CLEC to migrate large
2 volumes or batch volumes of UNE-Ps over to UNE loops.

3 Q Now, in attesting to that management assertion, PWC
4 was not expressing an opinion on whether the process was
5 adequate, was it?

6 A No, ma'am. They reported the facts of their
7 findings.

8 Q Okay. Now, one of the deficiencies that was noted by
9 PWC in this attestation was a problem with BellSouth's enhanced
10 notice delivery initiative system, correct?

11 A Yes, ma'am, that is correct.

12 Q And because there was a problem with the server, for 49
13 of the lines that were tested, notice that the hot cut has been
14 completed didn't go to the pseudo CLEC, correct?

15 A Yes, ma'am, that is correct. We had an issue with a
16 server on the first day. And on that first day we had, I think
17 the number was 49, as you have mentioned, of those notices that
18 would not have been returned back to the CLEC. We found that
19 problem. We fixed that problem. We had an additional three
20 days' worth of testing and did not see that problem again
21 after --

22 Q But it took you about a day to fix that problem,
23 right?

24 MS. FOSHEE: Mr. Chairman, I would appreciate it if
25 Mr. McElroy can finish his answers before counsel --

1 MS. AZORSKY: I'm sorry. I apologize. I thought you
2 were done?

3 A I think I was done, yes.

4 CHAIRMAN BAEZ: All right. Is there a question --
5 there is a question before the witness.

6 BY MS. AZORSKY:

7 Q It took you about a day to fix that problem, didn't
8 it, Mr. McElroy?

9 A No, ma'am. I don't recall the amount of time it took
10 to actually fix the problem. We obviously had to research the
11 issue, find the problem and then put a -- not only fix it, but
12 put a process in place to ensure that we don't have that
13 breakdown again.

14 CHAIRMAN BAEZ: Mr. McElroy, can I get you to get a
15 little closer to the microphone. I don't believe your voice is
16 getting picked up properly.

17 THE WITNESS: Is this better?

18 CHAIRMAN BAEZ: Try it again.

19 THE WITNESS: Is this better?

20 CHAIRMAN BAEZ: I think we are going from --

21 MS. AZORSKY: Are you okay?

22 THE WITNESS: I'm okay.

23 BY MS. AZORSKY:

24 Q All right. Now, this problem that prevented the
25 notice from getting to the pseudo CLEC, if that had happened in

1 the real world, the CLEC would not have received the notice,
2 and the CLEC would not have ported the customer's phone number.
3 And for that period of time they didn't get notice, the
4 customers would not have been able to receive incoming calls,
5 correct?

6 A Yes, ma'am, that is correct. During that time period
7 between the notice obviously not being sent, that customer --
8 end user customer would not have been able to receive calls.

9 Q Okay. Now, when you did this test, the people in the
10 central offices knew this attestation was going on, right?

11 A No, ma'am. They weren't familiar with the
12 attestation. They were familiar that -- obviously, that we had
13 auditors that were in our central offices, people that were
14 there actually watching them perform that work. So they didn't
15 know as much about the actually attestation itself, but,
16 obviously, knew that there were auditors there watching their
17 work steps and work activity.

18 Q So they knew somebody was going to be there, and they
19 knew somebody was going to be watching them, correct?

20 A Yes, ma'am, they knew that someone was there watching
21 them.

22 Q Okay. How much did BellSouth pay PWC to do this
23 attestation?

24 A I believe that that has already been shared and was
25 marked as confidential in the affidavit of Mr. Gainer. So I

1 think -- I'm not sure I should answer that.

2 MS. AZORSKY: Was that deposition marked
3 confidential, Ms. Foshee?

4 MS. FOSHEE: Yes, it was. There were certain
5 provisions in the affidavit -- I mean, in the deposition that
6 were marked confidential.

7 MS. AZORSKY: Okay. Then I would simply refer the
8 Commissioners and the staff to the deposition of Mr. Gainer.
9 And I have no further questions, Mr. McElroy.

