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March 12, 2004

Honorable Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

In Re: Implementation of the Federal Communications Commission's Triennial Review Order (Nine-month Proceeding) (Hot Cuts)
Docket No 03-00526

Dear Chairman Tate:

Enclosed please find the original and fourteen (14) copies of James Webber's rebuttal testimony filed on behalf of MCImetro Access Transmission Services, Inc. and Brooks Fiber Communications of Tennessee, Inc. (collectively "MCI") in the above-referenced docket. Copies have been served on all parties of record.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: Jon Hastings
Jon E. Hastings

JEH/th

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on Mach 12, 2004 a copy of the foregoing document was served on the parties of record, via electronically, US mail or hand delivery:

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Jon E. Hastings

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

Implementation of the Federal	)	
Communications Commission's	)	Docket NO.
Triennial Review Order – 9 MONTH	)	03-00526
PROCEEDING – HOT CUTS	)	

REBUTTAL TESTIMONY OF

James Webber

On behalf of

MCIMETRO ACCESS TRANSMISSION SERVICES, LLC
BROOKS FIBER COMMUNICATIONS OF TENNESSEE, INC.

March 12, 2004

I. INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE RECORD.

A. My name is James D. Webber and my business address is: QSI Consulting, 4515 Barr Creek Lane, Naperville, Illinois 60564.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by QSI Consulting, Inc. as a senior consultant within the firm's Telecommunication Division.

Q. ARE YOU THE SAME JAMES D. WEBBER WHO FILED DIRECT TESTIMONY IN THESE PROCEEDINGS?

A. Yes, I am.

Q. ON WHOSE BEHALF WAS THIS TESTIMONY PREPARED?

A. This testimony was prepared on behalf of MCImetro Access Transmission Services, LLC and Brooks Fiber Communications of Tennessee, Inc. (collectively "MCI").

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A My testimony responds to various BellSouth witnesses who discuss: (1) EELs; (2) unbundling of IDLC based loops; and, (3) hot cut volumes.

II. SUMMARY OF CONCLUSIONS

Q. PLEASE SUMMARIZE YOUR CONCLUSIONS.

A. A brief summary of the issues addressed in my rebuttal is as follows:

- Neither BellSouth's individual hot cut process nor its batch ordering process permits CLECs to transfer retail or UNE-P lines to EELs. The Authority should require BellSouth to accommodate EELS in its individual hot cut process and its batch process.

- BellSouth's network contains a significant percentage of IDLC based loops, and compatible "spare" facilities are not typically available. Therefore, it is critical that procedures are implemented in order to assure that customers are able to seamlessly migrate from BellSouth's IDLC fed loops (whether retail or UNE-P) to UNE-L loops. BellSouth has failed to demonstrate its procedures are sufficient in this regard.

- BellSouth's estimate of the potential number of hot cuts that would be required during a transition from UNE-P to UNE-L demonstrates that such a transition would involve an exponential increase in hot cuts in Tennessee.

III. BELLSOUTH FAILS TO DEMONSTRATE THAT CLECS CAN USE EELS TO SUPPORT MASS MARKET UNE-L

Q. DOES THE BACE MODEL RELY UPON THE AVAILABILITY OF EELS?

A. Yes, according to BellSouth witness Milner in testimony filed in Docket No. 03-00491 BellSouth's BACE model assumes CLECs will rely on EELs to access customers, either in lieu of collocation and transport facilities or in coordination with such facilities.

Q. ARE EELS WIDELY USED TODAY IN BELLSOUTH'S SERVICE TERRITORY?

A No By BellSouth's own admission there are only 14 EELs comprised of DS0 loops throughout its service territory in this state. (See BellSouth's response to MCI Interrogatory 109). Thus, the BACE model relies on processes that are completely unproven in the market.

Q. DOES BELLSOUTH'S INDIVIDUAL OR BATCH HOT CUT PROCESS ALLOW CLECS TO TRANSFER CLEC UNE-P LINES OR BELLSOUTH RETAIL LINES TO EELS?

