

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

In the Matter of)
)
Application by New York Telephone)
Company (d/b/a Bell Atlantic – New York),)
Bell Atlantic Communications, Inc.,) CC Docket No. 99-295
NYNEX Long Distance, and Bell Atlantic)
Global Networks, Inc., for Provision of In-)
Region, InterLATA Services in New York)

DECLARATION OF ROSS A. SULLIVAN

1. My name is Ross A. Sullivan. My business address is 3877 Fairfax Ridge Road, Suite 350, Fairfax, Virginia. I am currently employed by Teligent, Inc. (Teligent) in the capacity of Vice President, Network Services. As part of my ongoing responsibilities, I am responsible for Teligent's ordering of network facilities from Bell Atlantic and other ILECs as well as coordination of the provisioning of such facilities. In addition, I am responsible for the ILEC relations functions, including ILEC performance monitoring.

2. The purpose of my affidavit is to detail Teligent's experiences in attempting to obtain interconnection facilities from Bell Atlantic that are vital to Teligent's operation. Teligent's business plans in New York for this year included augmenting its current interconnection facilities with an additional 690 trunks to handle Teligent's rapidly-expanding traffic requirements. Pursuant to its interconnection agreement with Bell Atlantic, Teligent included these trunks in a forecast submitted to Bell Atlantic in February, 1999 for 1,680 trunks (this forecast also anticipated orders for non-interconnection trunks that Teligent orders from Bell Atlantic).

3. On August 5, 1999, Teligent submitted forty Access Service Requests (ASRs) for 690 interconnection trunks to Bell Atlantic through Bell Atlantic's project group. Including these 690 trunks, Teligent had requested a total of 1,218 of the 1,680 trunks it forecasted in February by the August 5 order date. On August 9, Teligent confirmed with Bell Atlantic's Project Management Group that Bell Atlantic had received this order. Ten to fourteen days later, Teligent placed a telephone call to its Bell Atlantic Project Manager, Marie Lopez. At this time, Ms. Lopez effectively rejected Teligent's ASR's informing Teligent that its order required a specific project name on each ASR. Around August 20-23, 1999, Bell Atlantic requested that Teligent supplement ("supp") its forty (40) ASRs to include a designated project name.

4. On August 26, 1999, Teligent "supped" its ASRs, as requested. For the two weeks following Labor Day (through September 17, 1999), Teligent placed multiple telephone calls to Bell Atlantic Project Management to determine the status of the resubmitted order. There is no record of these calls being returned.

5. Finally, in the early part of the following week (the week of September 20, 1999), Bell Atlantic finally communicated again with Teligent regarding Teligent's resubmitted order. This time, Bell Atlantic again effectively rejected the forty (40) ASRs, requesting for the first time that Teligent combine the trunk group orders relating to the same Bell Atlantic tandem on one ASR. Bell Atlantic felt that it was "easier" if, for example, it had four trunk groups on one ASR going to the same tandem rather than one ASR per each of four trunk groups going to the same tandem.

6. On September 24, in response to this second Bell Atlantic request for resubmission, Teligent promptly reissued its order, this time with 24 ASRs to replace the original forty (40), as requested by Bell Atlantic. To the best of my knowledge, information, and belief,

both this resubmission and the prior one did not result in any material change to the information initially submitted by Teligent on August 5, 1999. Since then, Teligent has placed multiple calls to Bell Atlantic regarding the status of this order and has held meetings with Bell Atlantic representatives to discuss the same. To date, Bell Atlantic has yet to deliver any of these trunks, nor has it yet submitted to Teligent Firm Order Commitments (FOCs) for any of these ASRs.

On Monday evening, October 18, 1999, I was informed by Teligent's Senior Vice President, Law and Regulatory, that pursuant to a telephone conversation with a Bell Atlantic attorney and representatives of the New York Public Service Commission that Bell Atlantic had scheduled delivery dates for these interconnection trunks, but would not issue FOC dates until later this week.

10. This concludes my declaration.

(please see next page)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on October 19, 1999.


Ross A. Sullivan

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Application by New York Telephone)
Company (d/b/a Bell Atlantic – New York),)
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NYNEX Long Distance, and Bell Atlantic)
Global Networks, Inc., for Provision of In-)
Region, InterLATA Services in New York)

DECLARATION OF WILLIAM LISSEMORE

1. My name is William Lissemore. My business address is 433 Hackensack Avenue, 4th Floor; Hackensack, New Jersey. I am currently employed by Teligent, Inc. (Teligent) as Vice President, Northern Region Operations. In that capacity I am responsible for all field Operations and switching.

