AFFIDAVIT

STATE OF GEORGIA

COUNTY OF FULTON

BEFORE, ME, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid, personally came and appeared Cheryl Bursh, who being by me first duly sworn, deposed and said that:

He is appearing as a witness before the Alabama Public Service Commission in Docket. No. 29054 on behalf of AT&T Communications of South Central States, LLC., and if present before the Commission and duly sworn, his Rebuttal testimony would be set forth in the annexed testimony consisting of 12 pages and 1 exhibit (s).

Cheryl Bursh

SWORN TO AND
SUBSCRIBED BEFORE ME
THIS 3rd DAY
OF March, 2004.

Olmachukwu
NOTARY PUBLIC

My Commission expires:

Notary Public, Gwinnett County, Georgia
My Commission Expires Jan .21, 2005

BEFORE THE ALABAMA PUBLIC SERVICE COMMISSION

RE:

In the Matter of Implementation of	**)**	
The FCC's Triennial Review Order	**)**	**DOCKET NO.**
(Phase II – Local Switching for Mass Market Customers)	**)**	**29054**

REBUTTAL TESTIMONY OF

CHERYL L. BURSH

ON BEHALF OF

AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, LLC

MARCH 5, 2004

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Cheryl L. Bursh. My business address is 1200 Peachtree Street, Suite 8100, Atlanta, Georgia 30309.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL BACKGROUND.

A. I have a Bachelor of Science Degree from Johnson C. Smith University and a Master of Science Degree from George Washington University. I am employed as a District Manager by AT&T, operating in Georgia as AT&T of the South Central States, LLC ("AT&T"), where I am responsible for performance measurement and remedy plan advocacy for AT&T's Southern Region. My area of expertise is the development of an effective methodology for measuring BellSouth's performance and includes policy development for effective remedy plans. I have represented AT&T in a number of regulatory proceedings, including performance measurement workshops and hearings conducted in Alabama, Louisiana, Florida, North Carolina, South Carolina, Kentucky, Tennessee and Georgia. In over 22 years with AT&T, I have held a variety of management positions, including strategic planning, sales of large business systems and telecommunications services, system development for operation support systems, product marketing and technical support for computer systems.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to respond to the Direct Testimony filed by BellSouth witness Alphonso J. Varner, and specifically to demonstrate that:

- BellSouth's assessment of its loop performance data for Alabama does not dispute that Competitive Local Exchange Carriers ("CLECs") face operational barriers to market entry absent unbundled local switching (Unbundled Network Element Platform or "UNE-P").

- BellSouth's Alabama performance data, as well as Georgia performance data, does not settle whether its existing processes can handle anticipated loop migration demand if UNE-P is eliminated.

- BellSouth's proposed changes to its Performance Assurance Plan fail to properly sanction poor performance in the batch hot cut process; even with them, key performance areas are excluded.

Q. PLEASE SUMMARIZE YOUR TESTIMONY.

A. To bolster its effort to persuade this Commission that its existing hot cut and loop provisioning process will perform well in a different, untested future, BellSouth relies on the performance data presented in Mr. Varner's testimony, coupled with an incorrect standard. For compelling reasons, this information does not support BellSouth's case. Assembled as directed by this Commission's Orders in the 271 approval process, and reflecting an environment where UNE-P is the local service mechanism used by CLECs, such performance data provides limited insight into how BellSouth would perform if UNE-P is no longer available. In that event, CLECs would use an Unbundled Network Element-Loop ("UNE-L") approach, existing today in extremely low volumes. My testimony highlights concerns in the data reporting, which should be gauged by the standard that in a UNE-L environment, loops should be transferred as promptly and

efficiently as UNE-P. Additionally, Bellsouth's proposed changes to its Performance Assurance Plan, specifically, the Self Effectuating Enforcement Mechanism ("SEEM") and the performance measures, are inadequate and will excuse poor performance without sanctions.

I. BELLSOUTH'S CURRENT PERFORMANCE IN EXECUTING HOT CUTS AND PROVIDING LOOPS IS IRRELEVANT IN CONSIDERING WHETHER CLECS FACE BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING.

Q. ON PAGE 3 OF HIS DIRECT TESTIMONY, MR. VARNER ASSERTS THAT BELLSOUTH'S LOOP PROVISIONING PERFORMANCE IS NOT AN OPERATIONAL BARRIER TO CLECS ENTERING THE MARKET WITHOUT UNBUNDLED CIRCUIT SWITCHING. DO YOU AGREE?