10 THE WITNESS: Okay. Thank you.

11 CHAIRMAN BAEZ: Staff?

12 MR. SUSAC: No questions.

13 CHAIRMAN BAEZ: Mr. O'Roark, you don't have any
14 questions for Mr. --

15 MR. O'ROARK: No.

16 CHAIRMAN BAEZ: Okay. I'm sorry. I just see you all
17 sitting there.

18 Thank you, Mr. McElroy. Did the Commissioners have
19 any questions? No. Okay. Thank you, Mr. McElroy.

20 THE WITNESS: Thank you.

21 MR. HENRY: Mr. Chairman.

22 CHAIRMAN BAEZ: Yes, Mr. Henry.

23 MR. HENRY: By agreement of the parties, what we
24 thought --

25

1 MS. AZORSKY: We told him.

2 MR. HENRY: Oh, I'm sorry.

3 CHAIRMAN BAEZ: Yeah, somebody got in ahead of you.

4 MR. HENRY: All right.

5 MS. AZORSKY: We did it in your absence.

6 MR. HENRY: Good.

7 CHAIRMAN BAEZ: You are going to miss a few dramas if
8 you are hanging out in the halls.

9 Thank you, Mr. Henry.

10 At this point I think we are on the hot cut panel,
11 Mr. Chapkis.

12 MR. CHAPKIS: That's correct. And Ms. Kestenbaum
13 will be defending the hot cut panel.

14 CHAIRMAN BAEZ: All right. Thank you,
15 Ms. Kestenbaum.

16 Ms. Kestenbaum, you have four witness on the panel?

17 MS. KESTENBAUM: I believe that's --

18 CHAIRMAN BAEZ: It looks like you've got four. It
19 should be six?

20 MS. KESTENBAUM: Yes, six.

21 CHAIRMAN BAEZ: Have you though about how you're
22 going to handle it logistically? I mean, I'm wondering if
23 there's still some louder mikes or stuff like that.

24 Let's go off the record for a moment.

25 (Off the record briefly.)

1 CHAIRMAN BAEZ: We are back on the record.

2 Ms. Azorsky, you are going to be taking care of the
3 panel?

4 MS. AZORSKY: I am.

5 CHAIRMAN BAEZ: Hold on a second.

6 Mr. Twomey, and, Mr. Beck, a question for you, sirs.
7 There were three witnesses that were passed over by the
8 impairment group, and those would be Witnesses Tennyson, Milner
9 and Pate. Do you all have any questions for them?

10 MR. TWOMEY: No, sir.

11 MR. BECK: No.

12 CHAIRMAN BAEZ: Okay. Then I'm going to go ahead,
13 and, Ms. Foshee, you can have the witnesses excused.

14 MS. FOSHEE: Thank you, Mr. Chairman, I appreciate
15 that.

16 CHAIRMAN BAEZ: With our thanks. Thank you,
17 gentlemen.

18 MR. TWOMEY: Sorry, Commissioner.

19 CHAIRMAN BAEZ: I'm sorry, Ms. Azorsky. You can go
20 ahead.

21 MS. AZORSKY: That's perfectly all right. I am
22 looking at this daunting group.

23 JAMES L. MCLAUGHLIN
24 THOMAS MAGUIRE
25 JULIE CANNY
MARY ELLEN T. LANGSTINE
JOHN WHITE
LARRY G. RICHTER

1

2 were called as a panel of witnesses on behalf of Verizon
3 Florida, Inc. and, having been duly sworn, testified as
4 follows:

5

CROSS EXAMINATION

6

BY MS. AZORSKY:

7

Q Good afternoon, ladies and gentlemen.

8

I am going to pose my questions and leave it to you
9 to suggest who might be most appropriate to respond to the
10 question. My expectation that is Mr. Maguire will probably
11 respond to most of my questions.

12

A (By Witness Maguire) That has been the case in the
13 past, yes.

