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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY



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DOCKET FILE COPY ORIGINAL

November 27, 2001

**By hand delivery**

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: CC Docket Nos. 00-218 & 00-251 /  
**In the Matter of Petition of AT&T Communications of Virginia,  
Inc., TCG Virginia, Inc., ACC National Telecom Corp.,  
MediaOne of Virginia and MediaOne Telecommunications  
of Virginia, Inc. for Arbitration of an Interconnection Agreement  
With Verizon Virginia, Inc. Pursuant to Section 252(e)(5) of the  
Telecommunications Act of 1996**

**In the Matter of Petition of WorldCom, Inc. Pursuant to Section 252(e)(5)  
of the Communications Act for Expedited Preemption of the Jurisdiction  
of the CC Docket No. 00-218 Virginia State Corporation Commission  
Regarding Interconnection Disputes with Verizon Virginia Inc., and for  
Expedited Arbitration**

Dear Ms. Salas:

On behalf of AT&T Communications of Virginia, Inc., its affiliates listed above, and WorldCom, Inc., enclosed please find an original and three (3) copies of AT&T's and WorldCom's Opposition to Verizon's Motion for Leave to File Supplemental Rebuttal Testimony.

Respectfully submitted,

  
Mark A. Keffer

Enclosures

CERTIFICATE OF SERVICE

CC Docket No. 00-218

CC Docket No. 00-249

CC Docket No. 00-251

I hereby certify that on November 27, 2001, a copy of Opposition of AT&T and WorldCom to Verizon Motion for Leave to File Supplemental Rebuttal Testimony was sent via hand delivery, Federal Express, U.S. mail and/or email to:

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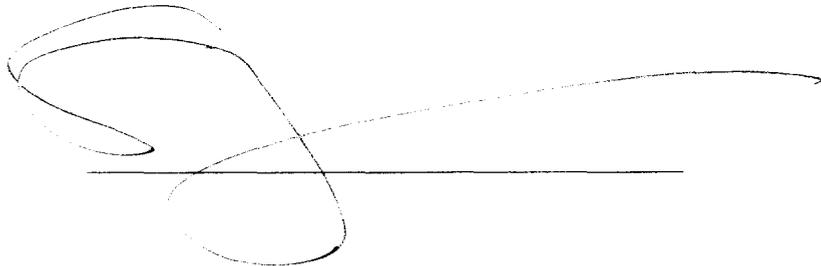
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

In the Matter of )  
Petition of WorldCom, Inc. Pursuant )  
To Section 252 (e)(5) of the )  
Communications Act for Expedited )  
Preemption of the Jurisdiction of the )  
Virginia State Corporation Commission )  
Regarding Interconnection Disputes )  
With Verizon Virginia, Inc., and for )  
Expedited Arbitration )

CC Docket No. 00-218

In the Matter of )  
Petition of Cox Virginia Telecom, Inc. )  
Pursuant to Section 252 (e)(5) of the )  
Communications Act for Preemption )  
Of the Jurisdiction of the Virginia State )  
Corporation Commission Regarding )  
Interconnection Disputes with Verizon )  
Virginia, Inc. and for Arbitration )

CC Docket No. 00-249

In the Matter of )  
Petition of AT&T Communications )  
Virginia Inc., Pursuant to Section 252 (e)(5) )  
of the Communications Act for Preemption )  
of the Jurisdiction of the Virginia )  
Corporate Commission Regarding )  
Interconnection Disputes with Verizon )  
Virginia, Inc. )

CC Docket No. 00-251

**OPPOSITION OF AT&T AND WORLDCOM TO VERIZON MOTION FOR  
LEAVE TO FILE SUPPLEMENTAL REBUTTAL TESTIMONY**

Having agreed to a procedural schedule that envisioned the simultaneous submission of evidence by opposing parties, Verizon now finds such a schedule to be unconstitutional because it denies Verizon its due process right to have the last word on matters raised in the September 21, 2001 AT&T/WorldCom surrebuttal filing. To cure this supposed due process violation, Verizon proposes to submit over 40 pages of

additional testimony by Frank Murphy (the “Murphy Submission”) and Timothy Tardiff (the “Tardiff Submission”).