2. The purpose of my affidavit is to detail Bell Atlantic's record in provisioning transmission facilities to Teligent, particularly dedicated T1 facilities for local service provisions. Teligent's internal network needs require it to purchase T1 (or greater capacity) facilities which Teligent uses to directly connect its network to customer locations for the provision of local service to those customers. Teligent employs these facilities to reach locations: which are currently outside Teligent's microwave licensed areas; where Teligent does not currently have installed microwave facilities; or which cannot be reached through Teligent's wireless facilities due to, among other things, line-of-sight limitations.

3. Teligent's buildout plans in New York require Bell Atlantic to provision several of these T1s for the above-described purposes per business day. After prolonged negotiations with Bell Atlantic earlier this year during the time of the New York Public Service Commission's (PSC's) 271 inquiry process, Teligent, after months of frustration and delay in obtaining timely delivery of these facilities from BA and suffering customer loss and ill will, was able to extract a senior-level commitment from Bell Atlantic -- from Bell Atlantic Group President – Network Services, Paul Lacouture, (a declarant in this proceeding) -- to deliver to Teligent a mere *four* T1 trunks per business day in New York, in addition to any interconnection trunks requested by Teligent. I participated in the meeting with Bell Atlantic held on April 22, 1999 wherein Bell Atlantic made this commitment to Teligent. In reliance on this and other related commitments, Teligent did not raise its provisioning issues formally with the New York Public Service Commission in its 271 process, believing that Bell Atlantic would fulfil its commitments on this regard.

4. At present, more than five months later, Bell Atlantic has yet to perform on this commitment. On a typical day, Bell Atlantic will schedule delivery of four or five trunks to Teligent. On a day on which four trunks are scheduled to be delivered, on average, two will actually be delivered. Taking into account known third-party problems, cancellations, and possible instances of delay due to Teligent-related issues (which often relate directly to inflexible and unhelpful Bell Atlantic processes), Teligent estimates that roughly one quarter of scheduled deliveries are not made due to Bell Atlantic fault. This, while significant itself, does not convey the full impact to Teligent. Through these failed deliveries, Bell Atlantic has developed a rapidly increasing delivery backlog of Teligent-ordered facilities that it is unable to reduce because it is unwilling to increase the total number of deliveries per day. In other words, because rescheduled

backlog deliveries are included in per-day scheduled deliveries, Teligent is never able to obtain the number of trunks at the locations requested in its expected timeframe. Not only has Bell Atlantic failed to make progress on this backlog, it has only been during the pendency of this proceeding, that is, since September 29, 1999, that it has demonstrated a serious willingness to attempt to resolve this issue.

5. To further exacerbate the impact on Teligent's ability to provision service to its customers pursuant to these facilities, an unusually low percentage of trunking facilities that Bell Atlantic delivers actually are usable on their delivery date, as they should be in reasonable expectation based on industry practices. Instead, in the vast majority of instances, upon delivery Bell Atlantic only partially tests or completely fails to test circuits that it delivers to Teligent. This requires Teligent to schedule further appointments with Bell Atlantic (that may or may not be made) to complete testing of the circuit, *i.e.*, complete delivery of the facility, before Teligent can use the circuit.

6. In the uncommon instances in which the trunking facilities have both been delivered on time and have been tested fully, Bell Atlantic often fails to provide Teligent with an item crucial to Teligent's use of the facility – the Design Layout Record (DLR), despite Teligent's requests. A DLR specifies the physical placement of facilities within Bell Atlantic's network, allowing Teligent to complete the engineering of its facilities that will be attached to the Bell Atlantic facility. For a significant period of time after delivery, interconnection trunks and T1 circuits provided without DLRs are useless to Teligent. Only through gratuitous efforts of its own has Teligent been able to work around some of these situations. Such efforts involve Teligent personnel, through their own guesswork, attempting to navigate the maze of Bell Atlantic's network to recreate the information that would otherwise be provided on the DLR.

7. These provisioning delays cause significant internal resource problems for Teligent because its employees must follow-up with Bell Atlantic on provisioning issues, often dealing with ever-changing (and frequently inaccurate) problem escalation procedures. This is in addition to the resources that must be devoted to working around the frequent absence of DLRs.