A. No. BellSouth has acknowledged that it does not currently provide individual or batch migrations of existing UNE-P or DS0 loops to EELs. Although BellSouth

has stated that it plans to implement processes that would support such migrations, the target implementation date is July 2004 and BellSouth has not provided details on what the processes will be. CLECs know very little about the process that BellSouth is developing, when the process will actually be implemented, whether it will be fully mechanized, whether it will require CLEC dispatch, whether multiple orders will be required or the extent to which the process will be timely, seamless, and cost effective. Based on Version 12 of BellSouth's *Unbundled Dedicated Transport – Ordinarily Combined UNE Combinations CLEC Information Package, dated August 5, 2003,* it would appear that the ordering process may be manual whereas the UNE-P migration process is mechanized. It also appears that the process may require that multiple orders be placed to provision a single customer onto a DS0 EEL facility and that more information may be required to place such an order than would be required to place an order for UNE-P based services. Clearly, more detailed information should be provided in this regard. Consequently, at this point, and until the process is implemented and tested, CLECs cannot fully ascertain the extent to which they will be able to utilize EELs to support the mass market. Early indications are that the processes will not be timely, seamless or cost effective. Hence any determination at this point as to whether such processes will allow for seamless customer connectivity on a timely and economical basis would be premature if not reckless

Q. DOES THE FCC's *TRO* PROVIDE ANY GUIDANCE REGARDING CLECS' USE OF EELS TO SERVE MASS MARKET CUSTOMERS?

A. Yes. For example, at paragraph 492 of the *TRO*, the FCC states that EELs can minimize collocation costs and increase the geographic reach of competitive LECs, thereby facilitating the expansion of competition based on UNE-L strategies in some markets.

Q. HOW SHOULD BELLSOUTH'S PROCESSES AND REQUIREMENTS BE CHANGED TO MAKE EELS USEFUL TO CLECS?

A. BellSouth should be required to provide EELs that would enable CLECs to lease only the transport they need to support their customers. Moreover, to make EELs useful, CLECs should be allowed to submit a single LSR that requests a loop housed in BellSouth Central Office A, for example, to be "hot cut" to a collocation facility (designated by a specific CFA) in Central Office B. When BellSouth receives such an order, it should provision on the CLEC's behalf, as part of its hot cut pre-wiring function, a DS0 EEL extending from Central Office A to the CLEC's CFA in Central Office B. All ANI testing should be completed via the DS0 EEL. On the day of the cut, BellSouth should cut the requested loop to the EEL so that CLEC dial tone from its collocation in Central Office B is provided to the customer's loop located in Central Office A. As with any hot cut, BellSouth should demonstrate that such processes are seamless and timely prior to a determination by the Authority that the hot cut process does not give rise to impairment.

IV. OBTAINING ACCESS TO IDLC BASED LOOPS INCREASES PROVISIONING INTERVALS AND COSTS

Q. MR. AINSWORTH STATES AT PAGE 26 OF HIS DIRECT TESTIMONY THAT IDLC BASED LOOPS ARE AVAILABLE TO BE CUT VIA BELLSOUTH'S HOT CUT PROCESSES. DOES THIS STATEMENT ALLEVIATE YOUR CONCERNS WITH RESPECT TO THE AVAILABILITY OF LOOPS SERVED VIA IDLC FACILITIES?

A. No, it does not. While Mr. Ainsworth states that IDLC based loops will be unbundled, he side-steps the shortcomings of BellSouth's IDLC unbundling options, which include prolonged installation intervals, increased costs and lower quality services. Mass market customers are accustomed to provisioning intervals that are much shorter than what BellSouth offers to provide with UNE-L under any of its "hot cut" procedures. To make matters worse, BellSouth's IDLC unbundling options may require special construction involving delays and the assessment of additional charges. Further, many customers would experience degraded service quality when they are moved off of IDLC.

Q. HOW DO UNE-P AND UNE-L INSTALLATION INTERVALS COMPARE?

A. Even under the most favorable circumstances, BellSouth's loop provisioning intervals are substantially longer than the intervals CLPs currently experience

with UNE-P migrations. Individual UNE-L migrations, for example, are completed in approximately 3-5 days, while UNE-P migrations are typically completed within a single day.