14

Q Although I think it would be good if you maybe said
15 your names before the --

16

No, not necessary? Okay.

17

All right. The batch hot cut process that you
18 presented in this proceeding, is the batch hot cut process that
19 Verizon first advocated in New York, correct?

20

A (By Witness Maguire) This is true.

21

Q And that came up as part of the impairment
22 proceedings in New York, correct?

23

A Originally, we started a collaborative last year that
24 looked at the project or large job process, and we had a
25 multiple workshops, a number of discussions, and at some point

1 the review of the project and the impairment TRO stuff kind of
2 melded into one process.

3 Q Okay. And once the impairment part of the process
4 got melded into the project process is when Verizon actually
5 published this new batch process, correct.

6 A I believe on October 24th, yes.

7 Q Now, since that time, Verizon hasn't had any
8 collaboratives with CLECs to discuss that process, have you?

9 A We have had collaboratives in Maryland, D.C.,
10 Pennsylvania, I believe, New Jersey. There have been a number
11 of collaboratives.

12 Q Okay. Now, this process that you presented here has
13 not been presented through Verizon's change control process.
14 The entire process has not been presented through the change
15 control process that you have for Verizon's operational support
16 systems, has it?

17 A I will defer to Ms. Langstine in a moment, because
18 there have been discussion about this process. I do believe it
19 has been discussed.

20 A (By Ms. Langstine) Yes. I would add to that, that on
21 February 5th there was a conference call in which the process
22 was reviewed, and there were a number of CLECs as well as a
23 member, I think, of the staff of this Commission who attended
24 that call. We did go over the process. In addition, there is
25 a change request that has been introduced. It is available.

1 The information is available on the wholesale web site that
2 describes the LSR change that will actually affect the LSR
3 request for a batch hot cut process.

4 Q And that, I guess, is my point, that the change
5 request that went in related only to the LSR or order that
6 would come in for this batch process, is that correct?

7 A That is correct. But that is really the basis of
8 change management. It is the OSS change management, and that
9 is really what -- where, you know, notifying the CLECs of that
10 we are making a change to the LSR and the interfaces through
11 which they would process that LSR.

12 Q And, in fact, there has been some complaint from
13 among the CLEC community about the manner in which -- or the
14 category of change request that Verizon submitted in that
15 change management process, isn't there?

16 A Yes. There was an escalation made by Peggy Rubino
17 (phonetic) of Z-Tel. She was, I guess, writing because we had
18 set that up as a Type 2 change, which is a regulatory change.
19 And I believe Ms. Rubino and a number of the CLECs who she was
20 writing for, believed that it should be a Type 4 or a Verizon
21 initiated change.

22 Q Okay. And just so the Commissioners understand, a
23 Type 2 change request is a change that is required by
24 regulation or a regulatory body, correct?

25 A That is the general description, yes.

1 Q And whereas a Type 4 change request is a Verizon
2 initiated change request, correct?

3 A That's correct.

4 Q All right. And now have you resolved this escalation
5 yet with Z-Tel, MetTel and Covad?

6 A To the best of my knowledge, yes. They have -- after
7 the first letter was written, I believe that Ms. Rubino wrote
8 another letter which was responded to. And I don't have the
9 date of that off the top of my head, but as far as I know,
10 there has been no further action that has been taken by
11 Ms. Rubino or any of the CLECs with regard to that change
12 request.

13 Q Okay. Is the LSR process proceeding through change
14 management?

15 A Yes, it is. We published the draft information per
16 the change management process, and I believe it was on January
17 29th, 2004. That information is in there. It is in the
18 business rule draft, was also available in some additional
19 information that was sent out to the CLECs through change
20 management. But, yes, that change -- the change to the LSR is
21 proceeding through change management. I just wanted to make
22 that clarification.

23 Q All right. And I guess that is -- that is the point
24 I wanted to understand is that this change that is going
25 through change management is just to modify the LSR, the order

1 form, to be able to request a batch process, correct?