8. Provisioning delays and circuit failure delays can preclude Teligent's ability to sell service to certain customers or provision service to already-acquired customers, causing losses in revenue and goodwill. This loss of revenue (and the accompanying economic losses attributable to resolving provisioning issues) affects Teligent's bottom line. Such failures also add uncertainty to Teligent's buildout plans.

9. Finally, in Bell Atlantic's Application, it claims that some CLECs "have run out of spare trunk hooks on their switches to install these additional interconnection trunks."¹ To the best of my knowledge, such a claim is inapplicable to any Bell Atlantic trunk delivery to Teligent for any purpose, that is, interconnection or otherwise, in any location in its region.

10. This concludes my declaration.

(please see next page)

¹ Application by New York Telephone Company (d/b/a Bell Atlantic – New York), Bell Atlantic Communications, Inc., NYNEX Long Distance, and Bell Atlantic Global Networks, Inc., for Provision of In-Region, InterLATA Services in New York, CC Docket No. 99-295 (filed Sept. 29, 1999), App. A, Tab 1 at ¶ 25.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on October 19, 1999.


William Lissemore



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April 27, 1999

Bruce Wagner
Regional Vice President
Northeast

Jacob J. Goldberg
President
Telecom Industry Services
Bell Atlantic Network Services
1095 Avenue of the Americas
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Re: Results of Teligent - Bell Atlantic Meeting

Dear Jack,

Thank you so much for arranging the meeting with Paul Lacouture last week to discuss the circuit delivery problems that Teligent is encountering with Bell Atlantic. We appreciate the attention that you and Mr. Lacouture are giving to these issues. At the meeting, we welcomed the suggested plan of action that, with your continued commitment and prompt implementation, we hope will greatly improve Bell Atlantic's delivery of service to Teligent.

It is Teligent's understanding that the agreed-upon plan of action includes the following:

1. Bell Atlantic will assign a Network Engineer/Planner to work with Teligent to determine the most effective way to deploy the Bell Atlantic portion of our network build. Teligent will continue to provide all necessary information to facilitate this process, including 90-day network plans on a 30-day rolling basis.
2. Bell Atlantic will assign Service Managers to help facilitate maintenance and provisioning issues.
3. Bell Atlantic will assign Project/Program Managers for both the north territory and the south territory, to coordinate the network build and provide timely program management and key action initiation.
4. Bell Atlantic and Teligent will cooperate to reduce the number of "customer not ready" ("CNR") incidents, especially in NYC. If possible, Bell Atlantic will assign specific field technicians to Teligent in the NYC area to foster better communication. Teligent and Bell Atlantic will document and discuss all CNR incidents in order to take immediate action to greatly reduce or eliminate them. Bell Atlantic site surveys modeled after existing work you are currently doing with Wireless Carriers, where appropriate, will also help reduce CNR's and missed FOC dates.

5. Given the problems to date and the critical importance of this issue to Teligent, Bell Atlantic will cooperate with Teligent to increase the T-1 circuit delivery run-rate, with a goal of 4 per market per day, or 16 for the entire region per day. Because the delivery of T-1 circuits is dependent upon Bell Atlantic's delivery of DS3's, Bell Atlantic agreed to move forward as quickly as possible with delivery of these backbone circuits.

Overall, Teligent believes that the meeting was highly successful. We appreciate very much Bell Atlantic's senior management's willingness to discuss our problems and suggest positive solutions. We look forward to meeting with the assigned Network Planner in the next few days and to seeing increasing improvements in delivery and service.

Tony, Craig, Bill and I will work together to maintain this momentum. In addition, as we agreed, Tony and I will schedule a meeting with you and Rick Hanna at the end of May to discuss progress.

Again, thanks for a productive meeting. We look forward to the continued, improved relationships between our companies.

Sincerely,



Bruce T. Wagner
Regional Vice President
Northeast

cc: Paul Lacouture
Dave Douglas
Rick Hanna

B



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March 4, 1999

VIA HAND DELIVERY

Honorable Debra Renner
Acting Secretary
New York State
Public Service Commission
Three Empire State Plaza
Albany, New York 12223

*Re: Case 97-C-0271 - Response of Teligent, Inc. to the Department's
February 22, 1999 Request for Information*

Dear Ms. Renner:

In response to the Department's letter dated February 22, 1999, requesting the identification of all issues that competitive local exchange carriers ("CLECs") believe are negatively affecting their ability to compete in New York, Teligent, Inc. ("Teligent") provides the following comments. Teligent launched commercial service in New York in the fourth quarter of 1998 and is only now in a position to share its experiences related to the state of competition in New York.

