

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
)  
)

Second Application by BellSouth )  
Corporation, BellSouth Telecommunications, )  
Inc., and BellSouth Long Distance, Inc., for )  
Provision of In-Region, InterLATA Services )  
in Louisiana )  
\_\_\_\_\_ )

CC Docket No. 98-121

AFFIDAVIT

OF

SHARON NORRIS

ON BEHALF OF

AT&T CORP.

AT&T EXHIBIT L

Filed August 4, 1998

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AFFIDAVIT OF SHARON NORRIS

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**In the matter of**

|  |   |                             |
|--|---|-----------------------------|
| <b>Application by BellSouth Corporation,</b> | ) |                             |
| <b>BellSouth Telecommunications, Inc.</b>    | ) |                             |
| <b>and BellSouth Long Distance, Inc.</b>     | ) |                             |
| <b>For Authorization Under Section 271</b>   | ) | <b>CC Docket No. 98-121</b> |
| <b>Of the Communications Act to Provide</b>  | ) |                             |
| <b>In-Region, InterLATA Service</b>          | ) |                             |
| <b>In the State of Louisiana</b>             | ) |                             |

**AFFIDAVIT OF  
SHARON NORRIS  
ON BEHALF OF  
AT&T CORP.**

1. My name is Sharon Norris. I am employed by AT&T as a District Manager in the Southern Region Law and Government Affairs organization. Since February, 1997, I have been responsible for monitoring BellSouth's compliance with its legal and contractual obligations to provide AT&T nondiscriminatory access to BellSouth's Operational Support Systems ("OSS"). In January, 1998, my responsibilities expanded to include monitoring BellSouth's compliance with all items of the 14 point competitive checklist of Section 271 of the Telecommunications Act.

2. After graduating with honors from DeKalb College in 1972 with a degree in Distributive Education, I began my career with Southern Bell in 1973 in one of its Commercial Business Offices in Atlanta. I held various positions in Southern Bell's business offices, business marketing organization, retail stores, and support staff organizations from 1973 to 1983. From

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1983 to 1985, I provided sales and operational support to AT&T's consumer sales and service organizations (American Bell and AT&T-Information Systems). In 1985, I transferred to AT&T-Information Systems' Human Resources organization, where I held various positions until 1991. In 1991, I transferred to the AT&T Law and Government Affairs organization. My initial assignment was to serve as loaned executive to the Governor's Efficiency Commission for the State of Georgia. In 1995, I assumed responsibility as AT&T's representative before the Georgia Public Service Commission. In 1997, I assumed my current position.

**I. PURPOSE AND SUMMARY OF AFFIDAVIT**

3. The purpose of my affidavit is to address the reliance the Louisiana Public Service Commission ("LPSC") places on a four hour "technical conference" to support its conclusion that BellSouth provides AT&T and other competitive local exchange carriers ("CLECs") with nondiscriminatory electronic access to BellSouth's OSS.<sup>1</sup> This Commission has repeatedly made clear that "nondiscriminatory access" means that the access provided to CLECs must be "the same" as or "equal to" the access that BellSouth provides to its own customer representatives.<sup>2</sup> The Commission characterizes this requirement as a "fundamental obligation" of

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<sup>1</sup> The OSS issue is covered comprehensively and in detail in the affidavit of Jay Bradbury being filed along with my affidavit.

<sup>2</sup> See, e.g., First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98 (released August 8, 1996), ¶ 523 ("the incumbent must provide the same access to competing providers" that it provides to its own customer service representatives); Second Order on Reconsideration in CC Docket No. 96-98, released December 13, 1996, ¶ 9 (OSS access must be "at least equivalent" or "equal to" the access that the incumbent LEC provides to itself); CC Docket No. 97-137, In the Matter of Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In Michigan, Memorandum Opinion and (continued...)