A. No. The current performance data reflects the fact that hot cuts and loop provisioning are at low levels. Even Mr. Varner states, "there may be instances where the volumes reported in Alabama are low for the sub-metric provided in this filing,,,,,"(Varner Direct, p. 4). Mr. Varner admits that "During the period from November 2002 through October 2003, BellSouth in Alabama performed 16 hot cuts (orders)."(Varner Direct Testimony, Exhibit AJV-1, p. 14.) If access to unbundled local switching is denied to CLECs, these volumes will increase dramatically. As described in the testimony of AT&T's witness Mark Van De Water, BellSouth's highly manual provisioning process will be inadequate to handle increased hot cut volumes. Because the different volume levels create two very different environments, how BellSouth handles hot cuts and loop provisioning in a low volume environment does not provide proof of how it will handle dramatic increases in volume.

The Federal Communications Commission ("FCC") recognized this point in the Triennial Review Order ("TRO"). In the face of similar claims by Incumbent Local

Exchange Companies ("ILECs") that performance data demonstrated that hot cut performance is satisfactory, the FCC accurately pointed out that this data was irrelevant: "the issue is not how well the process works currently with limited hot cut volumes…" TRO at ¶ 469. BellSouth's continued effort to twist current performance data to support a different future should similarly be given no weight by this Commission.

Q. ON PAGE 4 OF HIS DIRECT TESTIMONY, MR. VARNER STATES THAT THE GEORGIA PERFORMANCE RESULTS REPRESENT SUPPLEMENTARY INFORMATION IN CASES WHERE THE VOLUMES IN GEORGIA MAY BE MORE MEANINGFUL THAN THE ALABAMA VOLUMES. IS GEORGIA PERFORMANCE RELEVANT IN THIS PROCEEDING?

A. No. The current Georgia data is not relevant in determining whether loop provisioning is an operational barrier to UNE-L market entry. As previously stated, the FCC accurately pointed out that this data is irrelevant. The point is that current performance data, no matter what state it is from, pertains to limited volumes which are not instructive for a different future environment.

Q. ON PAGE 9 OF HIS DIRECT TESTIMONY, MR. VARNER SUGGESTS THAT BELLSOUTH'S PERFORMANCE DATA DEMONSTRATES THAT IT "PROVIDES TODAY, AS IT PROVIDED AT THE TIME OF ITS 271 APPLICATION, NON-DISCRIMINATORY, TIMELY AND EFFICIENT ACCESS TO UNE LOOPS." WHAT RELEVANCE DOES THAT HAVE FOR THIS CASE?

A. None. This point was explicitly rejected in the TRO, where the FCC found that "the number of hot cuts performed by BOCs in connection with the 271 process is not comparable to the number that incumbent LECs would need to perform if unbundled switching were not available for all customer locations served with voice-grade loops." ¶ 469 (fn. omitted). BellSouth (and other RBOCs) relied on UNE-P in order to obtain 271

approval. As a result, the RBOCs' hot cut performance remains limited. BellSouth's effort to transform the performance data into evidence that BellSouth will perform just as well in a UNE-L environment fails. There is no causal connection between the two different environments.

II. BELLSOUTH USES THE WRONG STANDARD IN ATTEMPTING TO DEMONSTRATE THAT CLECS DO NOT FACE OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING.

Q. WHAT STANDARD SHOULD BE USED IN ANALYZING WHETHER CLECS FACE OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING?

A. The FCC suggested a review of performance data could be appropriate as part of the inquiry into the ILEC's "ability to transfer loops in a timely and reliable manner." TRO at ¶ 512. Such an analysis "is necessary to ensure that customer loops can be transferred from the incumbent LEC main distribution frame to a competitive LEC collocation as promptly and efficiently as incumbent LECs can transfer customers using unbundled local circuit switching." *Id.* at n. 1574. This approach, comparing UNE-L to UNE-P performance, is sound, for if the prompt and efficient local service delivery method of UNE-P is no longer available, the ILEC must follow the same standard in performing its replacement. Anything less will cause customer dissatisfaction and confusion. While Mr. Varner's testimony is lengthy, his discussion provides little insight into the issue of whether BellSouth's loop provisioning is as prompt and efficient as UNE-P. Claiming that measurement results show that BellSouth responds to CLEC loop orders accurately and timely and performs maintenance and repair activities in a nondiscriminatory manner

falls short of actually comparing loop performance to the FCC-prescribed standard of UNE-P performance.

Table 1 below illustrates that BellSouth's loop performance falls woefully short when compared against UNE-P performance. Given that BellSouth's reports (Exhibit AJV-1 Attachment Alabama) reflect no data for the Order Completion Interval ("OCI") – 2-W Analog Loop W/LNP Non-Design <10/Dispatch-In metric, data for column three of this table is populated with Georgia results (Varner Direct, Exhibit AJV-4), provided by BellSouth as "supplementary information". Georgia data for column two of this table is obtained from BellSouth's Monthly State Summary reports and reflects the performance for UNE-P (Loop+Port Combinations/<10 circuits/Non-Dispatch), for comparison to the results for the 2-W Analog Loop W/LNP Non-Design<10/Dispatch-In (Exhibit AJV-4, p. BST000007). The latter was chosen for comparison because this will generally be one of the most prevalent loop categories ordered in a UNE-L environment. The table reflects OCI performance, which measures the time from the issuance of the Firm Order Confirmation ("FOC") until the order is completed. These intervals are added for each Local Service Request ("LSR") and then divided by the total number of LSRs to ascertain the interval average. The numbers in Columns 2 and 3 are expressed in terms of days, with 1.0 meaning one day.