Verizon’s argument for this additional filing is frivolous. Verizon does not – and cannot – identify any argument that AT&T and WorldCom unfairly raised for the first time in their surrebuttal testimony. Four of the five matters on which Verizon now seeks the last word were entirely legitimate subjects for surrebuttal by AT&T and WorldCom. The fifth issue – wire centers – was initially raised not in AT&T and WorldCom’s surrebuttal filing, but *by Verizon itself*, in its October 29 cross examination of AT&T/WorldCom witness Brian Pitkin.

At bottom, Verizon’s grievance is merely that it failed to anticipate some of the claims advanced in AT&T/WorldCom’s surrebuttal testimony and would rather respond by filing a fourth round of testimony than by cross-examining AT&T and WorldCom’s witnesses on those issues. But the same is true of AT&T, WorldCom, and virtually any party in any litigation: there are almost always issues on which each party wishes that it had one more word. In a world where time and litigation resources are finite, however, the filing of written testimony must come to an end. In this case, the Commission, with the consent of all parties, established three rounds, not more.

And, in a forum governed by the rule of law, all parties must live by the same rules. Verizon may control the last mile, but that does not always entitle it to the last word. Verizon’s motion should be denied.

## **OVERVIEW AND FACTUAL BACKGROUND**

Early in this arbitration, the parties agreed to the simultaneous filing of direct, rebuttal, and surrebuttal testimony. *See* Procedures Established for Arbitration of

Interconnection Agreements between Verizon, Virginia and AT&T, Cox, and WorldCom, Docket Nos. 00-218 et al., (rel. Feb. 1, 2001). This schedule did not envision sequential filings and did not offer an opportunity to respond with a fourth round of written testimony to the final surrebuttal filing. Consistent with these procedures, the parties filed direct testimony on July 31, setting forth their direct case. The parties critiqued their opponents' direct testimony in rebuttal comments filed August 27, and responded to those critiques in surrebuttal testimony filed September 21, 2001.

Each party in its surrebuttal filing had the option of accepting or rejecting the criticisms made by the opposing party in the rebuttal round. In AT&T/WorldCom's surrebuttal filing, their witness Brian Pitkin demonstrated that most of Verizon criticisms of the Synthesis Model were unfounded. In four areas, however, he adjusted the Synthesis Model submitted on July 2, 2001,<sup>1</sup> to incorporate corrections advocated by Verizon in its rebuttal testimony or to update the previous model runs to reflect data produced by Verizon in discovery after July 2. Mr. Pitkin discussed all of these changes in his July 31, 2001 direct testimony:

1. He substituted updated Verizon line count information for the estimated line counts used in his direct testimony; *see* Pitkin Surrebuttal, AT&T/WorldCom Exhibit 14, at 72-73.
2. He used a traffic sensitive/non-traffic sensitive switch investment ratio based on an analysis of Verizon's Virginia data by AT&T/WorldCom witness Catherine Pitts, *id.* at 74; this revised ratio replaced an estimate used in the July 2 filing.

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<sup>1</sup> Cost Studies and Supporting Documentation Setting Forth Cost Model Outputs for Unbundled Network Elements and Associated Non-Recurring Charges Submitted by AT&T Communications of Virginia, Inc. and WorldCom, Inc. (filed July 2, 2001), AT&T/WorldCom Exh. 23.

3. He accepted a Verizon criticism<sup>2</sup> regarding network operations expenses and changed the Synthesis Model accordingly, *id.* at 66, 72.
4. He accepted the recommendation of Steven Turner regarding Verizon criticisms of the HAI model in state cost proceedings<sup>3</sup> that were similarly applicable to the Synthesis Model in this proceeding and changed those aspects relating to interoffice transport costs, *id.* at 71-72.<sup>4</sup>

The Commission's procedural schedule authorized the parties to ask data requests to the other party about their testimony. Verizon exercised this right by submitting 190 separate data requests regarding AT&T/WorldCom's surrebuttal testimony.<sup>5</sup> AT&T provided responses to those data requests on October 4 and 5, 2001.<sup>6</sup>

Five days before the start of the cost hearings, Verizon filed a new switch cost study, and then submitted a major revision to that cost study relating to tandem switches on November 2. As it turned out, Verizon's original cost study had omitted one million TR008 lines largely because Telcordia, the developer of the SCIS switch cost models used by Verizon, did not regard TR008 as forward-looking technology for modeling switch costs for the Lucent SM 2000 switch,<sup>7</sup> and SCIS thus dropped those one million

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<sup>2</sup> See Rebuttal Testimony of Francis J. Murphy on Behalf of Verizon Virginia (filed Aug. 27, 2001) at 73-77 ("Murphy Rebuttal"); Rebuttal Testimony of Timothy J. Tardiff on Behalf of Verizon Virginia (filed Aug. 27, 2001) at 61-63 ("Tardiff Rebuttal").