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a BOC. Ameritech Michigan Order, ¶ 128. Despite the critical nature of the OSS issue, the LPSC's resolution of the OSS issue is contained in a single, three-sentence paragraph, in which the LPSC, citing the technical conference it conducted on August 13, 1997, concludes that BellSouth's OSS "allows potential competitors full non-discriminatory access to the BellSouth system."<sup>3</sup> The LPSC's order does not mention, much less address:

- the voluminous evidence provided by CLECs, and even by BellSouth itself, demonstrating that BellSouth is not currently providing nondiscriminatory access to its OSS;
- the recommendation of the LPSC's chief administrative law judge ("Chief ALJ"), who initially heard, reviewed and analyzed that evidence and, following seven days of hearings, found for reasons set out in detail in a written recommendation that "BellSouth has not demonstrated to the Commission that its operational support systems, as provided for in its SGAT, can actually provide, at this time, nondiscriminatory access to new entrants;"<sup>4</sup> and

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<sup>2</sup> (...continued)

Order released August 19, 1997 ("Ameritech Michigan Order"), ¶ 143 ("We require, simply, that the BOC provide the same access to competing carriers that it provides to itself").

<sup>3</sup> See Docket U-22252, Consideration and Review of BellSouth Telecommunications, Inc.'s Preapplication Compliance with Section 271 of the Telecommunications Act of 1996, Order U-22252-A, dated September 5, 1997 ("LPSC Compliance Order"), p. 15.

<sup>4</sup> Docket U-22252, Consideration and Review of BellSouth Telecommunications, Inc.'s Preapplication Compliance with Section 271 of the Telecommunications Act of 1996, ALJ Recommendation, dated August 14, 1997 ("ALJ Recommendation"), p. 30.

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-- the recommendation of the LPSC Staff concurring in the Chief ALJ's findings and conclusions with regard to OSS.<sup>5</sup>

Because no transcript of the technical conference has been made and the LPSC Compliance Order contains no description of what happened at the conference -- much less any explanation of how the conference persuaded the LPSC to ignore the recommendations of its Chief ALJ and Staff -- my affidavit will describe the presentations made at the conference. As set forth below, the technical conference (which did not include any information concerning the internal systems that BellSouth, as an incumbent LEC, provides to itself) did not even remotely demonstrate the absence of the deficiencies identified by the Chief ALJ. To the contrary, the technical conference provided fresh demonstrative evidence that BellSouth currently fails to provide nondiscriminatory access to its OSS.

4. My affidavit also addresses the LPSC's July 15, 1998, decision to support BellSouth's second application to this Commission for in-region, interLATA authority for the state of Louisiana, even though the LPSC conducted no additional evidentiary proceedings. Despite this Commission's orders denying two previous BellSouth applications for in-region, interLATA authority, the LPSC made no effort to determine what steps BellSouth had taken to remedy the defects identified in those orders.

5. The remainder of my affidavit is organized as follows. Section II describes the hearing conducted by the Chief ALJ and the Chief ALJ's recommendation based on that

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<sup>5</sup> Docket U-22252, Consideration and Review of BellSouth Telecommunications, Inc.'s Preapplication Compliance with Section 271 of the Telecommunications Act of 1996, LPSC Staff 271 Recommendation, dated August 15, 1997 ("LPSC Staff Recommendation"), p. 3.

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hearing. Section III describes the August 13, 1997, technical conference. Section IV describes the LPSC's resolution of the OSS issues in the LPSC Compliance Order. Section V describes the LPSC's consideration of BellSouth's second application to the FCC to provide in-region, interLATA service for Louisiana.

**II. THE PROCEEDINGS BEFORE THE CHIEF ALJ**

6. By Notice issued March 3, 1997, the LPSC assigned review of BellSouth's compliance with Section 271 to the LPSC's Chief ALJ, Valerie Seal Meiners. The parties before the Chief ALJ filed written direct and rebuttal testimony of sixteen different witnesses. The Chief ALJ presided over seven days of hearings, in May, 1997, during which these witnesses were cross-examined by the parties, as well as by the LPSC Staff and the Chief ALJ herself. The LPSC Commissioners did not participate in the hearings.

