

JAMES MEZA III
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0769

January 20, 2005

Mrs. Blanca S. Bayó
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: 041114-TP – Complaint of XO Florida, Inc. Against
BellSouth Telecommunications, Inc. for Refusal to Convert
Circuits to UNEs and for Expedited Processing**

Dear Ms. Bayó:

Enclosed are an original and fifteen copies BellSouth Telecommunications, Inc.'s Rebuttal Testimony of Eddie L. Owens and Rebuttal Panel Testimony of Michael E. Willis and Shelley W. Padgett, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,


James Meza III

Enclosures

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

00735 JAN 20 05

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 041114-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U.S. Mail this 20th day of January, 2005 to the following:

Jason Rojas
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6179
irojas@psc.state.fl.us

Vicki Gordon Kaufman (+)
McWhirter Reeves McGlothlin
Davidson Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, FL 32301
Tel. No. (850) 222-2525
Fax. No. (850) 222-5606
vkaufman@mac-law.com
Represents XO

Dana Shaffer
XO Florida, Inc.
VP, Regulatory Counsel
105 Molloy Street, Ste. 300
Nashville, TN 37201
Tel. No. (615) 777-7700
Fax. No. (615) 850-0343
dana.shaffer@xo.com


James Meza III

1 BELL SOUTH TELECOMMUNICATIONS, INC.
2 REBUTTAL TESTIMONY OF EDDIE L. OWENS
3 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
4 DOCKET NO. 041114-TP
5 JANUARY 20, 2005
6

7 Q. PLEASE STATE YOUR NAME, YOUR BUSINESS ADDRESS, AND
8 YOUR POSITION WITH BELL SOUTH TELECOMMUNICATIONS,
9 INC. ("BELL SOUTH").
10

11 A. My name is Eddie L. Owens. My business address is
12 675 West Peachtree Street, Atlanta, Georgia 30375. I am currently a
13 Manager - Interconnection Services Local Operations and have served
14 in my present position since October 2000.
15

16 Q. ARE YOU THE SAME EDDIE L. OWENS THAT FILED DIRECT
17 TESTIMONY IN THIS PROCEEDING?
18

19 A. Yes. I filed direct testimony on December 13, 2004.
20

21 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY FILED
22 TODAY?
23

24 A. My testimony provides rebuttal to the direct testimony of Mr. Gary
25 Case on behalf of XO Florida, Inc. ("XO") in the instant proceeding. .

1 Q. IN HIS TESTIMONY AT PAGES 3, 12, AND 16, MR. CASE CLAIMS
2 THAT, IN CONVERTING SPECIAL ACCESS CIRCUITS TO
3 STANDALONE UNBUNDLED NETWORK ELEMENTS (“UNEs”), NO
4 PHYSICAL WORK OR CHANGES TO THE CIRCUITS NEED TO BE
5 MADE AND THEREFORE ONLY A RECORD-KEEPING CHARGE
6 SHOULD BE APPLICABLE. PLEASE COMMENT.

7
8 A. First, Mr. Case is incorrect in his statement that no changes to the
9 circuit need to be made. As I discussed in my Direct Testimony in this
10 proceeding, any conversion of a special access circuit to a stand-alone
11 UNE requires BellSouth to change its records for those circuits in
12 BellSouth’s databases and systems. In addition, Mr. Case is incorrect
13 in suggesting to this Commission that converting a circuit to a UNE is
14 akin to a simple “record-keeping” change.

15
16 When a Competitive Local Exchange Carrier (“CLEC”) requests that
17 special access circuits be converted to stand-alone UNEs via a New
18 Business Request (“NBR”) with project management, the CLEC must
19 submit a spreadsheet identifying 15 or more circuits that the CLEC
20 wants to be converted. Upon receipt of that spreadsheet, BellSouth’s
21 Network Sales Engineer (“NSE”), Customer Care Project Manager
22 (“CCPM”), Local Carrier Service Center (“LCSC”), and Project
23 Taskmate Order Processing System (“PTOPS”) work groups validate
24 these spreadsheets, resolve errors, negotiate due dates, generate
25 service orders, and ensure, to the extent possible, that the orders are

1 passed to BellSouth's provisioning groups such that the conversion
2 does not result in the inadvertent disconnection of the circuit.

3
4 After service orders are generated, BellSouth's Assignment Facility
5 Inventory Group ("AFIG"), Circuit Provisioning Group ("CPG"), Access
6 Customer Advocate Center ("ACAC") and Customer Wholesale
7 Interconnection Network Services ("CWINS") provisioning groups
8 update database records and complete the orders on the specified due
9 dates, which will begin billing of the circuits at the UNE rates rather
10 than at special access rates.

11
12 BellSouth's conversion process represents the efficient use of all of the
13 necessary systems mentioned above that are designed to ensure
14 achievement of high performance results for conversions of special
15 access services to UNEs. Contrary to Mr. Case's statements, this
16 conversion is not simply a pricing or billing change. While no physical
17 changes to the circuits are generally necessary, special access circuits
18 and UNEs are different services in BellSouth's records and systems
19 and the changes necessary to convert from one to another are more
20 than merely a pricing change.

21
22 Q. IF NO PHYSICAL DISCONNECTION OF THE CIRCUIT IS
23 GENERALLY REQUIRED IN A CONVERSION, WHY IS THERE A
24 RISK THAT THE CIRCUIT WILL BE DISCONNECTED DURING THE
25 CONVERSION?

1 A. Let me take this opportunity to clear up any confusion on how a
2 conversion is performed. While it is true that, generally speaking,
3 BellSouth does not have to physically disconnect a special access
4 circuit in order to convert it to a stand-alone UNE (that is, there is no
5 need to physically remove or replace any facilities), there is a
6 possibility that disconnection of the circuit could occur during the
7 provisioning process. Specifically, as Ms. Willis and Ms. Padgett
8 discuss in their rebuttal testimony on behalf of BellSouth, during a
9 conversion, BellSouth must process two, distinct orders. First, either
10 BellSouth or the CLEC must submit a "D" or disconnect order to
11 disconnect the access circuit in order to remove it from BellSouth's
12 access systems and databases. Second, the CLEC or BellSouth must
13 submit an "N" or new order to establish the UNE circuit in BellSouth's
14 UNE systems and databases. Thus, while no physical disconnection
15 of the circuit is required to perform the conversion, there is always a
16 possibility that the circuit could be taken out of service if the "D" and
17 "N" orders are not coordinated. BellSouth's project management
18 service is designed to minimize this risk. Of course, CLECs are not
19 obligated to acquire project management from BellSouth for these
20 conversions, and a CLEC could always submit the "D" and "N" orders
21 themselves without the assistance of BellSouth, in which case the
22 orders will be processed by BellSouth.

23
24 Q. COULD THERE BE SITUATIONS WHERE PHYSICAL
25 DISCONNECTION OF THE CIRCUIT WOULD BE REQUIRED TO

1 PERFORM THE CONVERSION?

2

3 A. Yes. Physical disconnection of the special access circuit could be
4 required to convert the circuit to a UNE if the conversion requires the
5 circuit to be moved from one collocation site in a BellSouth central
6 office to another. In this instance, physical disconnection and
7 reconnection of the circuit is required to actually move the circuit to a
8 new collocation site.

9

10 Q. MR. CASE CLAIMS THAT THIS DISPUTE IS LIMITED TO XO'S
11 SPECIAL ACCESS CIRCUITS. ARE YOU AWARE OF ANY
12 INFORMATION THAT SUGGESTS THAT XO MAY BE SEEKING TO
13 CONVERT CIRCUITS THAT ARE IN THE NAME OF ANOTHER
14 CARRIER?