Q. WILL ALL UNBUNDLED LOOPS BE PROVIDED IN APPROXIMATELY THREE TO FIVE BUSINESS DAYS?

A. No While the individual hot cut process may result in some unbundled loops being provided within the three to five day interval, BellSouth has indicated that its proposed bulk hot cut processes, for example, will require a minimum installation period of 21 business days (4 days to negotiate, 3 days to complete a bulk request containing negotiated due dates, and a 14 day interval until the first due date is assigned).[1]

Q. WHY IS ACCESS TO IDLC LOOPS SUCH A SIGNIFICANT ISSUE?

A. There are more than 762,000 IDLC-fed loops in BellSouth's Tennessee service territory. Approximately 29% of all UNE-P lines are served via IDLC-fed loops. Moreover, BellSouth's data indicate that where IDLC facilities are deployed alternate "spare" facilities are often unavailable, casting doubt on whether BellSouth can realistically support CLECs' request to unbundle IDLC based loops on as large a scale as would be necessary to support the CLECs if they rely upon UNE-L instead of UNE-P.

[1] Mr Ainsworth has stated in testimony in other states that the provisioning interval within this process will be reduced to 8 days at some point in the future

Q. BELLSOUTH LISTS EIGHT "ALTERNATIVE" METHODS OF PROVIDING ACCESS TO IDLC BASED LOOPS. HAS BELLSOUTH PROVIDED SUFFICIENT INFORMATION IN ITS TESTIMONY FOR THE COMMISSION TO EVALUATE THESE ALTERNATIVES?

A No. BellSouth witness Ainsworth simply lists the options that BellSouth claims are available to CLECs without indicating the extent to which each of these alternatives has been previously deployed. Nor does he provide any operational statistics indicating, for example, whether, or to what extent, these alternatives require lengthened installation intervals, "designed" (or SL2) loop deployment, and added costs. Additionally, it is unclear whether any of the alternatives will necessitate CLEC dispatches.

Q. BASED ON WHAT YOU KNOW NOW, ARE THERE PROBLEMS WITH BELLSOUTH'S APPROACH TO HANDLING IDLC LOOPS?

A Yes. As BellSouth witness Ainsworth admits, many of these alternatives involve significant time and costs to implement, which ultimately impact CLECs and their customers. Moreover, all of BellSouth's methods, except where the company transfers IDLC based loops to alternative home run copper loops (Alternative 1 and, potentially, Alternative 3), involve an additional analog to digital signal conversion that would degrade modem performance when, for example, customers dial up to the internet.

Q. DO SOME OF BELLSOUTH'S ALTERNATIVES APPEAR TO BE SIMILAR TO METHODS MCI ADVOCATES?

A Yes. Alternatives 5 and 6 appear to be at least superficially similar to an IDLC access method MCI has proposed. It is apparent, however, that BellSouth's methods are not the same as what MCI has proposed, because BellSouth's methods involve an additional analog to digital signal conversion, while MCI's do not require such a conversion.

Q. SEVERAL OF BELLSOUTH'S PROPOSED ALTERNATIVES RELY ON SPARE COPPER OR UDLC FACILITIES TO THE EXTENT SUCH FACILITIES ARE AVAILABLE. WHAT CONCERNS DO YOU HAVE IN THIS REGARD?

A. BellSouth's Loop *Technology Deployment Directives* call for increased use of fiber-fed IDLC systems throughout the company's operating territories, decreased reliance on copper facilities and to some extent the retirement of such facilities. Increasingly, copper will become scarce and the availability of Alternative 1 – which BellSouth asserts is the quickest and least expensive to implement -- will decrease, thus increasing the probability for delayed provisioning and increased costs In fact, a lack of copper and/or UDLC facilities in general casts doubt on most of BellSouth's proposed alternatives. In BellSouth's New Ashland City wire center, for example, where BellSouth expects to be providing UNE-P services to more than 9,787 lines by December 2004 and where it is currently providing 49% of such services over IDLC loops, it potentially could be

requested to unbundle as many as 4,796 IDLC based loops. Given that BellSouth has indicated is currently has 1,157 spare facilities (including both home run copper and UDLC based loops) in that wire center, it is highly unlikely that BellSouth will be capable of providing unbundled loops to the remaining 3,639 locations if requested to do so.

Q. IS THE NEW ASHLAND WIRE CENTER AN ANOMALY IN THAT FEW COPPER AND/OR UDLC FACILITIES ARE AVAILABLE FOR UNBUNDLING PURPOSES?

A No. BellSouth's own data demonstrate that of approximately 165 wire centers in which IDLC facilities are deployed only 21% have sufficient copper and/or UDLC facilities necessary to transfer all IDLC based loops, leaving the vast majority unaddressable by spare facilities.