<sup>3</sup> See Murphy Rebuttal at 63-64.

<sup>4</sup> In his testimony, Mr. Pitkin referred to the changes as being those made in the New York cost proceeding. *Id.* at 73. A couple of the changes were made in a currently pending Massachusetts cost proceeding.

<sup>5</sup> See Verizon Virginia Inc.'s Fourteenth Set of Discovery to AT&T Communications of Virginia, Inc. (filed September 26, 2001).

<sup>6</sup> AT&T and WorldCom's Responses To Verizon Virginia Inc.'s Fourteenth Set of Discovery To AT&T And to Worldcom (served Oct. 4, 2001); AT&T and WorldCom's Supplemental Responses To Verizon Virginia Inc.'s Fourteenth Set of Discovery To AT&T and to WorldCom (served Oct. 5, 2001).

<sup>7</sup> Along with AT&T and WorldCom's subject matter experts, Telcordia believes that the current forward-looking technology is GR303.

TR008 lines from the cost study. Verizon's 11<sup>th</sup> hour changes to its switching cost analyses added switches, introduced a new type of switch (combination tandem/local), and made a significant number of out-of-model calculations.

At the first day of the cost hearings, WorldCom moved to strike the cost study. In a transparent attempt to divert attention from its late-filed switching testimony, Verizon sought to compare its late-filed switch cost study with AT&T/World's revisions to adopt changes to the transport module from various state proceedings, claiming that AT&T/WorldCom had submitted a new "brand-new IOF model" in surrebuttal.<sup>8</sup> The Commission rejected Verizon's attempted comparison and complaint in reviewing WorldCom's motion to strike Verizon's new switch cost study.<sup>9</sup> After considerable deliberation, and testimony by telephone from each party's switch cost witness, the Commission's Staff denied WorldCom's motion to strike and established a revised schedule for testimony on the switching issues to permit AT&T/WorldCom to review and evaluate Verizon's new switching cost study.

In off-the-record discussions, AT&T agreed that Verizon could submit additional discovery requests to AT&T/WorldCom relating to the interoffice transport changes made to the Synthesis Model based on the HAI transport model changes in the state cost proceedings. Verizon provided those data requests by facsimile on October 24, 2001. Some of the data requests related not to the state cost proceeding IOF changes but were

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<sup>8</sup> Tr. at 2779-82.

<sup>9</sup> See Tr. at 2780, 2784.

follow-up questions to prior data requests made by Verizon. AT&T/WorldCom objected to these requests but nonetheless provided responses to all Verizon's requests.<sup>10</sup>

Verizon also claimed the right to file additional evidence. Verizon's Motion for Leave to File Supplemental Rebuttal Testimony ("Verizon Motion"), accompanied by the 25-page Murphy Submission and 18-page Tardiff Submission, followed on November 16. The filing is not limited to the state cost proceeding IOF changes that Verizon raised during the hearings<sup>11</sup> but instead covers five separate issues, one of which was raised for the first time by Verizon in its cross-examination of AT&T/WorldCom witness Brian Pitkin. Each of these issues is discussed briefly below.

## DISCUSSION

The premise of Verizon's motion is that Verizon has a due process right to respond to AT&T/WorldCom's surrebuttal filing not merely by cross-examining its adversaries' witnesses, but by getting the last word through a fourth round of written testimony.<sup>12</sup> This claim is frivolous. Procedural schedules that authorize simultaneous filings of written testimony by opposing parties are commonplace before this Commission and other federal and state administrative commissions; and Verizon fails to cite *any* court decision holding, or even suggesting, that such a procedure is unconstitutional because it denies a party the right to respond to points made in the final filing by the other party. Moreover, Verizon's logic, if adopted, would mean that

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<sup>10</sup> AT&T and WorldCom's Responses to Verizon Virginia's Fifteenth Set of Discovery to AT&T and WorldCom (Oct. 31, 2001); AT&T and WorldCom's Supplemental Response to Verizon Virginia's Fifteenth Set of Discovery to AT&T and WorldCom (Nov. 1, 2001); ); AT&T and WorldCom's Second Supplemental Response to Verizon Virginia's Fifteenth Set of Discovery to AT&T and WorldCom (Nov. 8, 2001).