Table 1: Order Completion Interval ("OCI")

Month	UNE-P Switch-based/Central Office-based	2-W Analog Loop W/LNP Non-Design<10/Dispatch-In
3/03	.85/1.19	4.93
4/03	.84/1.25	4.57
5/03	.68/2.13	4.93
6/03	.67/2.13	4.82
7/03	.69/2.42	4.77
8/03	.65/2.32	4.74
9/03	.68/2.14	4.97

As reflected above, the UNE-P performance spans from a fraction of a day to slightly over 2 days, but for UNE-L, the completion interval is almost five days. While this type of performance was tolerated in an environment where UNE-L was an infrequently used option, without UNE-P, the OCI for 2-W Analog Loop w/LNP should be required to meet the UNE-P interval. In addition, because the OCI does not include the Firm Order Confirmation interval, the actual customer experience would be even worse if UNE-P is no longer available. Clearly, an extensive interval for basic phone service qualifies as an operational barrier to market entry.

III. CONSOLIDATING PERFORMANCE RESULTS FOR "ALL LOOPS" HIDES PERFORMANCE RESULTS RELEVANT TO THE ISSUE OF OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING.

Q. SETTING ASIDE FOR THE MOMENT THE ISSUES YOU DISCUSS ABOVE – THAT CURRENT PERFORMANCE IS IRRELEVANT AND BELLSOUTH USES THE WRONG STANDARD – DO YOU HAVE OTHER CONCERNS ABOUT THE PERFORMANCE ASSESSMENTS REPORTED IN MR. VARNER'S TESTIMONY?

A. Yes. Mr. Varner's performance assessments are reported in such a way that one cannot readily discern pertinent information. Basing the performance assessment on a

consolidation of a variety of loops does not allow this Commission to consider the performance of loops which are more relevant if UNE-P is eliminated. As an example, Mr. Varner's performance assessment, for both Georgia and Alabama, is offered for "All Loops" which includes some which are relevant and others which are not. I will address why this is a problem.

Q. CAN THIS COMMISSION RELY ON AN "ALL LOOPS" PERFORMANCE ASSESSMENT TO MAKE A DECISION ON BELLSOUTH'S ABILITY TO PERFORM HOT CUTS?

A. No. There are two problems with relying on the "all loops" results relied upon by Mr. Varner. First, the "all loops" results commingles information from dissimilar products and activities. As a result, it does not give a realistic view of BellSouth's performance in migrating the specific types of loops that will most frequently be migrated for mass market customers. Second, the "all loops" reporting includes data on loops that BellSouth does not appear to migrate at all.

Q. PLEASE EXPLAIN YOUR FIRST CONCERN REGARDING THE COMMINGLING OF DATA RELATING TO DISSIMILAR PRODUCTS AND SERVICES IN THE "ALL LOOPS" REPORTING.

A. First, by way of background, it is important to realize that BellSouth includes the following products in the UNE loop performance data for Georgia:

(1) xDSL – this incudes ADSL, HDSL, and Unbundled Copper Loop ("UCL"), except UCL-Non-Design ("ND");

(2) Unbundled Copper Loop–Non-Design ("UCL-ND");

(3) UNE ISDN Loops – this includes Basic Rate Interface ("BRI"), Primary Rate Interface ("PRI"), and UDC;

(4) UNE 2-W Analog Loops Design with and without Local Number Portability ("LNP");

(5) UNE 2-W Analog Loops Non Design with and without LNP; and

(6) Enhanced Extended Links ("EELs");

See Varner Georgia Direct, pp. 7-8 and Varner Alabama Direct, pp. 8-9). Thus, the performance assessment for "all loops" consolidates the results for varying loops and for dissimilar activity types such as dispatch and non-dispatch. Review of the more granular performance results reveals that actual performance for the individual loop types commingled in the "all loops" category are different. The aggregated assessments in Georgia, therefore masks the more relevant performance. This is set forth in my Georgia Rebuttal testimony, a copy of which is attached hereto as Exhibit CLB-R1.

Q. DO YOU AGRFE WITH MR. VARNER THAT "THE UNE 2W ANALOG LOOPS NON-DESIGN WITH AND WITHOUT LNP HAS LITTLE IF ANY ORDERING AND PROVIONING ACTIVITY IN ALABAMA (Exhibit AJV-1, p. 16)?