The most serious obstructions that Teligent currently encounters to providing competitive services in New York are the continuous and varied setbacks, attributable to Bell Atlantic-New York ("Bell Atlantic"), that, while seemingly "minor" in isolation, collectively become major impediments to competition. These consistent delays negatively impact market launches and, once a market is launched, impede the ability to provide services to additional customers. This is particularly true in light of the fact that each step in Bell Atlantic's interconnection and implementation process is sequential and all steps must be completed prior to a market launch. A delay at any stage of the process invariably results in further delays, pushing out substantially a planned market launch date or the provision of service to customers, once the market is launched.

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Set forth below are examples of the types of situations that Teligent has faced. Although these issues have been raised with Bell Atlantic, either informally, through escalations, or formally, and some have been addressed by Bell Atlantic, they are illustrative of the types of issues that Teligent and other CLECs face on a day-to-day basis that delay their market launches and otherwise hinder the provision of competitive service to consumers. Many of the issues raised are specifically related to interconnection implementation, while others reflect general market "hurdles" to the ability of a CLEC to provide competitive service in New York.

Design Information

Teligent relies on receiving from Bell Atlantic Design Layout Records ("DLRs") that show the placement of facilities and enable Teligent to create Circuit Layout Records ("CLRs"). CLRs are then used to create blueprints for Teligent's network design, which must be distributed to Teligent field personnel for implementation. DLRs are not received from Bell Atlantic in a timely manner, thereby delaying circuit turn-up.

Circuit Delivery

A circuit "delivery" is not complete until testing of the circuit has been done and is complete. Bell Atlantic is rarely ready to test circuits upon physical delivery of circuits, thereby delaying circuit turn-up, by any number of days.

Delivery of T1s

The quantity of T1s that Bell Atlantic delivers per day should be consistent with the CLEC's requirements and ability to receive the T1s (as long as the CLEC's per day delivery request is reasonable). Teligent has requested the delivery of four T1s per day in Manhattan, which Bell Atlantic has rejected, claiming that it has the manpower to deliver only two per day. T1 delivery delays result in market entry delays.

Failure to Coordinate Trunk Installations

Bell Atlantic technicians do not call Teligent or its end users prior to delivering trunks, despite the fact that Teligent puts a contact name and number on its Access Service Requests ("ASRs"). This delays service to customers as customers often turn away technicians for lack of notice. These delays could be avoided if Bell Atlantic contacted Teligent's provisioning group, enabling Teligent to notify the customer of an impending delivery.

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Access to Bell Atlantic's Operations Support System

Teligent has had numerous problems accessing the operations support system ("OSS"), specifically the WebGUI, due to Bell Atlantic's overly burdensome set-up processes. For instance, a CLEC can only access the OSS with a secure ID card, after setting up a user ID. When Teligent attempted to acquire a secure ID card, it found that the cards were not ready for immediate use upon assignment since many required re-activation by Bell Atlantic's help desk. Help desk representatives were often not available; moreover, the log-in instructions that Bell Atlantic provided were not up-to-date. As a result, the entire process for Teligent to set up its access to the OSS took almost two unanticipated - months.

Access to USOCs

CLECs have limited access to Universal Service Order Codes ("USOCs") Bell Atlantic-New York. CLECs are referred to Bell Atlantic's access tariff, which contains an incomplete listing or are sent a diskette of some USOCs. In the absence of a complete listing of USOCs, Teligent has spent a great deal of time attempting and guessing how to interpret Bell Atlantic's CSRs.

Inconsistencies Between Bell Atlantic North, South, and Central Region Procedures

Inconsistencies between procedures in the Bell Atlantic North, South, and Central regions result in delays as CLECs struggle to master the operational differences between the regions. With the exception of billing, all implementation functions and processes vary significantly between the North, South, and Central regions, e.g., ASRs, LSRs, CSRs, LNP testing, OS/DA, directory listings, and SS7.