7. On August 14, 1997, the Chief ALJ issued her recommendation with respect to BellSouth's compliance with Section 271 and the lawfulness of BellSouth's then-pending SGAT under Section 252(f) of the Telecommunications Act of 1996.<sup>6</sup> Based on the hearings over which she had presided, the Chief ALJ concluded that BellSouth had failed to demonstrate that it is currently providing nondiscriminatory access to its OSS:

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<sup>6</sup> BellSouth filed the SGAT on May 19, 1997, the first day of the hearings before the Chief ALJ, and the scope of the proceeding was then expanded to consider the lawfulness of that SGAT. On July 9, 1997, the Chief ALJ issued a recommendation that the LPSC reject the SGAT, because the LPSC had not completed its dockets instituted for determining whether the rates for interconnection and unbundled elements contained in the SGAT were lawful. By order issued on July 28, 1997, the LPSC remanded the proceeding to the Chief ALJ for recommendations concerning BellSouth's compliance with those elements of the 14-point checklist beyond the pricing issue previously addressed by the Chief ALJ.

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BellSouth has not demonstrated to the Commission that its operational support systems, as provided for in its SGAT, can actually provide, at this time, nondiscriminatory access to new entrants. There is no evidence in the record that BellSouth's interfaces can perform as well as BellSouth claims they will and no evidence that access is nondiscriminatory from the standpoint of the amount of time necessary to access the OSS and obtain the desired information or services. Further, BellSouth has not demonstrated that its OSS provides information on an equal, nondiscriminatory basis, or that its interfaces are equally user-friendly to both BellSouth and its competitors. Finally BellSouth has not demonstrated its ability to increase the capacity of its systems sufficiently and in a time frame necessary to effectively serve competing providers. Accordingly, BellSouth's operational support systems do not meet the nondiscriminatory access requirements of [the] checklist. . . .

ALJ Recommendation at 30.

8. The Chief ALJ's recommendation included a detailed discussion of the evidence supporting her conclusions with respect to OSS. For example, at the time of the Chief ALJ's recommendation, there was almost no practical experience involving CLEC use of BellSouth's primary pre-ordering interface, LENS, or its primary ordering interface, EDI. At that time, less than a thousand orders had been placed via LENS throughout BellSouth's nine-state region and AT&T was the only CLEC that had completed service readiness testing for EDI. Compounding the problems resulting from this lack of actual operational experience, BellSouth's principal OSS witness before the LPSC conceded that BellSouth had presented "no evidence of the results of any testing" to the LPSC. ALJ Recommendation at 24, citing testimony of BellSouth witness Gloria Calhoun, Hearing Tr. 516, 519.

9. Moreover, BellSouth's own testimony before the Chief ALJ established that it does not provide the required nondiscriminatory access to its OSS. The Chief ALJ found that the "LENS system for preordering is not set up to interact directly with a competitor's own operational support systems, and, instead, requires manual input" while "BellSouth's own

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operational support systems can communicate with each other, without manual intervention."

ALJ Recommendation at 26-27, citing Calhoun testimony, Hearing Tr. 410-11.<sup>7</sup> The ALJ found that BellSouth had not introduced any data reflecting how long it would take a CLEC to place an order using LENS compared to the length of time a BellSouth representative would need to place an identical order. Id. at 25, citing Calhoun testimony, Hearing Tr. at 451-52. Moreover, the Chief ALJ found that BellSouth's interfaces for maintenance and repair, EBI and TAFI, "also require human intervention, in contrast to BellSouth's own maintenance and repair capabilities which are fully electronic." Id.

10. The Chief ALJ further found that BellSouth had failed to demonstrate that its OSS would provide the same kinds of information or service to competitors as they provide to BellSouth. For example, BellSouth's internal systems permit it to "readily reserve telephone numbers . . . while competitors are limited by LENS to reserving six telephone numbers at a time." Id. at 26, citing Calhoun testimony, Hearing Tr. at 333. Moreover, BellSouth processes competitors' orders through EDI in batches, rather than immediately upon placement of the order, as it does for itself. Id.