A. Yes. AT&T agrees there is virtually no data for 2W Analop Loop Non-Design w/o LNP. Given that 2W Analog Loop Non-Design/Dispatch-In is the primary product to which UNE-P will be migrated, it is not realistic to even attempt to understand performance in an environment in which UNE-P is absent. Contrary to Mr. Varner's claims, BellSouth is not providing excellent service levels in states with more volume.

To illustrate this point, BellSouth's Georgia performance reports reveal that BellSouth failed to meet the benchmark for FOC Timeliness (partially mechanized)-2W-Analog

Loop w/LNP Design, for 7 consecutive months (See Varner's Direct Exhibit AJV-4 Attachment, p. BST000138.) For the products/services most likely to be migrated from UNE-P, namely 2W Analog Loop w/LNP Non-Design, BellSouth did not meet the benchmark for 5 out of 7 months. (See Direct Exhibit AJV-4 Attachment, p. BST000139.) It is apparent from these examples that the performance for loops collectively does not necessarily represent the performance for individual loop categories. They are a cautionary note that what BellSouth offers as relevant performance data turns out to be of little help in analyzing whether BellSouth is capable of providing CLECs with access to unbundled loops in a manner "as promptly and efficiently as incumbent LECs can transfer customers using unbundled local switching." TRO at n. 1574.

Q. COULD YOU ELABORATE ON YOUR SECOND POINT, THAT MR. VARNER IS RELYING ON DATA FOR LOOPS THAT BELLSOUTH DOES NOT MIGRATE IN HIS "ALL LOOP" PERFORMANCE ASSESSMENTS.

A. The loop performance represented in "all loops" includes loops that are not mentioned as being migratable from UNE-P in BellSouth's "UNE-Port/Loop Combination (UNE-P) to UNE-Loop (UNE-L) Bulk Migration CLEC Information Package" ("Information Package") [http://www.interconnection.bellsouth.com/guides/unedocs/BulkManpkg.pdf] The Information Package states on page six that "Bulk migration is available for existing non-complex Port/Loop Combination services to Unbundled Loops with Local Number Portability (LNP)," with the further explanation that "Complex UNE-P accounts are prohibited on bulk requests." It further states that "[e]xamples of Complex UNE-P are 2-Wire ISDN/BRI Digital Loop & Port UNE Combination, 4-Wire ISDN/PRI Digital Loop

& Port UNE Combination, UNE-P Centrex, Digital Direct Integration Termination Service (DDITS), etc." *Id.* The Information Package does not convey that EELs or ISDN can be migrated under BellSouth's "batch" hot cut process. By intermingling EELs and ISDN into its "all loops" performance assessments, as appears to be the case, BellSouth has complicated the review by injecting irrelevant information.

Q. DOES AT&T CONCER WITH WITH BELLSOUTH'S RATIONALE FOR ITS PERFORMANCE FAILURES?

A. No. BellSouth's rationale for performance misses has not been validated by an independent third party. Additionally, AT&T is not aware of any effort, on the part of BellSouth, to even engage CLECs to verify its claims concerning performance misses.

IV. <u>BELLSOUTH'S PROPOSED ENHANCEMENTS TO THE PERFORMANCE MEASURES AND SEEM PLAN ARE INADEQUATE.</u>

Q. IS BELLSOUTH'S PROPOSED PRE-ORDERING MEASURE ADEQUATE TO CAPTURE BELLSOUTH'S PERFORMANCE IN THE INITIAL STAGE OF PROCESSING A CLEC REQUEST FOR A BATCH CONVERSION?

A. No. The proposed metric, PO-3: UNE Bulk Migration-Response Time, is not included in SEEM. Therefore, BellSouth will incur no consequences for extensive response intervals to the Bulk Migration Notification forms. BellSouth does not provide a meaningful explanation as to why such a critical area should not incur consequences for poor performance.

Q. SHOULD ADDITIONAL METRICS BE ESTABLISHED FOR MONITORING THE BATCH HOT CUT PROCESS?

A. Yes, it is essential to have performance monitoring start-time and completion time for batches; therefore, two new metrics should be established. First, the metric Percent of Batches Started On Time should be implemented. CLECs have minimal resources and therefore must use them optimally. Having CLEC operations representatives' daily schedule disrupted due to late starts results in other work not being handled as planned. Second, the Percent of Batches Completed On Time should be implemented. As previously stated, CLEC resources are too scarce to have technicians idle. The cut needs to complete at the designated time so that the technicians can immediately commence final tasks to service the customer in order for the customer to receive telephone calls. Both the Percent Batches Completed On Time and Percent Batches Started On Time metrics should be included in SEEM.

Q. WHAT ADDITIONAL METRICS SHOULD BE INCLUDED IN SEEM?

A. For conversion service outages, the Percent Conversion Service Outages metric should be established. The consequences should be commensurate with the average net revenue times the average life of the customer.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes.