2 A As far as the CLECs are concerned, yes. But,
3 obviously, we will have to make some additional changes in our
4 operating support systems to support whatever comes in via the
5 LSR.

6 Q Correct. But it is not -- by approving an LSR in
7 change management, the other CLECs are not buying into the
8 entire batch provisioning process that has been discussed in
9 this proceeding, are they?

10 A Let me just clarify something. The change that we
11 are making is a change to the LSR. It is nothing in that
12 process that a CLEC has to use this change. CLECs don't have
13 to implement any of the changes. It is an option. It is just
14 a change of a field to say the LSR I'm sending to you is for a
15 batch. So if you don't choose to use the batch hot cut
16 process, you have to make no changes to your operating support
17 systems on the CLEC side.

18 Q I guess my point is a different point. Even if the
19 CLECs are accepting of this change to the LSR, not only are
20 they not committing to check it off, but they are not buying
21 off on what is behind that checkoff the batch on the LSR. They
22 are not saying that the process as a whole that Verizon has
23 presented is acceptable to them?

24 A (By Witness Maguire) Well, I mean, again, as
25 Ms. Langstine described this, this is only for the LSR.

1 Q Right.

2 A So if a process change or a suggestion came in that
3 affected our proposal, it wouldn't necessarily be reflected in
4 the LSR. The LSR is the LSR.

5 Q Thank you. That is exactly the point I was trying to
6 get to, Mr. Maguire.

7 Now, no CLEC has advised Verizon to date that they
8 would use the process that Verizon has proposed in this
9 proceeding, have they?

10 A That is not true.

11 Q Has that information come to light since you filed
12 your interrogatory responses in this proceeding?

13 A I have had conversations with customers up north, and
14 one in Virginia, when I approached them about trialing this,
15 and they indicated that they were interested in using it.

16 MS. AZORSKY: I'm going to hand out, and I would like
17 to have marked as the next exhibit, Mr. Chairman, Verizon
18 Florida, Inc.'s responses to AT&T's third set of
19 interrogatories, 114 to 116.

20 CHAIRMAN BAEZ: We'll show Verizon Florida,
21 Incorporated's responses to AT&T's third set of
22 interrogatories, Numbers 114 through 116, show them marked as
23 Exhibit 89.

24 (Exhibit Number 89 marked for identification.)

25 BY MS. AZORSKY:

1 Q Mr. Maguire, looking at Exhibit 89, if you would look
2 at the response to Interrogatory Number 114, it says, "Provide
3 the names of all CLECs in any state who have supported or
4 otherwise agreed to use Verizon's proposed batch process."

5 Would you agree with me that the response to that
6 interrogatory says, "Verizon does not have in its possession,
7 custody, or control information about which CLECs support or
8 plan to use Verizon's proposed batch cut process in Florida."

9 Has the information changed since you submitted these
10 responses?

11 A The conversations I had with these CLECs that I am
12 thinking about indicated that once all was said and done that
13 they would be interested in using this sort of thing.

14 Q Which CLECs told you that?

15 A Excuse me?

16 Q Which CLECs told you that?

17 A Choice One, Allegiance, and Cavalier.

18 Q The batch process proposed by Verizon is not
19 available for lines that are served by integrated digital loop
20 carrier, is it?

21 A The integrated digit loop carrier --

22 Q Could you please answer with a yes or no before you
23 elaborate on your answers?

24 A Can you say it again, please?

25 Q The batch process proposed by Verizon is not

1 available for lines served by integrated digital loop carrier,
2 is that correct?

3 A That's correct, because of the way we unbundle IDLC.
4 IDLC requires a dispatch, and because we propose to potentially
5 do batch cuts 24 hours a day, seven days a week, you can't
6 really send a truck out to do a line station transfer, or
7 whatever sort of facility arrangement in the middle of the
8 night, so we propose to take these cuts in and then handle them
9 via the basic process.