11. The Chief ALJ also found that the record raised "concern regarding the capacity of BellSouth's various interfaces to handle the needs of new entrants." Id. at 27. For example, BellSouth conceded that LENS and EDI have a joint, region-wide, capacity which

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<sup>7</sup> The Chief ALJ rejected BellSouth's claim that CLECS could create their own software to allow direct interaction with LENS. She found that LENS is a proprietary system controlled by BellSouth and not conforming to industry standards to which competitors could look in creating appropriate software and that BellSouth had failed to provide the necessary technical information to enable competitors to develop systems to interact with LENS. Id. at 27.

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exceeds the capacity of the Local Exchange Service Order Generator to which orders from LENS and EDI would generally be sent. Id., citing Calhoun testimony, Hearing Tr. at 297-98.

Moreover, BellSouth acknowledged that its TAFI system can be accessed for repair and maintenance by only 65 simultaneous users region-wide (id. at 28, citing Calhoun testimony at 354), while AT&T's local maintenance center alone has 300 customer service representatives, each of whom may need to access TAFI at any time (id., citing testimony of AT&T witness Bradbury at 1699). Again, the Chief ALJ found that BellSouth "has not provided evidence of any testing results to demonstrate its ability to increase its capacity sufficiently and in a time frame to effectively serve competing providers." Id.

12. In sum, based on the voluminous written record and oral hearings over which she had presided, the Chief ALJ made detailed factual findings supporting her conclusion that BellSouth had failed to demonstrate that its OSS was providing nondiscriminatory access to BellSouth competitors.

**III. THE LPSC TECHNICAL CONFERENCE**

13. On August 13, 1997, just a day prior to the date on which the Chief ALJ's recommendation was due, the LPSC held a technical conference concerning BellSouth's OSS. The Chief ALJ did not attend the conference and no transcript of the conference has been made. Only three of the five LPSC commissioners attended the conference. We were not advised in advance as to the format of the conference and provided no opportunity to suggest changes<sup>8</sup>. At

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<sup>8</sup> Indeed, the LPSC rejected one Commissioner's efforts to ensure that all parties would have an opportunity to be heard at the technical conference. Commissioner Field made a motion to permit intervenors to cross-examine BellSouth's witnesses and to make their own presentations at the

(continued...)

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the conference, BellSouth was afforded at least two hours to present a demonstration and answer questions concerning its OSS. By contrast, AT&T and MCI were only granted 30 minutes each to make presentations. Sprint, ACSI and other parties were denied opportunities to make presentations at the conference, despite the fact that Sprint had flown in an OSS expert to make a presentation.

14. BellSouth's representative, William Stacy, made a presentation concerning three of BellSouth's interfaces, LENS, EDI-PC and TAFI. It is important to note, however, some of the significant matters not addressed at all by BellSouth's presentation. For example, BellSouth did not demonstrate the ordering systems (the Regional Negotiation System or the Service Order Negotiation System) used by its own personnel. Thus, BellSouth's demonstration could not, even in theory, show whether the interfaces available to CLECs provided the same access to BellSouth's systems as that enjoyed by its own personnel. BellSouth's presentation also did not address the detailed deficiencies the Chief ALJ would cite the very next day as the basis for her conclusion that BellSouth had failed to show that its OSS provided nondiscriminatory access to CLECs. BellSouth provided no testing data, admitted that LENS required manual intervention, admitted that LENS was being changed on a weekly basis, and did nothing to address concerns

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<sup>8</sup> (...continued)

conference. See Complete Transcript of the July 28, 1997 Special Open Session of the LPSC (attached as Appendix C-1, Tab 115 to BellSouth's Second Application herein), at 4. The LPSC rejected the motion, with Commissioner Blossman stating:

But, Commissioner, if I may, they had cross-examinations with hearings [before the ALJ] for two weeks . . . and if we go into that at the demonstration, it's going to -- it might turn into a two week demonstration and that's not what we want. We want this to be a demonstration by Bell to show us that their OSS's work.

Id. at 7 (emphasis added).

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about capacity and disparate access to information that the Chief ALJ elaborated upon the next day. BellSouth also admitted that LENS was limited to placing orders for migrations (switch as is and switch with changes), new installations and disconnects, and that it could not therefore be used to service an existing CLEC customer's account.