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission triennial UNE review: Local Circuit Switching for Mass Market Customers.	))))	Docket No. 17749-U

REBUTTAL TESTIMONY OF

CHERYL L. BURSH

ON BEHALF OF

AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC

JANUARY 30, 2004

APSC Docket No. 29054 Phase II
Rebuttal Testimony of Cheryl Bursh
March 5, 2004
Exhibit: CLB-R1

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Cheryl L. Bursh. My business address is 1200 Peachtree Street, Suite 8100, Atlanta, Georgia 30309.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL BACKGROUND.

A. I have a Bachelor of Science Degree from Johnson C. Smith University and a Master of Science Degree from George Washington University. I am employed as a District Manager by AT&T, operating in Georgia as AT&T of the Southern States, LLC ("AT&T"), where I am responsible for performance measurement and remedy plan advocacy for AT&T's Southern Region. My area of expertise is the development of an effective methodology for measuring BellSouth's performance and includes policy development for effective remedy plans. I have represented AT&T in a number of regulatory proceedings, including performance measurement workshops and hearings conducted in Alabama, Louisiana, Florida, North Carolina, South Carolina, Kentucky, Tennessee and Georgia. In over 22 years with AT&T, I have held a variety of management positions, including strategic planning, sales of large business systems and telecommunications services, system development for operation support systems, product marketing and technical support for computer systems.

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* BellSouth's Georgia performance data does not settle whether its existing processes can handle anticipated loop migration demand if UNE-P is eliminated.

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Q. PLEASE SUMMARIZE YOUR TESTIMONY.

A. To bolster its effort to persuade this Commission that its existing hot cut and loop provisioning process will perform well in a different, untested future, BellSouth relies on the performance data presented in Mr. Varner's testimony, coupled with an incorrect standard. For compelling reasons, this information does not support BellSouth's case. Assembled as directed by this Commission's Orders in the 271 approval process, and reflecting an environment where UNE-P is the local service mechanism used by CLECs, such performance data provides limited insight into how BellSouth would perform if UNE-P is no longer available. In that event, CLECs would use an Unbundled Network Element-Loop ("UNE-L") approach, existing today in low volumes with uneven performance by BellSouth. My testimony highlights concerns in the data reporting, which should be gauged by the standard that in a UNE-L environment, loops should be transferred as promptly and efficiently as UNE-P. Additionally, BellSouth's proposed changes to its Performance Assurance Plan, specifically, the Self Effectuating

Enforcement Mechanism ("SEEM") and the performance measures, are inadequate and will excuse poor performance without sanctions. I also propose measures which are needed in a batch hot cut environment.

I. BELLSOUTH'S CURRENT PERFORMANCE IN EXECUTING HOT CUTS AND PROVIDING LOOPS IS IRRELEVANT IN CONSIDERING WHETHER CLECS FACE BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING.

Q. ON PAGE 3 OF HIS DIRECT TESTIMONY, MR. VARNER ASSERTS THAT BELLSOUTH'S LOOP PROVISIONING PERFORMANCE IS NOT AN OPERATIONAL BARRIER TO CLECS ENTERING THE MARKET WITHOUT UNBUNDLED CIRCUIT SWITCHING. DO YOU AGREE?

A. No. The current performance data reflects the fact that hot cuts and loop provisioning are at low levels. Mr. Varner admits that "[d]uring the period from March through September 2003 , BellSouth in Georgia performed 1,840 hot cuts (orders)." Varner Direct Testimony, Exhibit AJV-1, p. 13. If access to unbundled local switching is denied to CLECs, these volumes will increase dramatically. As described in the testimony of AT&T's witness Mark Van De Water, BellSouth's highly manual provisioning process will be inadequate to handle such increased volumes. Because the different volume levels create two very different environments, how BellSouth handles hot cuts and loop provisioning in a low volume environment does not provide proof regarding how it will handle dramatic increases in volume.

The Federal Communications Commission ("FCC") recognized this point in the Triennial Review Order ("TRO"). In the face of similar claims by Incumbent Local Exchange Companies ("ILECs") that performance data demonstrated that hot cut performance is satisfactory, the FCC accurately pointed out that this data was irrelevant: "the issue is not how well the process works currently with limited hot cut volumes..."

TRO at ¶ 469. BellSouth's continued effort to twist current performance data to support a different future should similarly be given no weight by this Commission.

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A. None. This point was explicitly rejected in the TRO, where the FCC found that "the number of hot cuts performed by BOCs in connection with the 271 process is not comparable to the number that incumbent LECs would need to perform if unbundled switching were not available for all customer locations served with voice-grade loops." ¶ 469 (fn. omitted). BellSouth (and other RBOCs) relied on UNE-P in order to obtain 271 approval. As a result, the RBOCs hot cut performance remains limited. BellSouth's effort to transform the performance data into evidence that BellSouth will perform just as well in a UNE-L environment fails. There is no causal connection between the two different environments.