10 Q And just so the record is clear for the
11 Commissioners, right now Verizon has a basic hot cut process
12 which is -- we have been talking about BellSouth and individual
13 hot cuts, but the basic hot cut process for Verizon is one
14 line, one cut, is that correct?

15 A One order, one cut, it could be multiple lines.

16 Q It could be multiple lines, one order, one cut. All
17 right.

18 And then the project hot cut process that Verizon has
19 is a much -- a larger group of orders or lines, correct?

20 A Correct.

21 Q And then this batch process that you discussed in
22 this proceeding is the third process, correct?

23 A Correct.

24 Q Now, the batch process that Verizon proposed in this
25 proceeding does not address CLEC-to-CLEC migrations, is that

1 correct?

2 A Not necessarily. As I mentioned, I believe in one of
3 the filings, the batch process could handle CLEC-to-CLEC
4 migrations s. However, because of the involvement of a
5 third-party, the old local service provider, or some people
6 call it the losing CLEC, that complicates matters. Because an
7 integral part of the batch process is that we are going to
8 activate the port upon complexities of the lift and lay. So it
9 occurred to me, given the complexities of that relationship,
10 that it wouldn't make sense for us to take it into a batch,
11 considering that the batch is designed to use -- or designed to
12 handle mass market plain vanilla migrations.

13 However, we have had a number of discussions in a
14 couple of other states, and my belief now is that provided we
15 can get enough information from the old local service provider
16 -- I'm sorry, the new local service provider, the acquiring or
17 winning CLEC, and they agree to handle whatever issues might
18 pop up with the old local service provider, which in many cases
19 Verizon doesn't know, then we could handle these things in the
20 batch as well. It was sort of a precautionary matter that we
21 didn't include them in the first place.

22 Going back to what Ms. Langstine mentioned a minute
23 ago, I believe that she mentioned during -- the folks that
24 discussed the hot cut process mentioned during the February
25 meeting if there were any changes that people felt should be

1 taking place with respect to the batch, that they should bring
2 it up at a change management meeting. As a matter of fact, it
3 might have been even earlier. But nobody has raised the
4 CLEC-to-CLEC migration issue. It has only popped up in the
5 course of a regulatory hearing. So as late as last week, I
6 have taken that back, and I hope to be able to handle
7 CLEC-to-CLEC migrations in the batch as well.

8 Q So you can't now, but you hope to be able to in the
9 future?

10 A The batch is still in development. So a batch --
11 okay.

12 Q That's fair. I understood you to say that you want
13 to try to incorporate it into the process in the future, but
14 you don't have it in there right now. Is that fair?

15 A Well, considering -- having it read there right just
16 is a list of things that we will or will not do, as far as I am
17 concerned. The list will include them, so.

18 Q Now, in these three different kinds of processes that
19 we discussed, the basic process, the project process and the
20 batch process, the physical act of rewiring and moving the
21 wire from Verizon to the CLEC is the same process, correct?

22 A The physical act of picking up a cross-connection and
23 a collocation facility assignment, running it to the cable and
24 pair appearance is identical.

25 Q Okay. Now, when Verizon does basic hot cuts, Verizon

1 prewires the jumpers on the main frame prior to the date of the
2 actual, as you called it, lift and lay, correct?

3 A Correct.

4 Q All right. And you do that to minimize errors and to
5 make sure that the cut on the day of the cut will run as
6 smoothly as possible, correct?

7 A Correct. Back in the late '90s when we had some
8 issues with dial tone being on the CFA, we instituted this
9 process, working collaboratively with the industry so that we
10 would give them ample notice in a pre-wholesale provisioning
11 tracking system world, 48 hours was ample notice, that we would
12 prewire these things and notify them of dial tone issues in
13 advance of the due date.

14 Q So one of the things you do in the basic hot cut
15 process is in addition to doing the rewiring, you do a dial
16 tone check before you do the actual lift and lay, correct?