Missed Firm Order Commitment ("FOC") Dates

FOCs are intended to be written commitments of delivery dates, which Bell Atlantic represents it will provide within 3 - 5 days of an order. The majority of Bell Atlantic's FOCs, however, are provided after the standard interval and are generally verbal rather than written, leading to numerous delays since verbal FOCs are difficult to track. At times, Bell Atlantic fails to send a FOC entirely, forcing Teligent to spend considerable time attempting to contact Bell Atlantic by phone in order to determine the status of an order, which often takes numerous attempts and escalations. This is extremely important on DS3 orders as they are required before associated DS1 orders can be placed. A missed FOC on a DS3 order delays not only the ordering of the DS1s but their delivery as well, further jeopardizing scheduled launches.

Provisioning Escalations

Accurate escalation lists are not readily available and those provided have not been up-to-date. Teligent has wasted considerable time and energy trying to determine who is the point of contact on an issue. Moreover, even after the appropriate contact is identified, it often takes a day or two or an account management escalation before that person contacts Teligent.

Untimely Notice of Order Rejections

Bell Atlantic ceases processing any order it deems to be deficient but does not immediately notify the CLEC of the deficiency. This notice can come any number of days after the order submission. This unnecessarily delays issuance of a FOC date and ultimate delivery of the order.

Inflexible Interconnection Element Ordering Processes

Numerous elements are required in order to interconnect one network to another. Bell Atlantic does not allow CLECs to order interconnection elements in combination and instead requires each item to be ordered in a predetermined sequence, *i.e.*, entrance facilities, DS3 trunks, SS7 certification, SS7 trunks, etc. Bell Atlantic requires that each step be completed before the next is even scheduled or planned, leaving the CLEC to guess when it will be able to launch its commercial service.

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As to the overall environment for competition in New York, Teligent believes that the competitive environment in New York would benefit substantially from clear, pro-competitive building access rules. In order to provide facilities-based alternatives to multi-unit building tenants, CLECs such as Teligent require access to the building's telephone inside wire, riser cables, conduits, and rooftops. Frequently, however, the CLEC and the telecommunications consumer are unable to "reach" each other when building owners either completely deny CLEC access to their buildings or extract unreasonable rates or conditions from CLECs, in exchange for access. By contrast, the incumbent local exchange carrier maintains facilities in every multi-tenant environment, which it installed for free. The Commission should promote telecommunications competition in multi-tenant environments by requiring that landlords permit telecommunications carrier access to consumers in multi-tenant environments on reasonable and nondiscriminatory terms and conditions.

On a positive note, Bell Atlantic did make some efforts to accommodate Teligent's Manhattan market launch last year, efforts which Teligent both appreciates and applauds. Specifically, Bell Atlantic expedited its normal timeframes for entrance facility build-outs when constructing entrance facilities at Teligent's central office in Manhattan. Bell Atlantic also expedited delivery of interconnection trunks, including trunk groups necessary to facilitate Teligent's test schedule. Continued efforts such as these, across the board for all of Bell Atlantic's New York markets, could surely speed the development of a competitive environment in New York and demonstrate the effectiveness of a responsive and timely organization committed to opening its markets to competition; however, we are not yet there.

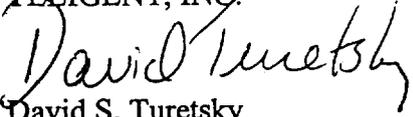
While Bell Atlantic deserves praise for the progress it has made, it is also directly responsible for the current obstacles to the development of full competition. Three years after passage of the Act, Bell Atlantic's consistent delays and "mistakes," taken together, pose just as great a barrier to entry as a deliberate flouting of the Act's requirements.

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Teligent appreciates the opportunity to offer these comments and looks forward to further participation in this docket.

Respectfully submitted,

~~TELIGENT, INC.~~


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Terri B. Natoli
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AL2.57304.1

CERTIFICATE OF SERVICE

I, Rosalyn Bethke, do hereby certify that on this 19th day of October, 1999, copies of the foregoing Comments of Teligent, Inc. on Bell Atlantic's Section 271 Application, CC Docket No. 99-295, were mailed, first class postage prepaid, unless otherwise indicated, to the following parties:

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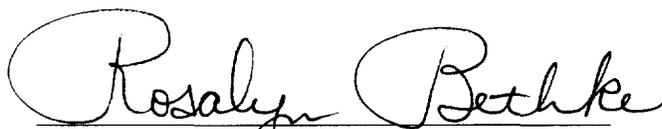
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