II. <u>BELLSOUTH USES THE WRONG STANDARD IN ATTEMPTING TO DEMONSTRATE THAT CLECS DO NOT FACE OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING.</u>

Q. WHAT STANDARD SHOULD BE USED IN ANALYZING WHETHER CLECS FACE OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING?

A. The FCC suggested a review of performance data could be appropriate as part of the inquiry into the ILEC's "ability to transfer loops in a timely and reliable manner." TRO at ¶ 512. Such an analysis "is necessary to ensure that customer loops can be transferred from the incumbent LEC main distribution frame to a competitive LEC collocation as

promptly and efficiently as incumbent LECs can transfer customers using unbundled local circuit switching." *Id.* at n. 1574. This approach, comparing UNE-L to UNE-P performance, is sound, for if the prompt and efficient local service delivery method of UNE-P is no longer available, the ILEC must follow the same standard in performing its replacement. Anything less will cause customer dissatisfaction and confusion. While Mr. Varner's testimony is lengthy, his discussion provides little insight into the issue of whether BellSouth's loop provisioning is as prompt and efficient as UNE-P. Claiming that measurement results show that BellSouth responds to CLEC loop orders accurately and timely and performs maintenance and repair activities in a nondiscriminatory manner falls short of actually comparing loop performance to the FCC-prescribed standard of UNE-P performance.

Table 1 below illustrates that BellSouth's loop performance falls woefully short when compared against UNE-P performance. Data for this table is obtained from BellSouth's Monthly State Summary reports, as well as Mr. Varner's testimony, Exhibit AJV-1 Attachment, p. BST000007, and reflects the performance (from the Monthly State Summary reports) for UNE-P (Loop+Port Combinations/<10circuits/Non-Dispatch), compared to the results (as set forth in Mr. Varner's Exhibit AJV-1 Attachment) for the 2-W Analog Loop W/LNP Non-Design<10/Dispatch-In. The latter was chosen for comparison because this will generally be one of the most prevalent loop categories ordered in a UNE-L environment. The table reflects the performance for the Order Confirmation Interval ("OCI"), which measures the time from the issuance of the Firm Order Confirmation ("FOC") until the order is completed. These intervals are added for each Local Service Request ("LSR") and then divided by the total number of LSRs to

ascertain the interval average. The numbers in Columns 2 and 3 are expressed in terms of days, with 1.0 meaning one day.

Table 1: Order Completion Interval ("OCI")

Month	UNE-P (Switch-based/Central Office-based)	2-W Analog Loop W/LNP Non-Design <10/Dispatch-In
3/03	.85/1.19	4.93
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8/03	.65/2.32	4.74
9/03	.68/2.14	4.97

As reflected above, the UNE-P performance spans from a fraction of a day to slightly over 2 days, but for UNE-L, the completion interval is approximately four days. While this type of performance was tolerated in an environment where UNE-L was an infrequently used option, without UNE-P, the OCI for 2-W Analog Loop w/LNP should be required to meet the UNE-P interval. In addition, because the OCI does not include the Firm Order Confirmation interval, the actual customer experience would be even worse if UNE-P is no longer available. Clearly, an extensive interval for basic phone service qualifies as an operational barrier to market entry.

III. CONSOLIDATING PERFORMANCE RESULTS FOR "ALL LOOPS" HIDES PERFORMANCE RESULTS RELEVANT TO THE ISSUE OF OPERATIONAL BARRIERS TO MARKET ENTRY ABSENT UNBUNDLED LOCAL SWITCHING.

Q. SETTING ASIDE FOR THE MOMENT THE ISSUES YOU DISCUSS ABOVE – THAT CURRENT PERFORMANCE IS IRRELEVANT AND BELLSOUTH USES THE WRONG STANDARD – DO YOU HAVE OTHER CONCERNS ABOUT THE PERFORMANCE ASSESSMENTS REPORTED IN MR. VARNER'S TESTIMONY?

A. Yes. Mr. Varner's performance assessments are reported in such a way that one cannot readily discern pertinent information. Basing the performance assessment on a consolidation of a variety of loops does not allow this Commission to consider the performance of loops which are more relevant if UNE-P is eliminated. Mr. Varner's performance assessment is offered for "All Loops" which includes some which are relevant and others which are not. I will address why this is a problem.

Q. CAN THIS COMMISSION RELY ON AN "ALL LOOPS" PERFORMANCE ASSESSMENT TO MAKE A DECISION ON BELLSOUTH'S ABILITY TO PERFORM HOT CUTS?

A. No. There are two problems with relying on the "all loops" results relied upon by Mr. Varner. First, the "all loops" results commingles information from dissimilar products and activities. As a result, it does not give a realistic view of BellSouth's performance in migrating the specific types of loops that will most frequently be migrated for mass market customers. Second, the "all loops" reporting includes data on loops that BellSouth does not appear to migrate at all.