17 A We do a dial tone check before the lift and lay in
18 all of the processes. In the basic, we do an additional dial
19 tone check two days before the lift and lay.

20 Q Okay. Now, in your project process, you also do
21 rewiring prior to the day of the cut, correct?

22 A Correct.

23 Q And you also do a dial tone check prior to the day of
24 the cut, correct?

25 A Correct.

1 Q But in your batch cut process that you've proposed in
2 this proceeding, you don't do the rewiring prior to the day of
3 the cut, necessarily, and you don't do a dial tone check prior
4 to the day of the cut, do you?

5 A No, we do not. If we did, it would just be another
6 project. It wouldn't be a new offering. The reason for this
7 is because it is our experience, working with the industry over
8 the last couple of years, that the instances of no dial tone
9 have dropped off dramatically. So in an attempt to limit the
10 number of truck rolls to certain central offices -- again,
11 we're looking to do a widespread process as opposed to
12 something that is specific to a particular area.

13 But in some cases that dial -- that due date minus
14 dial tone check and rewiring involved sending a technician over
15 to a remote office to do the rewiring. It was our belief if
16 we were going to move towards a less costly alternative, the
17 batch approach, that if we eliminated this rewiring check,
18 realizing that we are still doing the dial tone check right
19 before the cut, and realizing that we have the ability to use
20 WPTS to communicate no dial tone issues and what have you, that
21 if I eliminated that step it might be an opportunity to reduce
22 some costs.

23 Q Let me step to WPTS for a moment before I come back
24 to the process. We saw a demonstration of WPTS here, but just
25 to be clear, WPTS is a web-based system that CLECs have to

1 access to get the information that's in there, correct?

2 A WPTS is a system that allows CLECs and different
3 organizations in Verizon to communicate and also look at a
4 repository of information specific to hot cut orders. Most
5 CLECs if they are going to look at a particular piece of
6 information, they work things on a bucket basis. And that was
7 part of the demonstration I gave here and I gave in Tampa a few
8 weeks ago. It has since come to light that some CLECs have
9 asked if we can push that information out to them
10 electronically, and we agreed to do so, and we are waiting for
11 their programmers to get back to us for what the next steps
12 might be.

13 Q So when you talk about pushing the information
14 electronically, you are talking about improving WPTS in a way
15 that would allow it to talk to the CLECs operational support
16 systems, correct?

17 A In the high level terms, yes.

18 Q And you are going down that road now to investigate
19 whether that can be done, correct?

20 A That came to light again -- that didn't surface in
21 any of the industry meeting. That came up in a collaborative
22 in another state where they asked us for that. And we said,
23 sure, we'll give it a shot.

24 Q And it came up in testimony filed in New York, did it
25 not?

1 A It was all around the same time.

2 Q And then it came up in testimony filed here in
3 Florida as well, did it not?

4 A It is amazing how these things pop up at different
5 places.

6 Q Surprising isn't it?

7 A Yes.

8 Q But you are investigating that now, correct?

9 A Actually, we have provided the specifications to the
10 company that was at the forefront of requesting this
11 information. We gave it to them probably over a month ago.
12 And their programmers are looking at it, and I believe they're
13 going to get back to us sometime in the next few weeks.

14 Q But you do not yet have specifications for creating
15 this system that would push the information?

16 A No, we do.

17 Q Well, excuse me. You do have specifications. Do you
18 have a schedule for when it will be done?

19 A It all depends on them.

20 (The transcript continues in sequence with Volume
21 15.)

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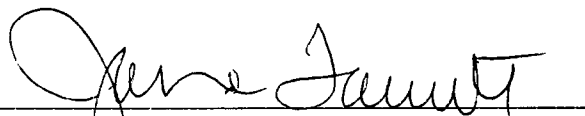
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I, JANE FAUROT, RPR, Chief, Office of Hearing Reporter Services, FPSC Division of Commission Clerk and Administrative Services, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 1st day of March, 2004.



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