

1 **BEFORE THE PUBLIC SERVICE COMMISSION**

2 **DIRECT TESTIMONY**

3 **OF**

4 **DON MEYER**

5  
6 **Q. Please state your name, employer, current position, and business address.**

7 A. My name is Don Meyer. I am employed by Sprint/United Management Company as  
8 Manager - Carrier Markets Solutions. I am testifying on behalf of Sprint -Florida  
9 (hereinafter "Sprint"). My business address is 6480 Sprint Parkway, Overland Park,  
10 Kansas 66251.

11  
12 **Q. Please describe your educational background and work experience.**

13 A. I graduated from the University of Kansas in 1993 with a B.S. degree in Business  
14 Administration. In 1999, I received a Masters in Business Administration degree  
15 from Baker University. I began my career with Sprint/United Management Company  
16 in June 1997 as an Account Manager and was responsible for negotiating Resale  
17 Agreements with Competitive Local Exchange Carrier (CLEC) customers. I then  
18 held a position as a National Account Manager starting in February 1999 and was  
19 responsible for negotiating Interconnection Agreements with Wireless Service  
20 Provider customers.

21  
22 I assumed my current position as Manager – Carrier Markets Solutions for  
23 Sprint/United Management Company in August 2000. I have responsibility for  
24 managing and implementing Sprint Local Telecommunication Division's (LTD)  
25 service performance measurement plans.

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1 **Q. Have you previously testified before the Florida Public Service Commission**  
2 **(“Commission”)?**

3 A. No.

4

5 **Q. What is the purpose of your testimony?**

6 A. The purpose of my testimony is to address issue 17 related to performance measures  
7 and remedies. I will describe how Sprint’s Performance Measures Plan in Florida  
8 was developed and adopted and demonstrate that CLECs had ample opportunity to  
9 participate in the process. In addition, I will demonstrate why the BellSouth  
10 performance measurement plan and a performance incentive plan are inappropriate  
11 for Sprint in the KMC Telecom/ Sprint Interconnection Agreement for Florida.

12

13 **Issue No. 17 What measures, standards and remedies, if any, should apply to Sprint’s**  
14 **performance?**

15

16 **Q. Does Sprint currently have a Performance Measurement Plan (“PMP”) for**  
17 **Competitive Local Exchange Carriers (“CLECs”) in Florida?**

18 A. Yes. Sprint has a PMP for CLECs in Florida that resulted from a generic docket  
19 before the Commission.

20

21 **Q. Is Sprint required by the Commission order to provide service results to CLECs**  
22 **based on a PMP in Florida?**

23 A. Yes. On December 14, 2001, in Docket No. 000121-TP, Investigation into the  
24 establishment of operations support systems permanent performance measures for

1 incumbent local exchange telecommunications companies., Order No. PSC-02-0503-  
2 PCO-TP, the Commission approved a statewide PMP, in which Sprint is required to  
3 provide monthly service performance reporting to CLECs based on predetermined  
4 measurements outlined in the PMP.

5

6 **Q. Please describe how Sprint's PMP was established in Florida?**

7 A. On February 1, 2000, the Commission opened a generic proceeding (Docket No.  
8 000121) to address performance measures and enforcement mechanisms and to  
9 explore whether Florida Incumbent Local Exchange Carriers ("ILECs") provide  
10 nondiscriminatory access to Operational Support Systems as required by the Telecom  
11 Act of 1996. This generic proceeding allowed all interested parties an opportunity to  
12 participate in the development of performance measures for the three major ILECs,  
13 Sprint, BellSouth and Verizon. The Commission staff originally divided the docket  
14 into three phases. Phase I began with workshops conducted by the FSPC Staff and  
15 members of various CLEC's and ILEC's participating.. These workshops were held  
16 on March 30, 2000, August 8, 2000, and December 13, 2000. The purpose of Phase I  
17 was to determine and resolve any policy and legal issues in this matter. Sprint  
18 participated fully in these workshops and the comment cycles. Phase II involved  
19 establishing permanent metrics for BellSouth, including a specific monitoring and  
20 enforcement program. After completion of Phase II, Phase III of the docket began  
21 which entailed the establishment of mutually agreeable performance metrics and a  
22 performance monitoring and evaluation program for Verizon and Sprint.

23 On April 11, 2002, at the beginning of Phase III in Docket 000121, the Commission  
24 divided the docket into sub-dockets in an effort to alleviate confusion as to whether

1 filings were intended for the BellSouth, Verizon or Sprint track of the generic OSS  
2 docket (Docket No. 000121-TP ORDER NO. PSC-02-0503-PCO-TP ). Sprint's track  
3 was assigned sub-docket 000121-B. Sprint and the participating CLECs filed several  
4 rounds of comments regarding proposed performance measurements and enforcement  
5 mechanisms specific to Sprint – Florida. These comment cycles culminated with the  
6 filing by FPSC staff of a proposal for Sprint – Florida OSS permanent performance  
7 measures on November 1, 2002. Comments on this proposal were filed on November  
8 15 and November 25. The Commissioners approved the Performance Measurement  
9 Plan at the December 17, 2002 Agenda Conference, during which interested parties  
10 were allowed to participate. The consummating order approving the plan was issued  
11 on February 4, 2003 and the plan went into effect on March 1, 2003.