Q. DOES MR. AINSWORTH ADDRESS YOUR PREVIOUS CONCERN THAT PROVIDING UNBUNDLED LOOPS VIA UDLC FACILITIES WILL HARM SERVICE QUALITY AND PRECLUDE V.90, OR K56, MODEM CONNECTIVITY?

A. Yes. Unfortunately, however, he states that the UDLC option as well as all other options offered by BellSouth – excluding those that involve re-assignment to copper facilities – will involve additional analog to digital ("A/D") conversions and thereby negatively impact modem performance. BellSouth's *Loop Technology Deployment Directives* corroborates this conclusion, stating at

Section 9.2.5, for example, that "it must be noted that modem speeds for circuits on universal COT terminations will be lower than those on integrated DLC."

Q. YOU STATED THAT ALL OF BELLSOUTH'S PROPOSED ALTERNATIVE METHODS, EXCEPT THOSE THAT EMPLOY HOME RUN COPPER LOOPS, WILL RESULT IN DEGRADED MODEM PERFORMANCE SERVICE. CAN DEGRADED SERVICE BE AVOIDED IN SOME CASES?

A Yes. It is likely that at least a few of the alternative options could be deployed in such a way to avoid multiple A/D conversions, thereby resolving the issue pertaining to degraded modem performance. Moreover, I have offered at least one additional option in my Direct Testimony that, if cooperatively deployed, could provide resolution of this issue. The Commission should require that BellSouth work with CLECs to resolve this issue and to provide for effective processes and procedures whereby IDLC based loops can be unbundled in a timely and efficient manner without service degrading results.

Q. PLEASE SUMMARIZE YOUR RECOMMENDATIONS WITH RESPECT TO UNBUNDLED LOOPS.

A. The Commission should require that unbundled loops be provided on a timely basis, regardless of whether they are provided via copper or IDLC based facilities, without "changing" the facilities over which connectivity is currently provided unless spare copper facilities are readily and economically available such that end

user service quality will not be diminished after having received services via an unbundled loop. To the extent that BellSouth's proposed methods of unbundling IDLC loops would have the practical effect of providing CLEC end users with lesser capable loops, the Commission should maintain a finding of impairment while investigating more fully all unbundling options offered in these proceedings. Additional recommendations regarding the availability of copper facilities are identified in my Direct Testimony.

V. A TRANSITION TO UNE-L WOULD INVOLVE AN EXPONENTIAL INCREASE IN HOT CUTS IN TENNESSEE

Q. AT WHAT RATE IS BELLSOUTH CURRENTLY PERFORMING HOT CUTS?

A. According to BellSouth, it completed approximately 435 hot cuts in Tennessee during the third quarter of 2003 (the last quarter for which data is available), averaging 145 hot cuts per month. (BellSouth's response to AT&T Interrogatory No 4) The largest of these cuts that took place in a single wire-center on a single day was 13 with the average size being three cuts per wire center per day in the wire centers where hot cuts actually occurred.

Q. ACCORDING TO BELLSOUTH'S ESTIMATES, WHAT IS THE POTENTIAL INCREASE IN HOT CUTS IF A TRANSITION TO UNE-L IS REQUIRED?

A. BellSouth witnesses Heartley and Ainsworth project that the number of hot cuts per month region wide could reach 347,254 per month. Mr Ainsworth states at page 37 of his testimony that 9% of UNE-P lines in the region are in Tennessee. Taking 9% of 347,254 yields 31,253 hot cuts per month in Tennessee, more than 200 times the current volume. BellSouth has offered no proof that it can handle this volume of orders.

Q. ARE BELLSOUTH'S ESTIMATES OF HOT CUTS CONSERVATIVE?

A. Yes Assuming that economic and operational impairment were removed, BellSouth's estimates would be conservative. For example, BellSouth assumes a relatively low rate of churn; applies the churn percentage only to the monthly number of migrations, rather than to the entire base of UNE-L customers; fails to account for the increase in the UNE-L base; and fails to account for cutovers resulting from BellSouth winbacks. Indeed, were impairment removed, I would expect that after the UNE-P base was migrated to UNE-L, the number of hot cuts per month would be higher than estimated by BellSouth for the transition period.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes, it does