Q. PLEASE EXPLAIN YOUR FIRST CONCERN REGARDING THE COMMINGLING OF DATA RELATING TO DISSIMILAR PRODUCTS AND SERVICES IN THE "ALL LOOPS" REPORTING.

A. First, by way of background, it is important to realize that BellSouth includes the following products in the UNE loop performance data:

(1) xDSL – this incudes ADSL, HDSL, and Unbundled Copper Loop ("UCL"), except UCL-Non-Design ("ND");

(2) Unbundled Copper Loop–Non-Design ("UCL-ND");

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(4) UNE 2-W Analog Loops Design with and without Local Number Portability ("LNP");

(5) UNE 2-W Analog Loops Non Design with and without LNP; and

(6) Enhanced Extended Links ("EELs").

See Varner Direct, pp. 8-9. Thus, the performance assessment for "all loops" consolidates the results for varying loops and for dissimilar activity types such as dispatch and non-dispatch. Review of the more granular performance results reveals that actual performance for the individual loop types commingled in the "all loops" category are different. The aggregated assessment, therefore, may mask the more relevant performance.

Mr. Varner claims that "a cursory review of the data by simply comparing the number of submetrics met indicates the high level of performance....[table omitted] BellSouth met an average of 91% of all the UNE Loop provisioning submetrics over the last 7 months in Georgia." (Varner Direct, p. 19, lines 19-21, p. 20,lines 2-3.) This is meaningless given that a number of missed submetrics were for provisioning of product areas that will be dominant if unbundled local switching is eliminated. That is, some submetrics BellSouth failed are for the services to which CLEC customers will migrate if UNE-P is eliminated. This is troubling, since it shows that sub-par performance in a low volume environment will remain so and become magnified in the high volume environment which would result if CLECs are denied access to unbundled local switching.

To illustrate this point, BellSouth's Georgia performance reports reveal that BellSouth failed to meet the benchmark for the following submetric, pertaining to Order

Completion Interval, which will have volume at the level of UNE-P if UNE-P is eliminated:

- 2-W Analog Loop w/LNP Non-Design/<10circuits/Dispatch In: non-compliant for 7 consecutive months, spanning from March 2003 to September 2003; and

Thus, what Mr. Varner offers as a relevant performance assessment turns out to be of little help in analyzing whether BellSouth is capable of providing CLECs with access to unbundled loops in a manner "as promptly and efficiently as incumbent LECs can transfer customers using unbundled local switching." TRO at n.1574. It is therefore important to analyze the data with more than a "cursory review" because aggregating results for "all loops" masks areas that are critical in a UNE-L environment.

Q. IN ADDRESSING AVERAGE COMPLETION INTERVAL/ UNE 2W ANALOG LOOPS NON DESIGN WITH AND WITHOUT LNP (B.2.1.9 & 13), MR. VARNER CLAIMS THAT "ALL THESE ORDERS WOULD HAVE MET THE PARITY REQUIREMENT IF COMPARED WITH THE DISPATCHED RETAIL ANALOGUE." ARE MR. VARNER'S COMMENTS MISLEADING?

A. Yes. On page 39 of Exhibit AJV-1, Mr. Varner indicates that all UNE-L orders are given a dispatch interval, whether or not they are ultimately subject to dispatch. Importantly, he does not say the actual reported interval is inaccurate. He simply says that because BellSouth cannot make accurate due date assignments, BellSouth gives due dates that sometimes require the CLEC and its customer to wait longer than necessary. Then, when the orders which were given the longer than necessary interval ultimately are worked as non-dispatch, they are appropriately compared to the retail non-dispatch analogue. While Mr. Varner has the temerity to suggest that the measurements are inequitable, they are in fact reporting the actual intervals that occurred for non-dispatch

orders. What is in fact inequitable is BellSouth's due date assignment process, which apparently makes CLEC customers subject to dispatch intervals unnecessarily.

Q. DOES MR. VARNER'S PERFORMANCE ASSESSMENT OF THE FOC/REJECT RESPONSE COMPLETENESS METRIC MASK PERTINENT PERFORMANCE?

A. Yes. Despite BellSouth's claim of 93% attainment or better of "all loops" for the FOC/Reject Response Completeness metric (See Varner Direct, p. 18), aggregating varying results for multiple products/services masks the performance for products/services to which UNE-P would be migrated if UNE-P is eliminated. As an example, the FOC/Reject Response Completeness metric, having a benchmark of 97% specifies the percentage of LSRs that receive a response of either a reject or FOC. For FOC/Reject Response Completeness (non mechanized)-2W-Analog Loop w/LNP Non Design, BellSouth did not meet the benchmark for 4 out of 7 months (See Exhibit AJV-1 Attachment, page BST000162).