12

13 **Q. How was the Sprint-Florida PMP established?**

14 A. The Commission approved the PMP, which is based on Sprint's Nevada PMP, in  
15 Docket 000121-B. Also, the North Carolina Utilities Commission and Indiana Utility  
16 Regulatory Commission have both adopted Sprint's Performance Measurement Plan  
17 (based on Sprint's Nevada PMP) in these states.

18

19 **Q. Please describe how Sprint's Nevada PMP was established.**

20 A. During the arbitration of the AT&T/Nevada Bell Interconnection Agreement, the  
21 Public Utilities Commission of Nevada ("PUC-N") opened an investigative  
22 proceeding into performance measurements on September 24, 1997. As a result of  
23 discussions on performance measurements conducted by the PUC-N, the PUC-N  
24 requested comments from several parties. These parties included CLECs, the

1 Attorney General's Bureau of Consumer Protection, and the PUC-N Staff  
2 (collectively, "parties") in Nevada. In order to facilitate discussion by the parties, the  
3 PUC-N sponsored workshops in late May 1998. After the May workshops, the  
4 parties continued to identify open issues and clarify some of the consensus that had  
5 been tentatively reached. Over the next several months, the parties continued to meet  
6 in additional PUC-N sponsored workshops to discuss and resolve open issues. The  
7 result was the parties were able to resolve the issues with respect to performance  
8 measurements. The parties' agreement was filed on February 11, 1999, and approved  
9 by the PUC-N on February 25, 1999.

10

11 **Q. What organizations provided input to the Sprint-Nevada plan?**

12 A. CLECs, PUC-N Staff, and the Bureau of Consumer Protection provided input to the  
13 Sprint PMP for Nevada.

14

15 **Q. Why did the FPSC adopt Sprint's PMP for Sprint as opposed to adopting one  
16 plan for all ILECs?**

17 A. Sprint's systems, processes, and legal requirements are different from other ILECs'.  
18 In order to provide a true reflection of Sprint's performance, a separate  
19 plan specific to Sprint's systems and processes was stipulated and subsequently  
20 adopted by the Commission.

21

22 **Q. Could any CLEC participate in this proceeding?**

23 A. Yes. This was a generic proceeding and any certified CLEC could participate. To  
24 my knowledge, KMC did participate in this Docket.

1 **Q. Please provide an overview of Sprint's service performance reporting process.**

2 A. Sprint established a web-based application to provide Sprint's CLEC customers with  
3 service performance results per the PMP. This tool is called the CLEC Service  
4 Performance Reporting System ("CSPRS"). All applicable service results for the  
5 measurements in the PMP for the previous month are available beginning on the 20th  
6 of each month. Each CLEC purchasing services or products from Sprint in Florida  
7 may access CSPRS by requesting login information from their Sprint account  
8 manager. Once the CLEC has access to CSPRS, it may access its service  
9 performance results at its convenience. Sprint provides monthly performance  
10 measurement information that includes results for the individual CLEC, the CLEC  
11 aggregate results, and either the ILEC comparison result or applicable benchmark for  
12 each submeasurement in the PMP.

13

14 **Q. Does KMC Telecom currently have access to Sprint's service performance  
15 results for Florida?**

16 A. Yes. Sprint provided login information to KMC in June 2001.

17

18 **Q. Is Sprint required by any other state commissions to provide service results  
19 based on a PMP?**

20 A. Sprint has commission-mandated PMP's in Nevada, North Carolina and Indiana. This  
21 is a single PMP which is consistent in all of these states.

22

23 **Q. Does Sprint provide service results in other states where PMP's are not  
24 mandated by the state utilities commissions?**

1 A. Sprint voluntarily provides service performance reporting for requesting CLEC in all  
2 other Sprint service areas. They include Kansas, Minnesota, Missouri, Nebraska,  
3 New Jersey, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas,  
4 Virginia, Washington and Wyoming.

5

6 **Q. Should Sprint provide performance remedies in Florida?**

7 A. No. Sprint provides the PMP to demonstrate that it offers CLEC customers service at  
8 parity to Sprint's retail services, where Sprint provides a comparable retail service or  
9 activity for itself, or at benchmarks as approved by the Commission.

10

11 **Q. Should RBOCs and non-RBOC ILECs, such as Sprint, be treated similarly with  
12 regards to performance measures?**

13 A. No. This is not a case of "one size fits all." There is a long history of treating  
14 RBOCs and independent telephone companies differently. To cite but a few  
15 examples: the MFJ applied only to the RBOCs (GTE, which is not a part of Verizon,  
16 was subject to a similar GTE-only Consent Decree); Sections 271 and 272 and their  
17 implementing regulations apply only to the RBOCs; and the RBOCs are subject to  
18 more stringent accounting and reporting requirements than are non-RBOC ILECs. (  
19 See, In the Matter of 2000 Biennial Regulatory Review – Comprehensive Review of  
20 the Accounting Requirements and ARMIS Reporting Requirements for Incumbent  
21 Local Exchange Carriers: Phase 2, Report and Order in CC Docket Nos. 00-199, 97-  
22 212, and 80-286, Released November 5, 2001.)

23 The rationale has varied, but generally has focused on the fact that the independents  
24 have widespread and diverse geographic territory and lack the market power of the

1 RBOCs. Furthermore, holding RBOCs to a higher standard than applies to non-  
2 RBOCs is justified by the differences in their size, scope of operations, and is entirely  
3 consistent with Congress' and the FCC's actions over the past decade.

4

5 **Q. Should RBOCs and non-RBOC ILECs, such as Sprint, be treated similarly with**  
6 **regards to performance remedy plans?**

7 A. No. The performance standards do not function as RBOC 271 compliance for Sprint,  
8 but rather should create a rebuttable presumption of compliance. If an independent's  
9 performance is falling short of meeting the standard, then any CLEC whose ability to  
10 compete is being hindered may invoke dispute resolution in their agreement as well  
11 as file a complaint with the FPSC. The independent would have an opportunity to  
12 rebut the CLEC's dispute issues.

13

14 **Q. Are performance measurement plans the only way to enforce parity of service?**

15 A. No. CLEC's can utilize operational meetings held by Sprint ("Competitive Local  
16 Exchange Carrier Forum" or "CLEC Forum") in order to bring up service  
17 performance issues. KMC is an active participant in the CLEC Forum. CLEC's can  
18 also file a request in the open PMP via Docket No. 000121B-TP. Alternatively,  
19 CLEC's can pursue the dispute resolution process within the interconnection  
20 agreement that includes the ability to seek resolution by the Commission.

21

22 **Q. What process is involved if a CLEC pursues changes and or additions to Sprint's**  
23 **PMP in Docket No. 000121B-TP?**

24 A. CLEC's may request a review of Sprint's PMP. The Commission will then establish



1 a procedural schedule in Docket No. 000121B-TP for the purposes of reviewing  
2 Sprint's PMP. In the event the CLEC's other involved parties cannot agree on any  
3 additions, deletions, or modifications, they will jointly submit such disputes for  
4 resolution by the FPSC.

5

6 **Q. Why does Sprint prefer this method for changes and/or additions to Sprint's**  
7 **PMP?**

8 A. Sprint prefers this method for changes and/or additions to Sprint's PMP so all  
9 CLEC's can request and/or comment on such changes or additions.

10

11 **Q. Why did the Florida Commission not consider using the BellSouth's PMP in**  
12 **Florida for Sprint in Florida?**

13 A. On November 1, 2002, the Florida Commission's Staff issued a proposal that  
14 addressed several key elements for a Sprint PMP. From this proposal, which  
15 included information provided by Sprint and comments by interested parties, the Staff  
16 stated in its December 5, 2002 recommendation that Sprint's PMP is similar to the  
17 plan in place for BellSouth; except for the greater number of service quality measures  
18 required for BellSouth. Therefore, the Florida Commission's Staff developed an  
19 independent proposal for Sprint.

20

21 **Q. Please provide a summary of your testimony.**

22 A. In summary, the BellSouth PMP is not appropriate for Sprint since the commission  
23 already approved an appropriate PMP for Sprint. Sprint's PMP was approved after  
24 FSPC Staff conducted workshops with several CLECs and ILECs for the purpose of

1       developing mutually agreeable performance measurements and enforcement  
2       mechanisms. Any changes to this plan can be requested through Docket 000121B-  
3       TP.

4

5       Furthermore, enforcement mechanisms are also unnecessary since Sprint is not under  
6       the same obligations as an RBOC such as BellSouth. BellSouth is required to provide  
7       enforcement mechanisms under Section 271; however Section 271 and 272 do not  
8       apply to ILECs such as Sprint. If CLECs have service performance issues, there are  
9       other methods for resolution. CLECs may utilize the CLEC Forum or file a request in  
10      the open PMP Docket No. 000121B-TP, which is Sprint's preferred method so that  
11      all CLECs may have the opportunity to provide input.

12

13 **Q. Does that conclude your testimony?**

14 **A. Yes.**