15

16 A. Yes. On December 14, 2004, which is the day after the parties filed
17 Direct Testimony in this proceeding, XO sent a demand letter to
18 BellSouth asking, among other things, that BellSouth convert to UNEs
19 the special access circuits of its subsidiaries, including those currently
20 in the name of Allegiance Telecom, Inc ("Allegiance"). I have attached
21 a copy of this letter as Exhibit ELO-1. While BellSouth understands
22 that XO has purchased these Allegiance circuits and that the parties
23 are currently negotiating for the transfer of these circuits to XO, the
24 circuits are still in the name of Allegiance in BellSouth's systems and
25 databases. And, to the extent XO seeks to move these circuits to XO's

1 collocation site during the conversion of the special access circuits to
2 stand-alone UNEs, physical disconnection of those circuits would be
3 required.

4

5 Q. ON PAGES 3, 17, AND 19, MR. CASE ASSERTS THAT SPA TO UNE
6 CONVERSIONS SHOULD BE COMPLETED WITHIN 30 DAYS OF
7 XO'S SUBMISSION OF THE REQUEST. DO YOU AGREE?

8

9 A. Not necessarily. The interval for completion is a function of the type
10 and quantity of work BellSouth must perform. Thus, the interval must
11 be based on the volume of circuits that XO is requesting to be
12 converted. As with other "project" type work that BellSouth performs
13 for a CLEC, BellSouth's CCPM must negotiate the completion interval
14 with all of the involved departments and work groups within BellSouth,
15 as well as with the CLEC. The completion interval will vary based on
16 the volume of circuits involved in the conversions.

17

18 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

19

20 A. Yes.



Laura D. Inniss
VP, Carrier Management
11111 Sunset Hills Road Reston, VA 20190
Phone: 703-547-2096
Email: laura.d.inniss@xo.com

December 14, 2004

Bell South
Jerry Hendrix
Vice President – Interconnection Services
675 Peachtree Street, NW
Room 34S91
Atlanta, Georgia 30375

Re: Conversion of XO Special Access Circuits to UNE Pricing

Dear Jerry,

As you are aware, XO Communications, Inc.'s Florida, Georgia, and Tennessee subsidiaries are currently in litigation with BellSouth regarding BellSouth's refusal to process pending requests for conversion of zero-mile special access circuits to unbundled network element ("UNE") pricing in accordance with the Federal Communications Commission's ("FCC's") requirements in *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket Nos. 01-338 et al., FCC 03-36, 18 FCC Rcd 16978 (Aug. 21, 2003) ("TRO"), par. 586 - 589. ("TRO")

As set forth in current state petitions, the FCC, in the TRO, has made clear that special access to UNE conversions are to be made in an expeditious manner, that such conversions are largely a matter of billing modifications, and that these billing changes should be processed within one billing cycle of the request. Since BellSouth has refused to perform such conversions in an expeditious manner, some of the conversion requests at issue have been pending for over two years.

XO Communications, Inc., on behalf of its operating subsidiaries, including but not limited to those subsidiaries recent acquired from Allegiance Telecom, Inc. (collectively "XO"), hereby requests that BellSouth update all pending requests in all states, as appropriate, to reflect the circuits set forth in the attached list. To the extent that a circuit(s) is listed in the attachment for which a previous request has been submitted, this update is merely a confirmation of that circuit's pending status; XO does not, by providing this update, waive any claim to retroactive relating to the effective date of the initial conversion request of that circuit, or the effective date of the FCC's Triennial Review Order, as appropriate.

To the extent that the attached list contains circuits for which no previous request has been made, XO submits such request for conversion from special access to UNE pricing effective within one billing cycle of the date of this letter, such conversion to be performed at cost-based rates. XO further reiterates its request that any listed circuits for which prior requests are pending be converted within one billing cycle, and be related to the date of initial request for that circuit(s) or the effective date of the TRO, as appropriate

Please respond by December 21, 2004, indicating whether BellSouth will comply with this request.

Sincerely,

Laura D Inniss

Cc: Gary Case

Doreen Best
Doug Kinkoph
Alaine Miller