15. Indeed, instead of putting to rest concerns about BellSouth's OSS, the technical conference provided new, demonstrative evidence that BellSouth's OSS did not even remotely provide nondiscriminatory access to competitors. For example, Mr. Bradbury and I described severe problems AT&T was experiencing at that very time with BellSouth's failures to meet due dates and BellSouth's regional street address guide ("RSAG") system. BellSouth uses the RSAG system to obtain access to street address information. BellSouth requires a character-for-character match to process orders which, in turn, means that AT&T must have access to the information contained in the RSAG system. When AT&T began to increase its usage of the RSAG system in August 1997 as part of its marketing efforts in Georgia, AT&T experienced significant problems with the availability of the system on a daily basis, forcing AT&T to curtail its marketing activities as soon as it attempted to ramp them up. Remarkably, none of the LPSC Commissioners expressed any concern about existing problems with BellSouth's system affecting literally hundreds of orders.

16. During its presentation, MCI made a compelling demonstration of the discriminatory performance of the systems used by BellSouth for placing orders for its customers and the LENS system available to CLECs, as well as related discrimination in provisioning. First, the MCI representative ordered an additional feature, using RightTouch, BellSouth's automated

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customer ordering system. The order was processed in approximately 90 seconds, with same day provisioning without a customer premises visit. Second, MCI ordered the same additional feature by placing a call directly to a BellSouth customer service representative in Shreveport, who was able to take and confirm the order for installation that same day in approximately three minutes, again without a premises visit. By contrast, the MCI representative then placed an order to migrate a BellSouth customer to MCI (switch as is) -- while adding the additional feature -- through the LENS interface.<sup>9</sup> The order took about 15 minutes to process, and LENS reported that a premises visit would be required to complete the order the next day. Thus, at least 24 hours would be required to complete the order.

17. Thus, the LPSC technical conference did not alleviate the concerns about BellSouth's OSS presented to the Chief ALJ and which provided the basis for the Chief ALJ's recommendation that BellSouth had failed to meet the competitive checklist. To the contrary, the technical conference provided additional evidence that BellSouth does not provide competitors nondiscriminatory access to its OSS -- a conclusion subsequently reached by others who attended the conference.

18. First, just two days after the conference, the LPSC's Staff, which had attended the technical conference, provided its recommendations to the LPSC, including the Staff's endorsement of the Chief ALJ's conclusions concerning OSS:

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<sup>9</sup> MCI could not place an identical order for an additional feature through LENS, because LENS does not provide for feature additions. However, both a feature addition and a migration should be available on a same day basis, if received by BellSouth by 3:00 P.M., as was the case for all the MCI orders.

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The Staff concurs in the ALJ's observations and conclusions reached in her 271 recommendation with regard to OSS.

Moreover, the Staff thinks it would be prudent to withhold judgment as to BellSouth's OSS compliance with the checklist until the FCC issues its ruling on the Ameritech 271 Application. This decision is due to be issued no later than August 19, 1997. The FCC has stated that it will provide a "road map" to the Regional Bell Operating Companies as to what the FCC will require as to checklist compliance, including OSS. Proceeding in this manner will ensure that BellSouth can revise its SGAT, if necessary, to meet the requirements set forth by the FCC in its Ameritech decision.

LPSC Staff Recommendation at 3.

19. Second, Jan Cook, a member of the Alabama Public Service Commission ("APSC"), attended the conference and, in fact, was introduced at the conference. The technical conference apparently did not persuade Commissioner Cook that BellSouth's OSS provided nondiscriminatory access to competitors. Two months after the conference, the APSC unanimously found that BellSouth's 271 application was still "premature." With respect to OSS the APSC concluded:

It appears to us that BellSouth's OSS interfaces must be further revised to provide nondiscriminatory access to BellSouth's OSS systems as required by §251(c)(3) of the '96 Act. We have concerns that such nondiscriminatory access is not currently being provided.