Q. DOES MR. VARNER'S PERFORMANCE ASSESSMENT OF THE FOC TIMELINESS METRIC MASK PERTINENT PERFORMANCE?

A. Yes. Despite BellSouth's touting of 91% attainment of FOC Timeliness for "all loops" (See Varner Direct, p. 16), aggregating varying results for multiple products/services masks the performance for products/services to which UNE-P would be migrated if UNE-P is eliminated. The FOC Timeliness metric, having a benchmark of 90% in less than 7 hours for partially mechanized LSRs, specifies the percentage of LSRs having a FOC issued within the designated interval. To illustrate once again how Mr. Varner's performance assessments provide little insight into operational impairment if UNE-P is eliminated, the performance results for FOC Timeliness reveal a less desirable performance than he represented.

For FOC Timeliness (partially mechanized)-2W-Analog Loop w/LNP Design, BellSouth did not meet the benchmark for 7 consecutive months (See Exhibit AJV-1 Attachment, p. BST000138). For the products/services most likely to be migrated from UNE-P, namely 2W Analog Loop w/LNP Non-Design, BellSouth did not meet the benchmark for 5 out of 7 months. (See Exhibit AJV-1 Attachment, p. BST000139). It is apparent from these examples that the performance for loops collectively does not necessarily represent the performance for individual loop categories. They are a cautionary note that what BellSouth offers as relevant performance data turns out to be of little help in analyzing whether BellSouth is capable of providing CLECs with access to unbundled loops in a manner "as promptly and efficiently as incumbent LECs can transfer customers using unbundled local switching." TRO at n. 1574.

Q. COULD YOU ELABORATE ON YOUR SECOND POINT, THAT MR. VARNER IS RELYING ON DATA FOR LOOPS THAT BELLSOUTH DOES NOT MIGRATE IN HIS "ALL LOOP" PERFORMANCE ASSESSMENTS.

A. The loop performance represented in "all loops" includes loops that are not mentioned as being migratable from UNE-P in BellSouth's "UNE-Port/Loop Combination (UNE-P) to UNE-Loop (UNE-L) Bulk Migration CLEC Information Package" ("Information Package"), included on the web address set forth in BellSouth witness Kenneth L. Ainsworth's Direct, p. 5, identified as the BellSouth batch hot cut process. The Information Package states on page five that "Bulk migration is available for existing non-complex Port/Loop Combination services to Unbundled Loops with Local Number Portability (LNP)," with the further explanation that "Complex UNE-P accounts are prohibited on bulk requests." It further states that "[e]xamples of Complex UNE-P are 2-Wire ISDN/BRI Digital Loop & Port UNE Combination, 4-Wire ISDN/PRI Digital Loop

& Port UNE Combination, UNE-P Centrex, Digital Direct Integration Termination Service (DDITS), etc." *Id.* The Information Package does not convey that EELs or ISDN can be migrated under BellSouth's "batch" hot cut process. By intermingling EELs and ISDN into its "all loops" performance assessments, as appears to be the case, BellSouth has complicated review by injecting irrelevant information.

IV. BELLSOUTH'S PROPOSED ENHANCEMENTS TO THE PERFORMANCE MEASURES AND SEEM PLAN ARE INADEQUATE.

Q. IS BELLSOUTH'S PROPOSED PRE-ORDERING MEASURE ADEQUATE TO CAPTURE BELLSOUTH'S PERFORMANCE IN THE INITIAL STAGE OF PROCESSING A CLEC REQUEST FOR A BATCH CONVERSION?

A. No. The proposed metric, PO-3: UNE Bulk Migration-Response Time, is not included in SEEM. Therefore, BellSouth will incur no consequences for extensive response intervals to the Bulk Migration Notification forms. BellSouth does not provide a meaningful explanation as to why such a critical area should not incur consequences for poor performance.

Q. SHOULD ADDITIONAL METRICS BE ESTABLISHED FOR MONITORING THE BATCH HOT CUT PROCESS?

A. Yes, it is essential to have performance monitoring start-time and completion time for batches; therefore, two new metrics should be established. First, the metric Percent of Batches Started On Time should be implemented. CLECs have minimal resources and therefore must use them optimally. Having CLEC operations representatives' daily schedule disrupted due to late starts results in other work not being handled as planned. Second, the Percent of Batches Completed On Time should be implemented. As previously stated, CLEC resources are too scarce to have technicians idle. The cut needs to complete at the designated time so that the technicians can immediately commence

final tasks to service the customer in order for the customer to receive telephone calls. Both the Percent Batches Completed On Time and Percent Batches Started On Time metrics should be included in SEEM.

Q. WHAT ADDITIONAL METRICS SHOULD BE INCLUDED IN SEEM?

A. For conversion service outages, the Percent Conversion Service Outages metric should be established. The consequences should be commensurate with the average net revenue times the average life of the customer.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes.