

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 980119-TP

In the Matter of

COMPLAINT OF SUPRA TELECOMMUNICATIONS
AND INFORMATION SYSTEMS, INC. AGAINST
BELLSOUTH TELECOMMUNICATIONS, INC.
FOR VIOLATION OF THE TELECOMMUNICATIONS
ACT OF 1996; PETITION FOR RESOLUTION
OF DISPUTES AS TO IMPLEMENTATION
AND INTERPRETATION OF INTERCONNECTION,
RESALE AND COLLOCATION AGREEMENTS;
AND PETITION FOR EMERGENCY RELIEF.



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PROCEEDINGS: HEARING

BEFORE: COMMISSIONER J. TERRY DEASON
COMMISSIONER RUDOLPH "RUDY" BRADLEY
COMMISSIONER CHARLES M. DAVIDSON

DATE: Wednesday, August 04, 2004

TIME: Commenced at 9:40 a.m.
Concluded at 12:40 p.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: LINDA BOLES, RPR
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1 APPEARANCES:

2 JAMES MEZA, III, ESQUIRE, and NANCY WHITE, ESQUIRE,
3 BellSouth Telecommunications, Inc., 150 South Monroe Street,
4 Suite 400, Tallahassee, Florida 32301-1556, appearing on behalf
5 of BellSouth Telecommunications, Inc.

6 STEVE CHAIKEN, Supra Telecommunications & Information
7 Systems, Inc., 2620 S.W. 27th Avenue, Miami, Florida 33133,
8 appearing on behalf of Supra Telecommunications & Information
9 Systems, Inc.

10 PATTY CHRISTENSEN, ESQUIRE, FPSC General Counsel's
11 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida
12 32399-0850, appearing on behalf of the Commission Staff.

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COMMISSIONER DEASON: Call the hearing to order.

Could I have the notice read, please.

MS. CHRISTENSEN: By notice issued July 7th, 2004, this time and place have been set for a hearing in Docket Number 980119, In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief. The purpose of this hearing is as set forth in the notice.

COMMISSIONER DEASON: Take appearances.

MR. MEZA: Jim Meza and Nancy White on behalf of BellSouth.

MR. CHAIKEN: Steve Chaiken on behalf of Supra Telecom.

MS. CHRISTENSEN: Patricia Christensen appearing on behalf of the Commission.

COMMISSIONER DEASON: Ms. Christensen, do we have any preliminary matters?

MS. CHRISTENSEN: Yes, Commissioner. We note that there are several stipulated exhibits that were approved in the prehearing order which the staff and parties agreed to have

1 moved into the record, and we would ask that we go ahead and
2 mark those as hearing exhibits at this time.

3 COMMISSIONER DEASON: Very well.

4 MS. CHRISTENSEN: I believe copies have been provided
5 to the Commissioners and the parties as well.

6 Stipulation 1 that staff would ask to have moved into
7 the record is BellSouth's discovery responses in this docket to
8 staff's third set of discovery.

9 COMMISSIONER DEASON: And this is -- the ID is
10 Stip-1; correct?

11 MS. CHRISTENSEN: That is correct.

12 COMMISSIONER DEASON: Yes. That will be identified
13 as hearing Exhibit Number 1 and will be admitted into the
14 record with no objection.

15 (Exhibit 1 marked for identification and admitted
16 into the record.)

17 MS. CHRISTENSEN: The next exhibit is marked and
18 identified as Stip-2, and that would be all the confidential
19 portions of BellSouth's discovery responses in this docket to
20 staff's third set of discovery.

21 COMMISSIONER DEASON: Hearing Exhibit 2 shall be
22 admitted.

23 (Exhibit 2 marked for identification and admitted
24 into the record.)

25 MS. CHRISTENSEN: The next one is Stipulation 3,

1 Supra's discovery responses in this docket to staff's third set
2 of discovery.

3 COMMISSIONER DEASON: Hearing Exhibit 3, and it shall
4 be admitted.

5 (Exhibit 3 marked for identification and admitted
6 into the record.)

7 MS. CHRISTENSEN: Stipulation 4 is all confidential
8 portions of Supra's discovery responses to staff's third set of
9 discovery.

10 COMMISSIONER DEASON: This will be hearing Exhibit 4,
11 and I note that it is confidential and it shall be admitted.

12 (Exhibit 4 marked for identification and admitted
13 into the record.)

14 MS. CHRISTENSEN: The next stipulation is Stipulation
15 5, which is the KPMG report from the third-party tests
16 performed by KPMG in Dockets Numbers 980786-TX and 981834-TP.

17 Staff would note that we've provided CD copies for
18 the court reporter, the Commissioners and the parties. And we
19 have also provided a paper copy for everyone's convenience
20 during the hearing: One for the court reporter, one for the
21 Commissioners and one available to the parties and staff.

22 COMMISSIONER DEASON: Hearing Exhibit 5, and it shall
23 be admitted.

24 (Exhibit 5 marked for identification and admitted
25 into the record.)

1 MS. CHRISTENSEN: The next exhibit is Stipulation 6,
2 which is the deposition of Ronald Pate taken July 7th, 2004, in
3 this proceeding.

4 COMMISSIONER DEASON: Hearing Exhibit 6, and it shall
5 be admitted.

6 (Exhibit 6 marked for identification and admitted
7 into the record.)

8 MS. CHRISTENSEN: The next exhibit is Stipulation 7,
9 BellSouth's discovery responses in this docket to Supra's
10 discovery.

11 COMMISSIONER DEASON: Hearing Exhibit 7, and it shall
12 be admitted.

13 (Exhibit 7 marked for identification and admitted
14 into the record.)

15 MS. CHRISTENSEN: The next exhibit would be a copy of
16 the resale agreement that -- between Supra and BellSouth filed
17 November 24th in Docket Number 971555-TP.

18 COMMISSIONER DEASON: Ms. Christensen, apparently I
19 don't have a copy of that or, if I do, I don't know where it is
20 at the moment.

21 MS. CHRISTENSEN: Commissioner, it's in a black
22 binder, and Supra was going to provide a cover page at a later
23 time and apologized for not having that prepared at this time.

24 COMMISSIONER DEASON: Okay. The first page of this,
25 of this compilation of documents is a letter dated September

1 22nd, 1999?

2 MS. CHRISTENSEN: That is correct.

3 MR. CHAIKEN: Yes, Commissioner. Also I'd like to
4 note that this was the copy of the interconnection agreement
5 that we filed with the Georgia Public Service Commission. I've
6 spoken with BellSouth's counsel, and it's the same agreement
7 that was filed in Florida. BellSouth has no objection to this
8 interconnection agreement.

9 COMMISSIONER DEASON: Okay. And this shall be
10 identified as hearing Exhibit Number 8, and without objection
11 it shall be admitted.

12 (Exhibit 8 marked for identification and admitted
13 into the record.)

14 MS. CHRISTENSEN: And the next stipulation is the
15 deposition of David Stahly taken July 7th, 2004, in this
16 proceeding.

17 COMMISSIONER DEASON: That will be hearing Exhibit 9,
18 and without objection it shall be admitted.

19 (Exhibit 9 marked for identification and admitted
20 into the record.)

21 MS. CHRISTENSEN: There are no further stipulations.

22 COMMISSIONER DEASON: Okay. So this, this is all the
23 stipulated exhibits at this point?

24 MS. CHRISTENSEN: That is correct.

25 COMMISSIONER DEASON: Okay. Does staff have any

1 other preliminary matters?

2 MS. CHRISTENSEN: No, staff is not aware of any other
3 preliminary matters. Staff would, however, like to note that
4 Supra has requested to make a PowerPoint presentation for
5 opening statements and the parties have worked that out amongst
6 themselves.

7 COMMISSIONER DEASON: Okay. Does BellSouth have any
8 preliminary matters?

9 MR. MEZA: No, sir.

10 COMMISSIONER DEASON: Supra?

11 MR. CHAIKEN: No, sir.

12 COMMISSIONER DEASON: Okay. I think then we can
13 proceed to the opening statements, which shall not exceed ten
14 minutes per side.

15 Supra, this is your complaint. You may proceed.

16 MR. CHAIKEN: Good morning, Commissioners. We're
17 here today on an issue of customer service in that Supra would
18 like to be able to provide its customers with the same quality
19 ordering experience that BellSouth provides to its own
20 customers.

21 In July of 1998, this Commission ordered BellSouth to
22 provide Supra with the same on-line edit checking capabilities
23 that it provides to itself. In October of 1998, after both
24 parties filed motions for reconsideration, the Commission
25 confirmed that decision and required BellSouth to do so by

1 December 31st of 1998.

2 In February of 2000, the Commission found that
3 BellSouth failed to timely comply with the Commission's 1998
4 decisions. Nearly three-and-a-half years later, in October of
5 2003, without affording Supra a hearing on the matter and
6 without taking any testimony from either party, the Commission,
7 based on, solely upon a KPMG third-party test result, which we
8 shall show to be nondeterminative of the issues in this docket,
9 reversed its February 2000 order and found that BellSouth did
10 timely comply with the initial decisions in this docket. It is
11 that finding that Supra is here in protest of.

12 Procedurally this is not and nor should this turn
13 into an opportunity to reopen and relitigate the initial
14 decisions of the Commission in this docket. However, it is
15 important that we understand exactly what the Commission did
16 decide in those initial decisions.

17 In its July 1998 order the Commission ordered,
18 BellSouth shall modify the ALEC ordering systems so that the
19 systems provide the same on-line edit checking capability to
20 Supra that BellSouth's retail ordering systems provide. We
21 need to understand exactly what was meant by the phrases
22 "modify the ALEC ordering systems" and "provide the same
23 on-line edit checking capability."

24 "Modify the ALEC ordering systems" means BellSouth
25 shall modify EDI or LENS. How do we know this? In its

1 October 1998 order, the Commission clarified and stated,
2 BellSouth shall provide Supra with this same capability through
3 the ordering interfaces provided to it as identified in the
4 parties' agreement. The parties' interconnection agreement is
5 in evidence in this proceeding and provides for EDI and LENS.

6 In his recent deposition of July 7th of this year,
7 Mr. Pate confirmed that at the time BellSouth only had LENS and
8 EDI. And just to make sure there was no wiggle room, in
9 February of 2000 the Commission again clarified and stated, we
10 intended at that time that BellSouth provide the on-line edit
11 checking capability through either LENS or EDI.

12 Now why is this important? This is important because
13 BellSouth may attempt to argue that it somehow complied with
14 the Commission's order to modify EDI or LENS by providing Supra
15 with a different interface: TAG. TAG has never been
16 considered in this proceeding anywhere in this docket, as
17 stated so by the Commission in its October 2003 order. In
18 fact, the Commission decided that or, excuse me, the Commission
19 contemplated having a separate proceeding to determine whether
20 or not TAG met the intent of the Commission's initial
21 decisions, but instead chose to await the results of the KPMG
22 third-party test.

23 As there has been no proceeding which considered TAG
24 and no proceeding to determine whether or not TAG met the
25 initial, the initial decisions of this Commission, any mention

1 of TAG in this proceeding is nothing but a red herring and
2 should not be considered.

3 Now that we understand what modifying ALEC ordering
4 systems means, we need to understand what the phrase "provide
5 the same on-line edit checking capability" means. In the
6 context of this docket and the issue before this Commission,
7 the same on-line edit checking capability refers to Supra's
8 ability to have its customer service representatives, prior to
9 submitting an order, immediately identify an error while it is
10 talking to a customer on the phone and obtaining information
11 from that customer.

12 Again, how do we know this? The Commission stated as
13 much in its October 1998 order where it said, and I'll quote,
14 as set forth in our order, BellSouth's FUEL and SOLAR databases
15 have simultaneous interaction with BellSouth's ordering
16 interfaces, so that errors in an order being worked by a
17 service representative are immediately identified. If an error
18 is identified, the BellSouth service representative can make
19 corrections before the order is completed. BellSouth shall
20 provide, provide Supra with this same capability through the
21 ordering interfaces provided to it, as identified in the
22 parties' agreement.

23 Thus, the Commission defined BellSouth's obligation:
24 BellSouth shall modify the ALEC ordering systems, EDI or LENS,
25 so that the systems provide the same on-line edit checking

1 capability; i.e., prior to submission of an order, immediately
2 identify an error while the customer is still on the line.

3 There is no evidence anywhere in this docket that
4 BellSouth provided such to Supra. In fact, in its recent
5 deposition, BellSouth's witness Mr. Pate admitted that
6 BellSouth did not modify LENS. Mr. Pate also admitted that
7 BellSouth did not modify EDI. Further, Mr. Pate admitted that
8 EDI did not even have preordering capability until sometime in
9 2003. Rather, BellSouth is going to attempt to argue that the
10 KPMG third-party test somehow conclusively proves that
11 BellSouth complied with the Commission's decisions in this
12 docket. This is simply not the case.

13 The KPMG third-party test is nondeterminative of the
14 issue of on-line edit checking as it pertains to this docket.
15 The KPMG test addressed a CLEC's ability -- a CLEC's access,
16 overall access to BellSouth's OSS postsubmission of an order.
17 It did nothing to address the issue of on-line edit checking
18 capability presubmission of an order, as is the case in this
19 docket.

20 In his deposition, Mr. Pate admitted that there's
21 nowhere in the KPMG report that references on-line edit
22 checking capability. He further stated or agreed with me that
23 it was not the design of the test to test presubmission orders
24 of on-line edit checking capability, and further agreed that
25 there is nothing, there were no results, there was no specific

1 findings or anything to the like which suggested or evidenced
2 that KPMG actually created a system which provided the same
3 on-line edit checking capabilities as required by the
4 Commission's decisions in this docket.

5 The Commission need not look at anything other than
6 BellSouth's own testimony under oath in this docket to resolve
7 this issue. BellSouth admits it didn't modify EDI. BellSouth
8 admits it didn't modify LENS. BellSouth admits EDI didn't have
9 preordering capability until 2003. BellSouth admits the KPMG
10 test was not designed to test presubmission of orders on-line
11 edit checking capabilities. As such, there's absolutely no
12 evidence in this record which the Commission can rely upon to
13 support the finding that BellSouth timely complied with the
14 Commission's initial decisions in this docket, and therefore
15 the October 2003 order cannot stand. Thank you.

16 COMMISSIONER DEASON: Thank you. Mr. Meza.

17 MR. MEZA: Good morning. This case is about whether
18 BellSouth timely complied with this Commission's orders back in
19 1998 obligating BellSouth to provide Supra with on-line edit
20 checking capability through the interfaces available to Supra
21 as a CLEC as of December 31st, 1998. This case is not about
22 whether BellSouth provides nondiscriminatory access to its OSS,
23 which this Commission has repeatedly found. This case is also
24 not about any parity obligations and whether BellSouth complies
25 with those obligations, again, which this Commission has

1 repeatedly found. And it's not about the 1997 contract that is
2 the basis for Supra's complaint in this proceeding six or seven
3 years ago.

4 What Supra wants you to do in this proceeding is
5 interpret the orders back in 1998 in a vacuum and require
6 BellSouth to modify its systems in a manner that exceeds
7 BellSouth's obligations under the Act, and specifically it
8 exceeds BellSouth's nondiscriminatory access obligation. And
9 if you agree with Supra, in effect you would be violating the
10 terms of the Act and also violating the spirit and the actual
11 content of the parties' underlying agreement, and you would
12 find yourself in a position that you've never been before, and
13 that is requiring BellSouth to do something to its OSS that you
14 have never previously required.

15 As I stated, this case is about what you ordered.
16 And it's a unique case because we're trying to convince you
17 what you meant when you used the phrase "on-line edit
18 capability." That's what we're fighting over. What did you
19 mean?

20 Supra is going to tell you that that phrase, "on-line
21 edit capability," means that BellSouth was obligated to
22 implement the edits for Supra. Conversely, BellSouth's
23 position is that when you use the phrase "on-line edit
24 capability" and specifically the word "capability," you meant
25 providing Supra the tools necessary for Supra itself to develop

1 its OSS and allow it to provide for on-line edit checking
2 capability. BellSouth's interpretation is entirely consistent
3 with its obligations under the Act for nondiscriminatory access
4 in the underlying contract.

5 Now for your convenience and to ease this opening
6 statement, I provided you a white binder. In those binders are
7 excerpts of relevant decisions from this Commission in this
8 proceeding. And I'd like to point out a few things for you.
9 On Page 1 -- excuse me. Tab 1, Page 47, the Commission issued
10 it's July '98 order. And in that order in the highlighted
11 language you'll see that the Commission ordered BellSouth to
12 modify its ALEC ordering systems so that the systems provide
13 the same on-line edit checking capability to Supra that
14 BellSouth's retail ordering systems provide.

15 In October 1998, which is Tab 2 on Page 15, this
16 Commission clarified its ruling, its July '98 ruling, and found
17 that BellSouth was not obligated to place equipment at Supra's
18 premises or provide the exact same interfaces that it uses in
19 providing on-line edit checking capability. Similarly on Page
20 21, this Commission reinforced its clarification and stated
21 that BellSouth was not required to duplicate its RNS and DOE
22 interfaces at Supra's premises.

23 February 2000, which is Tab 3 on Page 10, this
24 Commission clarified again that BellSouth can provide on-line
25 edit checking capability through LENS or EDI, and that had TAG

1 been considered, which is BellSouth's third ordering interface,
2 it was entirely possible that this interface would have met the
3 on-line edit requirement.

4 And in September 2000 this Commission reopened the
5 record in this case, if you look on Page -- Tab 4, Page 7, to
6 allow the decisions and information from the third-party test
7 to be used to determine whether BellSouth's OSS provides
8 on-line edit checking capability.

9 Now Mr. Chaiken told you in his opening statement
10 that the record is closed. Well, it's not. You reopened the
11 record. You can consider whatever you want to consider in
12 determining whether BellSouth's complied with this Commission's
13 orders. And to be quite frank with you, the reason why some of
14 the arguments were not laid out back in 1998 that we're going
15 to present to you today is because we weren't aware that Supra
16 had actually raised the on-line edit checking capability as an
17 issue. It came up through the order and, as a result of that
18 order, we've had all these subsequent motions for consideration
19 and requests for clarification to find out exactly what you
20 mean. But clearly as of September 2000 the record is open.

21 Finally, in February of 2003, without any action by
22 Supra as it sat on its hands for over three years, this
23 Commission issued a PAA finding that BellSouth had complied
24 with its requirements back in 1998.

25 Now as I stated to you, we are here today because the

1 parties disagree about literally the phrase "on-line edit
2 capability." And what Supra is arguing to you is that it was
3 BellSouth's responsibility -- that you intended for BellSouth
4 to do what Supra could have done but chose not to for
5 financial/litigation reasons. This does not equate into a
6 violation of an order. And at the end of the day today I think
7 you'll find that BellSouth's interpretation of what you meant
8 is the only logical choice.

9 For instance, in the October 1998 order, which is Tab
10 2, you clarified that BellSouth was not obligated to duplicate
11 its retail systems or install hardware at Supra's premises to
12 comply with the FPSC's order. This is a very important point,
13 because to do what Supra is asking you to order us to do today
14 or find that we're in violation of, which is to implement these
15 on-line edits, would require us to duplicate our own retail
16 systems and install hardware on Supra's premises. There's no
17 other way to do it. And Supra provides you no evidence to the
18 contrary.

19 In addition, Supra's interpretation of your orders
20 will require BellSouth to provide something greater to Supra
21 than nondiscriminatory access. Importantly, since the issuance
22 of the 1998 orders, this Commission has found on numerous
23 occasions that BellSouth's obligation is to only provide
24 nondiscriminatory access and that BellSouth is not required to
25 duplicate its retail systems or provide Supra with direct

1 access to its retail systems.

2 For instance, if you look on Tab 6 on Page 120, which
3 is an excerpt from this Commission's final order in the
4 Supra/BellSouth arbitration, you see that this Commission
5 states that Rule 51.313(c) obligates BellSouth to provide ALECs
6 and Supra nondiscriminatory access of the functionalities of
7 preordering, ordering, provisioning, maintenance and repair,
8 and billing of the incumbent LEC's OSS, but not the direct
9 access that Supra is seeking.

10 Again on Page 142, another issue raised by Supra
11 wherein they're attempting to get the same databases that
12 BellSouth's retail system have, this Commission rejected
13 Supra's request for direct access and said that BellSouth is
14 only obligated to provide nondiscriminatory access. And in
15 reaching that decision, this Commission cited to the
16 October 1998 order in this docket, thereby indicating that when
17 you issued that rule on clarification about not being required
18 to duplicate its RNS in those systems, you meant BellSouth was
19 just obligated to provide nondiscriminatory access because
20 that's what you found in this arbitration proceeding.

21 Likewise, if you go to Tab 7, which is the FCC's
22 Florida/Tennessee 271 order, the FCC finds in Paragraph 67 and
23 69 that BellSouth provides nondiscriminatory access to its OSS.
24 And in describing what is nondiscriminatory access, on Footnote
25 196 the FCC provides an example. And they state specifically

1 that, a BOC must provide competing carriers the specifications
2 necessary to design their systems' interfaces, and business
3 rules necessary to format orders. That's what
4 nondiscriminatory access means according to the FCC. And
5 that's exactly what BellSouth did in providing Supra with the
6 SOER edits and business rules necessary to implement on-line
7 edit checking if it so desired.

8 You're going to hear a lot about the third-party test
9 and what it proved or what it did not prove, but I don't think
10 there's any dispute that it proved that BellSouth provides
11 nondiscriminatory access. You relied on a third-party test in
12 making that decision. The FCC relied on a third-party test in
13 making that decision as well.

14 And what the third-party test shows is that the CLECs
15 have the ability, using BellSouth's SOER edits and business
16 rules, to develop whatever machine and machine interface they
17 desire in order to implement their business needs.

18 I'd like to also point out that in the FCC's
19 decision, Paragraph 76, the FCC directly addresses this
20 argument regarding what BellSouth is obligated to do regarding
21 its OSS, and it's refuting an argument raised by Supra.
22 Contrary to Supra's assertions, we have never held that a
23 competitive LEC must access the BOC's OSS in the identical
24 manner as does the BOC.

25 Now finally when you're hearing the arguments today,

1 I ask that you think about the big picture. What I mean by
2 that is that there's going to be some overall questions that I
3 think you should toss around in your head when you're
4 considering the arguments. First is that this case is old. We
5 are here today interpreting what you meant back in 1998. Since
6 the issuance of this order, Supra has been operating or has
7 operated under two different contracts. In the rapidly
8 changing telecommunications industry this six-year time period
9 is equivalent to the time period associated with today's date
10 to the Middle Ages. Law has changed, technology has changed,
11 BellSouth's OSS has changed, markets have matured, Supra has
12 provided -- I mean, excuse me, BellSouth has been awarded
13 271 approval, and both this Commission and the FCC has found
14 that BellSouth provides nondiscriminatory access to its OSS.
15 These facts cannot be ignored. And in light of your September
16 2000 order when you reopened the record in this case, you
17 should consider them.

18 The second overriding question is how has Supra been
19 harmed? The evidence you'll hear today will establish that in
20 2002 Supra stated that it had over 300,000 access lines and
21 that it was considered the fastest growing BellSouth network
22 customer. Quite recently Supra said that 2003 was its best
23 year ever. Query: How vital was this on-line edit checking
24 capability that Supra says we never provided to Supra if it was
25 able to become the fastest growing BellSouth network customer

1 without it?

2 The evidence will also show that from 2000 to the
3 time the Commission issued its PAA in 2003, Supra did not seek
4 any affirmative relief from this Commission regarding this
5 proceeding. Again, ask yourself why a company who claims that
6 this on-line edit checking capability is vital to its
7 continuing operations would remain silent for a full three
8 years and a full year after the third-party test is concluded?
9 The evidence will also show that instead of developing its own
10 OSS, Supra used \$5 million to create offshore call centers in
11 Costa Rica, the Dominican Republic and Ghana. Clearly Supra
12 had a capital had it so chose to use it, but for whatever
13 reason, maybe litigation reasons, they chose not to do what
14 they could have done.

15 The evidence will also show that Supra is the only
16 CLEC to have ever raised this complaint. Again, if this
17 function can only be provided by BellSouth, you would think
18 that other ALECs would complain about it.

19 COMMISSIONER DEASON: Mr. Meza, I'm going to ask you
20 to conclude your opening statement.

21 MR. MEZA: Yes, sir. Thank you. I apologize for
22 going over my time.

23 In light of these facts, it's truly a mystery why
24 we're here today fighting over ancient history that has no
25 application to today and which has been rendered moot by

1 subsequent decisions of this Commission and the FCC. Only
2 Supra can answer that question of why we're here. But I can
3 tell you that we are not here today because BellSouth has
4 violated a Commission order. Thank you.

5 COMMISSIONER DEASON: And thank you. I believe we
6 can swear in our two witnesses. If they will please stand and
7 raise their right hand.

8 (Witnesses collectively sworn.)

9 COMMISSIONER DEASON: Thank you. Supra, you may call
10 your witness.

11 MR. CHAIKEN: Supra calls David Stahly.

12 DAVID STAHLY

13 was called as a witness on behalf of Supra Telecommunications
14 and Information Systems, Inc., and, having been duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MR. CHAIKEN:

18 Q Good morning, Mr. Stahly.

19 A Good morning.

20 Q Can you please state your name and address for the
21 record.

22 A Sure. My name is David Stahly. My business address
23 is 2620 Southwest 27th Avenue Street or, excuse me, 27th
24 Street, Miami, Florida.

25 Q By whom are you employed?

1 A Supra Telecom.

2 Q Have you previously caused to be prepared and
3 prefiled in this docket both direct and rebuttal testimony?

4 A Yes.

5 Q Do you have any substantive additions, corrections or
6 changes to make to the testimony at this time?

7 A No.

8 Q If I were to ask you the same questions that were
9 posed in your prefiled direct and rebuttal testimonies, would
10 your answers to those questions be the same?

11 A Yes.

12 MR. CHAIKEN: Commissioner Deason, I'd like to have
13 the testimony of Mr. Stahly inserted into the record as if
14 read.

15 COMMISSIONER DEASON: Okay. Let me ask a question.
16 Are we going to be doing direct and rebuttal at the same time?

17 MR. CHAIKEN: We're not going to be doing direct and
18 rebuttal?

19 COMMISSIONER DEASON: I don't -- that's my question.

20 MR. CHAIKEN: Yes, we are.

21 COMMISSIONER DEASON: Yes, we are. We are.

22 MR. CHAIKEN: The parties have agreed to do direct
23 and rebuttal at the same time.

24 COMMISSIONER DEASON: Okay. Without objection, both
25 the direct and the rebuttal prefiled testimony of Witness

1 Stahly shall be inserted into the record.

2 MR. CHAIKEN: Thank you, Commissioner.

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1 I. INTRODUCTION, PURPOSE, AND SUMMARY OF TESTIMONY.

2 Q. Please state your full name, position, and business address.

3 A. My name is David E. Stahly. I am employed by Supra Telecommunications and
4 Information Systems, Inc. ("Supra Telecom") as a Director of Regulatory Affairs. My
5 business address is 2620 SW 27th St.; Miami, FL 33133.

6

7 Q. Please describe your educational background, work experience and
8 present responsibilities.

9 A. I graduated from the University of Chicago with a Master of Arts degree in Public
10 Policy and from Brigham Young University with a Bachelor of Arts degree in Economics.

11

12 I began working for Supra Telecom in September 2002. My responsibilities include
13 negotiating interconnection agreements with ILECs, CLECs, and wireless carriers, tariff
14 development, cost studies, and state and federal regulatory work. Prior to joining Supra
15 Telecom, I spent eleven years at Sprint in a variety of capacities including Sprint's local
16 telephone division, long distance division, and CLEC operations. I negotiated Sprint's
17 interconnection agreement with Qwest, developed policy for Sprint's long distance and
18 CLEC divisions and testified in 60 proceedings as an expert witness. I also conducted
19 competitive analysis for Sprint's local division and developed several cost studies for
20 switched and special access as well as local products. I have filed testimony and/or

1 testified before regulatory Commissions in 26 states in 60 proceedings including one
2 proceeding before the Florida Public Service Commission.¹

3
4 Prior to joining Sprint, I worked for the Illinois Commerce Commission as an Executive
5 Assistant to the Commissioners for four years providing financial and economic analyses
6 of cost studies and other issues for telecommunications, gas and electric utilities.

7

8 **Q. What is the purpose of this docket?**

9 A. The purpose of this docket is for the Commission to hold an evidentiary hearing
10 to determine (1) whether EDI and LENS provide the same online edit checking
11 capability as BellSouth's RNS program, and (2) if BellSouth has still not timely complied
12 with this Commission's previous orders to provide Supra with the same online edit
13 checking capability that it provides to itself.

14

15 **Q. Please provide a brief description of your testimony.**

16 A. My testimony will address the requirements of the Commission's several orders
17 in Docket No. 980119 and BellSouth's continual refusal and failure to comply with the
18 requirement to provide online edit checking to Supra. I will discuss the several
19 commission orders in this docket and explain why the Commission erred in its findings
20 in Order No. PSC-03-1178-PAA-TP issued October 21, 2003 by relying on the KPMG
21 OSS study. I will discuss the flaws of the KPMG OSS study and show that BellSouth
22 did not provide and still does not provide Supra with "the same online edit checking"

¹ Case No. 961173-TP, In The Matter Of Sprint's Arbitration With GTE For An Interconnection Agreement.

1 capabilities that it provides to itself. Specifically, I will address these issues as outlined
2 in the issues list attached as Attachment A to the Commission's Procedural order which
3 are as follows:

4 **ISSUE 1:** What did the Florida Public Service Commission order regarding on-line
5 edit checking capability in this docket?

6 **ISSUE 2:** Has on-line edit capability been made available in the manner required by
7 the Commission's prior orders in this docket?

8 **ISSUE 3:** Did the third party test performed by KPMG in Dockets Nos. 980786 and
9 981834 resolve any issues in this proceeding?

10 **ISSUE 4:** Has BellSouth timely complied with the Commission's previous orders in
11 this docket?

12

13 **II. BACKGROUND: WHY ON-LINE EDIT CHECKING IS CRUCIAL FOR SUPRA**
14 **TELECOM**

15

16 **Q. What is on-line edit checking?**

17 A. Online edit checking describes the ability of an automated computer system to
18 check the correctness of the information in the online order entry forms in real-time that
19 sales representatives enter as they are on the phone with the customer filling out an order
20 entry form to switch the customer's local phone service to their company. A good online
21 edit checking system immediately alerts the sales representative (while they are still on the
22 phone with the customer) that a field entry is incorrect and must be corrected before the
23 representative can submit the order for processing.

1 **Q. Why is on-line edit checking important for the ordering process?**

2 A. When a sales representative is on the phone with a customer that wishes to
3 change their local telephone service provider, the sales representative fills out an order
4 form online that they will submit to BellSouth to switch the customer to their company's
5 phone network. BellSouth requires that all of the information on the order entry form be
6 100% accurate. An error as small as a misplaced comma, can cause an order to be
7 rejected. This information includes the customer's correct name, billing information, and
8 address where the new service is to be installed, the types of services being order, when
9 the service is to begin, etc. If any single entry on the system is incorrect, BellSouth will
10 reject the order and send it back to the CLEC for correction. Supra has experienced
11 notification delays of anywhere from a couple of hours to a couple of days. These delays
12 prevent the CLEC from getting its customer's new service installed on a timely basis.

13

14 **Q. Which system does BellSouth use for on-line edit checking and what**
15 **capabilities does it provide to BellSouth's representatives?**

16 A. BellSouth provides to its own sales representatives with the Regional Navigation
17 System ("RNS") which provides on-line edit checking system. RNS immediately informs
18 the BellSouth sales representative that information on the form is incorrect and must be
19 corrected before the representative can submit the order. Thus, while the BellSouth sales
20 representative is still on the phone with the customer, the representative can easily get the
21 correct information from the customer. RNS ensures that the BellSouth representative will
22 only submit orders that are 100% accurate and will not be rejected by BellSouth's Service

1 Order Communications System ("SOCS") ensuring speedy processing of its customers
2 orders.

3

4 **Q. Which system does BellSouth provide to Supra and other CLECs for on-line**
5 **edit checking and what capabilities does it provide to the CLECs' representatives?**

6 A. BellSouth provides CLEC sales representatives with the LENS and the EDI
7 systems which do not have on-line edit checking. LENS and EDI do not inform the CLEC
8 sales representative that information in the form is incorrect. Thus, the CLEC sales
9 representative may submit an order that has an error which will cause the order to be
10 rejected by BellSouth Network group. As I noted above, a couple of days may pass
11 before BellSouth notifies the CLEC that the order has been rejected because of an error
12 on the online form. The CLEC sales representative must then contact the customer again
13 and get the correct information and resubmit it to BellSouth. If there are other errors on
14 the order entry form not noted the first time, BellSouth will again reject the form and send it
15 back to the CLEC and the CLEC will have to contact the customer again. The end result
16 is that the CLEC is delayed in submitting a completed order to BellSouth which delays the
17 customers' service from being changed to the CLECs' network. The delays and multiple
18 customer contacts can often be great enough to cause the customer to cancel their order
19 with the CLEC and remain with BellSouth. I estimate that virtually all of Supra's orders
20 would be error-free if BellSouth provided Supra with the same online edit checking
21 capabilities that it provides to itself.

22

23

1 **Q. How can the Commission resolve this problem?**

2 A. The Commission can enforce its original order in this docket and require BellSouth
3 to provide the same on-line edit checking capabilities to Supra that BellSouth provides to
4 itself so that Supra can submit orders that are 100% error-free. Supra is not asking this
5 Commission to do something new; only that this Commission insist that BellSouth comply
6 with this Commission's original order. If BellSouth had complied with this Commission's
7 Order in 1998, the outcome of the KPMG tests of 2001 and 2002 would have been
8 substantially different. By enforcing the order, the Commission can help CLECs provide a
9 higher quality of service that will lead to higher customer satisfaction with the CLEC - and
10 in turn with the competitive environment as a whole.

11

12 **ISSUE 1: What did the Florida Public Service Commission**
13 **order regarding on-line edit checking capability in this**
14 **docket?**

15

16 **Q. What did the Florida PSC order regarding on-line edit checking capability in**
17 **this docket?**

18 A. The commission has issued two orders in Docket No. 98-0119-TP expressly
19 requiring BellSouth to provide Supra with the same online edit checking capabilities that

1 BellSouth provides to itself; Order No. PSC-98-1001-FOF-TP issued on July 22, 1998²
2 and Order No. PSC-98-1467-FOF-TP issued on October 28, 1998³.

3
4 **Q. What did the Florida PSC order regarding on-line edit checking capability in**
5 **Order No. PSC-98-1001-FOF-TP?**

6 A. In Docket 98-0119, Order No. PSC-98-1001-FOF-TP, the Commission ordered
7 BellSouth to modify LENS to provide the same on-line edit checking capabilities to Supra
8 that BellSouth provides to itself. On page 19, the order stated:

9 "... we find that BellSouth shall be required to modify LENS to give
10 Supra the same ordering capability that BellSouth's RNC system provide
11 itself in order to comply with the parity provision in the parties' agreement."⁴
12 (Underline added for emphasis).
13

14 And again on page 22 of the same order, the Commission determined:

15 "We do, however, note that Supra contended that BellSouth's ALEC
16 ordering systems do not provide the same online edit checking capability
17 that BellSouth's retail ordering systems provide. We believe the same
18 interaction and edit checking capability must take place when an ALEC is
19 working an order as when BellSouth's retail ordering systems interact with
20 BellSouth's FUEL and Solar databases to check the accuracy of
21 BellSouth's orders. Based upon the evidence, it does not appear that this
22 interaction currently takes place in a manner that gives Supra adequate
23 online edit checking ability."⁵ (Underline added for emphasis).

² See Docket No. 98-0119; Order No. PSC-98-1001-FOF-TP; Before the Florida Public Service Commission; In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; issued July 22, 1998.

³ See Docket No. 98-0119; Order No. PSC-98-1467-FOF-TP; Before the Florida Public Service Commission; In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; issued October 28, 1998.

⁴ See Order No. PSC-98-1001-FOF-TP, p. 19.

⁵ Id., p. 22.

1 **Q. What did the Florida PSC order regarding on-line edit checking capability in**
2 **Order No. PSC-98-1467-FOF-TP?**

3 A. After BellSouth lost this issue in the first order (July 22, 1998 Order), BellSouth filed
4 a Motion for Reconsideration and argued that the Commission "went beyond the evidence
5 and the testimony"⁶ in reaching a decision to require BellSouth to provide Supra with on-
6 line edit checking and that "online edit checking capability was never an issue in this
7 case"⁷

8
9 In response to BellSouth's Motion for Reconsideration, the Commission issued another
10 order on October 28th, 1998 and clearly stated "we hereby deny Bellsouth's Motion for
11 Reconsideration."⁸ The Commission confirmed their earlier finding from the July 22nd
12 Order that BellSouth must provide the same on-line edit checking capability to Supra that it
13 provides to itself and that BellSouth bore the burden of providing that capability. The
14 October 28th Order quoted the above cite from the July 22nd Order and then added the
15 following in reference to the July 22nd Order:

16 ...we found (in the July 22nd order) that BellSouth must also provide the
17 same edit checking capability in order to comply with the terms of the
18 agreement."⁹
19

20 The Commission went on to specifically state that while BellSouth does not have to
21 provide Supra with the exact same interfaces that it uses, BellSouth must provide Supra
22 with the exact same capabilities as its systems. In the October 28th order, the
23 Commission clearly stated:

⁶ See Order No. PSC-98-1467-FOF-TP, p. 12.

⁷ Id., p. 12.

⁸ Id. p. 15.

⁹ Id. p. 15

1 "As set forth in our order, BellSouth's FUEL and Solar databases have
 2 simultaneous interaction with BellSouth's ordering interfaces, so that
 3 errors in an order being worked by a service representative are
 4 immediately identified. If an error is identified, the BellSouth service
 5 representative can make corrections before the order is completed.
 6 BellSouth shall provide Supra with this same capability through the
 7 ordering interfaces provided to it, as identified in the parties' agreement."¹⁰
 8

9 There is absolutely no question that the Commission has twice ordered BellSouth
 10 to provide Supra with the exact same online edit checking capabilities that
 11 BellSouth provides to itself.
 12

13 **Q. Is BellSouth responsible to develop the online edit checking**
 14 **interface?**

15 A. Yes. There are two important points to note in the Commission's order.
 16 First, the Commission expressly stated that BellSouth must provide Supra with the
 17 same online edit checking capabilities that it has in its system; and second, that it is
 18 BellSouth's responsibility to provide the system. That is, it is not enough for
 19 BellSouth to simply provide a software programming language that can be used at
 20 great time and expense to the CLEC to develop an interface that provides online
 21 edit checking; but rather, that BellSouth must develop an interface that provides
 22 Supra with the "ordering interface" that gives Supra online ordering capability. As I
 23 discussed above the Commission clearly stated that:

24 "… BellSouth shall be required to modify LENS to give Supra the
 25 same ordering capability that BellSouth's RNC system provide itself in order
 26 to comply with the parity provision in the parties' agreement."¹¹
 27

¹⁰ Id., pp. 15 – 16.

¹¹ See Order No. PSC-98-1001-FOF-TP, p. 19.

1 **ISSUE 2: Has online edit capability been made available in**
2 **the manner required by the Commission's prior orders in this**
3 **docket?**

4
5 **Q. Has BellSouth provided the same on-line edit checking capabilities to Supra**
6 **that BellSouth provides to itself?**

7 A. No. BellSouth has not provided the same on-line edit checking capabilities to
8 Supra that BellSouth provides to itself. That is why this proceeding is necessary: to allow
9 the Commission to determine for itself, through an evidentiary process, whether BellSouth
10 is in deed providing Supra with the same on-line edit checking capabilities that BellSouth
11 provides to itself.

12
13 **Q. In Order No. PSC-00-0288-PCO-TP issued February 11, 2000, did the**
14 **Commission find that BellSouth was still not providing online edit checking?**

15 A. Yes. As of February 11, 2000, the Commission found that BellSouth was still not
16 providing online edit checking to Supra.¹²

17
18 **Q. What did the Commission find in Order No. PSC-03-1178-PAA-TP issued**
19 **October 21, 2003 regarding whether BellSouth was providing online edit checking?**

¹² See Docket No. 98-0119; Order No. PSC-00-0288-PCO-TP; Before the Florida Public Service Commission; In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; issued February 11, 2000.

1 A. In the proposed agency action Order No. PSC-03-1178-PAA-TP¹³ issued October
2 21, 2003, the Commission stated that BellSouth was providing “sufficient online editing
3 capability”¹⁴ and that BellSouth had complied on a timely basis with the online edit
4 checking requirements set forth in Order No. PSC-98-1001-FOF-TP.

5
6 **Q. Do you agree with the Commission’s determination in the proposed agency
7 action Order No. PSC-03-1178-PAA-TP and, if not, why not?**

8 A. No, I don’t agree with the Commission’s proposed conclusion in Order No. PSC-03-
9 1178-PAA-TP. The proposed conclusion is incorrect because it is relying on the FCC’s
10 271 BellSouth approval. The FCC’s review was limited to BellSouth’s 271 Florida
11 approval. The FCC did not take any evidence of its own with respect to the issues raised
12 in Florida regarding BellSouth’s OSS. KPMG performed testing on BellSouth’s OSS. The
13 KPMG testing did not test whether BellSouth was providing the same online edit checking
14 capability to CLECs. Thus, I do not believe that reliance on a comment, made by the FCC
15 in its 271 approval - in which no independent evidence was taken and KPMG admittedly
16 did no specific evaluation of the on-line edit checking capability – is appropriate to justify
17 the proposed conclusion in Order No. PSC-03-1178-PAA-TP. I submit that there is
18 sufficient evidence to prove that BellSouth is, in fact, not providing Supra with “same edit
19 checking capability” as it was required to provide by the Commission in Order No. PSC-
20 98-1001-FOF-TP.

¹³ See Docket No. 98-0119; Order No. PSC-03-1178-PAA-TP; Before the Florida Public Service Commission; In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; issued October 21, 2003.

¹⁴ Id., p. 6.

1 **Q. What evidence do you have that BellSouth is not providing Supra with the**
2 **same online edit checking as it provides to itself?**

3 A. Quite simply, the system that BellSouth has provided to Supra for local service
4 order entry still allows CLEC sales representatives to submit orders with errors that will be
5 rejected by BellSouth. Supra's local service request orders are still rejected by BellSouth
6 due to errors. All of these errors and rejections could have been avoided if BellSouth
7 provided Supra with the same online edit checking that BellSouth provides to its own sales
8 representatives. BellSouth's RNS system, on the other hand, does not allow its sales
9 representatives to submit orders with errors; thus, none of BellSouth's orders are rejected
10 due to errors on the order entry form. Supra seeks the same capability of online edit
11 checking.

12
13 **Q. Do you agree with BellSouth's claim that TAG allows CLECs to access all**
14 **of the online edit capabilities available through the Local Exchange Ordering**
15 **(LEO) and Local Exchange Service Order Generator (LESOG) databases?**

16 A. No, TAG does not. Despite the existence of TAG, the Commission found that
17 BellSouth failed to make available the same on-line edit capabilities it uses in RNS
18 through either EDI or LENS.¹⁵ The Commission concluded that the present capabilities
19 of EDI and LENS did not provide the same on-line edit checking capabilities as ordered
20 by the Commission.¹⁶

21

¹⁵ See Order No. PSC-00-0288-PCO-TP, Issued February 11, 2000. pg. 13.

¹⁶ See Order No. PSC-00-0288-PCO-TP, p. 10.

1 TAG is not sufficient to comply with the Commission's orders because TAG is not a
2 CLEC ordering interface; it is a computer programming language that is supposed to
3 allow CLECs to access different BellSouth databases. In order to use TAG, Supra
4 must install equipment and software to make a digital connection to BellSouth and then
5 hire a C++ programmer to create a program like LENS that will interact with BellSouth's
6 systems using TAG commands. Thus, TAG requires the CLEC (instead of BellSouth) to
7 develop a system that has the required on-line edit checking capabilities. Installing
8 equipment and programming in C++ could take over a year and costs hundreds of
9 thousands of dollars for a CLEC to complete the computer modifications and
10 programming necessary to use TAG.¹⁷

11
12 The Commission's original order placed the burden on BellSouth to develop and
13 implement the same online edit capability to the available interfaces of EDI and LENS. In
14 Docket 98-0119, Order No. PSC-98-1001-FOF-TP, the Commission specifically ordered
15 BellSouth to modify LENS; not to provide TAG so that Supra could do the work itself and
16 modify LENS. Page 19, the order clearly stated:

17 "... we find that BellSouth shall be required to modify LENS to give
18 Supra the same ordering capability that BellSouth's RNC system provide
19 itself in order to comply with the parity provision in the parties' agreement."¹⁸
20

21 TAG is not an ordering interface that replaces LENS. It is a computer programming
22 language that requires the CLEC to develop and implement the edit checking capability

¹⁷ The necessity of hiring a C++ programmer was corroborated by the Commission. In the section entitled "New Interfaces – Informational Analysis Only" of Order No. PSC-00-0288-PCO-TP, the Commission made the following acknowledgment: "Robo-TAG [no longer provided by BellSouth] is another option for those ALECs that want to avoid the extensive C++ programming required to implement TAG." (Underline added for emphasis)

¹⁸ See Order No. PSC-98-1001-FOF-TP, p. 19.

1 which is contrary to the explicit order of the Commission. Interestingly, BellSouth's
2 position has remained the same that the mere existence of the TAG computer
3 programming language demonstrates BellSouth is in compliance.
4

5 **ISSUE 3: Did the third party test preformed by KPMG in**
6 **Dockets Nos. 980786 and 981834 resolve any issues in this**
7 **proceeding?**

8

9 **Q. Did the third party test preformed by KPMG in Dockets Nos. 980786 and**
10 **981834 resolve any issues in this proceeding?**

11 A. No. This specific proceeding is focused on whether BellSouth is providing Supra
12 Telecom with online edit checking. KPMG did not conduct any study to determine if
13 BellSouth was providing Supra Telecom with the same online edit checking capability.
14 KPMG did not take evidence from Supra or any other CLEC regarding whether BellSouth
15 had met its burden of providing the same online edit checking capability through either
16 LENS or EDI.

17

18 On September 28, 2000, the record in this docket was reopened to allow BellSouth to
19 utilize the 271 KPMG hearing process to demonstrate that BellSouth was in compliance
20 with the Commission's previous orders regarding online edit checking. The Commission
21 stated that it would allow evidence developed in Docket No. 960786B-TL to be used to
22 demonstrate compliance. Part B of this docket was a closed docket meaning that no

1 CLEC was allowed to introduce evidence into this docket. KPMG simply issued a report
2 after conducting its own evaluations of BellSouth's overall Operational Support System
3 ("OSS"). KPMG did not evaluate nor determine whether BellSouth had met its burden of
4 providing the same online edit checking capability that it uses in RNS through its LENS
5 and EDI interfaces.

6
7 Therefore, the KPMG proceeding cannot be relied upon to make a determination as to
8 whether BellSouth is providing Supra Telecom with online edit checking.

9
10 **Q. When Staff issued its August 7, 2003 Recommendation¹⁹ to the Commission**
11 **that BellSouth was providing online edit checking, what evidence did Staff rely**
12 **upon?**

13 A. Staff cited to the following information in forming its opinion:

- 14 1) Statements made by BellSouth
15 2) The Consultative Opinion Regarding BellSouth[s Operational Support Systems -
16 Opinion No. PSC-02-1305-FOF-TL in Docket No. 960786B-TL (issued September 25,
17 2002),
18 3) The FCC's finding in BellSouth's 271 application.

19

¹⁹ See Memorandum from Office of the General Counsel to Director, Division of the Commission Clerk & Administrative Services; RE: Docket No. 98-0119-TP - Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief; Date: August 7, 2003.

1 Unfortunately, all of these sources are flawed and none of them provided factual
2 information as to whether BellSouth was actually providing the same online edit checking
3 capability to Supra. I will discuss the problems with each source Staff relied upon for its
4 finding.

5
6 **Q. Why can't Staff or the Commission rely on BellSouth's statements regarding**
7 **whether BellSouth was providing online edit checking to Supra?**

8 A. BellSouth alleged that CLECs using TAG and EDI "have the capability to create
9 and tailor any on-line editing capability that is desired."²⁰ Regardless of whether a CLEC
10 can use TAG to create an online edit checking system or not, the point is that BellSouth
11 testified that it would only provide the TAG software and that it expected the CLECs to
12 develop their own online edit checking program using the TAG software. However, that is
13 not what the Commission ordered BellSouth to do in Order No. PSC-98-1001-FOF-TP. In
14 that order, the Commission specifically ordered BellSouth to provide the same on-line edit
15 checking capabilities to Supra that BellSouth provides to itself. On page 19, the order
16 stated:

17
18 "... we find that BellSouth shall be required to modify LENS to give
19 Supra the same ordering capability that BellSouth's RNC system provide
20 itself in order to comply with the parity provision in the parties' agreement."²¹
21

22 The Commission did not say that BellSouth should give Supra a software program to build
23 its own edit checking system. Rather, the order clearly stated that BellSouth bore the
24 burden of developing an online edit checking system and providing that system to Supra.

²⁰ See Memorandum; p. 6.

²¹ See Order No. PSC-98-1001-FOF-TP, p. 19.

1 The Commission clearly stated that: "BellSouth must also provide the same edit checking
2 capability in order to comply with the terms of the agreement."²²

3
4 Thus, proposed conclusion in the PAA erred in assuming that BellSouth's provisioning of
5 TAG software to develop an online edit checking system was the equivalent of BellSouth's
6 provisioning of an actual online edit checking system that provided Supra with the same
7 capability that BellSouth provides itself.

8
9 **Q. Why can't Staff or the Commission rely on the Commission's Opinion Order
10 No. PSC-02-1305-FOF-TL in Docket No. 960786B-TL (issued September 25, 2002)?**

11 A. The Commission cannot rely on Opinion Order No. PSC-02-1305-FOF-TL because
12 that opinion only looked at the KPMG OSS Study; and the KPMG OSS Study did not
13 review whether BellSouth was providing online edit checking to Supra or other CLECs. In
14 Opinion Order No. PSC-02-1305-FOF-TL, the Commission reviewed the KMPG study and
15 only looked at CLEC's overall access to BellSouth's OSS and not specifically at whether
16 BellSouth was provisioning online edit checking to CLECs. On page 24 of the
17 Consultative Opinion Regarding BellSouth[s Operational Support Systems, PSC-02-1305-
18 FOF-TP, the commission stated:

19
20 "Based on the overall results of the KPMG Consulting OSS test, we find
21 that BellSouth is providing nondiscriminatory access to its OSS for the
22 Pre-Ordering and Ordering domain. Additionally, we believe that BellSouth
23 is providing the documentation and support necessary for ALECs to
24 access and use the Pre-Ordering and Ordering OSS systems. The OSS
25 test results further prove that the systems for Pre-Ordering and Ordering
26 are operationally ready and provide an appropriate level of performance.

²² See Order No. PSC-98-1467-FOF-TP; October 28th, 1998; p. 15

1 We will continue to monitor flow-through results and are satisfied that the
2 SEEM plan is in place to correct future deficiencies."²³
3

4 **Q. Why can't the Staff or Commission rely on the FCC's findings in BellSouth's**
5 **271 application regarding whether BellSouth is providing online edit checking to**
6 **Supra?**

7 A. The Commission (FPSC) cannot rely on the FCC's findings in BellSouth's 271
8 application because the FCC took no evidence from CLECs and relied only on the KPMG
9 study for its determination. As discussed above, the KPMG cannot be used as evidence
10 because it did not review whether BellSouth was providing online edit checking to CLECs.
11 In its order, the FCC states that: "KPMG found LENS to be a nondiscriminatory interface . .
12 . since January 2000, LENS has used the TAG architecture and gateway and has
13 essentially the same pre-ordering and ordering functionality . . . as TAG."²⁴ Nowhere in its
14 investigation did the FCC specifically look at the issue of whether BellSouth had provided
15 Supra with access to same online edit checking capability. Thus, the FCC's statement in
16 the BellSouth 271 application that LENS is a nondiscriminatory interface, cannot be used
17 by the FPSC to determine whether BellSouth is providing the same online edit checking to
18 Supra as it provides to itself.
19

20 **ISSUE 4: Has BellSouth timely complied with the**
21 **Commission's previous orders in this docket?**

²³ See Docket No. 960786B-TL; Order No. PSC-02-1305-FOF-TP, Consultative Opinion Regarding BellSouth's Operational Support Systems, issued September 25, 2002, p. 24.

²⁴ See Memorandum Opinion and Order, FCC 02-331 in WC Docket 02-307, 2002 FCC LEXIS 6811.

1 **Q. Has BellSouth timely complied with the Commission's previous orders in this**
2 **docket?**

3 A. No. BellSouth has not complied in a timely manner. This Commission ordered
4 BellSouth to comply by December 31, 1998²⁵ and BellSouth did not. Additionally, in
5 Order No. PSC-00-0288-PCO-TP, dated February 11, 2000, the Commission concluded
6 that BellSouth had failed to comply with the requirement to provide Supra with the same
7 online edit checking capability that BellSouth provided to itself. The order stated:

8
9 "Based on the foregoing, we find that BellSouth has complied with all
10 portions of our final decision in this case, Order No. PSC-98-1001-FOF-
11 TP, issued July 22, 1998, as clarified by Order No. PSC-98-1467-FOF-TP,
12 issued October 28, 1998, except for the specific requirements that
13 BellSouth should provide Supra with on-line edit checking capability by
14 December 31, 1998."²⁶
15

16 **CONCLUSION**

17 **Q. What is your conclusion?**

18 A. I conclude that BellSouth has not yet complied with the Commission's order to
19 provide Supra with the same online edit checking capabilities that BellSouth provides to
20 itself. As discussed above, in Order No. PSC-98-1001-FOF-TP, the Commission
21 specifically ordered BellSouth to modify the LENS system to provide the same on-line edit
22 checking capabilities to Supra that BellSouth provides to itself.

23
24 "... we find that BellSouth shall be required to modify LENS to give
25 Supra the same ordering capability that BellSouth's RNC system provide
26 itself in order to comply with the parity provision in the parties' agreement."²⁷
27

²⁵ See PSC-98-1467-FOF-TP, pgs. 15-16.

²⁶ See Order No. PSC-00-0288-PCO-TP, p. 12.

²⁷ See Order No. PSC-98-1001-FOF-TP, p. 19.

1 BellSouth has not modified LENS to provide Supra and other CLECs with the same
2 ordering capability that BellSouth's RNS system provide itself.

3

4 **Q. What action should the Commission take?**

5 A. The Commission should again order BellSouth to modify LENS to give Supra the
6 same ordering capability that BellSouth's RNS system provides itself. In the
7 alternative, this Commission should impose a penalty on BellSouth, for violating
8 Commission orders, under §364.285, Florida Statutes.

1 SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.

2 REBUTTAL TESTIMONY OF DAVID E. STAHLY

3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

4 DOCKET NO. 980119-TP

5 MAY 26, 2004

6

7 I. INTRODUCTION, PURPOSE, AND SUMMARY OF TESTIMONY.

8 Q. Please state your full name, position, and business address.

9 A. My name is David E. Stahly. I am employed by Supra Telecommunications and
10 Information Systems, Inc. ("Supra Telecom") as Director of Regulatory Affairs. My
11 business address is 2620 SW 27th St.; Miami, FL 33133.

12

13 Q. Are you the same David E. Stahly that filed direct testimony in this docket?

14 A. Yes.

15

16 Q. Please provide a brief description of your rebuttal testimony.

17 A. My testimony will address the direct testimony of Mr. Pate.

18

19 II. REBUTTAL OF PATE

20 Q. Do you agree with Mr. Pate's characterization of what the Commission
21 ordered BellSouth to do in Order No. PSC-98-1001-FOF-TP dated July 22, 1998
22 ("July 1998 Order")?

1 A. No. Mr. Pate only cited to part of the order and only part of the ordering paragraph
2 on page 47 of the July 1998 Order. When he quoted the Order, he omitted the first part of
3 the sentence which contained a key requirement from the July 1998 Order. Not only did
4 the Commission order BellSouth to provide “the same online edit capability to Supra that
5 BellSouth’s retail ordering systems provide,” but the Commission also specifically ordered
6 BellSouth to “modify the ALEC ordering systems so that the systems provide the same
7 online edit checking capability” The full ordering paragraph reads as follows:

8 “BellSouth shall modify the ALEC ordering systems so that the systems
9 provide the same online edit checking capability to Supra that BellSouth’s
10 retail ordering systems provide.”¹
11

12 That is the crux of the issue before the Commission today. BellSouth was specifically
13 ordered to “modify the ALEC ordering systems” to provide Supra with the same online edit
14 checking capability. Instead, BellSouth has simply handed Supra the TAG software and
15 told Supra to program its own CLEC ordering system to provide online edit checking.
16

17 In the July 1998 Order, the Commission specifically ordered BellSouth to modify LENS to
18 provide the same online edit checking capabilities to Supra that BellSouth provides to
19 itself. On page 19, the Order stated:

20 “... we find that BellSouth shall be required to modify **LENS** to give
21 Supra the same ordering capability that BellSouth’s RNS system provide
22 itself in order to comply with the parity provision in the parties’ agreement.”²
23 (Underline and bold added for emphasis).³
24

25 And again on page 22 of the same Order, the Commission determined:

¹ See Order No. PSC-98-1001-FOF-TP, p. 47.

² See Order No. PSC-98-1001-FOF-TP, p. 19.

³ Id. p. 19.

1 "We do, however, note that Supra contended that BellSouth's ALEC
2 ordering systems do not provide the same online edit checking capability
3 that BellSouth's retail ordering systems provide. We believe the same
4 interaction and edit checking capability must take place when an ALEC is
5 working an order as when BellSouth's retail ordering systems interact with
6 BellSouth's FUEL and Solar databases to check the accuracy of
7 BellSouth's orders. Based upon the evidence, it does not appear that this
8 interaction currently takes place in a manner that gives Supra adequate
9 online edit checking ability."⁴ (Underline added for emphasis).
10

11 **Q. Do you agree with Mr. Pate's characterization of what the Commission**
12 **ordered BellSouth to do in Order No. PSC-98-1467-FOF-TP dated October 28, 1998?**

13 A. No. Again, Mr. Pate doesn't cite all of the relevant statements that the Commission
14 ordered in the October 1998 Order and attempts to hide the fact that the Commission
15 ordered BellSouth to modify LENS to provide Supra with online edit checking capability. In
16 the October 1998 Order on Reconsideration, the Commission reaffirms all of its finding
17 from the July 1998 Order.

18 BellSouth shall provide Supra with the same capability through the ordering
19 interfaces provided to it, as identified in the parties' agreement.⁵
20

21 "We did, however, require BellSouth to modify LENS to allow Supra to have
22 the same ordering capability that Bellsouth's employees have through
23 RNS."⁶
24

25 BellSouth, in its Motion for Reconsideration and Clarification, acknowledged that it was
26 modifying LENS. In reference to BellSouth's Motion for Reconsideration, the October

⁴ Id., p. 22.

⁵ See Order No. PSC-98-1467-FOF-TP, pp. 15-16.

⁶ Id. p. 21.

1 1998 Order stated, "BellSouth indicated that it expects to have the modifications to LENS
2 that were required by us to be completed by February, 1999."⁷

3
4 The Commission did not require BellSouth to duplicate its RNS and DOE interfaces at
5 Supra's premises. But the Commission did order that "BellSouth shall provide Supra with
6 the same interaction and online edit checking capability through its interfaces that occurs
7 when BellSouth's retail ordering interfaces interact with BellSouth's FUEL and Solar
8 databases to check orders."⁸

9
10 Nothing in the October 1998 Order changed the Commission's requirement set forth in the
11 July 1988 Order that BellSouth modifies LENS to provide the same online edit checking
12 capabilities to Supra that BellSouth provides to itself.

13 "... we find that BellSouth shall be required to modify LENS to give Supra
14 the same ordering capability that BellSouth's RNS system provide itself in
15 order to comply with the parity provision in the parties' agreement."⁹
16 (Underline added for emphasis).

17
18
19 **Q. Is Supra harmed if it does not have the same online edit checking capability**
20 **that BellSouth has?**

21 A. Yes, as the Commission stated in the October 1998 Order, BellSouth's online edit
22 checking capability gives BellSouth an advantage.

23 "it is clear that BellSouth's online edit checking capability results in a
24 disparity in how errors are handled and orders are processed."¹⁰

25

⁷ Id. p. 21.

⁸ Id. p. 21.

⁹ See Order No. PSC-98-1001-FOF-TP, p. 19.

¹⁰ See Order No. PSC-98-1467-FOF-TP, p. 15.

1 "BellSouth's FUEL and Solar databases have simultaneous interaction with
2 BellSouth's ordering interfaces, so that errors in an order being worked by a
3 service representative are immediately identified. If an error is identified, the
4 BellSouth service representative can make corrections before the order is
5 completed. BellSouth shall provide Supra with this same capability through
6 the ordering interfaces provided to it, as identified in the parties'
7 agreement."¹¹
8

9 In short, because Supra experiences errors in its orders (while BellSouth does not), a
10 greater percentage of Supra's new customers experience delays in getting their new
11 phone service turned up. This creates the perception in the customers' mind that Supra is
12 providing an inferior quality service, thereby causing some customers to cancel their
13 orders before their service is even cut over to Supra and causing others to have little
14 patience with Supra's service once converted. These same dissatisfied customers will
15 likely compound the harm by informing other potential customers to avoid subscribing to
16 Supra's service as a result of the service delays they encountered when attempting to
17 make the transition from BellSouth.

18
19 A significant number of these delays could be avoided if BellSouth modified LENS, as
20 ordered by this Commission, to provide Supra with online edit checking which allows
21 Supra to immediately identify errors prior to an order being submitted so that Supra can
22 submit error-free orders (like BellSouth does) and avoid delays in transitioning service to
23 new customers and adding or changing service for existing customers.

24
25 **Q. Do you agree with Mr. Pate that BellSouth's creation of EDI fulfilled**
26 **BellSouth's obligation to modify LENS as required by the Commission?**

¹¹ Id. pp. 15 – 16.

1 A. Absolutely not. The earlier Commission orders were very clear that
2 BellSouth was required to modify LENS. Again, the Commission specifically stated:

3 "... we find that BellSouth shall be required to modify LENS to give Supra
4 the same ordering capability that BellSouth's RNS system provide itself in
5 order to comply with the parity provision in the parties' agreement."¹²
6 (Underline added for emphasis.)
7

8 Nowhere in any order did the Commission relieve BellSouth of its obligation to modify
9 LENS or that it, instead, could offer up EDI so that a CLEC could itself "create, customize
10 and tailor any online editing capability they desire using the SOER edits."¹³
11

12 **III. KPMG Third Party Test**

13 **Q. Do you agree with Mr. Pate that the KPMG Third Party Test (TPT) established**
14 **that BellSouth was providing Supra with online edit checking as required by the**
15 **Commission?**

16 A. No. The KPMG TPT did not test whether BellSouth was providing Supra with
17 online edit checking as required by the Commission. So it would be impossible to reach
18 such a conclusion.

19
20 **Q. If the KPMG TPT did not review whether BellSouth was providing Supra with**
21 **online edit checking as required by the Commission, then what did it review?**

22 A. The KPMG TPT had nothing to do with whether BellSouth was providing online edit
23 checking to Supra as required in the Commission's orders. Instead, the KPMG TPT only
24 tested whether BellSouth provided CLEC ordering systems were nondiscriminatory

¹² See Order No. PSC-98-1001-FOF-TP, p. 19.

¹³ See Direct Testimony of Ronald M. Pate, p. 7.

1 relative to BellSouth's own ordering systems. As even Mr. Pate acknowledges in his
2 testimony, the KPMG test was designed to test LSR orders that were submitted with errors
3 to determine if the output would correctly result in a clarification and flow the order back to
4 the CLEC for correction. This is substantially different than determining whether BellSouth
5 had modified LENS as required by the Commission to provide online edit checking which
6 would allow Supra to submit LSRs without errors.

7

8 **Q. Isn't that effectively, the same thing?**

9 A. No. There is a big difference between KPMG's testing whether the ordering
10 systems were nondiscriminatory versus determining whether BellSouth provided Supra
11 with the same online edit checking capabilities that it uses as required by the
12 Commission's Order. KPMG simply confirms that when BellSouth submits an error-free
13 order and a CLEC submits an error-free order, the process is completed in substantially
14 the same manner. KPMG confirms that when a CLEC submits an order which contains an
15 error, it flows back properly. Again, this has nothing to do with whether the CLEC's
16 ordering system has the same edit checking capabilities which would prevent the CLEC
17 from submitting an error-laden order in the first place.

18

19 **Q. Please explain the difference between KPMG's nondiscrimination test and**
20 **BellSouth's requirement to provide online edit checking.**

21 A. In a sense, it is like comparing apples to oranges. Simply stated, KPMG tested for
22 order acceptance and rejection between CLECs and BellSouth. However, for this docket
23 about online edit checking, the Commission needs to know whether BellSouth modified

1 the LENS system to provide Supra with the same online edit checking capability that
2 BellSouth has through its RNS system so that Supra can immediately identify any errors in
3 an order before submitting the order - so that Supra can consistently submit 100% error-
4 free orders just like BellSouth.

5
6 The KPMG test for nondiscrimination compared whether CLEC orders with and without
7 errors were processed and rejected or accepted with the same relative frequency as
8 orders submitted by BellSouth with and without errors. KPMG tested a batch of CLEC
9 orders containing errors and compared that to a batch of BellSouth orders containing
10 errors. KPMG also tested a batch of CLEC orders without errors and compared that to a
11 batch of BellSouth orders without errors. However, in the real world, BellSouth does not
12 submit orders with errors because its superior online edit checking systems identify the
13 errors **before** BellSouth submits the order. Therefore, BellSouth's orders are never
14 rejected. CLECs, on the other hand, don't have this superior online edit checking
15 capability and therefore, they submit numerous orders containing errors.

16
17 The crux of this docket is that BellSouth was ordered to modify the LENS systems so that
18 Supra could have the same online edit checking capability that BellSouth has through its
19 RNS system so that Supra could consistently submit 100% error-free orders just like
20 BellSouth. In the July 1998 Order, the Commission specifically ordered BellSouth to
21 modify LENS to provide the same online edit checking capabilities to Supra that BellSouth
22 provides to itself. On page 19, the Order states:

23 "... we find that BellSouth shall be required to modify LENS to give
24 Supra the same ordering capability that BellSouth's RNS system provide

1 itself in order to comply with the parity provision in the parties' agreement."¹⁴
2 (Underline added for emphasis).¹⁵
3

4 The KPMG TPT never investigated the LENS system to determine if BellSouth had,
5 indeed, modified LENS to give Supra the same ordering capability that BellSouth's RNS
6 system provided itself. KPMG's testing of order flow through cannot be considered a
7 substitute for modifying LENS to provide online edit checking.

8

9 **Q. Why can't KPMG's testing of order flow through be considered a substitute**
10 **for modifying LENS to provide online edit checking?**

11 A. KPMG's testing of order flow through cannot be considered a substitute for
12 modifying LENS to provide online edit checking because they are two totally separate
13 concepts. First, the Commission specifically ordered BellSouth to modify LENS to provide
14 Supra with online edit checking. Second, online edit checking allows BellSouth to submit
15 error-free orders virtually 100% of the time. Supra, on the other hand, does not have the
16 same online edit checking capabilities, and thus, does not submit error free orders 100%
17 of the time. In fact, a substantial number of Supra's orders contain errors and are returned
18 to Supra for correction or clarification.

19

20 **Q. If KPMG didn't find that BellSouth was providing Supra or other CLECs with**
21 **online edit checking, then what did KPMG find?**

22 A. KPMG simply found that the TAG interface and the LENS interface provide the
23 expected order functionality and were nondiscriminatory interfaces. In other words,

¹⁴ See Order No. PSC-98-1001-FOF-TP, p. 19.

¹⁵ Id. p. 19.

1 CLECs that submit orders with errors (unlike BellSouth that only submits orders without
2 errors), were not treated any different than BellSouth if BellSouth were to submit an order
3 with an error.

4
5 There are two problems with relying on KPMG's conclusion as "evidence" that BellSouth
6 has complied with the Commission's requirement to provide Supra with online edit
7 checking by modifying the LENS system. First, KPMG's conclusion has nothing to do with
8 whether BellSouth modified LENS to provide Supra with online edit checking; and second,
9 BellSouth does not submit service orders with errors.

10

11 **Q. Mr. Pate implies that nondiscriminatory access to preordering and ordering**
12 **systems are the same as BellSouth complying with a contract requirement and a**
13 **Commission order to provide online edit checking. Do you agree?**

14 A. No. Regardless of KPMG's conclusion that BellSouth's preordering and ordering
15 systems were nondiscriminatory, BellSouth has not complied with the terms of the
16 BellSouth/Supra interconnection agreement and the Commission's Order to modify LENS
17 to provide Supra with online edit checking.

18

19 **Q. Similarly, Mr. Pate implies that the FCC's finding that BellSouth was**
20 **providing nondiscriminatory access to preordering and ordering systems is the**
21 **same as BellSouth complying with a contract requirement and a Commission order**
22 **to provide online edit checking. Do you agree?**

1 A. No. Just like my concern with the KPMG study above, the FCC's conclusion that
2 BellSouth's preordering and ordering systems were nondiscriminatory, does not mean that
3 BellSouth has complied with the terms of the BellSouth/Supra interconnection agreement
4 and the Commission's Order to modify LENS to provide Supra with online edit checking.
5

6 **Q. How long does it take BellSouth to notify Supra that an order has been**
7 **rejected because it contains an error?**

8 A. When this docket first started, BellSouth took four to five business days to notify
9 Supra that an order has been rejected due to errors. Currently, BellSouth notifies Supra of
10 an order error on a timelier basis, but it is still not comparable to having an online edit
11 checking system that notifies the service representative of an error **before** the order is
12 even submitted to BellSouth.
13

14 **Q. What is the harm to Supra in submitting orders with errors?**

15 A. Supra's inability to submit 100% of its orders without errors causes a number of
16 problems for Supra and its customers. First, orders submitted with errors delay Supra's
17 ability to promptly convert new customers to Supra. Second, orders submitted with errors
18 sometimes result in Supra having to obtain more information from the customer, thereby
19 creating an impression of incompetence not associated with BellSouth. Third, delays
20 caused in changing service for existing customers causes irritation with Supra's current
21 customers who may leave Supra and/or provide negative comments about Supra to
22 friends and family resulting in lost opportunities for Supra.
23

1 **IV. BELLSOUTH'S FAILURE TO COMPLY WITH THE COMMISSION'S PREVIOUS**
2 **ORDERS IN THIS DOCKET**

3 **Q. Do you agree with Mr. Pate that BellSouth has timely complied with the**
4 **Commission's previous orders in this docket?**

5 A. No. BellSouth has not complied in a timely manner. As I stated in my Direct
6 Testimony, to date BellSouth has still not modified LENS to provide Supra with online
7 edit checking capabilities equivalent to BellSouth's online edit checking. As such,
8 BellSouth has necessarily missed the Commission's December 31, 1998 deadline¹⁶.

9
10 **Q. Does the KPMG TPT provide evidence that BellSouth had not complied**
11 **with the requirement to provide online edit checking?**

12 A. Yes. Had BellSouth complied with the Commission's requirement to modify
13 LENS so that it would provide online edit checking, then all CLECs submitting LSRs via
14 LENS would have been submitting error-free orders when KPMG conducted its test and
15 KPMG would not have had to test order flow through of orders containing errors.

16
17 **Q. Is there any way the Commission can physically and/or visually verify**
18 **whether BellSouth has complied with its previous orders, instead of relying solely**
19 **on the testimony of the parties?**

20 A. Absolutely. A simple side by side demonstration and comparison of BellSouth's
21 and Supra's systems can be arranged. This would allow the Commission to see for

¹⁶ See PSC-98-1467-FOF-TP, pgs. 15-16.

1 itself the discrepancy in the on-line edit checking capabilities and unequivocally prove
2 that BellSouth has failed to comply with the Commission's previous orders.

3

4 **V. CONCLUSION**

5 **Q. What is your conclusion?**

6 A. I conclude that BellSouth has not yet complied with the Commission's order to
7 provide Supra with the same online edit checking capabilities that BellSouth provides to
8 itself. As discussed above, in the July 1998 Order, the Commission specifically ordered
9 BellSouth to modify the LENS system to provide the same online edit checking capabilities
10 to Supra that BellSouth provides to itself.

11

12 "... we find that BellSouth shall be required to modify LENS to give Supra
13 the same ordering capability that BellSouth's RNS system provide itself in
14 order to comply with the parity provision in the parties' agreement."¹⁷

15

16 BellSouth has not modified LENS to provide Supra or any other CLEC with the same
17 online edit checking capability that BellSouth's RNS system provides itself.

18

19 Neither the KPMG Study nor the FCC investigation reviewed whether BellSouth had
20 complied with the terms of the BellSouth/Supra interconnection agreement and the
21 Commission orders to modify LENS to provide Supra with online edit checking. Rather
22 they looked at other facets of preordering and ordering, without addressing whether
23 BellSouth had modified LENS to provide Supra with the same online edit checking
24 capability that BellSouth's RNS system provides itself.

¹⁷ See Order No. PSC-98-1001-FOF-TP, p. 19.

- 1
- 2 **Q. What action should the Commission take?**
- 3 A. The Commission should find that BellSouth has yet to comply with Commission
- 4 orders and again order BellSouth to modify LENS to give Supra the same ordering
- 5 capability that BellSouth's RNS system provides itself. Additionally this Commission
- 6 should impose a penalty on BellSouth for its continued violation of its previous orders,
- 7 under §364.285, Florida Statutes.

1 BY MR. CHAIKEN:

2 Q Mr. Stahly, have you prepared a summary of your
3 testimony?

4 A Yes, I have.

5 Q Would you please proceed with that summary?

6 A Sure. Good morning, Commissioners. Six years ago
7 today this Commission ordered BellSouth to, quote, modify the
8 ALEC ordering systems so that the systems provide the same
9 on-line edit checking capability to Supra that BellSouth's
10 retail ordering systems provide.

11 It's Supra's opinion and my opinion that BellSouth
12 has yet to provide those on-line edit checking systems. The
13 case really can be summarized by the, the issues the Commission
14 set forth in this, and that is what -- one, what did the
15 Commission order BellSouth to do? And that was BellSouth shall
16 modify the on-line -- the ordering systems to provide on-line
17 edit checking.

18 Issue 2, has on-line edit capability been made
19 available in a manner required by the Commission's orders in
20 this previous docket -- in this docket? You look at the July
21 order, the October '98 order, the February 2000 order, the
22 answer is no. The Commission found BellSouth had not complied
23 with the requirement to provide on-line edit checking to Supra
24 by December 31st, 1998.

25 It comes down to Issue 3 then. Did the third-party

1 test performed by KPMG resolve the issue in this docket of
2 whether or not BellSouth provided on-line edit checking?

3 Here again, actually BellSouth agrees with us in the
4 sense that Mr. Pate agrees that the KPMG test did not look at
5 on-line edit checking or did not look to see if BellSouth had
6 modified its systems to provide on-line edit checking to Supra.

7 Then Issue 4, has BellSouth complied? No. As you've
8 heard already, this issue arises from a contract dispute. As
9 you're aware, parties are free to negotiate whatever they want
10 to in a contract beyond and above what the Act requires.
11 That's what's happened here. We negotiated with BellSouth to
12 get the exact same on-line edit checking capabilities that they
13 had. The Commission agreed with us and ordered BellSouth
14 saying based on the contract, this is what you folks have
15 agreed to, BellSouth. Modify your systems so Supra, when they
16 log on to their systems, they have the same capabilities that
17 you have to provide on-line edit checking to your customers.

18 The Commission in an October 28th -- excuse me,
19 October 28th, '98, order, excuse me, said it's clear that
20 BellSouth's on-line edit checking capability results in a
21 disparity in how errors are handled. So we know that there's
22 an issue there. The Commission has already found that, that
23 Supra's lack of on-line edit checking creates a disparity
24 between how our customers are treated and how customers that
25 call into BellSouth are treated. Hence, the Commission ordered

1 BellSouth to modify the ALEC's ordering systems so that Supra
2 could have the same on-line edit checking capability. The
3 Commission further noted, said, well, BellSouth's FUEL and
4 SOLAR databases have simultaneous interconnection with
5 BellSouth's ordering interfaces. It says, BellSouth shall
6 provide Supra with this same capability through the ordering
7 interfaces provided to it. The Commission didn't say,
8 BellSouth, give Supra a toolbox and let them go build
9 something. It said, BellSouth, provide Supra the same
10 capability at their ordering interfaces as intended by the
11 agreement.

12 I don't think there's any dispute that the agreement
13 says that LENS and EDI are the electronic ordering interfaces
14 available to Supra. Nowhere in that agreement does it say use
15 TAG or take TAG and modify it.

16 The Commission agreed. In February of 2000 the
17 Commission said, we intended at that time that BellSouth
18 provide, BellSouth provide the on-line edit checking capability
19 through either LENS or EDI. However, rather than modify LENS
20 or EDI as the Commission had ordered, BellSouth, rather, began
21 to allege that, well, TAG is what does it now and that's how
22 we're going to meet the requirement. Now the Commission said
23 at that time, you know, we hadn't considered TAG and to do so
24 we'd have to conduct a full hearing. But rather than conduct a
25 full hearing to look at TAG, let's see if the KPMG third-party

1 test does.

2 Well, KPMG conducted the test. It looked at a
3 different standard under the, under the Act, which is 271,
4 which is parity, which is a different standard altogether, as
5 opposed to looking at whether or not BellSouth modified their
6 ordering systems to provide Supra with on-line edit checking.

7 So we're not here today to talk about the
8 requirements of 271 or talk about parity under the Act. We're
9 here to talk about under the contract between Supra and
10 BellSouth did BellSouth modify their ALEC ordering systems to
11 give Supra on-line edit checking? The KPMG test never looked
12 at that. Mr. Pate acknowledged that in his deposition. So
13 here we are six years later. Supra has been, has been
14 successful in the market; however, we feel that we could be
15 more successful and give our customers a better experience if
16 we had on-line edit checking capability comparable to what
17 BellSouth has. And we still feel it's BellSouth's obligation
18 to comply with the Commission's order to provide Supra Telecom
19 with on-line edit checking. Thank you.

20 COMMISSIONER DEASON: Thank you. Do you tender the
21 witness?

22 MR. CHAIKEN: Yes.

23 COMMISSIONER DEASON: Okay. Mr. Meza.

24 CROSS EXAMINATION

25 BY MR. MEZA:

1 Q Good morning, Mr. Stahly.

2 A Good morning.

3 Q Good to see you again.

4 A Good to see you.

5 Q You were employed by Supra in September of 2002; is
6 that correct?

7 A That's correct.

8 Q And your current position is director of regulatory
9 affairs; correct?

10 A Yes.

11 Q You were not aware of this proceeding prior to your
12 employment with Supra; is that accurate?

13 A Correct.

14 Q And actually you weren't aware of this dispute until
15 sometime in 2004; is that right?

16 A Yes.

17 Q Now you obtained your understanding of the issues in
18 this proceeding by reading the Commission orders and talking to
19 various Supra employees; is that a fair statement?

20 A Yes.

21 Q You have no first-hand knowledge of what the
22 Commission discussed in reaching its decisions in 1998 or 2000;
23 is that right?

24 A I was not around for the Commission orders or
25 decisions at the time that they were issued.

1 Q So the answer to my question would be, yes, you have
2 no first-hand knowledge?

3 A Other than reading the orders, yes.

4 Q Okay. Now you have no responsibility developing or
5 training Supra employees to use Supra's OSS; is that correct?

6 A That's correct.

7 Q And prior to working at Supra, you worked at Sprint
8 for about 11 to 12 years; is that right?

9 A Correct.

10 Q You never had a position at Sprint that required you
11 to analyze or review BellSouth's OSS; is that right?

12 A That's correct.

13 Q And although you've testified a lot -- you've
14 testified in, I think, 60 proceedings; is that right?

15 A Yes.

16 Q You've never testified about BellSouth's OSS; is that
17 right?

18 A That's correct.

19 Q You've never attended a class on BellSouth's OSS; is
20 that accurate?

21 A I haven't attended a class. I've read through the
22 RNS manual but not gone through a class.

23 Q Okay. Prior to filing your testimony, however, you
24 never read any of BellSouth's OSS manuals; is that right?

25 A That's correct.

1 Q And you don't know the order flow of when a BellSouth
2 retail customer -- of how a BellSouth retail customer service
3 representative submits an order, do you?

4 A Not the specifics, no.

5 Q And, in fact, you don't even know what happens to
6 BellSouth's retail orders in CLEC, LSR and SOCs, do you?

7 A No.

8 Q Okay. Now correct me if I'm wrong, but Supra's
9 position is that Supra experienced delays in getting
10 clarifications from BellSouth when SUPRA submits an LSR; is
11 that right?

12 A That's correct.

13 Q Now you state in your direct testimony on Page 4,
14 Lines 10 through 12, that Supra has experienced notification
15 delays of anywhere from a couple of hours to a couple of days;
16 is that accurate?

17 A Yes.

18 Q All right. Now you base this statement that I just
19 quoted on conversations you had with Supra employees; is that
20 correct?

21 A Well, that, and it's also noted in the Commission
22 orders with previous Supra witnesses.

23 Q And in your testimony you didn't identify the
24 particular lines you were referring to; is that accurate?

25 A I'm sorry?

1 Q You didn't identify or provide any evidence to
2 identify the specific lines at issue that experienced
3 significant delays, did you?

4 A Are you saying -- well, I mean, the customer is not
5 assigned a line when they're in the order yet. I mean, is that
6 what you're referring to?

7 Q Did you submit any LSRs, any, any LSRs to show that
8 they were experiencing delays, Supra experiences delays?

9 A I did not.

10 Q And you don't even know how Supra records the receipt
11 of notifications, do you?

12 A I know they receive an e-mail notification. But in
13 terms of, what, keeping score or track of how many
14 notifications and such?

15 Q Yeah.

16 A I'm not sure. No.

17 Q Okay. You also state in your direct testimony that
18 these delays can often be great enough to cause the customer to
19 cancel their order with the CLEC and remain with BellSouth. Is
20 that accurate?

21 A That's correct.

22 Q And, again, you base this statement on conversations
23 you've had with Supra employees; is that right?

24 A Yes.

25 Q You don't know who these specific customers are, do

1 you?

2 A I don't.

3 Q And you have not independently verified whether these
4 other Supra employees who you talked to made a correct
5 statement to you.

6 A I trust that they did, but I did no independent
7 verification.

8 Q Similarly, in your rebuttal testimony, Page 15, Lines
9 11 through 14, you state --

10 A Could you give me a second?

11 Q Yeah. Sure.

12 A Where is that? Rebuttal. What page?

13 Q Yes, sir. Page 5, Lines 11 through 14.

14 A If you'll give me a second just to read that.

15 Q Sure.

16 A Okay.

17 Q You state that as a result of orders being delayed,
18 customer believes Supra is providing an inferior quality of
19 service, thereby causing some customers to cancel their orders
20 before their service is even cut over to Supra, and causing
21 others to have little patience with Supra's service once
22 converted; is that accurate?

23 A Yes.

24 Q You have no knowledge of what percentage of any
25 negative perception Supra customers may have related to

1 notification delays caused by BellSouth versus Supra's own
2 problems in converting a customer, do you?

3 A No.

4 Q You would agree with me that a customer's negative
5 perception could result from errors caused by Supra and not
6 BellSouth.

7 A Well, there's no question there's some caused by the
8 problems caused by BellSouth, but I'm sure there's some --
9 there could be some perhaps by Supra's own fault as well.

10 Q Let's go back to your rebuttal, I mean, your direct
11 on Page 4. You state that, RNS ensures that a BellSouth rep
12 will only submit orders that are 100 percent accurate and will
13 not be rejected by BellSouth's Service Order Communications
14 System, ensuring speedy processing of its customers' orders; is
15 that right?

16 A Yes.

17 Q And, again, you base this statement on conversations
18 you had with Supra employees; is that accurate?

19 A Yes.

20 Q And other than reading the Commission orders in this
21 docket, you did not review any information relating to RNS to
22 confirm this belief, did you?

23 A Well, I read through the RNS manual, and it's my
24 understanding RNS is a superior system with on-line edit
25 checking to what Supra has.

1 Q And your understanding is based upon conversations
2 you had with other Supra employees; is that right?

3 A That's correct.

4 Q And you didn't read the RNS manual until after you
5 filed your testimony; is that right?

6 A That's correct.

7 Q In fact, you have no first-hand knowledge of whether
8 or not RNS allows the submission of orders with errors, do you?

9 A That's correct.

10 Q And you can't identify one database that's not
11 available today but would be available with implementation of
12 on-line edit checking capability, can you?

13 A That's correct.

14 Q In fact, you don't know what information Supra's
15 service reps can access because you've never attempted to
16 submit an order through LENS; is that right?

17 A Well, as you can see in my testimony, it's based on
18 what the Commission ordered and what it's required BellSouth to
19 do. I don't think it requires me to be an expert necessarily
20 in order submission and flow-through, so I didn't review those
21 things.

22 Q So the answer to my question would be, yes, you don't
23 know what information a Supra customer service rep sees in
24 submitting an LSR.

25 A I know general information but not specific

1 information.

2 Q All right. Would you agree with me that if Supra's
3 customer service rep submits correct information on the LSR,
4 then the order will not be clarified back to Supra?

5 A Well, correct is a broad, broad meaning, but
6 generally speaking, yes, if it's correct, it will go through.
7 But whether or not it's correct depends upon information also
8 that it can get back from BellSouth into, you know, specific
9 fields and such. I mean, there's specific abbreviations that
10 have to be put in, there are certain services that are
11 available only in certain central offices, things that -- you
12 know, these corrections aren't, you know, did the service rep
13 misspell a word? It's, you know, does the service rep -- can
14 they even know if there are working facilities available, which
15 they can only know if the order bounces off BellSouth's system.
16 In RNS that's what happens for the BellSouth rep. I mean,
17 they're on the system, they can, you know, type in the address.
18 If the address is slightly wrong, RNS comes back, says, well,
19 that address isn't exactly right. Here's a couple of choices
20 of right addresses. Our system doesn't provide it to us. Or
21 to get the address right, the BellSouth RNS system will come
22 back and say, well, there's no working facilities currently.
23 And so the rep can tell a customer, you know, deal with that.
24 We don't know that until we send the order in. So when you say
25 correcting errors, I mean, there's a number of errors that, you

1 know, even a perfect person working for Supra just can't be
2 aware of because it requires interface with the FUEL and the
3 SOLAR databases.

4 Q And, again, you can't identify a single database
5 that's missing, can you?

6 A I'm not specifically aware of how LENS interacts with
7 FUEL, with SOLAR, with ATLAS, with RSAG, which are all
8 databases that we need to interact with to get the on-line
9 editing information back from BellSouth.

10 Q All right. Do you know for a fact that in the -- in
11 LENS that you can get the correct address from a BellSouth
12 database before submitting the order?

13 A My understanding that LENS does not provide real-time
14 on-line edit checking of that order. That if we -- address,
15 that if a service rep types in the address in the BellSouth RNS
16 system and tries to go to the next screen, they will be stopped
17 by the on-line edit checking there and come back and say, hey,
18 that's not a valid address. Choose from one of these. I know
19 that LENS doesn't do that. Our rep simply types in the
20 address, goes on to the next step. The clarification doesn't
21 come back until several hours or a day or two later.

22 Q My question was do you know if LENS allows a Supra
23 CSR, customer service rep, to check the correct address to make
24 sure that they have the correct address before submitting the
25 order?

1 A My understanding is it doesn't have the ability to,
2 to simultaneously interface with BellSouth's system to get the
3 verification that the address is correct.

4 Q Is it also your understanding that LENS does not
5 allow a CLEC to determine what specific services are available
6 by CLLI code prior to submission of an order?

7 A That's my understanding, yes.

8 Q All right.

9 A That there are central offices where, for example,
10 one central office you have may have Caller ID Deluxe
11 available, and the next central office, which may be just a
12 street over, that service isn't available. And I don't think
13 there's a way for the service rep to know that without bouncing
14 off the, one of the BellSouth databases.

15 Q Now Supra uses the customer service reps in Costa
16 Rica, the Dominican Republic and Ghana to submit LSRs to
17 BellSouth; is that right?

18 A That's correct.

19 Q Now isn't it true that Supra spent approximately
20 \$5 million in 2002 to set up these foreign call centers?

21 A I don't know the specific amount.

22 Q Okay. Do you disagree with the \$5 million figure?

23 MR. CHAIKEN: I'm going to object. I'm not sure of
24 the relevance of what Supra is, Supra is spending on its CSRs
25 in foreign call centers as to this proceeding, whether

1 BellSouth timely complied with the Commission's orders in this
2 docket.

3 COMMISSIONER DEASON: There's an objection,
4 relevancy.

5 MR. MEZA: The relevance is, Mr. Chairman, that the
6 evidence that Supra is using foreign call service
7 representatives to submit these LSR is directly related to the
8 fact that they may be receiving some type of errors in
9 clarifications, and that's not BellSouth's fault. The other
10 issue is that it proves that Supra had the wherewithal to do
11 whatever updates and modifications it needed to do to provide
12 itself with on-line edit checking capability but chose not to.

13 COMMISSIONER DEASON: I will allow the question. You
14 may proceed.

15 BY MR. MEZA:

16 Q Mr. Stahly, do you disagree with a statement that
17 Supra's start-up costs to develop these offshore call centers
18 is approximately \$5 million?

19 A I don't have any first-hand information of that
20 information.

21 MR. MEZA: If I may approach the witness,
22 Commissioner Deason.

23 COMMISSIONER DEASON: Yes.

24 BY MR. MEZA:

25 Q Mr. Stahly, I'm showing to you a transcript of a

1 Section 341 meeting of creditors in Supra's bankruptcy case,
2 and it is testimony from Supra's CFO Mr. Baksh. Do you see
3 that?

4 A Yes.

5 Q Okay. If you could turn to Page 39, Mr. Baksh states
6 that, on Line 10, Mr. Ramos lent almost \$5 million to Telecom,
7 Supra Telecom de Costa Rica for start-up costs of the
8 operation. Do you disagree with that statement?

9 A No.

10 Q And then on Page (sic.) 2 through 5 he explains that
11 the start-up costs were for call center services whereby they
12 had people answering the phone for Supra. Do you disagree with
13 that statement?

14 A I'm sorry. I don't see this. Where at?

15 Q Same page.

16 A Oh, I'm sorry.

17 Q Lines 2 through 5.

18 A I thought you had said Page 2 through 5.

19 Q I'm sorry if I did.

20 A So Page 39?

21 Q Yes.

22 MR. CHAIKEN: I'm sorry to interject. Is this
23 testimony of Mr. Baksh you're saying or is this
24 Mr. Schneiderman?

25 MR. MEZA: It's Mr. Baksh, the answer.

1 THE WITNESS: Okay. What was your question again?

2 BY MR. MEZA:

3 Q The question is on Page 39, Lines 2 through 5, Mr.
4 Baksh tells the U.S. Trustee that the services that the call
5 center provides is answering the phone for Supra, and that the
6 foreign call centers provide a bill back to Supra and then they
7 reduce the loan that Supra gave to start up the costs; is that
8 right?

9 A Yes.

10 Q Okay. Now you would agree with me that these foreign
11 service representatives need to be trained on BellSouth's OSS
12 and how to submit an LSR, wouldn't you?

13 A Yes.

14 Q You would also agree with me that you don't know what
15 training these foreign customer service reps receive, do you?

16 A No.

17 Q You don't know how long the process is, what
18 documents are involved or whether there's even an
19 apprenticeship, do you?

20 A No.

21 Q Once a customer is transferred to a Supra customer
22 service rep, you don't know the details regarding the LSR
23 process, do you?

24 A No.

25 Q And you don't know if Supra has implemented a system

1 that double-checks the information submitted by the foreign
2 service representative prior to the submission of BellSouth, do
3 you?

4 A I know that Supra has contracted with third-party
5 companies that assist with order entry, but I do not know
6 specifically what all service there is -- services are involved
7 with that.

8 Q Do you know if Supra has created an edit checking
9 system for services that it does not obtain from BellSouth?

10 A I don't know.

11 Q So, for instance, Supra's dial-up Internet service,
12 you don't know if Supra has implemented its own on-line edit
13 checking system for that service, do you?

14 A Are you saying when a customer orders dial-up
15 Internet service?

16 Q Yes.

17 A I don't know specifically, no.

18 MR. MEZA: Commissioner Deason, I'm sorry to
19 interject here, but I'm going to ask for the Commission's
20 indulgence to instruct Mr. Nilson not to nonverbally dictate to
21 the witness what the answer is. He has repeatedly shaken his
22 head yes or no on repeated occasions prior to the submission of
23 an answer by the witness, and I think that's inappropriate.

24 COMMISSIONER DEASON: I will so instruct.

25 MR. MEZA: Thank you. Thank you.

1 BY MR. MEZA:

2 Q Do you agree with me that the telecom industry is an
3 industry that is constantly changing; is that right?

4 A Generally, yes.

5 Q And you would agree with me that the rules governing
6 the telecom industry and RBOCs and CLECs are constantly
7 changing, wouldn't you?

8 A Yes.

9 Q And you would agree with me that the rules and
10 obligations in 1998 can be modified by subsequent decisions of
11 the FCC or this Commission.

12 A Rules generally. Contracts hold though.

13 Q So you're saying that if a rule changes and the rule
14 changes what the contract says, the contract doesn't change?

15 A I'm saying parties can agree to in a contract
16 something different than what the general rules of the Act
17 require. Parties are free to negotiate a standard more
18 stringent than what the general Act required, which is what we
19 did in this case.

20 Q All right. Let's talk about what you contracted for
21 because that's a new argument, isn't it? You never raised that
22 in your direct testimony, did you?

23 A This whole issue has been about what the contract
24 said and what the Commission ordered BellSouth to do based on
25 the contract.

1 Q Mr. Stahly, did you reference this contract argument
2 in your direct or rebuttal testimony, yes or no? Did you state
3 specifically that the parties agreed in this instance to
4 provide Supra with something greater than nondiscriminatory
5 access?

6 A I think it's implicit throughout my testimony that
7 this is based on a contract dispute issue, not on parity under
8 the Telecommunications Act.

9 Q Now isn't it a fact, sir, that you never read the
10 contract prior to filing your testimony?

11 A I did not read that specific contract prior to it.
12 But, again, it's my understanding that this was based on the
13 contract in effect at that time.

14 Q Isn't it a fact, sir, that you agreed with me that
15 this case is not about the contract in your deposition?

16 A I must not have -- misunderstood your question at
17 that time.

18 Q Let's, let's look at your deposition. I believe it's
19 stipulated Exhibit Number 9.

20 MR. MEZA: May I approach, Mr. Chairman?

21 COMMISSIONER DEASON: Yes.

22 BY MR. MEZA:

23 Q Page -- turn to Page 37 of your deposition starting
24 on Line 1.

25 Question, I'm asking you, the contract at issue --

1 the contract that supported the Commission's orders is not at
2 issue in this proceeding, is it?

3 Answer, no.

4 We're debating what the Commission meant in its
5 orders, aren't we?

6 Answer, correct, yes.

7 Question, and since you haven't read the contract, I
8 imagine you're not going to opine about what the contract said?

9 Answer, correct.

10 Question, so your knowledge and testimony is limited
11 to the Commission's orders; is that right?

12 Answer, various commission orders, KPMG report,
13 conversations with Supra folks.

14 Question, but it's not based upon the contract, is
15 it?

16 Answer, correct.

17 Are you now changing your testimony, Mr. Stahly?

18 A I guess I don't think that's -- I'm not sure I agree
19 with your interpretation of this. I mean, this whole docket is
20 about what the contract said and what the Commission ordered
21 based on that contract. I don't think this says that the
22 contract is irrelevant. I mean, you know, do I know what the
23 contract says? No, I don't have -- I didn't have the specific
24 language in front of me to know what the contract said, but
25 it's clearly this is a contract issue. It's the whole framing

1 of this matter. It's a contract dispute.

2 Q A contract dispute for which you've never read the
3 contract; is that right?

4 A I have since read through the contract.

5 Q But at the time of your testimony, at the time of
6 your deposition you had not read the contract; is that right?

7 A That is correct.

8 Q Now would you agree with me that Supra's customer
9 base has increased since 1998?

10 A Yes.

11 Q Would you agree with the statement that in 2002 Supra
12 claimed that it had over 300,000 customers?

13 A Yes.

14 Q Would you also agree with me that in 2002 Supra
15 claimed that it was the fastest growing network customer for
16 BellSouth?

17 A Yes.

18 Q Okay. Would you agree with me that the last time
19 Supra filed anything in this docket asking for affirmative
20 relief was in 2000?

21 A I mean, we have --

22 Q Prior to the protest, I should clarify.

23 A I mean, you're trying to characterize that we didn't
24 care what happened since 2000? Because that's not the case.

25 Q I'm asking you a question, Mr. Stahly.

1 A Could you repeat the question?

2 Q Would you agree with me that prior to filing the
3 protest in October of 2003 or November of 2003, Supra did not
4 ask for any affirmative relief in this docket between 2000 and
5 November of 2003?

6 A Supra didn't ask for relief because the Commission
7 said let's wait and see what the result of the KPMG third-party
8 test is. And so we waited for that result, we got the result
9 back, the Commission issued an order in October 2000, we
10 protested the order.

11 Q When did the KPMG test conclude?

12 A I don't recall.

13 Q Would you, subject to check, agree with me that it
14 was in, sometime in the summer of 2002?

15 A Subject to check, yes.

16 Q Okay. So why did Supra wait from the summer of 2002
17 until after the issuance of the PAA in October of 2003 to ask
18 for any relief in this docket?

19 A I don't know.

20 Q Now Supra operates in New York; is that right?

21 A Yes.

22 Q And Supra offers service on its web site for
23 customers in New York, doesn't it?

24 A Yes.

25 Q And Verizon is the RBOC in New York; is that correct?

1 A Yes.

2 Q And you don't know if Supra has filed a complaint in
3 New York for the lack of on-line edits in Verizon's OSS, do
4 you?

5 A I don't know.

6 Q And you've not provided any testimony for a complaint
7 proceeding in New York; is that correct?

8 A That's correct.

9 Q And one of your duties is to support state and
10 federal regulatory proceedings; is that accurate?

11 A Yes.

12 Q And you don't know if any other CLEC has filed a
13 complaint against BellSouth for the lack of edits, do you?

14 A I don't know.

15 Q Do you know if the 1997 Supra agreement is
16 BellSouth's standard agreement?

17 A I don't know.

18 Q Do you know if Supra adopted an agreement that
19 contained the same parity provision that Supra is now relying
20 on?

21 A You're referring to the '97 agreement?

22 Q Yes.

23 A I'm not specifically aware, no.

24 Q Okay. We can agree that the Commission required
25 BellSouth to provide on-line, on-line edit checking capability

1 for the ALEC interfaces available to Supra; is that right? Can
2 we agree with that statement?

3 A Are you referring to the July '98 order?

4 Q Yes.

5 A I can agree to finding number five in that order.

6 Q Do you need the order?

7 A I have it. Okay. I agree that BellSouth shall
8 modify the ALEC ordering systems so that the systems provide
9 the same on-line edit checking capability to Supra that
10 BellSouth's retail ordering systems provide. I agree to that.

11 Q Okay. Can we also agree that in February of 2000 the
12 Commission stated that BellSouth could have provided this
13 capability through LENS or EDI?

14 A Could you give me a cite, please?

15 Q Look at your deposition on Page 64, Lines 7 through
16 19, where I asked you that same question.

17 A Is there a reference to the specific order though?

18 Q It's the February 2000 order.

19 A But within the order, please.

20 Q Sure. Page 10 of that order.

21 A Okay. And whereabouts and what was your question
22 again, please?

23 Q The question is didn't the Commission in
24 February 2000 explain that BellSouth could provide this on-line
25 edit checking capability through LENS or EDI?

1 A Yes, that's correct.

2 Q Okay. Throughout your direct and rebuttal testimony
3 you state that BellSouth was required to modify LENS to provide
4 on-line edit checking capability; is that right?

5 A That's correct. But as you --

6 Q You don't mention EDI in your direct or rebuttal
7 testimony, do you?

8 A No.

9 Q We can agree that your statements in your testimony
10 stating that BellSouth has an obligation to modify LENS should
11 be, should be revised to state LENS or EDI; is that right?

12 A That's correct.

13 Q So if BellSouth made the on-line edits available via
14 EDI, BellSouth would be in compliance with the orders, wouldn't
15 it?

16 A That's correct.

17 Q Now Supra has used EDI in the past; is that right?

18 A I believe they've tried, yes.

19 Q And Supra is using EDI today, aren't they?

20 A I believe they are.

21 Q And Supra contracted with a third-party vendor
22 NightFire to submit orders to BellSouth via EDI, hasn't it?

23 A I believe that's correct. Yes.

24 Q Okay.

25 MR. MEZA: May I approach?

1 COMMISSIONER DEASON: Yes.

2 BY MR. MEZA:

3 Q Mr. Stahly, I'm handing to you a pleading from the
4 Supra bankruptcy court filed by Supra asking the bankruptcy
5 court for permission to enter into an agreement with a
6 third-party vendor called NightFire. Do you agree with that
7 characterization?

8 A Yes.

9 Q In Paragraph 2 of that pleading Supra states that in
10 order to engage in critical operational tasks for the benefit
11 of its new and existing customers such as preordering,
12 ordering, provisioning, repair and maintenance, and billing,
13 representatives of the debtor, among other things, manually
14 take the orders, input them into the debtor's computers, and
15 then send such orders to ILECs via the ILECs' Operations
16 Support Systems; OSS, Graphic User Interfaces, GUIs. Two GUIs,
17 for example, are Verizon's WebGUI and BellSouth's LENS.
18 Performing these operational tasks, however, is time-consuming,
19 each order must be inputted, subject to human error, and
20 difficult as a result of the differences among GUIs. Most
21 require different formats. Do you agree with that
22 characterization?

23 A Yes.

24 Q Now Paragraph 3, you -- Supra stated to the
25 bankruptcy court that the NightFire agreement provides the

1 debtor with an integration platform to automate access to the
2 ILECs' OSS GUIs. In doing so, the debtor utilizes specialized
3 software to submit in real-time, as opposed to batched via an
4 OSS GUIs like LENS, orders to NightFire in one format, which
5 NightFire then processes and relays to the ILECs, such as
6 BellSouth, Verizon, Qwest and SBC, in the proper industry
7 recognized format via the Electronic Data Interface. Do you
8 agree with that?

9 A Yes.

10 Q And in Paragraph 4 Supra tells the bankruptcy court
11 that this ability to submit instantaneous, essentially
12 error-free orders will be crucial to assure the debtor's
13 customers receive the services that they are entitled to in a
14 much shorter time period, and will minimize the debtor's
15 internal development and maintenance costs to conform with each
16 ILECs' order submission standards. Do you agree with that?

17 A Yes.

18 Q Do you see any reference in this pleading regarding
19 Supra's contention that BellSouth was required to provide
20 on-line edit capability pursuant to this Commission's rulings?

21 MR. CHAIKEN: Commissioner, I have a relevance
22 objection again.

23 COMMISSIONER DEASON: The objection is irrelevance.
24 The objection is overruled. I think it's very relevant. You
25 may proceed.

1 THE WITNESS: Given the specific nature of this
2 agreement, I'm not sure why they would necessarily bring that
3 up. I mean, they're talking about a contract between two
4 parties, not about a regulatory dispute in another venue. So I
5 guess I'm not surprised that there wouldn't be a reference to
6 BellSouth's failure to comply.

7 BY MR. MEZA:

8 Q All right. So let's see if we can agree to a couple
9 of concepts. This pleading was filed by Supra with the
10 bankruptcy court in March of 2003; is that correct?

11 A That's correct.

12 Q At the time that Supra filed these, this pleading,
13 BellSouth, according to Supra, did not implement on-line edit
14 checking capability for Supra; is that accurate?

15 A That's correct.

16 Q Nowhere in this pleading does this -- does Supra
17 inform the bankruptcy court that it believes that BellSouth has
18 an obligation under an FPSC order to provide on-line edit
19 checking capability, does it?

20 A No. And as I stated before, I think they kept it
21 very brief and to the point of entering into a contract as
22 opposed to going into all the grievances against BellSouth.

23 Q And in this pleading Supra is asking the bankruptcy
24 court for permission to enter into this contract with
25 NightFire, isn't it?

1 A Yes.

2 Q And Supra states that it is to Supra's benefit to
3 enter into this contract, doesn't it?

4 A Which I think the contract is evidence in our case to
5 show that BellSouth hadn't complied with the Commission's order
6 because, if they had, it wouldn't have been necessary to have
7 entered into an agreement with NightFire.

8 Q That's my point, Mr. Stahly.

9 Is Supra using NightFire today?

10 A I believe they are.

11 Q So why are we here, Mr. Stahly?

12 A Because we want BellSouth to abide by the contract
13 and modify its on-line ordering systems. NightFire is
14 expensive. I believe that we'd be better off by using
15 BellSouth's provided on-line edits.

16 Q Let's see. In Paragraph 9 of that pleading Supra
17 states, in comparison to the costs associated with the debtor
18 having to independently access the ILECs' OSS GUIs, e.g.,
19 manpower to input in different formats, issues that arise when
20 errors are committed, and developing the templates to access
21 each OSS, the costs relating to the agreement are reasonable in
22 the debtor's view. Do you see that?

23 A I do.

24 Q Do you disagree with that statement?

25 A I don't think it captures the whole issue. I think

1 again that, you know, we've had to spend a lot of money trying
2 to get our interfaces to work with BellSouth's interface and
3 that if BellSouth had complied with the order in the first
4 place, we wouldn't have had to have gone to NightFire and that
5 expense. Our first choice would have been less had BellSouth
6 provided us with on-line edit checking. Absent BellSouth
7 providing those features to us, the next best alternative was
8 to contract with a company such as NightFire.

9 Q Mr. Stahly, is it your belief that Supra was not
10 allowed to participate in the Florida third-party test?

11 A We were not allowed to participate and have all our
12 suggestions put into the test. We made a number of suggestions
13 for that test specifically requesting that they look at on-line
14 edit checking, and that was not put in or implemented in the
15 test.

16 Q Okay. Have you read the Florida/Tennessee 271 order?

17 A I have not.

18 Q You have not?

19 A No.

20 Q Okay. Mr. Stahly, I'd like to focus your attention
21 on Page -- Paragraph 69 of that decision, which is on Page 31.

22 A Okay.

23 Q The statement that the Florida Commission relied upon
24 three sources of information for making its determination: The
25 OSS third-party test, Florida KPMG test; BellSouth's own

1 commercial data; and the competitive LECs' real-world
2 experience. Do you see that statement?

3 A I do.

4 Q Do you disagree with it?

5 A I do not. But I don't see any reference to the fact
6 that BellSouth is supposed to provide on-line edit checking to
7 Supra Telecom in here. I see a 271 nondiscrimination test;
8 nothing about on-line edit checking.

9 Q I'll refer you to Paragraph 72, the second to the
10 last sentence before the next paragraph. KPMG also sought
11 input from both the Florida Commission and competitive LECs to
12 understand the types of activities that had previously
13 presented problems or otherwise were of concern. Do you
14 disagree with that statement?

15 A I agree that's what's written. But, again, as we
16 stated, Supra specifically requested that on-line edit checking
17 be made part of that test, and that wasn't put into the test.
18 So we can't say the KPMG test looked at whether or not on-line
19 edit checking was reviewed. And even Mr. Pate agrees that it
20 wasn't part of the KPMG test.

21 Q Where, where did Supra ask that on-line edit checking
22 be made part of the third-party test?

23 A I believe that was in one of the filings that their
24 CLECs were allowed to make in that proceeding.

25 Q Has Supra presented that in this, in this case?

1 A I don't know.

2 Q Okay. Now look in Paragraph 97. Oh, by the way,
3 Supra raised a lot of arguments to the FCC, didn't it?

4 A Could you be more specific?

5 Q Supra raised a lot of arguments regarding BellSouth's
6 OSS to the FCC, didn't it?

7 A Can you cite a specific docket?

8 Q In the 271 proceeding, the order you're looking at.

9 A And I'm not trying to be cute. It's just --

10 Q Yeah. I understand.

11 A I want to be specific in my answers to you.

12 Q Sure.

13 A In the 271 proceeding before the FCC Supra did raise
14 some arguments.

15 Q And the FCC rejected all of them, didn't they?

16 A I don't know specifically what the FCC accepted or
17 rejected, but I do know that we didn't prevail on some of the
18 arguments. Yes.

19 Q All right. Paragraph 97, the FCC rejects Supra's
20 claims that LENS is discriminatory because orders submitted
21 from LENS are not error checked with any efficiency or
22 completeness. Do you disagree with that statement?

23 A Is this characterizing the FCC's review?

24 Q That is the FCC's order, Mr. Stahly.

25 A Okay.

1 Q Do you disagree with the FCC's finding?

2 A I don't disagree that that's what they found. But,
3 again, KPMG did not test for on-line edit checking, and
4 discriminatory is a different standard than the standard agreed
5 to in the contract.

6 Q Do you agree that the FCC found that the record
7 evidence -- excuse me. That KPMG found LENS to be a
8 nondiscriminatory interface under criteria that included
9 testing of both error-free transactions and transactions that
10 included errors?

11 A That's their finding. But, again, that's a different
12 standard than what was required to or agreed to between the
13 parties of BellSouth providing or modifying their ALEC ordering
14 systems to provide on-line edit checking.

15 Q And finally -- you're probably not going to agree
16 with me, but I'll ask you anyway. The last sentence reads, as
17 a consequence, we disagree with Supra that BellSouth has not
18 implemented on-line edit checking in LENS. Do you disagree
19 with that statement?

20 A I'm sorry. I closed the document. Could you again
21 direct me to that?

22 Q The last sentence in Paragraph 97.

23 A I agree that that's what the FCC found. I don't
24 agree with their finding, but that is what they said.

25 MR. MEZA: I have no further questions.

1 COMMISSIONER DEASON: Staff, how much do you have for
2 this witness?

3 MS. CHRISTENSEN: One question for clarification.

4 COMMISSIONER DEASON: Please proceed.

5 CROSS EXAMINATION

6 BY MS. CHRISTENSEN:

7 Q Mr. Stahly, you had stated that Supra had requested
8 that on-line edit checking be included in the KPMG report. Can
9 you explain how Supra made that request, if you know?

10 A I'm not specifically aware of how it was made. I
11 don't know if there were filings that were made or if it was
12 participation in workshops or what.

13 MS. CHRISTENSEN: Okay. Thank you. Staff has no
14 further questions.

15 COMMISSIONER DEASON: Commissioners? Redirect?

16 MR. CHAIKEN: Real brief, Commissioners.

17 REDIRECT EXAMINATION

18 BY MR. CHAIKEN:

19 Q Mr. Stahly, do you still have the FCC docket that
20 Mr. Meza was just referring to with you?

21 A The -- well, the Tennessee order?

22 Q That's correct.

23 A Yes, I do.

24 Q And I believe he was referring to Paragraph 97. Do
25 you still have that in front of you, Page 46?

1 A Okay. Let me flip there. Okay.

2 Q Is this paragraph talking about on-line edit checks
3 regarding orders that were submitted or presubmission of
4 orders?

5 A It appears to be orders that were submitted as
6 opposed to presubmitted -- presubmission of order.

7 Q Is there anything in this paragraph regarding
8 presubmission of orders on-line edit checking capability?

9 A Well, there was some discussion about preordering and
10 ordering functionality.

11 Q Do you see anything regarding presubmission of an
12 order and on-line edit checking capability?

13 A I do not.

14 Q And what type of on-line edit checking capability is
15 it -- is Supra contending is at issue in this docket?

16 A Our contention is that prior to submitting the order,
17 that while the customer service representative is on the phone
18 with a customer, that we can have on-line edit checking so that
19 when we move from screen to screen, say, into the address, that
20 we can have simultaneous interaction with the BellSouth
21 database, FUEL or SOLAR or whatever is needed at that time, or
22 RSAG in case for address verification, that presubmission of
23 this order, while we're on-line with the customer, we want to
24 get edits back from the BellSouth database saying that address
25 is not correct or there's no facilities or, yes, the address is

1 correct, go to the next screen, those services aren't
2 available, only these are available. That's what we're seeking
3 presubmission.

4 MR. CHAIKEN: Thank you. Nothing further on
5 redirect.

6 COMMISSIONER DEASON: I'm going to have to ask a
7 question on that question, and then I'll give you the latitude
8 to follow up, if necessary.

9 I'm looking again at Paragraph 97 and about middle
10 ways of the paragraph with the sentence that begins, moreover.
11 There is a specific reference to preordering. In what context
12 is the FCC using the term "preordering," or do you know?

13 THE WITNESS: You're referring to the sentence
14 beginning with, moreover, since January 2000?

15 COMMISSIONER DEASON: That's correct.

16 THE WITNESS: Okay. Let me just read that.

17 I don't know specifically what they meant by that.
18 I'm sorry.

19 COMMISSIONER DEASON: All right. And I need to
20 follow up on one thing, and I'll give you the opportunity to
21 follow up, if necessary.

22 I believe, and correct me if I'm wrong --

23 THE WITNESS: Okay.

24 COMMISSIONER DEASON: -- but I believe in your
25 summary you indicated that -- in reference to the Section

1 271 proceeding and the findings of this Commission and the
2 findings of the FCC, I believe you made reference that the
3 standard for the 271 consideration was one of parity and that
4 that was a different standard as contemplated in the agreement.
5 If I'm mischaracterizing that, please clarify and explain what
6 the different standard -- if there is a different standard,
7 what is the difference?

8 THE WITNESS: Okay. Sure. No. Thank you. You
9 know, 271 in general just is -- you know, it means parity on a
10 general level. It doesn't necessarily mean that specifically
11 on an issue such as on-line edit checking that there has, that
12 it has to be exactly the same. I guess I think in terms of
13 it -- in terms of statistics. They can take a bell-shaped
14 curve, and when KPMG is submitting their orders, as long as
15 they're within that, you know, 5 percent plus or minus error
16 range, that they can pretty much say generally speaking the
17 systems look pretty good.

18 Our issue is separate, separate from, you know, are
19 the systems fairly comparable? It's, you know, specifically in
20 our contract or specifically what the Commission found with our
21 contract is that BellSouth had on-line edit checking
22 presubmission and that there was a disparity between what we
23 had and what they had, and the Commission said, BellSouth,
24 modify your ordering system so that Supra has the same
25 capabilities that you have.

1 COMMISSIONER DEASON: Well, the reason I ask that
2 question is I want to direct you to your prefiled direct
3 testimony on Page 7.

4 THE WITNESS: Okay.

5 COMMISSIONER DEASON: And in there, in an answer to a
6 question you reference Page 19 of the Florida PSC's order. And
7 the part of that citation there indicates that -- I'll just
8 read it. It's, it's the portion that is not underlined.

9 It says, in order to comply with the parity provision
10 in the party's agreement. Now apparently our order indicated
11 that when we made this finding concerning the necessity to
12 modify LENS to give Supra the same ordering capability, that we
13 did so in order to comply with the parity provision in the
14 parties' agreement.

15 Now is this the same parity standard in 271 or is it
16 a different parity standard?

17 THE WITNESS: Two, two issues with this. The
18 better -- this quote actually was in an earlier section of that
19 order relating to a different phase of the ordering
20 capabilities. Again, the better, more accurate quote would
21 have been really the finding number five at the end of the
22 order, on Page 47 of that order.

23 Regarding parity, if you go back to the contract --

24 COMMISSIONER DEASON: I'm sorry. This is -- which
25 order is this?

1 THE WITNESS: July '98.

2 COMMISSIONER DEASON: Okay. Give me just a moment to
3 find that.

4 THE WITNESS: Sure. And if you go to Page 47 with
5 the finding clauses.

6 MR. MEZA: It'll be Tab 1.

7 COMMISSIONER DEASON: Tab 1, Page 47 under Section 7,
8 relief, paragraph five?

9 THE WITNESS: That's correct.

10 COMMISSIONER DEASON: Okay.

11 THE WITNESS: That talks about BellSouth modifying
12 the ALEC ordering systems to provide on-line edit checking.
13 That really should have been the quote that I used in that
14 spot.

15 COMMISSIONER DEASON: And this particular paragraph
16 doesn't reference the parity standard; is that correct?

17 THE WITNESS: No, it doesn't. But to get to your
18 parity question, if you go back to the contract, it specifies
19 an ordering system that is equal to. My interpretation of the
20 Act in general is parity is ballpark pretty much the same. My
21 interpretation of equal to is the same thing as.

22 KPMG tested, you know, roughly -- you know, you get
23 about the same number of order rejections and acceptance
24 between these two systems, so we'll call it good. When we talk
25 about the contract and on-line editing -- on-line edit

1 checking, our interpretation is, hey, BellSouth, there's a
2 disparity here. You make your system -- you make Supra's
3 system equal to what you have, so give them, give them the same
4 on-line edit checking availability. So, as you said, just
5 below the paragraph you quoted on Page 22, it says, you know,
6 Supra contends that the ALEC order systems do not provide the
7 same on-line edit checking capability that BellSouth's retail
8 ordering systems provide. We believe the same interaction edit
9 checking capability must take place when an ALEC is working an
10 order as when BellSouth's retail ordering systems interact, and
11 it's simultaneously interact with BellSouth's FUEL and SOLAR
12 databases to check the accuracy of the BellSouth orders.

13 COMMISSIONER DEASON: Okay. Thank you. Any
14 follow-up?

15 MR. CHAIKEN: No, thank you.

16 COMMISSIONER DEASON: Okay. We have no exhibits for
17 this witness; that's correct? No prefiled exhibits with the
18 testimony.

19 MR. MEZA: Commissioner Deason, I'm sorry.

20 COMMISSIONER DEASON: Yes.

21 MR. MEZA: I would like to mark and identify for
22 entry into the record two exhibits that I used on
23 cross-examination, the first being the Section 354 meeting of
24 creditors dated December 2nd, 2002, the transcript.

25 COMMISSIONER DEASON: Okay. We will identify that as

1 hearing Exhibit Number 10.

2 MR. MEZA: And the second exhibit is the motion by
3 debtor to enter into NightFire agreement dated March 17th,
4 2003.

5 COMMISSIONER DEASON: That will be identified as
6 Exhibit Number 11.

7 MR. MEZA: And ask that these be moved into the
8 record.

9 COMMISSIONER DEASON: Without objection.

10 MR. CHAIKEN: No objection.

11 COMMISSIONER DEASON: Hearing no objection, show then
12 that Exhibits 10 and 11 are admitted.

13 (Exhibits 10 and 11 marked for identification and
14 admitted into the record.)

15 COMMISSIONER DEASON: Okay. This witness is excused.
16 Thank you, sir.

17 THE WITNESS: Thank you.

18 COMMISSIONER DEASON: We will take a 10-minute recess
19 at this time.

20 (Recess taken.)

21 COMMISSIONER DEASON: Call the hearing back to order.
22 BellSouth, you may call your witness.

23 MR. MEZA: Thank you.

24 RONALD M. PATE
25 was called as a witness on behalf of BellSouth

1 Telecommunications, Inc. and, having been duly sworn, testified
2 as follows:

3 DIRECT EXAMINATION

4 BY MR. MEZA:

5 Q Would you please state your name and address for the
6 record, Mr. Pate.

7 A Yes. My name is Ronald M. Pate. The address,
8 675 West Peachtree, Atlanta, Georgia.

9 Q By whom are you employed?

10 A BellSouth Telecommunications.

11 Q Have you previously caused to be filed in this docket
12 direct and rebuttal testimony?

13 A Yes, I have.

14 Q Do you have any additions or changes to that
15 testimony?

16 A I have one errata to the direct testimony; it's on
17 Page 6 and Line 13. What you'll see on that line as being
18 referenced, the July 28, 2000 order, that really is
19 September 28, 2000. So it's twice on that line where the month
20 July appears and that should be changed to September. That's
21 the only change I have.

22 Q Thank you. If I were to ask you the same questions
23 that were posed in your prefiled direct and rebuttal testimony
24 today, would your answers to those questions be the same?

25 A Yes, they would.

1 MR. MEZA: Mr. Chairman, I'd like to have the
2 testimony inserted into the record as if read.

3 COMMISSIONER DEASON: Without objection, the prefiled
4 testimony shall be inserted.

5 BY MR. MEZA:

6 Q Mr. Pate, have you prepared any exhibits associated
7 with your testimony?

8 A Yes. There are two exhibits that go with the
9 rebuttal testimony.

10 Q Do you have any corrections or changes to those
11 exhibits?

12 A No, I do not.

13 MR. MEZA: Mr. Chairman, I would like to have those
14 exhibits marked as exhibits.

15 COMMISSIONER DEASON: Composite Exhibit 12.

16 (Exhibit 12 marked for identification.)

17 MR. MEZA: And I would ask that those exhibits be
18 entered into the record.

19 COMMISSIONER DEASON: We'll wait until the conclusion
20 of cross-examination.

21 MR. MEZA: Thank you.

22

23

24

25

1 BELLSOUTH TELECOMMUNICATIONS, INC.
2 DIRECT TESTIMONY OF RONALD M. PATE
3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
4 DOCKET NO. 980119-TP
5 APRIL 21, 2004
6

7 Q. PLEASE STATE YOUR NAME, YOUR POSITION WITH BELLSOUTH
8 TELECOMMUNICATIONS, INC. AND YOUR BUSINESS ADDRESS.

9
10 A. My name is Ronald M. Pate. I am employed by BellSouth Telecommunications,
11 Inc. ("BellSouth") as a Director – Interconnection Operations. In this position, I
12 handle certain issues related to local interconnection matters, primarily operations
13 support systems ("OSS"). My business address is 675 West Peachtree Street,
14 Atlanta, Georgia 30375.

15
16 Q. PLEASE SUMMARIZE YOUR BACKGROUND AND EXPERIENCE.

17
18 A. I graduated from the Georgia Institute of Technology in 1973, with a Bachelor of
19 Science degree. In 1984, I received a Masters of Business Administration degree
20 from Georgia State University. My professional career spans over 30 years of
21 general management experience in operations, logistics management, human
22 resources, and sales and marketing. I joined BellSouth in 1987, and have held
23 various positions of increasing responsibility since that time.

24
25 Q. HAVE YOU TESTIFIED PREVIOUSLY?

1

2 A. Yes. I have testified before the Public Service Commissions in Alabama, Florida,
3 Georgia, Louisiana, South Carolina and Kentucky, the Tennessee Regulatory
4 Authority, and the North Carolina Utilities Commission.

5

6 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

7

8 A. The purpose of my direct testimony is to address issues raised by Supra
9 Telecommunications and Information Systems, Inc. ("Supra") in its protest
10 ("Protest") of Order No. PSC-03-1178-PAA-TP, issued on October 21, 2003
11 ("October 2003 Order"). In my testimony, I will address the Florida Public
12 Service Commission's Orders ("Commission") regarding on-line edit checking
13 and describe how BellSouth has fully complied with this Commission's previous
14 Orders regarding this issue. Additionally, I will describe the operational support
15 systems ("OSS") that BellSouth provides to Competitive Local Exchange Carriers
16 ("CLEC"), explain that BellSouth's OSS allows CLECs to perform on-line edit
17 checking, and describe when such functionality was available to CLECs. Finally,
18 I will discuss the results of the third party testing performed by KPMG with
19 regard to BellSouth's CLEC OSS and show that this testing, when presented in
20 Docket Nos. 980786 and 981834 along with the Federal Communications
21 Commission's ("FCC") decision in BellSouth 271 case, resolved the outstanding
22 issues in this proceeding.

23

24 Q. CAN YOU BRIEFLY DESCRIBE WHAT THE MAIN ISSUE IS IN THIS
25 CASE?

1

2 A. Yes. The simple question of this proceeding is whether BellSouth timely
3 complied with the Commission's Orders regarding on-line edit capability. As
4 found by the Commission in its October 2003 Order and as I will establish here,
5 the answer is an unequivocal yes.

6

7 Q. DO YOU HAVE ANY GENERAL COMMENTS REGARDING SUPRA'S
8 COMPLAINT AND BELLSOUTH'S COMPLIANCE WITH ON-LINE EDIT
9 CAPABILITY?

10

11 A. Yes. Supra's Protest is nothing more than an attempt by Supra to rehash old
12 issues that are not applicable to the operations of Supra or CLECs in general
13 today or even in the recent past. Indeed, Supra's Protest revolves around a Supra
14 complaint filed in 1998 – over six years ago regarding an issue (CLEC on-line
15 edit checking capability) that has been resolved for several years. Further,
16 Supra's argument in support of its Protest relies solely upon a strained reading of
17 the Commission's initial Orders in this proceeding, which have been modified and
18 clarified on reconsideration and which have been effectively superseded by
19 subsequent orders and new evidence. Supra fails to take these subsequent orders
20 and evidence into consideration with its arguments and instead, through confusion
21 and redundancy, Supra attempts to parlay events that transpired in 1998 into a
22 real, current controversy. In doing so, Supra recycles arguments that the FCC
23 previously rejected in an apparent attempt to convince this Commission to adopt
24 arguments that the FCC found devoid of merit.

25

1 It is quite telling that Supra provides no specific allegations in its Protest as to
2 how it has been injured or how Supra has been materially impacted by
3 BellSouth's alleged noncompliance with the Commission Orders. The reason for
4 this is clear: Supra is forcing this Commission to litigate a moot issue based on
5 "ancient" history that is not applicable to the parties today.

6
7 Q. WHAT DID THE COMMISSION ORDER REGARDING ON-LINE EDIT
8 CHECKING CAPABILITY?

9
10 A. On July 22, 1998, the Commission issued Order No. PSC-98-1001-FOF-TP
11 ("July 1998 Order") where it ordered BellSouth to "provide the same online edit
12 checking capability to Supra that BellSouth's retail ordering systems provide."
13 See July 1998 Order at 47. On October 28, 1998, in Order No. PSC-98-1467-
14 FOF-TP ("October 1998 Order"), the Commission, on reconsideration, stated that
15 it was not requiring BellSouth to duplicate its RNS and DOE interfaces at Supra's
16 premises for online edit checking capability.¹ Specifically, the Commission
17 clarified that BellSouth was to provide Supra with the on-line edit checking
18 capability that occurred when BellSouth's retail ordering interfaces interacted with
19 BellSouth's FUEL and SOLAR databases to check orders.² Further, in the
20 October 1998 Order, the Commission ordered BellSouth to provide this capability
21 by December 31, 1998.

22

¹ October 1998 Order at 19.

² Id. at 19. FUEL stands for Field Identifier (FID)/Universal Service Order Code (USOC) Editing Library. SOLAR stands for Service Order Language Analysis Routines.

1 Thus, as an initial matter, the entire premise of Supra's Protest is misplaced.
2 Supra alleges the Commission ordered BellSouth to "provide the same on-line
3 edit checking through the available CLEC interfaces of EDI or LENS." See
4 Protest at 5; see also, Protest at 2. This is incorrect as the Commission, in the July
5 1998 Order and the October 1998 Order, ordered BellSouth to provide Supra with
6 the on-line edit checking capability that occurs when BellSouth's retail ordering
7 interfaces interact with BellSouth's FUEL and SOLAR databases.³ Moreover, the
8 Commission did not order that this capability be provided solely through EDI or
9 LENS but through the CLEC ordering interfaces available to Supra.⁴

10
11 In Order No. PSC-00-0288-PCO-TP, issued on February 11, 2000 ("February
12 2000 Order"), the Commission "indicated that it appeared that BellSouth had not
13 met the specific on-line edit checking capability requirement in a timely manner,
14 because BellSouth did not appear to have provided that capability through either
15 EDI or LENS by the required date, December 31, 1998. [The Commission]
16 noted, however, that further proceedings may be warranted to consider new
17 evidence on TAG and whether it met the intent of [the Commission's] order."
18 See October 2003 Order at 8. In this regard, the Commission stated:

19
20 We do, however, acknowledge that BellSouth has made
21 significant developments in its OSS since the time that we
22 rendered our final decision, including TAG, ROBO-TAG,
23 and LENS '99. Thus, while it appears that BellSouth is not
24 literally in compliance, technology has been developed that
25 may provide on-line edit checking. Nevertheless, it would
26 not be appropriate for us to revisit our decision in this case
27 to consider these newly developed alternatives in response
28 to BellSouth's notice of compliance.

³ Id.

⁴ See July 1998 Order at page 10.

1 Order No. PSC-00-0288-PCO-TP (Feb. 11, 2000) at (“February 2000 Order”).
2 The Commission reasoned that it would be inappropriate to reopen the record of
3 the case to determine whether BellSouth’s available interfaces satisfactorily met
4 the on-line edit checking requirement because of a pending federal court action
5 regarding the Commission’s initial 1998 Orders. See February 2000 Order at 11.
6

7 After these initial rulings and the dismissal of the federal court action, in
8 September 2000, the Commission reopened the record in this case to allow for
9 new evidence to be considered. Specifically, the Commission ordered that “the
10 information and determinations” made in the Third Party Test (“TPT”) docket
11 will be utilized in this proceeding to address the specific issue of whether
12 BellSouth provided online edit capability to CLECs. See Order No. PSC-00-
13 1777-PCO-TP at 7 (^{September}~~Jul.~~ 28, 2000) (^{September}~~July~~ 2000 Order”). The Commission also
14 reacknowledged that, since the initial Orders, changed circumstances existed,
15 which could result in a rehearing on the issue of whether BellSouth failed to
16 provide CLECs with online edit capability back in 1998. This acknowledgment
17 was based on the development of TAG, LENS, and Robo-TAG, all of which were
18 not considered at the time of the hearing. Id.
19

20 In the October 2003 Order, the Commission finally resolved the issue and found
21 that BellSouth timely provided on-line edit checking capability to CLECs in
22 compliance with the Commission’s previous Orders, as amended. Specifically,
23 the Commission found that the TPT proved that BellSouth provided on-line edit
24 checking capability to CLECs through EDI as of July 1998, through TAG as of
25 November 1998, and through LENS as of January 2000. See October 2003 Order

1 at 8. The Commission further found that the KPMG TPT found that EDI, TAG,
2 and LENS interfaces were nondiscriminatory and that BellSouth provided CLECs
3 with access to the same Service Order Edit Routine (“SOER”) that BellSouth has
4 used to process its own retail orders since July 1998, which CLECs can use to
5 create their specific on-line edit capability. Id.

6
7 Q. DID BELLSOUTH TIMELY COMPLY WITH THE FLORIDA PUBLIC
8 SERVICE COMMISSION’S PREVIOUS ORDERS CONCERNING ON-LINE
9 EDIT CHECKING CAPABILITY?

10
11 A. Absolutely. As found by the Commission in the October 2003 Order, BellSouth
12 timely provided Supra and all other CLECs with on-line edit checking capabilities
13 as required in the July 1998 Order, as amended. BellSouth has provided CLECs
14 with access to the same SOER that BellSouth uses to process its own retail orders
15 since July 1998. The Commission correctly determined in the October 2003
16 Order that, as of July 1998, BellSouth provided on-line edit capability to CLECs
17 through the Electronic Data Interchange (“EDI”) interface. CLECs, using EDI,
18 have the capability to create, customize and tailor any on-line editing capabilities
19 they desire using the SOER edits. The Commission also correctly found that
20 BellSouth provided on-line edit capability to CLECs via TAG when it was
21 deployed in November 1998, as it also allows CLECs the capability to create,
22 customize and tailor any on-line editing capabilities they desire using the SOER
23 edits. Finally, the Commission correctly found that BellSouth provided on-line
24 edit capability to CLECs via LENS in January 2000. LENS has used the TAG
25 architecture and gateway and has had essentially the same pre-ordering and

1 ordering functionality as TAG since January 2000. When a CLEC submits a
2 request though LENS, which sits atop the TAG system, it has the same on-line
3 editing capabilities as a request submitted through TAG.

4

5 Q. WHAT WAS THE PURPOSE OF THE THIRD PARTY TEST?

6

7 A. This Commission ordered the TPT to test BellSouth's CLEC interfaces and
8 determine whether BellSouth was providing non-discriminatory access to its OSS.

9

10 Q. WHAT DID KPMG'S END-TO-END TESTING OF BELLSOUTH'S PRE-
11 ORDER, ORDER AND PROVISIONING FUNCTIONS ENTAIL, AND WHAT
12 WERE THE RESULTS OF THE THIRD PARTY TESTING PERFORMED BY
13 KPMG WITH REGARD TO BELLSOUTH'S CLEC OPERATIONS SUPPORT
14 SYSTEMS?

15

16 A. Local Service Request ("LSR") orders were submitted, including both erred and
17 error free transactions. The tests were designed such that LSR orders were
18 submitted with errors to determine if the output would correctly result in a
19 clarification and flow the order back to the CLEC for correction. Additionally,
20 error-free transactions were submitted to ensure that the orders would be
21 processed correctly. The TPT proved, unequivocally, that BellSouth's interfaces
22 provide non-discriminatory access to BellSouth's OSS. Indeed, KPMG found in
23 TVV1-1-2 that "BellSouth TAG interface provides expected order functionality."
24 In TVV1-1-3, KPMG found that "BellSouth LENS interface provides expected
25 order functionality." Accordingly, both LENS and TAG were found to be

1 nondiscriminatory interfaces per the criteria used in the third party test in Florida,
2 which included testing of transactions that contained errors.⁵

3
4 In addition, both the FCC and this Commission have found that BellSouth
5 provides non-discriminatory access to its OSS. On page 24 of this Commission's
6 Consultative Opinion Regarding BellSouth's Operational Support Systems, Order
7 No. PSC-02-1305-FOF-TP, the Commission found that BellSouth is providing
8 nondiscriminatory access to its OSS for the pre-ordering and ordering domains.

9 Likewise, in approving BellSouth's 271 application, the FCC agreed that
10 BellSouth provides nondiscriminatory access to its OSS and, thus, satisfies the
11 requirement of checklist item 2. See Application of BellSouth Corporation et al
12 for Authorization to Provide In-Region InterLATA Services in Florida and
13 Tennessee, FCC 02-331 (Dec. 18, 2002) ("Florida 271 Order"). "By definition,
14 nondiscriminatory access means that BellSouth provides CLECs access to the pre-
15 ordering and ordering functionalities in substantially the same time and manner as
16 BellSouth retail systems." October 2003 Order at 6. Accordingly, the TPT, the
17 Commission, and the FCC have all found that BellSouth provides sufficient on-
18 line editing capability to CLECs.

19

20 Q. SUPRA CRITICIZES THE KPMG TPT AND CLAIMS THAT CLECs WERE
21 NOT ALLOWED TO PARTICIPATE. PLEASE COMMENT.

22

23 A. As proven below, this claim is false. The TPT performed by KPMG was open to
24 the scrutiny of CLECs. CLECs were extensively involved in every aspect of the

⁵ KPMG Final Report at 182, 185, Version 2.0 (July 30, 2002) (App. C – FL, Tab 57).

1 test, including the calls and meetings as described in the Master Test Plan.
2 CLECs participated in transaction testing via KPMG interviews and information
3 sharing regarding the CLEC OSS experience. In short, CLECs had input every
4 step along the Florida OSS Test journey for over 2½ years. Indeed, KPMG, under
5 the direction of the Florida Commission Staff, held approximately 130 weekly
6 CLEC status calls, 130 CLEC Exception calls, 130 CLEC Observation calls and
7 15 face-to-face workshops and meetings. Moreover, a daylong CLEC Experience
8 Workshop was held on February 18, 2002 allowing CLECs to raise over fifty OSS
9 issues. The Commission analyzed each of the 50 CLEC issues and found that
10 “the most significant of these issues have been addressed either through the tests
11 or through action taken by us on our own motion. In other instances, we believe
12 either that the CLEC issues are not supported by the information available, or do
13 not reflect a systemic problem that inhibits the CLECs’ ability to compete with
14 BellSouth.”⁶

15
16 Supra raised almost identical criticisms regarding the TPT with the FCC in
17 BellSouth’s 271 case and the FCC rejected all of them. Generally, in describing
18 the TPT, the FCC held on numerous occasions that CLECs participated in the
19 Florida TPT. For instance, the FCC held that “KPMG also sought input from
20 both the Florida Commission and competitive LECs to understand the types of
21 activities that had previously presented problems or otherwise were of concern.”
22 See Florida 271 Order at ¶ 72 (emphasis added). The FCC further stated that
23 “[w]e note that the Florida KPMG test was actively monitored by other state
24 commissions in BellSouth’s territory and that it has been widely recognized for its

⁶ Florida Public Service Commission Opinion No. PSC-02-1305-FOF-TL in Docket 960786B-TL, September 25, 2002, at page 10.

1 independence, openness to competitive LEC participation, breadth of coverage,
2 and level of detail.” Id. at ¶ 75 (emphasis added).

3
4 Specifically regarding Supra’s claims, the FCC rejected Supra’s argument that (1)
5 the KPMG test was flawed because it purportedly only focused on POTS service;
6 (2) the KPMG test was inadequate because KPMG was not granted access to
7 BellSouth’s OSS identical to that offered to BellSouth’s retail operations; (3) the
8 KPMG test’s analysis of the operation experience of a pseudo-competitive LEC
9 was inappropriate; and (4) the Commission should not have delegated competitive
10 LEC’s concerns to the third-party tester. Id. at ¶¶ 75-78. As to this last argument,
11 the FCC stated:

12
13 We give this assertion little weight given the amount of
14 input that competitive LECs had in the Florida KPMG test,
15 the Florida Commission’s careful consideration of the
16 competitive LEC’s concerns raised to KPMG, and the
17 Florida Commission’s consideration of the issues raised
18 during its recently held Competitive LEC Experience
19 Workshop.

20 Id. at ¶ 78.

21 Simply put, CLECs participated in the TPT, CLECs raised issues and concerns
22 regarding the TPT, the Commission addressed each CLEC issue and concern, and
23 the FCC confirmed that CLECs had input in the TPT and that the Commission
24 addressed these concerns. The fact that Supra chose not to participate in the TPT
25 or claims that the TPT was inadequate does not undermine the TPT but rather
26 only Supra’s motivations and hollow argument that the TPT is flawed.

27
28 Q. ON PAGE 5 OF ITS PETITION FOR FORMAL PROCEEDING, SUPRA
29 CRITICIZES THE FCC’S REVIEW OF BELLSOUTH’S 271 APPROVAL

1 PROCESS. WHAT WERE THE RESULTS OF THE FCC'S REVIEW OF
2 BELLSOUTH'S CLEC OPERATIONS SUPPORT SYSTEMS?

3
4 A. As recognized by this Commission in the October 2003 Order, the FCC in the
5 Florida 271 Order found that BellSouth provides nondiscriminatory access to its
6 OSS. Thus, as stated above, the FCC essentially found that BellSouth provides
7 nondiscriminatory access regarding on-line edit capability, which is an ordering
8 function.

9
10 In addition, the FCC specifically rejected Supra's claim that BellSouth's OSS
11 fails to provide CLECs with on-line edit capability:

12
13 We also reject Supra's claim that LENS is discriminatory
14 because "orders submitted from LENS are not error
15 checked with any efficiency or completeness. KPMG
16 found LENS to be a nondiscriminatory interface under
17 criteria that included testing of both error-free transactions
18 and transactions that included errors. Moreover, since
19 January 2000, LENS has used the TAG architecture and
20 gateway and has essentially the same pre-ordering and
21 ordering functionality for resale services and UNEs as
22 TAG. Thus, when a competitive LEC submits a request
23 through LENS, which sits atop the TAG system, it has the
24 same on-line editing capabilities as a request submitted
25 through TAG. As a consequence, we disagree with Supra
26 that "BellSouth has not implemented on-line edit checking
27 in LENS."

28 Florida 271 Order at ¶ 97.

29
30 Q. IN SUMMARY, DID BELLSOUTH COMPLY WITH THE FLORIDA PUBLIC
31 SERVICE COMMISSION'S PREVIOUS ORDERS CONCERNING ON-LINE

1 EDIT CHECKING CAPABILITY AND DID BELLSOUTH COMPLY IN A
2 TIMELY MANNER?

3

4 A. Yes, BellSouth has fully complied as required in Order No. PSC-98-1001-FOF-
5 TP, as amended. As correctly found by the Commission, BellSouth provided on-
6 line edit checking capabilities through EDI as of July 1998, through TAG as of
7 November 1998, and through LENS as of January 2000.

8

9 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

10

11 A. Yes.

12

1 BELL SOUTH TELECOMMUNICATIONS, INC.
2 REBUTTAL TESTIMONY OF RONALD M. PATE
3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
4 DOCKET NO. 980119-TP
5 MAY 26, 2004
6

7 Q. ARE YOU THE SAME RONALD PATE WHO FILED DIRECT TESTIMONY IN
8 THIS PROCEEDING?

9
10 A. Yes.

11
12 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?
13

14 A. The purpose of my testimony is to rebut issues raised by Supra
15 Telecommunications and Information Systems, Inc.'s ("Supra's") witness, Mr.
16 David E. Stahly, in his direct testimony in this matter. I will demonstrate the
17 confusion and/or fallacy of Mr. Stahly's claims regarding: 1) the modification
18 of the LENS system; 2) BellSouth's compliance with the Florida Public
19 Service Commission's Orders ("Commission") regarding on-line edit-
20 checking; 3) the sufficiency and appropriateness of the utilization of third party
21 testing performed by KPMG to resolve the outstanding issues in this
22 proceeding; and 4) other unfounded assertions by Mr. Stahly. In fact, I will
23 show that Mr. Stahly and Supra are, at best, confused and at worst,
24 intentionally ignoring the plain language of the applicable Commission Orders
25 as well as the Federal Communications Commission's ("FCC's") findings in

1 re: Application of BellSouth Corporation et al for Authorization to Provide In-
2 Region InterLATA Services in Florida and Tennessee, FCC 02-331 (Dec. 19,
3 2002) ("Florida 271 Order") regarding the issues in this proceeding.

4
5 I. MODIFICATION OF LENS

6
7 Q. ARE MR. STAHLY AND SUPRA CONFUSED ABOUT WHAT THE
8 COMMISSION'S ORDERS REQUIRED BELLSOUTH TO DO REGARDING
9 ON-LINE EDIT-CHECKING CAPABILITY?

10
11 A. Yes. Specifically on Pages 7, 9, 13, 16, 19 and generally throughout his
12 entire testimony, Mr. Stahly claims that Order No. PSC-98-1001-FOF-TP
13 ("July 1998 Order") required BellSouth to modify LENS to provide Supra with
14 on-line edit-checking capability. In support, Mr. Stahly repeatedly cites the
15 following excerpt from the July 1998 Order:

16
17 "...we find that BellSouth shall be required to modify LENS to give
18 Supra the same ordering capability that BellSouth's RN[S] system
19 provide[s] itself in order to comply with the parity provision in the
20 parties' agreement."

21
22 Mr. Stahly's reliance on this passage is misplaced and does not support the
23 position he is articulating because the Commission's reference to the
24 modification of LENS refers only to *ordering* capability and not to *on-line edit-*
25 *checking* capability, which is the subject of this proceeding. With regard to

1 on-line edit-checking capability, the Commission, on Page 22 of the July 1998
2 Order, held that BellSouth was required to "provide Supra with the same
3 interaction and on-line edit-checking capability through its interfaces that
4 occurs when BellSouth's retail ordering interfaces interact with BellSouth's
5 FUEL and SOLAR systems to check orders." Contrary to Mr. Stahly's
6 testimony, nowhere in the July 1998 Order or elsewhere does the
7 Commission require BellSouth to modify LENS to provide on-line edit-
8 checking capability.

9
10 Supra should be aware of this fact because the Commission previously
11 rejected Supra's argument on this exact issue. Indeed, on Page 6 of Order
12 No. PSC-00-0288-PCO-TP ("February 2000 Order") the Commission stated
13 "Supra argues that we actually required BellSouth to modify LENS to provide
14 on-line edit-checking capability by December 31, 1998." The Commission
15 then rejected this argument, stating:

16
17 ...[N]owhere in either Order [July 1998 Order or Order
18 No. PSC-98-1467-FOF-TP ("October 1998 Order")] did
19 we specifically state that the on-line edit-checking
20 capability had to be provided specifically through the
21 LENS interface. In each reference to this particular
22 requirement we indicated that it must be provided
23 generally through the ALEC ordering interfaces available
24 to Supra. (Emphasis added)
25 (February 2000 Order, at Page 10).

1 Why Mr. Stahly refuses to recognize the Commission's previous ruling is a
2 mystery to BellSouth. Apparently, Mr. Stahly is either confused or misstating
3 facts in an attempt to shore up Supra's deficient argument.
4

5 Q. IS BELLSOUTH REQUIRED TO DEVELOP AND IMPLEMENT AN ON-LINE
6 EDIT-CHECKING INTERFACE FOR SUPRA?
7

8 A. No. On Page 9 of his testimony, Mr. Stahly claims that the Commission
9 Orders in this proceeding required BellSouth to develop and implement an
10 on-line edit-checking interface that would provide Supra with the actual ability
11 to perform on-line edits. This is false. The Commission specifically ordered
12 BellSouth in the October 1998 Order to provide Supra with the same ordering
13 interaction capabilities of RNS with FUEL and SOLAR, but not the actual
14 implementation of such a system. Thus, the Commission never required
15 BellSouth to provide Supra with on-line edits implemented up front in an
16 interface, which would have required BellSouth to replicate its retail systems
17 and install hardware at Supra's premises. Rather, BellSouth was required to
18 provide Supra with the capability to implement on-line edits.
19

20 Further supporting this conclusion is that the Commission, in the October
21 1998 Order, stated that "in view of BellSouth's assertions that it would be
22 necessary to place equipment at Supra's premises, we shall, however, clarify
23 that BellSouth does not need to provide the exact same interfaces that it
24 uses." (October 1998 Order, Page 15.) Additionally, the Order went on to
25 state "we shall not require BellSouth to duplicate its RNS and DOE interfaces

1 at Supra's premises." (October 1998 Order, Page 21.) Thus, the
2 Commission expressly rejected the obligations that Mr. Stahly now claims the
3 Commission ordered. In fact, to do what Mr. Stahly now claims BellSouth
4 was ordered to do, would directly conflict with the Commission's October
5 1998 Order.

6
7 Therefore, contrary to Mr. Stahly's testimony, BellSouth is not in violation of
8 the Commission's Orders because the Commission never ordered what Mr.
9 Stahly describes in its testimony. Simply put, BellSouth cannot be in violation
10 of a requirement that does not exist. Nevertheless, as set forth in my direct
11 testimony and as further described below, BellSouth has timely complied with
12 the Commission's Orders requiring BellSouth to provide Supra with on-line
13 edit-checking capabilities.

14
15 II BELLSOUTH'S COMPLIANCE WITH THE COMMISSION'S ORDERS

16
17 Q. DID BELLSOUTH TIMELY COMPLY WITH THE COMMISSION'S ORDERS
18 TO PROVIDE SUPRA WITH THE SAME INTERACTION AND ON-LINE
19 EDIT-CHECKING CAPABILITY THAT OCCURS BETWEEN BELLSOUTH'S
20 RNS SYSTEM AND THE FUEL AND SOLAR SYSTEMS?

21
22 A. Yes, unequivocally. Please see my Direct Testimony filed in this proceeding
23 on April 21, 2004, Pages 4-7 for the history and resolution of this matter. For
24 ease of reference, I will restate some of that testimony here. In the July 1998
25 Order, the Commission ordered BellSouth to "provide the same on-line edit-

1 checking capability to Supra that BellSouth's retail ordering systems provide."
2 See July 1998 Order, at Page 47. In its October 1998 Order, at Pages 15
3 and 21, the Commission stated that it was not requiring BellSouth to duplicate
4 its RNS and DOE interfaces at Supra's premises for on-line edit-checking
5 capability or to place equipment or hardware at Supra's premises. Rather,
6 the Commission clarified that BellSouth was to provide Supra with the on-line
7 edit-checking *capability* that occurred when BellSouth's retail ordering
8 interfaces interacted with BellSouth's FUEL and SOLAR systems to check
9 orders.¹

10
11 BellSouth complied with this requirement by providing CLECs with the
12 BellSouth business rules, which are found in the Local Ordering Handbook,
13 and in July 1998 with the Service Order Edit Routine ("SOER") that BellSouth
14 uses to process its retail orders.²

15
16 A CLEC can use the BellSouth business rules and SOER edits to create and
17 customize its machine-to-machine interfaces to meet its business needs,
18 including specific on-line edit-checking capability. Simply stated, BellSouth's
19 business rules say "this is how to input an order correctly," and the SOER
20 edits check to see if it was inputted correctly. These are the same tools that
21 BellSouth has utilized to program its RNS system to provide it with the
22 capability to interact with its FUEL and SOLAR systems to check orders.

¹ October 1998 Order, at Pages 18 and 24. FUEL stands for Field Identifier (FID)/Universal Service Order Code (USOC) Editing Library. SOLAR stands for Service Order Language Analysis Routines.

² The SOER edits were provided to CLECs in July 1998 via http://search.interconnection.bellsouth.com/icsportal/highlight_html.jsp?url=http%3A%2F%2Finterconnection.bellsouth.com%2Fcarrier%2Flec%2Fhtml%2Foss_info.html&sentenceld=7008243. This site points to the security page, where a CLEC would enter its user name and password.

1 Accordingly, Supra could have and should have used these tools that have
2 been available through the business rules and since July 1998 through the
3 SOER edits to program its ordering system to achieve the same interaction
4 capabilities that are provided through BellSouth's FUEL and SOLAR systems
5 to check orders.

6
7 Q. CAN YOU DESCRIBE IN DETAIL HOW BELLSOUTH COMPLIED WITH
8 THE COMMISSION'S PREVIOUS ORDERS IN THIS PROCEEDING?

9
10 A. Yes. To provide such an explanation, I will describe the interaction of RNS
11 with FUEL and SOLAR. A diagram of the order flow is attached as Exhibit
12 RMP-1 entitled "Process Flow for Ordering." This Exhibit also depicts the flow
13 of wholesale orders. The Process Flow for Ordering diagram shows how
14 service orders flow as they are inputted and transmitted through the retail
15 service order negotiation system to the Service Order Communications
16 System ("SOCS"). Note that FUEL and SOLAR are indicated to reside in the
17 RNS "box" on the diagram. That is because FUEL and SOLAR are integrated
18 into the RNS application, and they function as one executable. FUEL
19 contains Field Identifiers ("FIDs") and Universal Service Order Codes
20 ("USOCs") definitions and attribute data that is used by SOLAR to validate the
21 data entries inputted into RNS. The definitions and attributes in FUEL and
22 SOLAR are based on the requirements found in the business rules and
23 SOER edits.

24

1 When the order leaves RNS, it is sent to the Store Forward Message
2 Infrastructure ("SFMI"). SFMI provides a means of transporting the
3 transaction data between the front-end RNS application and the back-end
4 mainframes applications such as SOCS. SMFI provides assured delivery,
5 auditing logging, alarming, and automated failover.

6
7 BellSouth provided Supra in 1998 with the tools (the business rules and the
8 SOER edits) to replicate this process in its interfaces to meet its business
9 needs. CLECs, using the machine-to-machine³ Electronic Data Interchange
10 ("EDI") interface or TAG interface, have the capability to create, customize
11 and tailor any on-line editing capabilities they desire using the business rules
12 and the SOER edits that BellSouth has provided.

13
14 Indeed, acting as a pseudo CLEC as part of the Third Party Test, KPMG
15 tested the CLECs' ability to develop and implement a machine-to-machine
16 interface using BellSouth's business rules, thus proving that BellSouth
17 provides non-discriminatory access to its OSS. Implicit with a machine-to-
18 machine interface is the capability to program up front on-line edits tailored to
19 meet a CLEC's unique needs. Therefore, the Third Party Test further
20 supports a finding that BellSouth complied with the Commission's Orders in
21 this docket because KPMG did what Supra could have done using the
22 information provided by BellSouth.

23

³ In simple terms, a machine-to-machine interface (sometimes called "application-to-application interfaces") permits transmittal and receipt of data electronically so that the data will automatically populate computer systems and databases without human intervention.

1 Q. DOES BELLSOUTH ALSO PROVIDE NON-DISCRIMINATORY ACCESS TO
2 PRE-ORDERING AND ORDERING COMPONENTS OF ITS OSS?

3

4 A. Yes. Under the standard set forth by the FCC regarding non-discriminatory
5 access and as found by the FCC and by this Commission, BellSouth provides
6 non-discriminatory access to its OSS. It would be inherently inconsistent to
7 find that BellSouth has violated the Commission's orders regarding on-line
8 edit capability in this proceeding when both this Commission and the FCC
9 have found that BellSouth provides non-discriminatory access to its ordering
10 and pre-ordering systems.

11

12 III. THE THIRD PARTY TEST WAS THE PROPER INSTRUMENT FOR
13 RESOLUTION OF ISSUES IN THIS DOCKET

14

15 Q. DID THE COMMISSION PROPERLY RELY ON THE THIRD PARTY TEST
16 TO RESOLVE THIS ISSUE?

17

18 A. Absolutely. The Commission could not have relied on a more appropriate
19 tool. As discussed in detail above, non-discriminatory access was the
20 standard by which BellSouth's OSS was to be measured, and the very
21 *purpose* of the Third Party Test was to prove non-discriminatory access to
22 BellSouth's OSS. KPMG tested BellSouth's CLEC interfaces to determine if
23 BellSouth was providing non-discriminatory access to its OSS. This was
24 accomplished by KPMG acting as a pseudo CLEC. As a pseudo CLEC,
25 KPMG built the machine-to-machine interfaces per the BellSouth business

1 rules and specifications, and proved that the interfaces worked as planned.
2 The system properly checked for errors in submitted orders and accepted
3 them if they were accurate and complete. If they were not accurate and
4 complete, the system clarified or rejected the order as appropriate. Further,
5 the Third Party Test demonstrated that access to the wholesale ordering
6 process was provided in substantially the same time and manner as
7 BellSouth provided this process for itself. Both wholesale and retail orders
8 ultimately are submitted to SOCS, where the handling of both types of orders
9 is identical. (See Exhibit RMP-1) Accordingly, KPMG found BellSouth to be in
10 compliance with its non-discriminatory access requirements, as prescribed by
11 the FCC.

12

13 Q. WHAT DID KPMG'S END-TO-END TESTING OF BELLSOUTH'S PRE-
14 ORDER, ORDER AND PROVISIONING FUNCTIONS ENTAIL, AND WHAT
15 WERE THE RESULTS OF THE THIRD PARTY TESTING PERFORMED BY
16 KPMG WITH REGARD TO BELLSOUTH'S CLEC OPERATIONS SUPPORT
17 SYSTEMS?

18

19 A. Local Service Request ("LSR") orders were submitted, including both erred
20 and error free transactions. The tests were designed such that LSR orders
21 were submitted with errors to determine if the output would correctly result in
22 a clarification and flow the order back to the CLEC for correction.
23 Additionally, error-free transactions were submitted to ensure that the orders
24 would be processed correctly. The Third Party Test proved, unequivocally,
25 that BellSouth's interfaces provide non-discriminatory access to BellSouth's

1 OSS. Indeed, KPMG found in TVV1-1-2 that "BellSouth TAG interface
2 provides expected order functionality." In TVV1-1-3, KPMG found that
3 "BellSouth LENS interface provides expected order functionality."
4 Accordingly, both LENS and TAG were found to be non-discriminatory
5 interfaces per the criteria used in the Third Party Test in Florida, which
6 included testing of transactions that contained errors.⁴

7
8 In its September 28, 2000 Order (Order No. PSC-00-1777-PCO-TP), at Page
9 9, the Commission ruled that it should rely on the Third Party Test in order to
10 avoid duplicative proceedings to determine whether BellSouth has complied
11 with the Commission's Orders regarding on-line edit-checking capability. The
12 Commission held that "the information and determinations made in that [Third
13 Party Test] proceeding will be employed in this Docket to the fullest extent
14 possible."

15
16 After the conclusion of the Third Party Test and a complete review by the
17 FCC of BellSouth's OSS for 271 compliance, the Commission determined in
18 the October 2003 Order (Order No. PSC-03-1178-FAA-TP) that BellSouth
19 had met its burden in this matter. Specifically, on Pages 8-9 of the October
20 2003 Order, the Commission found that, "[t]he [Third Party Test]
21 demonstrates that BellSouth has made available the on-line edit-checking
22 capability," and has "complied in a timely manner with the requirements of the
23 post-hearing Final Order in this Docket. . . ." Thus, it is clear that the
24 Commission has considered this matter carefully and thoroughly.

⁴ KPMG Final Report at 182, 185, Version 2.0 (July 30, 2002) (App. C – FL, Tab 57).

1 Q. MR. STAHLY DISREGARDS THE PARTICIPATION OF THE COMMISSION
2 AND OTHER CLECS IN THE THIRD PARTY TEST, AND CLAIMS THAT
3 THE FCC IMPROPERLY RELIED ON KPMG'S THIRD PARTY TEST IN THE
4 271 PROCEEDING. PLEASE DISCUSS.

5
6 A. On Pages 14-18, Mr. Stahly dismisses the findings of this Commission,
7 KPMG, and the FCC by claiming that the Commission apparently cannot rely
8 on any source, other than Supra's opinion, in its decision making process.
9 Supra's claim overlooks the facts in this case. The FCC relied on the KPMG
10 Third Party Test because it was a thorough examination of BellSouth's OSS
11 and was performed under the close scrutiny of this Commission as well as the
12 CLECs. I fully described the participation in the Third Party Test by the
13 CLECs in my Direct Testimony filed on April 21, 2004, Pages 9-11. I
14 explained that the Third Party Test performed by KPMG was open to the
15 scrutiny of CLECs, and that CLECs were extensively involved in every aspect
16 of the test, including attendance at the calls and meetings as described in the
17 Master Test Plan. The FCC confirmed these facts in the Florida 271 Order as
18 it held that "KPMG also sought input from both the Florida Commission and
19 competitive LECs to understand the types of activities that had previously
20 presented problems or otherwise were of concern." See Florida 271 Order, at
21 ¶ 72 (emphasis added). The FCC further stated that "[w]e note that the
22 Florida KPMG test was actively monitored by other state commissions in
23 BellSouth's territory and that it has been widely recognized for its
24 independence, openness to competitive LEC participation, breadth of
25 coverage, and level of detail." Id. at ¶ 75 (emphasis added).

1 Supra could have availed itself of the opportunity to participate in the Third
2 Party Test but chose to remain silent, notwithstanding the Commission's
3 previous decisions in this docket. BellSouth cannot be held accountable for
4 Supra's negligence and failure to act.

5

6 Simply put, CLECs participated in the Third Party Test, CLECs raised issues
7 and concerns regarding the Third Party Test, the Commission addressed
8 each CLEC issue and concern, the FCC confirmed that CLECs had input in
9 the Third Party Test and that the Commission addressed these concerns.
10 This is a non-issue and does not deserve further consideration.

11

12 Next, unbelievably, on Page 18 of his testimony, Mr. Stahly boldly states that
13 the "FCC took no evidence from CLECs." This statement is false, and it is
14 odd that Supra would make such a claim, as Supra filed testimony and raised
15 almost identical criticisms regarding the Third Party Test with the FCC in
16 BellSouth's 271 case. The FCC rejected all of these arguments. Once
17 again, Mr. Stahly's testimony is flatly contradicted by information and findings
18 that both he and Supra should have been aware of prior to filing his
19 testimony.

20

1 IV. MISCELLANEOUS MATTERS

2
3 A. BellSouth's Timely Provision of Rejects and Clarifications

4
5 Q. MR. STAHLY IMPLIES ON PAGE 4, LINES 10 – 12, OF HIS DIRECT
6 TESTIMONY THAT SUPRA EXPERIENCES REJECT NOTIFICATION
7 DELAYS THAT PREVENT ITS CUSTOMERS' NEW SERVICE FROM BEING
8 INSTALLED ON A TIMELY BASIS. PLEASE COMMENT.

9
10 A. Although Mr. Stahly claims that Supra has experienced notification delays of
11 anywhere from "a couple of hours to a couple of days," the results of the
12 metric for reject and clarification intervals demonstrate that BellSouth is
13 meeting its timeliness obligations.

14
15 For background purposes, the Commission adopted a broad range of
16 performance measures and standards designed to create incentives for
17 BellSouth's post-entry compliance with its section 271 non-discriminatory
18 access obligations. One such measure is reject timeliness. With respect to
19 orders submitted electronically, a benchmark was established for mechanized
20 and partially mechanized orders. For mechanized orders the benchmark is
21 97% of rejects returned within one hour. For partially mechanized orders the
22 benchmark is 95% returned within 10 hours. These benchmarks were
23 established as a point of measure to ensure rejects are returned in
24 substantially the same time and manner to CLECs as BellSouth does for
25 itself. Meeting this reject timeliness enables an efficient CLEC to adequately

1 serve its end-user customers and thus have a meaningful opportunity to
2 compete in the market place.

3

4 Attached as proprietary Exhibit RMP-2 are the reject timeliness results for the
5 first quarter of 2004 for the state of Florida as well as for Supra. This exhibit
6 contains proprietary information and will be provided pursuant to the
7 appropriate Protective Agreement and under a Notice of Intent filed with the
8 Commission. These results were summarized from the data provided on
9 BellSouth's Performance Measurement Analysis Platform (PMAP) using
10 Florida's Single Reporting Structure ("SRS") data and Supra's individual
11 performance data. Florida results are provided for those products where
12 Supra also had performance data.

13

14 A review of these results clearly demonstrates that BellSouth is meeting its
15 obligations for the timely return of rejections of orders that are solely due to
16 Supra's input errors or inability to follow the established business rules.
17 Supra results generally meet or exceed the applicable benchmarks.

18

19 **B. Accuracy of Orders**

20

21 Q. ON PAGES 4 AND 12 OF HIS TESTIMONY, MR. STAHLY CLAIMS THAT
22 BELLSOUTH'S RNS GUARANTEES THAT BELLSOUTH SUBMITS
23 SERVICE ORDERS THAT ARE ALWAYS 100% ACCURATE. IS THAT
24 CORRECT?

25

1 A. No, it is not. Mr. Stahly is incorrect when he states that, "RNS ensures that
2 BellSouth representatives will only submit orders that are 100% accurate and
3 will not be rejected by BellSouth's Service Order Communications System
4 ("SOCS")," (Page 4) and that, "BellSouth's RNS system . . . does not allow its
5 sales representatives to submit orders with errors; thus, none of BellSouth's
6 orders are rejected due to errors on the order entry form" (Page 12). Mr.
7 Stahly has no basis in fact for either statement.

8

9 Q. DOES SOCS REJECT ORDERS THAT BELLSOUTH SUBMITS VIA RNS?

10

11 A. Yes. Although BellSouth certainly would like 100% of its orders to be
12 accepted by SOCS, approximately 10-15% of BellSouth's RNS orders are
13 rejected monthly due to errors. These errors occur despite the fact that the
14 orders are checked through the interaction of FUEL and SOLAR, which I
15 discussed earlier.

16

17 Q. HOW DOES BELLSOUTH HANDLE ORDERS FROM RNS THAT HAVE
18 BEEN REJECTED?

19

20 A. After receiving reject information, BellSouth must correct these orders by
21 manually reviewing and fixing the errors. BellSouth then resends these
22 orders to SOCS, where they are checked for errors again and sent
23 downstream for provisioning, if they pass the SOER edits in SOCS.

24

1 Thus, contrary to Mr. Stahly's statements on Pages 4 and 12 of his testimony,
2 and regardless of the edit-checking capabilities of RNS, BellSouth's RNS
3 does allow residential sale representatives to submit orders with errors and
4 those incorrect orders are rejected by SOCS.

5

6 Q. SHOULD AN EFFICIENT COMPETITOR HANDLE ITS ERRORS IN A
7 SIMILAR MANNER?

8

9 A. Yes. After receiving a reject notice from BellSouth, a CLEC should review
10 and fix its rejected request. The CLEC should resend the LSR via its chosen
11 electronic ordering interface. The LSR would be checked by BellSouth's
12 OSS, and, if free of errors, converted to a service order. Then the CLEC's
13 service order would be sent to SOCS, where the order would be checked for
14 errors again and sent downstream for provisioning, if it passed the SOER
15 edits in SOCS.

16

17 Q. ON PAGE 12 OF HIS TESTIMONY, MR. STAHLY CLAIMS THAT HIS
18 EVIDENCE THAT BELLSOUTH HAS NOT PROVIDED SUPRA WITH THE
19 SAME EDIT-CHECKING IS BASED ON HIS BELIEF THAT NONE OF
20 BELLSOUTH'S RNS ORDERS ARE REJECTED. PLEASE COMMENT.

21

22 A. As I have just discussed, orders sent via RNS are rejected by SOCS due to
23 errors. Consequently, Mr. Stahly's misbelief cannot be used as evidence
24 against BellSouth. As stated elsewhere in this testimony, the Florida

1 Commission only required BellSouth to provide CLECs with the same on-line
2 edit-checking *capability*, and BellSouth has done that.

3
4 **C. TAG - CLEC Ordering Interface**

5
6 Q. IS TAG A CLEC ORDERING INTERFACE?

7
8 A. Yes. Contrary to Mr. Stahly's declaration on Page 13 of his testimony that,
9 "TAG is not a CLEC ordering interface[.]" TAG is a CLEC ordering interface,
10 as the Commission is well aware, as a result of the extensive 271
11 proceedings. I will reiterate here for convenience. TAG uses the industry
12 standard protocol (CORBA) for pre-ordering. In September 1997, when the
13 industry voted to approve two standard protocols for pre-ordering interfaces,
14 CORBA and EDI TCP/IP/SSL3,⁵ the industry anticipated that CORBA would
15 become the preferred long-term solution. BellSouth, therefore, built its
16 machine-to-machine pre-ordering interface to the CORBA standard, rather
17 than the EDI standard. BellSouth named its CORBA-based interface the
18 Telecommunications Access Gateway, or TAG. Similarly, Verizon calls its
19 CORBA-based pre-ordering interface the "CORBA Gateway."⁶ SBC calls its
20 interface the "CORBA interface."⁷ In addition to providing a TAG pre-ordering
21 interface, BellSouth also decided to build a TAG ordering interface based on
22 the same protocol. The TAG ordering interface was provided in November
23 1998.

24

⁵ TCP/IP/SSL3 stands for Transmission Control Protocol/Internet Protocol over Secure Sockets Layer 3.

⁶ <http://www22.verizon.com/wholesale/lsp/connguide/1,4-East-PreOrder-corba,00.html>

⁷ <https://clec.sbc.com/clec/hb/>

1 Q. IN SUMMARY, DID BELLSOUTH COMPLY IN A TIMELY MANNER WITH
2 THE FLORIDA PUBLIC SERVICE COMMISSION'S PREVIOUS ORDERS
3 CONCERNING ON-LINE EDIT-CHECKING CAPABILITY?
4

5 A. Yes. BellSouth has fully complied as required in Order No. PSC-98-1001-
6 FOF-TP, as amended. As correctly found by the Commission, BellSouth
7 provided on-line edit-checking capabilities through EDI as of July 1998,
8 through TAG as of November 1998, and through LENS as of January 2000.
9

10 Q. DOES THIS CONCLUDE YOUR TESTIMONY?
11

12 A. Yes.
13

1 BY MR. MEZA:

2 Q Mr. Pate, do you have a summary?

3 A Yes, I do.

4 Q Can you please provide it?

5 A Good morning. The issue in this matter is not
6 complicated. The Commission ordered BellSouth to provide
7 on-line edit checking capability for ordering to Supra.
8 BellSouth complied with that order and did so in a timely
9 manner. The Commission agreed with this conclusion in its
10 October 2003 order. That order was the result of a thorough
11 evaluation of BellSouth's actions in this matter. The
12 Commission considered information that came to them through
13 testimony, hearings, interrogatories, as well as a third-party
14 test. All of that effort and analysis led the Commission to
15 properly conclude that BellSouth complied with its order in a
16 timely manner.

17 The Commission's order required BellSouth to provide
18 Supra with the same on-line edit checking capability that
19 BellSouth's retail order systems provide. The October '98
20 order specifically states, and I quote, BellSouth shall provide
21 Supra with the same interaction and on-line edit checking
22 capability through its interfaces that occurs when BellSouth's
23 retail ordering interfaces interact with BellSouth's FUEL and
24 SOLAR databases to check orders, end quote.

25 The BellSouth retail order interface referenced by

1 this statement is the regional negotiation system, or RNS.
2 BellSouth complied with this requirement by providing CLECs
3 with the business rules and, in July of 1998, with the service
4 order edit routines, which we call SOER edits. For BellSouth's
5 retail RNS system, it is the SOER edits that provide the basis
6 for the interaction that takes place in FUEL and SOLAR. The
7 same SOER edits are foundational to the business rules
8 BellSouth provides to CLECs for the submission of local service
9 requests, LSRs.

10 The SOER edits are not actually applied by
11 BellSouth's systems until an order reaches BellSouth's service
12 order communication system, or SOCS. At that point the SOER
13 edits are applied exactly in the same time and manner to both
14 CLEC and BellSouth retail orders.

15 So what does all that mean in providing a CLEC like
16 Supra with the same edit checking capability? Specifically,
17 CLECs using the machine-to-machine EDI or TAG interfaces have
18 the ability to create, customize, and tailor any on-line edit
19 capabilities they desire using these business rules and the
20 SOER edits that BellSouth has provided. Supra had this
21 capability with EDI at the time of the Commission's July 1998
22 order, and it should have used these tools to develop its
23 ordering system to achieve the same editing capabilities that
24 are provided for BellSouth's RNS through its FUEL and SOLAR
25 interaction.

1 BellSouth also has had this same capability -- excuse
2 me. Supra has also had this same capability with the TAG
3 interface since BellSouth implemented it in November of 1998.
4 The fact that Supra chose to use the LENS human-to-machine
5 interface instead of the EDI or TAG machine-to-machine
6 interface and the tools provided by BellSouth does not mean
7 that BellSouth did not timely comply with the Commission's
8 order.

9 Now, one point of contention revolves around
10 modifications to LENS required by the Commission's order.
11 Supra still contends BellSouth was required to modify LENS with
12 respect to on-line edits even though the Commission made it
13 clear to the contrary in its February 2000 order where it
14 specifically pointed out Supra's confusion. The Commission's
15 order required that BellSouth provide modification to LENS only
16 for ordering capability, not on-line edit checking capability.
17 The modifications ordered dealt specifically with telephone
18 number reservation functionality through LENS. To be clear,
19 the Commission specifically ordered BellSouth to provide Supra
20 with the same ordering interaction capabilities of RNS with
21 FUEL and SOLAR, but not the actual implementation of such a
22 system. In fact, for BellSouth to implement such a system
23 would directly conflict with the Commission's October
24 1998 order that clarified, and I quote, we shall not require
25 BellSouth to duplicate its RNS and DOE interfaces at Supra's

1 premises, end quote.

2 In other words, to order what Supra wants would
3 require BellSouth to do exactly what this Commission ordered
4 that BellSouth did not have to do in its October 1998 order.
5 Thus, it appears that Supra is either confused, as the
6 Commission pointed out, or it is misstating facts in an attempt
7 just to shore up a deficient argument.

8 The final issue to resolve is whether the third-party
9 test can be used to demonstrate BellSouth's compliance, and the
10 answer is yes. First, the Commission stated in its
11 September 2000 order that it would use the information and
12 determinations from the third-party test, and I quote, to the
13 fullest extent possible, end quote, in this docket. The
14 Commission did not direct structured tests specific to the
15 issues in this docket as part of third-party testing. Instead,
16 the Commission's direction was to follow the Master Test Plan
17 as documented and conduct the third-party test accordingly.
18 Once done, the Commission's intent was clear and that was to
19 use the resulting information to the fullest extent possible in
20 this proceeding. And the resulting information is significant.
21 KPMG acting as a pseudo CLEC built an EDI and a TAG
22 machine-to-machine electronic interface using the same
23 specifications and business rules documentation that BellSouth
24 provided to the CLECs. These were the very interfaces KPMG
25 used to conduct the preordering and ordering tests. In other

1 words, KPMG did what Supra could have done if it had used the
2 information provided by BellSouth. This plainly demonstrates
3 that Supra could build these same interfaces and that it had
4 the capability by using the business rules and/or the SOER
5 edits to further customize these interfaces with on-line edits
6 tailored to their operational needs. So at the end of the day,
7 the third-party test, BellSouth was found to provide
8 nondiscriminatory access to its OSS for CLECs in accordance
9 with the FCC and the Florida Public Service Commission
10 requirements.

11 In conclusion, this Commission, the thirty-party
12 test, and the FCC have found that BellSouth provides
13 nondiscriminatory access to its OSS. To find that BellSouth
14 has violated the Commission's order regarding on-line edit
15 checking capability of its OSS would be inherently inconsistent
16 with those findings. The Commission correctly found in its
17 October 2003 order that BellSouth provided on-line edit
18 checking capabilities through EDI as of July of 1998, through
19 TAG as of November of '98, and through LENS as of January 2000.
20 Thank you. This concludes my summary.

21 MR. MEZA: Mr. Pate is available for cross.

22 COMMISSIONER DEASON: Okay. You may proceed.

23 CROSS EXAMINATION

24 BY MR. CHAIKEN:

25 Q Good morning, Mr. Pate.

1 A Good morning.

2 Q Would you agree with me that BellSouth and Supra can
3 enter into an agreement to provide something greater than the
4 telecommunication that it provides?

5 A Sure. They could have a commercial contract that
6 could be something beyond those requirements.

7 Q And would you agree with me that if the parties
8 failed to live up to their agreed obligations, that the
9 Commission could have authority to resolve those disputes?

10 A It would depend on the contract itself. If that
11 authority rests with the Commission, yes. You could have a
12 commercial agreement that's not under the authority of the
13 Commission.

14 Q And in this docket do the parties have a commercial
15 interconnection agreement?

16 A The interconnection agreement is under the
17 Commission's authority.

18 Q Okay. So you're not contesting that the Commission
19 had authority to resolve the issues that were in dispute in
20 this docket?

21 A No, I'm not.

22 Q And would you agree, if the Commission ordered
23 something, then BellSouth continues to have the obligation to
24 comply with that order until BellSouth is relieved of that
25 obligation?

1 A Would you state that one more time, please?

2 Q Sure. If a Commission orders BellSouth to do
3 something, when is BellSouth relieved of that obligation?

4 A Well, they have to -- they're obligated to do
5 whatever based on -- when the Commission orders it to be done.

6 Q Unless the Commission relieves them of that
7 obligation to do so; correct?

8 A That's correct.

9 Q Are you familiar with which ordering system Supra was
10 using at the outset of this docket?

11 A Yes.

12 Q What system was that?

13 A My understanding, you were using the LENS, the local
14 exchange navigation system.

15 Q Do you think it would make sense for the Commission
16 to order BellSouth to modify a different ordering system than
17 the system Supra was using at the time?

18 A Yes, it could, I mean, based on whatever the
19 circumstances are. As long as we make the systems available,
20 it doesn't necessarily have to be limited to a particular
21 system.

22 Q Okay. Are you familiar with the Commission's
23 February 11th, 2000 order in this docket?

24 A Which one did you say?

25 Q The February 2000 order.

1 A Yes.

2 MR. CHAIKEN: Okay. I've previously provided both
3 staff, BellSouth, and the Commissioners with a set of orders
4 which have been highlighted for ease of reference. I'd like to
5 give the same set of orders to the witness.

6 Permission to approach, Commissioner.

7 COMMISSIONER DEASON: Yes.

8 BY MR. CHAIKEN:

9 Q Can you pull out the February 2000 order, Mr. Pate?

10 A Yes. I'm going to try to use copies I have myself.

11 Q Sure.

12 A Unless the page numbering is different, there should
13 be no problem.

14 Q That's okay. I've actually highlighted for ease of
15 your reference in the orders I've given you, but you can use
16 your own if you'd like.

17 A Very well. I'm at the order. Which page?

18 Q Turn to Page 9.

19 A I'm there.

20 Q I'm actually going to ask you, if you don't mind, to
21 turn to the -- just because mine's highlighted, it may be
22 easier to point to the section.

23 A Sure. I'm there.

24 Q Can you read the highlighted section out loud,
25 please?

1 A Sure. And I am reading from the PSC Order 0288.
2 This is in this docket obviously on Page 9 and that's dated
3 February 11th, 2000. And I quote, in our proceeding, only the
4 LENS and EDI interfaces were actually addressed in the record.
5 Our decision was based upon the evidence and the capabilities
6 of only these ALEC interfaces, end quote.

7 Q Thank you. Can you turn the page to Page 10?

8 A I'm there.

9 Q And can you read the highlighted sentence there?

10 A Certainly. And I quote, we acknowledge that the only
11 ALEC ordering interfaces that we addressed in our proceeding
12 were the LENS and EDI interfaces, end quote.

13 Q Is it BellSouth's position that TAG has been
14 considered in this docket?

15 A It's BellSouth's position that TAG was an approach
16 that -- or shall I say a solution that we pursued for this
17 docket as well. And you've got to put that in perspective with
18 timing. You just asked me to read from a February 2000 order,
19 and we were trying to put in place what this Commission would
20 find acceptable in a 1998 order. A lot of time transpired
21 between the time that TAG was developed and implemented, which
22 was at the end of 1998, November specifically. So you have a
23 time lapse there.

24 Q Okay. Has TAG ever been -- as far as your
25 understanding goes, has TAG ever been considered in this

1 docket?

2 A BellSouth's position is we considered it in this
3 docket at that point in time as one of our solutions for
4 compliance.

5 Q Has the Commission ever considered TAG in this
6 docket?

7 A This order clarified that their intent was EDI and
8 LENS. They did not make any of that -- statements before until
9 this clarification in 2000.

10 Q So is your answer, no, the Commission has never
11 considered TAG in this docket?

12 A I'm not going to say it that way because they have
13 also considered in this docket I think since that point in
14 time, but specific to what they said in this order, they were
15 not considering it. But that does not mean that they haven't
16 or are now not willing to consider it in this docket.

17 Q Can you turn to the October 2003 order?

18 A Which one?

19 Q The October 2003 order.

20 A Okay.

21 Q And can you read the highlighted section in that
22 order?

23 A What page?

24 Q It's on Page 8. Sorry.

25 A Okay. I'm reading from the PSC-03-1178 order dated

1 October 21st, 2003, and I'm on Page 8. You have two --
2 actually, you have three different things highlighted. Are you
3 asking me to read all these highlights or what?

4 Q Yes, please.

5 A Give me one second --

6 Q Take your time.

7 A -- because you're highlighting just portions of a
8 sentence.

9 Q Take your time to read the whole paragraph.

10 A Reading just what you highlighted as you request, the
11 first highlight, and I quote, the TAG interface, which had not
12 even been considered in this order -- excuse me, in this -- in
13 the hearing, end quote.

14 Later in that same paragraph, your next highlighted
15 area, and I quote, we noted, however, that further proceedings
16 may be warranted to consider new evidence on TAG and whether it
17 met the intent of our order, end quote.

18 The next paragraph where you highlighted, thereafter,
19 by Order Number PSC-00-1777-PCO-TP, issued September 28, 2000,
20 among other things, we granted BellSouth's request that it
21 reopen the record in this case on the issue of on-line edit
22 checking capability and postponed action in the docket to see
23 if the third-party OSS test of BellSouth's systems would
24 resolve the issue without necessitating further action in this
25 docket, end quote.

1 Q And was there ever a proceeding in this docket in
2 which the Commission considered new evidence on TAG and whether
3 it met the intent of this order or the Commission's orders in
4 this docket?

5 A Well, based on my interpretation of this they were
6 using the third-party test, so that could be considered as
7 being in consideration in this docket. TAG was definitely part
8 of the third-party test.

9 Q Was there a proceeding between the parties before
10 this Commission on the third-party test?

11 A In this docket there was not. But there was a
12 proceeding before this Commission, I assure you, on third-party
13 test, a very lengthy one, two and a half years.

14 Q And based on your reading of this, it's your opinion
15 that the Commission considered TAG in this docket?

16 A Well, that would be my interpretation. I mean, it's
17 very clear that we postponed the action in this docket to see
18 if the thirty-party test of BellSouth's system will resolve the
19 issue without necessitating further action in this docket.
20 Third-party test included TAG.

21 Q I see. I'm going to ask you to turn to the
22 October 1998 order.

23 A October '98?

24 Q Yes, please. Page 15, when you get a chance.

25 A I'm there.

1 Q Can you read the highlighted section?

2 A Certainly. And I'm reading from the PSC-98-1467
3 order dated October 28th, 1998. And I quote, as set forth in
4 our order, BellSouth's FUEL and SOLAR databases have
5 simultaneous interaction with BellSouth's ordering interfaces,
6 so that orders -- excuse me, so that errors in an order being
7 worked by a service representative are immediately identified.
8 If an error is identified, the BellSouth service representative
9 can make corrections before the order is completed. BellSouth
10 shall provide Supra with this same capability through the
11 ordering interfaces provided to it, as identified in the
12 parties' agreement, end quote.

13 Q Mr. Pate, would you agree with me that immediately
14 identifying errors in an order being worked can only refer to
15 on-line edits that are preformed prior to submission of the
16 order?

17 A I'm sorry. For some reason, your microphone is hard
18 to understand. If you could --

19 Q Sure. Can you hear me now?

20 A That's better. Thank you.

21 Q Would you agree with me that immediately identifying
22 errors in an order being worked can only mean and refer to
23 edits being performed prior to submission of the order?

24 A I'm rereading this for one second, please. As
25 implied here by a service representative or immediately

1 identified, yes, I agree with you.

2 Q Okay. Thank you. So the requirement from the
3 Commission as set forth in this paragraph are on-line edits
4 prior to Supra's CSR submitting an order; is that correct?

5 A Well, that's the understanding that's evolved now,
6 and that's at least what your desire is. I can tell you that
7 BellSouth also felt that on-line edits provided after you've
8 sent it to us also was sufficient here at that point in time
9 when we were looking at this. The FCC even confirmed that in
10 its order when it referenced the disagreement with what Supra
11 filed. Those are a form of on-line edits. But I understand
12 our disagreement on that, but I just want to make sure you
13 appreciate the position that BellSouth says as well.

14 Q Sure. There's different types of on-line edits.

15 A Yes.

16 Q And there's edits that occur after a CLEC submits an
17 order to BellSouth.

18 A Correct.

19 Q And there's edits that occur prior to submitting the
20 order to BellSouth.

21 A That's correct.

22 Q And in this paragraph, specifically just the
23 paragraph we just referenced, this is talking about on-line
24 edits prior to submitting an order to BellSouth; correct?

25 A That's the way I would interpret that now, today.

1 Q Okay. Thank you. In fact, you couldn't interpret it
2 to mean on-line edits post-submission of an order, could you?

3 A Well, I'm not saying whether someone did or did not.
4 I'm just telling you that with respect to BellSouth and what it
5 was doing for some of the interfaces and our solutions, we were
6 considering that the on-line edits applied when it gets through
7 the LEO and LESOG interaction was sufficient here because of
8 the stringent standards also placed on those clarifications and
9 the return. I mean, as this Commission knows, we have a
10 benchmark of 97 percent return within one hour. So from our
11 standpoint, we felt like that interaction in conjunction with
12 those level one edits that are already existent in the LENS
13 interface and the others that you could program in EDI or TAG
14 were sufficient.

15 Q Okay. But you're not interpreting this to mean
16 post-submission of order on-line edits; is that correct?

17 A I'm not interpreting this particular clause of that,
18 no.

19 Q Okay. Thank you. I think in your direct testimony
20 you refer to the September 2000 order which reopened this
21 docket. Can you pull out the September 2000 order?

22 A I have the September 28, 2000 order.

23 Q Correct.

24 A I'm there.

25 Q I'm going to ask you to turn to Page 7.

1 A I'm there.

2 Q Is this -- can you see the highlighted section there?

3 A Yes, I see it.

4 Q Just take a moment to read that to yourself.

5 A I've read it.

6 Q Now, this order states that the Commission will
7 consider whether third-party testing of BellSouth's OSS has
8 resolved the issue in dispute in this docket, and the docket
9 shall remain open pending the outcome of that third-party test;
10 correct?

11 A Yes.

12 Q And you stated in your direct testimony -- I believe
13 it was on Page 6 -- that the Commission reopen the record in
14 this case to allow for new evidence to be considered; is that
15 correct?

16 A Let me get to that page.

17 Q Sure.

18 A You say it's on Page 6 of my direct?

19 Q Page 6, Line 8.

20 A Line 18?

21 Q Line 8.

22 A Line 8. Thank you. Yes, I see that.

23 Q What new evidence was presented to the Commission in
24 this docket?

25 A I'm sorry. I couldn't hear your question. The

1 microphone again. I'm sorry.

2 Q What new evidence has been presented in this docket?

3 A Well, the new evidence in this docket incorporated
4 everything out of the third-party test. They said they would
5 use that information to the fullest extent possible.

6 Q And the Commission's October 2003 order is based
7 solely upon the KPMG third-party test; correct?

8 A Which order did you reference?

9 Q The October 2003 order.

10 A The October 2003. Let me get these in my head. I
11 wouldn't say it's solely based on third-party test. I would
12 say it's based on that additional information as well as we
13 answered numerous interrogatories and everything else that had
14 been filed in this docket up to that point in time. So I don't
15 think you can say "solely third-party test," but that would
16 have been a factor.

17 Q Can you point me to anything in this order that the
18 Commission relies upon other than the third-party test in
19 issuing this October 2003 order?

20 A Well, I'm not going to take the time unless the
21 Commissioner wants for me to sit here and read this whole
22 order. What I'll say to you right up front, the order has case
23 background. It gives the whole history up to the point in
24 time. So by the fact that you give that whole history means it
25 incorporates everything that's happened up until this point.

1 And then the Commission has interrogatories we responded to
2 that would have been considered; it's specific to this docket.
3 So all of that information is inclusive with this consideration
4 as well as the third-party test.

5 Q Okay. So sitting here today, you can't point to
6 anything in this order other than the third-party test which
7 the Commission relied upon as stated forth and set forth in
8 this order?

9 A Well, I'll tell you what. We'll take the time. I'll
10 sit here and go through every page of the order, and I'll see
11 if I can --

12 Q Subject to check, would you agree with me that this
13 order is based on the third-party test and only the third-party
14 test?

15 A No, I can't agree with that. I mean, based on the
16 background information here and everything, I can't say it's
17 just based on third-party test only.

18 MR. CHAIKEN: Okay. Take a minute -- Commission, if
19 I can take a few minutes to let Mr. Pate review this order.

20 COMMISSIONER DEASON: The order speaks for itself.
21 Please proceed with your questions.

22 MR. CHAIKEN: Thank you.

23 BY MR. CHAIKEN:

24 Q Mr. Pate, isn't it true that the KPMG third-party
25 test only dealt with a CLEC's overall access to BellSouth's OSS

1 post-submission of an order?

2 A No. No, that's not true at all. You've got to go
3 back and look at the tests in totality. First off and the most
4 significant thing with respect to this docket to realize is
5 that the KPMG pseudo CLEC that was formed had to build the
6 interfaces. They built machine-to-machine interfaces,
7 specifically a TAG and an EDI interface. That was built using
8 the specifications and the BellSouth business rule documents
9 that's provided to the CLECs. That interface, in fact, was
10 being built before they even did the test is significant in
11 this proceeding.

12 They also, if you're not aware, I mean, they also
13 interviewed retail, the retail organization. It's even -- as a
14 matter of fact, I don't want to misstate it. I think I have it
15 in the executive summary to the third-party test. Give me one
16 second.

17 I'm looking on the executive summary of the final
18 report, the July 30th final report, and I'm on Page 12
19 specifically. And it states, and I'll quote, EDI and TAG
20 interfaces that were built by KPMG Consulting based on publicly
21 available BellSouth specifications, end quote. That's the
22 business rules and the specifications that I'm referring to and
23 that is, I think, a significant thing of this report.

24 Give me one other second. I'm looking in the
25 preordering and ordering domain results, Section IV, and I'm on

1 Page 167. And I quote, the two machine-to-machine interfaces
2 were tested using interfaces built by KPMG Consulting according
3 to specifications and processes provided to ALECs by BellSouth,
4 end quote. I think that is tremendously significant. And one
5 final thing, going back to the executive summary on Page 17,
6 the test, and I quote, the test examined functionality,
7 compliance with measurement agreements, and comparable systems
8 supporting BellSouth retail operations, end quote. So there's
9 more to it than just the simplistic statement that you make.

10 Q Sure. And you'd agree with me that at your
11 deposition you testified that you weren't aware to a single
12 reference to on-line edit checking capability in the KPMG
13 report; is that correct?

14 A That's correct. And I stand by the statement today
15 based on that question you asked. There's not a specific
16 reference to on-line edits in this report that I could find.

17 Q And you agreed with me at your deposition that the
18 KPMG test wasn't designed to test the issue of on-line edits
19 prior to a CLEC's CSR submitting an order to BellSouth; isn't
20 that correct?

21 A What I agreed and the similar question you asked to
22 me in the deposition was, to my knowledge, there was not a test
23 specifically structured for that purpose. That does not mean
24 that when they built the machine-to-machine interface that they
25 didn't put some on-line edits themselves, KPMG -- I have no way

1 of knowing that. They could have put them on there. What I do
2 know is by the fact that they built a machine-to-machine
3 interface, that capability exists and that same capability
4 existed in 1998 for Supra and it exists today.

5 Q So your opinion is just that the Commission got it
6 wrong in July 1998?

7 A I'm sorry. I didn't --

8 Q Is it your position then just that the Commission got
9 it wrong in July of 1998?

10 A I don't know so much that they got it wrong. It's
11 that the way the case evolved in 1998 from my understanding,
12 and I wasn't the witness at that point in time, was this issue,
13 on-line edit issue was not a clear issue, and BellSouth did not
14 make a presentation maybe strong enough to get the Commission
15 to help the Commission to understand that.

16 Q But Supra had a machine-to-machine interface at that
17 time; correct?

18 A They had -- they didn't use one. They had one
19 available to them, EDI, but I think you were only using LENS,
20 but you'd have to answer that question.

21 Q So by virtue of that fact, then, BellSouth was in
22 compliance with the Commission's order at the time of the
23 issuance of the order?

24 A State that one more time for me, please.

25 Q By the virtue of the fact that Supra had a

1 man-to-man -- machine-to-machine interface at the time of the
2 July 1998 order, does that mean that BellSouth was already in
3 compliance with the Commission's order?

4 A In my opinion, from what was being discussed at that
5 point in time, yes, we were. I don't think that clearly was
6 demonstrated or clearly came out. But by the fact you have a
7 machine-to-machine interface and you had the business rules,
8 and that's a critical component with this, and what we did in
9 addition to that is we provided you the SOER edits. Now, the
10 SOER edits, as I tried to summarize, is specific to SOCS or the
11 application. It's really more the business rules. That you
12 had the capability to go and replicate what the FUEL/SOLAR
13 interaction that took place with RNS.

14 Q EDI didn't have preordering capabilities in 1998, did
15 it?

16 A I'm sorry. I'm just having trouble with your
17 microphone or something. It's me. I apologize.

18 Q Did EDI have preordering capabilities in 1998?

19 A No. But that's irrelevant to what we're talking
20 about here and on-line edits. You're talking about an
21 interaction where you have the capability of using the business
22 rules and building the necessary points and checks and
23 balances. The fact that you didn't have an EDI preorder is
24 irrelevant to that.

25 Q Mr. Pate, you would agree with me that at your

1 deposition I asked you if you would agree that there's nothing,
2 no results, no specific findings or anything to the like would
3 suggest or evidence that KPMG actually did create a system
4 which provided the same on-line checking capabilities, the same
5 type and manner that BellSouth's RNS provides when it interacts
6 with FUEL and SOLAR, and you agreed with me at your deposition,
7 didn't you?

8 A I agreed with that in the deposition and I stand by
9 that today. From what I have here, I cannot sit here and say
10 they did. But I'm going to say again that the issue was did
11 they have the capability, and the answer to that is most
12 definitely yes. And that capability was clear by the fact that
13 they built an EDI machine-to-machine interface and a TAG
14 machine-to-machine interface using the specifications and
15 business rules that BellSouth provided.

16 Q You'd also agree with me that providing access to the
17 capability to implement the edits yourselves is not the same as
18 providing the on-line edit checking capabilities to Supra?

19 A It's a long question. You're going to have to ask
20 that again.

21 Q Sure. Let me repeat it. Would you agree with me
22 that providing Supra with the tools to implement the on-line
23 edit checking capabilities itself is not the exact same as
24 actually providing the on-line edit checking capabilities to
25 Supra?

1 A I agree. And the order did not say for us to provide
2 it. It said for us to give you the capability. You know,
3 that's kind of like -- I've got a 17 year old, so I could use
4 him as an analogy. That's kind of like with his schoolwork,
5 you know. I cannot do his homework for him and take his test,
6 but I can help him with the capability by giving the books and
7 giving the guidance and giving assistance. He still has to do
8 it.

9 Q You admitted at your deposition that it's technically
10 feasible for BellSouth to actually provide the edits to Supra;
11 correct?

12 A Oh, yes. I mean, it's technically feasible. But
13 let's make it clear. That's not a simplistic technical
14 solution. That is a very, very complex solution. That's a
15 solution that -- and I want to go back to your opening
16 statement. In your opening statement you said something to the
17 effect that this is about customer service. The solution that
18 would be put in place could deter from customer service, in my
19 professional opinion, with what you're proposing, particularly
20 using a Web browsed approach, because it's an issue of design.
21 And I would say that the technical solution is very, very
22 complex and goes way beyond anything that BellSouth should
23 have. That's one of the reasons it was brought up and made
24 quite clear in one of the clarification orders by this
25 Commission that we did not have to duplicate our systems. We

1 did not have to put any hardware on your site. So for us to do
2 all that is what you're suggesting, and it also would be
3 necessary for Supra to open up its systems, its programming
4 code to BellSouth. You know, that would be the day is all I
5 can say.

6 Q Mr. Pate, you testified at your deposition that
7 BellSouth did not make any modifications to LENS specific to
8 the July 1998 order; is that correct?

9 A That is correct.

10 Q And you also testified that BellSouth didn't make any
11 modifications to EDI specific to the July 1998 order; is that
12 also correct?

13 A That's correct. And let's make sure why. None were
14 needed. We gave you the SOER edits, and you developed your
15 presentation system for EDI. You had the capability. We
16 didn't need to change anything or modify it.

17 Q Would you agree with me that BellSouth was not
18 relieved of its obligation in the docket until the October
19 2003 order was issued?

20 A State that for me one more time.

21 Q Sure. Would you agree with me that BellSouth was not
22 relieved of its obligations in this docket until the issuance
23 of the Commission's October 21st, 2003 order?

24 A I would agree from the Commission's perspective and
25 that was the purpose of the order that said we had complied,

1 and that's why we were still here at that point in time and
2 here today.

3 Q Do you have a copy of the binder that in Mr. Meza
4 provided earlier in this proceeding?

5 A No.

6 Q Can you turn to Tab 6?

7 A I'm there.

8 Q Are you familiar with what this pleading is -- or
9 order is?

10 A I'm not sure that I am, so give me a second. My name
11 is in here, so I assume I should be familiar with it. But I've
12 seen so many I just cannot remember specifically, so just
13 refresh me a little bit. Help me.

14 Q It's just a final order in Docket 1305 before this
15 Commission.

16 A I know that. I'm just trying to remember what
17 1305 specifically was.

18 Q I believe it was the overall arbitration and the
19 resulting litigation between the parties of the interconnection
20 agreement.

21 A Okay.

22 Q Does that help you?

23 A Yes. The last time we had an arbitration hearing on
24 your interconnection agreement. Okay.

25 Q This is a final order on that arbitration which was

1 issued on March 26, 2002; correct? Do you see that?

2 A Yes.

3 Q Do you know if BellSouth ever filed a request in the
4 instant docket after the issuance of this order requesting the
5 Commission to relieve BellSouth of the obligations?

6 A The obligations of what?

7 Q To modify the ALEC ordering systems to provide Supra
8 with the same on-line edit checking capabilities.

9 A I really don't know. I mean, the other docket was
10 still open as far as I'm concerned. I don't know if they filed
11 anything under this docket or not.

12 Q Let me rephrase it. Did you file anything in the
13 instant docket which we're here before the Commission today
14 after the issuance of this order requesting the Commission to
15 relieve its obligations in the instant docket?

16 A Let me make sure I understand your question. You're
17 asking me, am I knowledgeable of anything we filed after this
18 PSC-02-0413 order of March 26, 2002 to relieve us of our
19 obligations as a result of this order to the Docket 980119.

20 Q That's correct.

21 A You know, I don't know that we did or did not. You'd
22 have to really better ask the attorneys. I'm not aware or
23 knowledgeable of anything we did, and I know pretty much all
24 the filings in this docket that we're here about today.

25 Q Sure. Turn to Tab 7, please.

1 A I'm there.

2 Q Are you aware after the issuance of this Memorandum
3 Opinion and Order dated December 19, 2002 before the FCC WC
4 Docket Number 02-307 if BellSouth filed a request in this
5 docket before the Commission to relieve BellSouth of the
6 obligations in the instant docket?

7 A The answer to your question is, no, I'm not aware of
8 anything. And the docket you're referring to essentially is
9 our 271 approval for the states of Florida and Tennessee.

10 Q Turn to Tab 8, please.

11 A I'm there.

12 Q You'd agree with me that the October 2003 order was
13 issued after this September 25th, 2002 Consultative Opinion
14 Regarding BellSouth's OSS?

15 A Yes. I mean, the dates speak for themselves.

16 Q And prior to the issuance of the October 2003 order
17 and after the September 25th, 2002 Consultative Opinion, did
18 BellSouth file a request before this Commission in the instant
19 docket to relieve itself of the obligations in the instant
20 docket?

21 A I'm not aware. Once again, it's more of a question
22 you have to ask of the attorneys, but I am personally not aware
23 of anything.

24 Q Between February 2000 and October 2003, were you
25 ever -- did you ever appear before the Commission on this

1 docket?

2 A Not that I recall. I don't think we've actually had
3 an appearance before the Commission in this docket. I filed
4 interrogatories under my name in this docket during that time
5 frame, but I think this is the first time that we've come
6 before the Commission again since that initial hearing.

7 Q Did you ever appear before the Commission staff in
8 this docket during that time frame?

9 A We had one meeting that I recall in this docket and
10 Mr. Nilson was present; I was present. I want to say
11 Ms. Keating was the attorney present and I forgot who else from
12 staff. And I know that Ms. White was my attorney that
13 accompanied me. I recall that meeting. Other than that, I
14 don't recall any others.

15 Q So there was at least one meeting?

16 A That I recall.

17 Q There could have been more?

18 A You're going way back. So could there have been?
19 Yes, because I've been in many meetings and meetings with
20 members here as well as throughout our nine-state region, but
21 that's the only one I recall.

22 Q Okay. So to imply that there was complete silence
23 between February 2000 and the date of the October 2003 order
24 would be incorrect, wouldn't it?

25 A Yes, I think it's incorrect to say there was complete

1 silence.

2 MR. CHAIKEN: Okay. I have nothing further. Thanks.

3 COMMISSIONER DEASON: Staff.

4 CROSS EXAMINATION

5 BY MS. CHRISTENSEN:

6 Q Good afternoon, Mr. Pate. Is it correct to say that
7 LENS is an interface?

8 A Oh, most definitely, it's an interface.

9 Q Would it also be correct to say that EDI is also an
10 interface?

11 A Yes, it would.

12 Q Are LENS and EDI the only systems that would have
13 been available to provide on-line edit checking capability as
14 of October 1998?

15 A Yes, as of October 1998.

16 Q Subsequent to the October 1998 date, were there other
17 interfaces that became available to provide on-line edit
18 checking capabilities?

19 A Did you ask before or after? I'm sorry.

20 Q Subsequent.

21 A I'm trying to think. TAG became available in
22 November of '98, so that would be the only time.

23 Q With TAG being available in November of 1998, would
24 TAG have provided the same on-line edit checking capability as
25 BellSouth's RNS does with the FUEL and SOLAR databases?

1 A Yes, it would. But it's the same approach as EDI.
2 They're both machine-to-machine interfaces. So the CLEC, in
3 this case Supra, would have to use the business rules as well
4 as the SOER edits we applied. But they have the capability to
5 develop that same interaction as FUEL and SOLAR.

6 Q So let me see if I can understand that with a
7 clarification. To utilize TAG, Supra would have been required
8 to create its own interface to get the on-line edit checking
9 capability using FUEL and SOLAR?

10 A Yes. Let me expand to make sure we're aligned. They
11 would have to create their own interface, the interface
12 specifically being TAG or EDI, using the specifications that
13 BellSouth provides for the creation of that interface. And
14 they'd also use the business rules of how to submit local
15 service requests; then to customize that to their particular
16 needs so that they would have that same interaction that FUEL
17 and SOLAR provide. The capability did exist.

18 Q And to make sure I completely understand, to utilize
19 TAG, Supra would not have been required to duplicate the FUEL
20 or SOLAR databases on its side of the interface?

21 A No, I didn't say that. They would have to do some
22 effort on their part to create that same interaction that takes
23 place. But let me elaborate a little bit. They wouldn't have
24 to create everything that FUEL and SOLAR does. FUEL and SOLAR
25 is a retail system for consumer that would be operating in all

1 of BellSouth's nine states. All Supra needed to do was
2 customize it for their particular needs. And what I mean by
3 that more specifically is take a look at what they are
4 ordering.

5 For example, today, I know they order some UNE-P.
6 What errors are common to them? They need to look at their
7 operational efficiency. And by identifying what's common
8 errors that they make customizes that just like a FUEL and
9 SOLAR would do so that it's specific to just the state of
10 Florida where they were doing business and to the products and
11 services they're offering. That is not the same magnitude of
12 programming that BellSouth has in its FUEL and SOLAR
13 interaction with RNS, but it's going to require effort on their
14 part.

15 Q So, in essence, let me see if I understand your
16 answer. They wouldn't have to recreate the complete FUEL and
17 SOLAR databases, but they would have to recreate some sort of
18 database to utilize the similar function?

19 A That's correct. And it's not necessarily a database
20 that they would have to do. They could do it with the
21 programming code itself. It could interact with the database.
22 They could have it all within the code. But they would have to
23 still recreate that interaction.

24 Q Okay. Let me make sure I understand. Would it be
25 correct to say that BellSouth did not modify its LENS interface

1 to mimic the on-line edit checking capability it has with RNS
2 with FUEL and SOLAR?

3 A That's correct. And that got to the statement I
4 elaborated on earlier. That's a human-to-machine interface.
5 It's a Web browser. And the complexities associated with
6 delivering that type of data, if you were using a Web browser
7 approach, would require huge bandwidth, and therefore, it could
8 have tremendous delays in response times negatively impacting,
9 in my personal opinion, the customer service experience that
10 Supra claims they desire. So BellSouth would have to do that
11 because BellSouth -- since it's that human-to-machine interface
12 controls that code and we did not.

13 Q And let me make sure I understand. You also stated
14 earlier that BellSouth did not modify its EDI interface to
15 mimic the on-line edit checking capability as BellSouth has
16 with RNS in its FUEL and SOLAR databases?

17 A That's correct. But it's the same answer with TAG,
18 and that's because it's a machine-to-machine interface. The
19 capability exists. There was nothing for us to modify. You'd
20 have to do that on your side of the interface when you build
21 it. On a machine-to-machine interface, the CLEC builds its
22 presentation system. BellSouth has nothing to do with that.
23 Every EDI and every TAG interface, and there's many of them
24 used by the CLECs that do business with us, every one is
25 specific and unique to their business needs.

1 If you went out today and went from AT&T to MCI, for
2 example, that both use EDI, you'd see something that looks
3 different because it's customized to their needs, but it's
4 still EDI and it's still using the specs and the business rules
5 that BellSouth provided, but it's customized to what they need.
6 And EDI is a perfect example of that. EDI, I had an
7 opportunity of having a -- being present for a deposition with
8 AT&T on EDI and the interfaces in general, and they made it
9 clear in that deposition that we were at parity. There was no
10 on-line edit issue. Parity took place when the SOER edits were
11 applied in SOCS. They understand this. It's only Supra that's
12 making this an issue.

13 Q Let me refer you to your response to Interrogatory 30
14 in staff's interrogatory response -- or the discovery that
15 staff served on BellSouth. And in that BellSouth stated that
16 the Commission ordered BellSouth in the October '98 order to
17 provide Supra with the same ordering interaction capabilities
18 of RNS with FUEL and SOLAR, but not the actual implementation
19 of such a system. Can you refer me anywhere in the
20 reconsideration October 1998 order where it uses the phrase
21 "not the actual implementation of such a system"?

22 A No. I mean, I know the order. I cannot refer you to
23 that. What I can refer you to in that order is where you use
24 the word "capability."

25 Q Okay. So it would be correct to say that the phrase

1 "not the actual implementation of such a system" is a BellSouth
2 interpretation of that order?

3 A That in conjunction with where you state that we did
4 not have to duplicate our systems. We did not have to give
5 them the same system or duplicate our system. We did not have
6 to place hardware and software in their premise. And when you
7 put those two together, that's how we interpreted it that we
8 did not have to implement this. We had to give them the
9 capability to implement it.

10 Q Would it also be fair to say that under BellSouth's
11 interpretation of the reconsideration of final orders in this
12 case BellSouth would have had to do very little actively to
13 provide Supra with on-line edit checking?

14 A No. No, that's not true. I don't think that's the
15 case. The business rules that we provided to them is something
16 that we have to work very hard and stringently on that to make
17 sure that's correct, otherwise, not only Supra but anybody can
18 submit anything correct. So we have to make sure those are
19 correct. But also what we took action on very specifically
20 that could have impacted this -- not could, did impact this was
21 putting in the TAG interface, the preordering and ordering
22 aspects of TAG. By the fact that you had TAG preordering, that
23 gave Supra the ability to integrate preordering with ordering
24 in EDI.

25 I heard Supra ask questions earlier about, you didn't

1 have an EDI preordering. It's irrelevant. You had TAG
2 preordering. You can integrate that with EDI. Now, why is
3 that significant? Because with preordering, if you're doing
4 the preordering correctly, you're getting validated data. The
5 things that they say they need they're getting, address
6 validations. What Mr. Stahly stated up here earlier frankly
7 was totally incorrect -- how LENS works. You get address data
8 and it's valid data. So you get products and service
9 information and it's valid, all part of preordering. You can
10 integrate that to the order. So we did those steps. And
11 that's why a lot of the things that you saw earlier on in this
12 filing relied upon what we did with TAG.

13 Q Let me follow up on that. Would that have been
14 compliance through EDI, or would that have been compliance
15 through TAG?

16 A Well, the TAG preorder can be used with both. And
17 that's what we were saying was significant to this as well for
18 integration abilities. And that was a huge component, as this
19 Commission is well aware under the FCC requirements for
20 nondiscriminatory access, that we provide preordering
21 integration capability with the order.

22 Q Let me -- is it fair to say that under BellSouth's
23 interpretation that Supra would have been the one that would
24 have had to modify its interface to provide the on-line edit
25 checking to itself?

1 A Yes, for its machine-to-machine interfaces. But I
2 want to make this one thing clear. The on-line edit checks
3 that are referred to in the FUEL/SOLAR is at issue. I want to
4 make sure the Commission understands that there's still
5 thousands of edits in LENS. It's just not the same type of
6 edits that I think we're arguing over here today. So I don't
7 want you to walk away saying that you don't have any edits in
8 LENS. We do have thousands of edits in LENS as well that
9 happens instantaneously right there at the point of inputting
10 the information.

11 Q Well, let me clarify. I think there was agreement
12 earlier in referring to one of the orders that what we're
13 talking about here is preorder submission on-line same time
14 edit functioning capability; is that correct? Would you agree
15 with that? That's what the order refers to specifically.

16 A We had some interaction talking about the one
17 paragraph that Mr. Chaiken had me read, and I said it was
18 interpreted -- I could see this interpretation to mean before
19 the submission of the order, if that's what you're referring
20 to.

21 Q Correct. And we're not discussing whether or not
22 there's other editing functions within the LENS system;
23 correct?

24 A Well, I think those are just important to understand,
25 but some of those edits are not the same type of edits we're

1 talking about with this. But those edits that I just
2 referenced, those thousands are prior to the submission of the
3 order. That's why I was trying to make that point clear.

4 Q Let me make sure -- am I correct that it's
5 BellSouth's position that the Commission never required it to
6 provide Supra with on-line edits implemented up front in an
7 interface?

8 A That's our interpretation. And the operative word
9 there is "implement."

10 Q Is it BellSouth's contention that the only way it
11 could have complied with the reconsideration order is to
12 install hardware at Supra's premises to replicate the edit
13 checking interaction of RNS with FUEL and SOLAR edits if it was
14 required to implement that?

15 A Yes. To make an implementation that would be
16 customer service friendly, that would be the solution. That's
17 correct.

18 Q And would it be also fair to say that short of
19 providing that equipment at Supra's premises, the only other
20 way for BellSouth to provide the same on-line edit checking
21 capability was to provide Supra with BellSouth's ordering
22 business rules and SOER, FUEL and SOLAR edits and have Supra
23 build the edits in their interface?

24 A That's right. Let me clarify the way you asked that
25 question. You said, "SOER, FUEL and SOLAR edits." Providing

1 them the SOER edits is the basis for how FUEL and SOLAR
2 interact. What FUEL and SOLAR does, they take those SOER edits
3 and they put business logic in those programs. So the SOER
4 edits is the foundation for that.

5 Q In response to one of staff's interrogatories, Number
6 30, BellSouth stated that EDI ordering follows the industry
7 standard guidelines for local service request that are
8 established by ordering and billing forum committee as ATIS.
9 Is RNS an industry standard interface for retail ordering?

10 A There's no such thing as an industry standard
11 interface for retail ordering. It's a proprietary interface
12 based on BellSouth -- what BellSouth needs for it. There are
13 no industry standards for any RBOC for their own interfaces
14 because those are specific just for ordering with themselves.
15 And of course, they were developed over years of time since the
16 RBOCs were established from the breakup of AT&T.

17 Q Given that, would it be correct that BellSouth could
18 not have modified EDI, which is an industry standard interface,
19 to provide the on-line edit checking capability with the same
20 interaction as RNS with FUEL and SOLAR databases, which are
21 BellSouth proprietary systems, and have EDI remain an industry
22 standard interface?

23 A That's correct. Just to make sure I elaborate a
24 little bit to say why that's correct. You couldn't just take
25 EDI and say, all right, now let's give you access to FUEL and

1 SOLAR and it's going to work. That's not going to happen.
2 You're going to have to develop something separate. They're
3 separate. The processes are separate. The retail submits
4 service orders which are not industry standard. That's what
5 RNS does in its interaction with FUEL and SOLAR. EDI, TAG,
6 LSRs are submitted as well as LENS. That's the industry
7 standard. So it's going to require a programming effort. It's
8 not a simple solution.

9 Q And let me refer back to an earlier question where I
10 think you agreed that to duplicate the RNS with FUEL and SOLAR
11 databases, BellSouth would have had to provide premises
12 equipment to Supra; correct?

13 A Yes.

14 Q Was it BellSouth's opinion that by providing that
15 premises equipment that would be a duplication of its RNS
16 systems?

17 A Well, providing the equipment is only a piece of it.
18 There's software too. I mean, the hardware equipment is just
19 going to be to whatever is necessary if you're going to house a
20 server there for a database or any application that you're
21 going to have. So that's just an equipment piece. But that's
22 only one component. Then you have code that's going to have to
23 be developed to interact between those systems. So it's both
24 of those.

25 Q Is it then BellSouth's contention that to provide the

1 code to interact would have been a duplication of its RNS
2 systems?

3 A Well, yes. I mean, you're essentially asking us to
4 take RNS and duplicate it for a submission of LSRs on a very
5 particular site, in this case Supra site, based on their
6 particular operational needs. That's a duplication of that
7 system. You're asking us to duplicate it. And part of the
8 duplication now is modify it for the submission of LSRs, but
9 you're, from an architectural design, duplicating the same
10 concept.

11 Q Well, let me ask you this. In providing code that
12 would allow for the on-line edit checking, would you have to
13 duplicate all the functionalities of RNS to provide the limited
14 on-line edit checking capabilities?

15 A Well, no. But you said "limited on-line editing," I
16 don't know what that limited is. What do you want? How much
17 do you -- remember how I was saying earlier, if you would take
18 it and focus it on what products and services do you offer, if
19 you mean by limited, it's not going to duplicate all of RNS.
20 It's going to be specific to your operational needs. And
21 that's what I was trying to explain earlier.

22 Q Okay. So let me make sure I'm clear with your
23 answer, which is that it would not necessarily have to
24 duplicate all the functionalities of BellSouth's RNS system in
25 that it could be something less specific for Supra's needs.

1 A Oh, most definitely. It should be something very,
2 very less from an overall effort than what we have for RNS.
3 RNS is far more complex. Plus remember now RNS is only for
4 resale -- excuse me, not resale, retail consumer transactions.
5 A CLEC like Supra can submit consumer, can submit business, can
6 submit UNE-P, unbundled network elements. That's not
7 contemplated with the RNS. They can still build that same
8 interaction based on the products, the UNE products there as
9 well as their business products that they're submitting.

10 Q Would it be correct that EDI could not have been
11 modified to include the ordered edit checking capability while
12 remaining a standard industry interface?

13 A No, I don't think that's correct. I mean, it can
14 still be a standard industry interface, and you can make those
15 modifications. But the modifications once again are
16 implemented on the CLEC side of that interface, that
17 transaction before it's transmitted to BellSouth. That's why
18 BellSouth's solution, and the same solution that the FCC found
19 and you as well through the KPMG test, is very appropriate, is
20 we had those type of edits applied, the same FUEL/SOLAR
21 interaction when it comes across to us, and we have to return
22 in a very timely fashion any errors that we find. That's why
23 we could control that and manage that for that interaction with
24 the necessary databases that we have. Now, if Supra with wants
25 to do that, they could still do that without changing it from

1 being an industry standard, but they've just got to develop
2 that program on their side of the interface.

3 Q Okay. But where we're talking about on-line same
4 time real edit checking is not the same thing as having
5 something checked in BellSouth's system and then returned
6 within an hour. Those are not the same on-line editing
7 processes.

8 A It's not the same what we're discussing here today,
9 but I just have to say when you say "real-time on-line," in our
10 opinion, what we do is real-time on-line. It's just happening
11 at a little bit delayed response. It's not happening while the
12 customer service rep is there. And we've already said all
13 that. It's just when you use terminology like that, that's why
14 the FCC found that ours was sufficient.

15 Q Did the availability of TAG preordering in August of
16 1998 and TAG ordering in October of '98 provide the same
17 on-line edit checking capabilities as RNS with FUEL and SOLAR
18 to the CLECs?

19 A Yes, the same capability. And by the way, the
20 ordering was provided in November of '98, not October.

21 Q Okay.

22 A Yes. It provided the same capabilities just as I
23 discussed how you'd have to do it with EDI, but the capability
24 exists. The CLEC would have to implement that capability.

25 Q Did the availability of LENS '99 in January of 2000

1 provide the same on-line edit checking capability as RNS with
2 FUEL and SOLAR databases to the CLECs?

3 A That's a yes-and-no answer. That gets back to what
4 I've been trying to say several times, the clarification. From
5 the FCC's perspective and particularly from a nondiscriminatory
6 access, the answer is, yes. But those edits are not applied
7 until it comes across the interface, and it's applied in that
8 LEO/LESOG interaction with BellSouth, and we have to return
9 those clarifications in a timely fashion. So it's not going to
10 be the same level of edits applied before you submit it like a
11 CLEC. Once again, LENS has thousands of edits, but not the
12 ones that we saw with the FUEL/SOLAR. That's happening when it
13 hits LEO and LESOG. That's what I mean by yes/no answer. It
14 met that from the FCC requirements and nondiscriminatory access
15 requirement.

16 Q And let me make sure I understood your earlier
17 testimony. You agreed that BellSouth is free to contract in an
18 interconnection agreement for a greater obligation than it has
19 under the Act?

20 A Well, it's my understanding they can. I mean, it's a
21 better question to ask an attorney. But I'm very knowledgeable
22 with contracts, and the answer is, yes, we can.

23 Q Okay. Would you also agree that in KPMG's creation
24 of an interface with BellSouth's systems that there were
25 multiple changes made to the business rules by BellSouth

1 through that process?

2 A You used the term "multiple." I know there were
3 changes. There was documentation found that need to be better
4 clarified and such as a result of that testing. And those
5 documentations, they were identified as sometimes observations,
6 sometimes exceptions as part of the overall process, and those
7 documentations were better corrected, better documented,
8 whatever term you want to use.

9 Q Then would it be fair to say that the business rules
10 at the beginning of the process started by KPMG in building its
11 interfaces were different than the business rules that came out
12 of that process?

13 A I would prefer to use the word "improved." The core
14 business rules, there were changes to them that improved them.
15 There was some exceptions found where the business rules
16 weren't quite right, and from that standpoint if that's what
17 you mean by they're different, but I would use the word "more
18 improved," "better."

19 Q Okay. Staff has nothing -- oh, I'm sorry one more
20 question.

21 If you were to provide on-line edit checking to Supra
22 in a pre-submission of order mode, what exactly would BellSouth
23 have to do at this point?

24 A Well, you've got to look at the two approaches.
25 First, are you talking about the LENS human-to-machine

1 interface, or are you talking about the EDI and TAG
2 machine-to-machine interface? So let me answer on both of
3 those behalfs.

4 If you're talking about the machine-to-machine
5 interfaces, then we're going to have to go and be made
6 available to access to Supra's code, set at Supra's premises,
7 work with their IT folks, I guess now in this case it would be
8 work with NightFire, get definition of specifically what edits
9 it is they want to have in place that's going to give them the
10 same interaction for the products and services they order so
11 you can see with the RNS interaction. We're going to have to
12 develop that code and/or put whatever hardware needed to house
13 any database or any other part of the application would be
14 necessary. So it would be a whole IT solution working side by
15 side with Supra and/or their vendor. It would be very timely,
16 very costly.

17 Now, if you're talking about LENS, where we control
18 that code, now you're talking about what I referred to earlier
19 as a very complicated approach to try to implement something
20 like that. It's going to require a lot of bandwidth getting
21 the data requested on a real-time basis. Let me explain it to
22 you this way. Think of anytime you've gone using your Web
23 browser to order something maybe from a catalog, maybe if
24 you're ordering a dress or a shirt. And you go and you access
25 whatever that catalog retailer is, and they bring back

1 information to you. That interaction, that data, that
2 information they're bringing back, you know, for a shirt it's
3 probably here's the style, here's the color, you know, what
4 size do you want. It's pretty simplistic interaction.

5 Now, take ordering a telephone service, take ordering
6 just local service for your house with three or four features,
7 and you want us to be able to build a system that would come
8 back and tell you, are you selecting the right codes associated
9 with ordering that service, and by the way, since it's going to
10 be something programmed through LENS, we're going to have to
11 program that to deliver that option not for just a simple like
12 I used on the shirt, the size and the color, I'm going to have
13 to build that to show it for all nine states, all different
14 possibilities, all different scenarios. The amount of data
15 that would have to come back from that interaction is
16 tremendous, and that's the bandwidth requirement that I say
17 would be a very complex and complicated thing to do. That's
18 why any Web designer, I think, would take a look at I would
19 want to house data like that on my premise. That's why you'd
20 use an application-to-application or machine-to-machine
21 application interface like EDI, and you'd house that over on a
22 server or within your own application that you develop. You
23 don't go through a Web browser through the Internet trying to
24 get those -- that amount of data coming back on a real-time
25 basis. You would have a potential for tremendous response

1 delays with every little data that you input. That's what
2 would have to be developed, and that is just -- I can't even --
3 I cannot even imagine that even with today's sophisticated
4 technology developing that with all the different ordering
5 scenarios we have.

6 Q And let me ask you, in the machine-to-machine
7 interface scenario that you described earlier, can you describe
8 who would pay for providing that service? If BellSouth were to
9 put the equipment in there, what would be BellSouth's
10 envisioning of how the cost would be allocated?

11 A Well, our position is we shouldn't pay for any of
12 that. We've developed things that give you the capability, and
13 you should pay for that, each individual CLEC. You should
14 customize that for whatever your needs are, once again your
15 operational needs. And those operational needs may give you
16 some competitive advantage for -- because your efficiency is
17 gained. So it's so specific to you, you're going to have to do
18 that, and our position is you should pay for that.

19 MS. CHRISTENSEN: Staff has nothing further.

20 COMMISSIONER DEASON: Commissioners.

21 Redirect.

22 REDIRECT EXAMINATION

23 BY MR. MEZA:

24 Q Mr. Pate, both staff and Supra's counsel asked you
25 questions about agreeing to something more than what's required

1 under the Act. Do you remember those questions?

2 A Yes, I do.

3 Q Do you know if the agreement at issue in this case
4 was BellSouth's standard agreement?

5 A Yes. I reviewed the original 1997 agreement, and it
6 was standard language.

7 Q In relation to staff's questions regarding what would
8 be required to implement on-line edit checking, can you give us
9 an understanding of what NightFire does?

10 A Well, NightFire is a vendor. I think they're
11 actually owned by a company named NeuStar today. They
12 purchased them. They may still be operating under the
13 NightFire name. But they're a vendor and their sole purpose is
14 to go and develop these operational support systems for various
15 companies. And they've carved out a niche, of course, in the
16 submission of the local service requests on behalf of CLECs.
17 So they will come in and design that and customize that based
18 to your particular needs.

19 Q So NightFire is a vendor that does what Supra could
20 have done using the SOER edits?

21 A Well, yes, most definitely. And you find that many
22 CLECs today instead of having their own IT staff, they would
23 rather pay a vendor to do that, but then some, you know, have
24 their own. AT&T, the larger company, has its own staff and
25 they develop all their own internally for the most part. They

1 may still farm some of that out.

2 MR. MEZA: BellSouth has no further questions.

3 COMMISSIONER DEASON: Exhibits.

4 MR. MEZA: Yes. Mr. Pate's exhibits marked as
5 Exhibit 12 BellSouth asks to be moved into the record.

6 COMMISSIONER DEASON: Without objection, show those
7 exhibits admitted.

8 (Exhibit 12 admitted into the record.)

9 COMMISSIONER DEASON: Thank you. You maybe excused.

10 (Witness excused.)

11 COMMISSIONER DEASON: Okay. That's all the witnesses
12 that we have for this proceeding today; correct?

13 MR. CHAIKEN: That's correct.

14 COMMISSIONER DEASON: Anything else to come before
15 the Commission at this time? Do we need to review the
16 schedule?

17 MS. CHRISTENSEN: Commissioners, the next matter is
18 briefs are due September 3rd, and then subsequent to that the
19 recommendation filing would be anticipated on October 21st to
20 be addressed in a November 2nd agenda conference.

21 COMMISSIONER DEASON: Okay. Any questions or
22 concerns with that?

23 MR. MEZA: If possible, I'd like an extension -- we
24 have the IDS hearing on the 10th -- on the briefs.

25 COMMISSIONER DEASON: Sorry. Briefs are due

1 September the 3rd?

2 MR. MEZA: Yes, sir. A week extension or a week and
3 a half would be preferable to BellSouth.

4 COMMISSIONER DEASON: Well, if the briefs are due the
5 3rd, then you have a whole week after that to get ready for the
6 next hearing.

7 MR. MEZA: Yes, sir. I understand that.

8 COMMISSIONER DEASON: I'm sorry. It's denied. We
9 will proceed with the schedule. Everybody has constraints and
10 this Commission has its as well.

11 Okay. Hearing nothing further, this hearing is
12 adjourned.

13 (Hearing concluded at 12:40 p.m.)

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1 STATE OF FLORIDA)
 :
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

3
4 WE, LINDA BOLES, RPR, and TRICIA DeMARTE, RPR,
5 Official Commission Reporters, do hereby certify that the
6 foregoing proceeding was heard at the time and place herein
7 stated.

8 IT IS FURTHER CERTIFIED that we stenographically
9 reported the said proceedings; that the same has been
10 transcribed under our direct supervision; and that this
11 transcript constitutes a true transcription of our notes of
12 said proceedings.

13 WE FURTHER CERTIFY that we are not a relative,
14 employee, attorney or counsel of any of the parties, nor are we
15 a relative or employee of any of the parties' attorneys or
16 counsel connected with the action, nor are we financially
17 interested in the action.

18 DATED THIS 10th DAY OF AUGUST, 2004.

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