APSC Docket 25835, Petition for Approval of a Statement of Generally Available Terms and Conditions Pursuant to §252(f) of the Telecommunications Act of 1996 and Notification of Intention to File a Petition for In-Region InterLATA Authority with the FCC Pursuant to §271 of the Telecommunications Act of 1996, Order issued October 16, 1997 at 7.<sup>10</sup>

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<sup>10</sup> Similarly, after Mr. Stacy of BellSouth conducted an OSS demonstration before the Florida Public Service Commission ("FPSC") Staff the day after his demonstration before the LPSC, the FPSC Staff concluded that BellSouth's OSS currently fails to provide nondiscriminatory access to  
(continued...)

**IV. THE LPSC'S CONSIDERATION OF THE OSS ISSUE**

20. Just six days after the technical conference, on August 20, 1997, the LPSC voted by a 3 to 2 margin not to follow the recommendations of the Chief ALJ or the LPSC Staff but, instead, to approve BellSouth's SGAT, subject to certain modifications, and to find BellSouth in compliance with Section 271.<sup>11</sup> On September 5, the LPSC issued its Compliance Order. The LPSC's "analysis" of the OSS issue, which is reprinted below, was based entirely on the technical conference:

Perhaps the single most hotly contested aspect of the instant proceedings was the sufficiency of BellSouth's Operations Support Systems, LENS, EDI, and TAFI. To resolve the questions raised regarding these systems the Commission conducted a technical conference, and approximately one hundred and fifteen (115) data requests relative to these systems were propounded. Following careful consideration and analysis, the Commission concludes that the Operational Support Systems do in fact work and operate to allow potential competitors full non-discriminatory access to the BellSouth system.

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<sup>10</sup> (...continued)

its competitors. Memorandum of FPSC Staff, Docket No. 960786-TL, Consideration of BellSouth Telecommunications, Inc.'s Entry into InterLATA Services Pursuant to Section 271 of the Federal Telecommunications Act of 1996, (October 22, 1997), aff'd in part, FPSC, Special Commission Conference Vote (November 3, 1997).

<sup>11</sup> The LPSC's refusal to adopt its Staff's recommendation that the LPSC withhold its judgment until it could consider this Commission's Ameritech Michigan Order (which was released on August 19, the day before the LPSC's vote) is perhaps explained by the comments of Commissioner Blossman at the meeting:

It's no secret that the FCC attempted to re-write the federal law in issuing its regulations. They were chastised by Congress and the 8th Circuit for doing this. If the FCC had their way, we would have a national set of rules that would cut the Commission out of the decision making process. Speaking for myself, I'm not going to be intimidated or forced into the position by the FCC. I think we must make our own decision based on Louisiana markets and do what's best for Louisiana.

Partial Minutes of August 20, 1997 Open Session of the LPSC Held in Baton Rouge, LA (attached as Appendix C-1, Tab 135 to BellSouth's Second Application herein), at 2.

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LPSC Compliance Order at 15.

21. On its face, the order does not explain what occurred at the conference to indicate that BellSouth was providing nondiscriminatory access to its OSS, much less refute or even address the detailed findings and analyses underlying the Chief ALJ's conclusion that BellSouth was not providing nondiscriminatory access. Indeed, there is no way the LPSC could have made such a nondiscrimination determination on a rational basis, because, as noted above, BellSouth never presented to the LPSC the systems used by its own customer representatives.

**V. THE LPSC'S CONSIDERATION OF BELLSOUTH'S SECOND APPLICATION**

22. By order dated February 4, 1998, this Commission issued its Memorandum Opinion and order denying BellSouth's application to provide in-region, interLATA services for Louisiana. See Memorandum Opinion and Order, In the Matter of Application By BellSouth Corporation, et al., Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Louisiana, CC Docket No. 97-231 (rel. Feb. 4, 1998) ("Louisiana Order"). The Louisiana Order followed, and incorporated much of, this Commission's decision denying BellSouth's earlier application to provide in-region, interLATA service for South Carolina. See Memorandum Opinion and Order, In the Matter of Application By BellSouth Corporation, et al., Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in South Carolina, CC Docket No. 97-208 (rel. Dec. 24, 1997) ("South Carolina Order"). Both the Louisiana and the South Carolina Orders cited, among other things, numerous deficiencies in BellSouth's OSS as grounds for denying the

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applications. According to the Louisiana Order, "BellSouth has not demonstrated that it provides competing carriers nondiscriminatory access to its operations support systems (OSS) functions."

Louisiana Order ¶ 2. Accord South Carolina Order ¶ 19.

23. On April 30, 1998, BellSouth filed with the LPSC proposed revisions to its SGAT, purportedly to address concerns reflected in the Louisiana Order. BellSouth's filing did not include revisions to those sections of the SGAT covering OSS, but focused primarily on revisions to the performance measures contained in the SGAT and language concerning contract service arrangements ("CSAs"). The LPSC did not hold any evidentiary proceedings to consider the SGAT revisions, or to determine whether BellSouth had, in fact, met the concerns raised by this Commission. Instead, the LPSC requested only that interested parties submit written comments. On June 18, 1998, the LPSC voted to adopt BellSouth's SGAT revisions. The LPSC did so despite its decision to open two dockets to consider issues raised by BellSouth's SGAT revisions -- one to consider whether there is a need for a CSA/SBA (special billing arrangement) specific resale discount, and one to review the performance measures proposed by BellSouth in its revised SGAT.

24. On July 15, 1998, the LPSC voted (with one commissioner dissenting) to file comments with this Commission supporting BellSouth's second application to provide in-region, interLATA services for Louisiana. The LPSC did so without holding any proceeding to consider what, if any, steps BellSouth had taken to address the concerns raised by this Commission in the Louisiana Order or the South Carolina Order. Moreover, the LPSC voted to

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provide its support despite the fact that the two dockets established as a result of BellSouth's SGAT filing remain open with issues unresolved.

**VI. CONCLUSION**

25. As described in detail in the Chief ALJ's Recommendation in August, 1997, the record before the LPSC at that time clearly showed that BellSouth's OSS were not providing equal access to CLECs. Nothing occurred at the LPSC's technical conference to refute the Chief ALJ's findings and conclusions. Indeed, the conference provided significant additional evidence that BellSouth was not providing nondiscriminatory access to its OSS. The LPSC Compliance Order did not mention, much less address, the deficiencies identified by the Chief ALJ. This Commission's decision in February, 1998, validated the Chief ALJ's conclusion that BellSouth was not providing nondiscriminatory access to its OSS and hence was not in compliance with the competitive checklist. The Commission therefore should not accord any weight to the LPSC's September, 1997, order with respect to these issues. Despite the Commission's intervening decisions identifying deficiencies in BellSouth's compliance with the Act and providing guidance to state commissions, the LPSC did not attempt to examine the current state of BellSouth's compliance or the status of competition in Louisiana. Indeed, the LPSC has endorsed BellSouth's second application while critical proceedings relating to performance measures and resale remain open. In such circumstances, this Commission should not give any weight to the LPSC's comments.

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I declare under penalty of perjury that the foregoing is true and correct.  
Executed on July 28, 1998.

Sharon Norris  
Sharon Norris

Sworn to and subscribed to before me

this 28<sup>th</sup> day of July, 1998.

Sheila C. Colbert  
Notary Public  
Notary Public Gwinnett County, Georgia  
My Commission Expires March 14th, 1999



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Before the  
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Washington, D.C. 20554

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In the Matter of )

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CC Docket No. 98-121

AFFIDAVIT OF

C. MICHAEL PFAU

AND

KATHERINE M. DAILEY

ON BEHALF OF

AT&T CORP.

AT&T EXHIBIT M

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4. I began my career at Bell of Pennsylvania, where I had various assignments in central office engineering, plant extension, circuit layout and regulatory operations. Just prior to divestiture, I moved to AT&T General Departments, where I was responsible for managing intrastate service cost models. My next assignment was in an AT&T regional organization responsible for regulatory implementation support of service and marketing plans within the five Ameritech states. I then moved to a headquarters position responsible for managing market research related to business communications services.