<sup>11</sup> *See, e.g.*, Tr. at 4606 (referring to Verizon discovery on IOF module).

administrative proceedings could never end, for each round of evidence would give opposing parties due process right to a further round of testimony. With each party entitled to the last word, the last word would never arrive. To note only the most immediate consequence of Verizon's theory of due process, AT&T/WorldCom would certainly be entitled to submit written testimony to rebut the Murphy Submission and Tardiff Submission.

In this proceeding, all parties, including Verizon, consented to a procedural schedule that called for only three rounds of written testimony on cost issues, with the third and final round consisting of simultaneous filings. Both parties took advantage of the surrebuttal testimony to make changes to their cost studies, and Verizon corrected various programming errors noted by AT&T/WorldCom, corrected its working line count in its Loop Cost Analysis Model (LCAM),<sup>13</sup> and updated its cable costs in its Vintage Retirement Unit Cost (VRUC) study.<sup>14</sup> For AT&T/WorldCom, out of the dozens of criticisms made by Verizon of the Synthesis Model, AT&T/WorldCom agreed with two criticisms — the network operations expenses and the changes to interoffice transport made in other state proceedings. Two other changes involved updating estimates with information based on actual Verizon data — the line counts and traffic-sensitive/non-traffic-sensitive switch investment—produced by Verizon in discovery after AT&T filed its direct testimony. None of these four changes fundamentally altered the Synthesis Model presented by AT&T/WorldCom in its direct case or constituted a significant departure from its prior filings.

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<sup>12</sup> Verizon Motion at 2.

<sup>13</sup> See Verizon Recurring Cost Panel Surrebuttal Testimony (filed Sept. 21, 2001), at 75.

<sup>14</sup> *Id.* at 249.

Verizon complains that it is “entitled to be heard” on the surrebuttal changes by AT&T/WorldCom, Motion at 3, but ignores that it has the opportunity to be heard and to respond to the changes at the hearings. Verizon can ask AT&T/WorldCom witnesses about the changes at the hearing. In addition, Verizon witnesses may have the opportunity during their testimony at the hearing to comment on these changes if asked questions by opposing counsel or the Commission Staff. In the hearings held to date, Verizon has already taken advantages of both methods. Accordingly, there is no right to file additional written testimony.

AT&T/WorldCom will discuss briefly each of these areas, noting how Verizon has already responded to these points or noting how they can respond in the upcoming hearing.<sup>15</sup>

**1. Wire Centers.**

The Verizon testimony on wire centers has nothing to do with AT&T/WorldCom’s surrebuttal filing.<sup>16</sup> It was first raised *by Verizon* on October 29 during Verizon counsel’s cross-examination of AT&T/WorldCom witness Brian Pitkin.<sup>17</sup> Verizon witnesses also worked to comment on the wire center issue during the October 30 hearing.<sup>18</sup> Mr. Pitkin addressed the wire center issue during his appearance and explained that the large line counts associated with two wire centers caused the Synthesis

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<sup>15</sup> Given that someone may have read the testimony attached to the Verizon Motion, AT&T/WorldCom will also briefly discuss why the Murphy Submission and Tardiff Submission are without merit.

<sup>16</sup> Murphy Submission at 20-23.

<sup>17</sup> Tr at 4302-09.

<sup>18</sup> *See, e.g.* Tr. at 4489-90, 4592-94.

Model to drop those wire centers. Mr. Pitkin reran the Synthesis Model including those two wire centers. The impact was to reduce the loop cost by one cent.<sup>19</sup>

Verizon could have raised this issue in its August rebuttal testimony.<sup>20</sup> Verizon instead elected to raise the issue during cross-examination of Mr. Pitkin. Having done so, it has no right to submit additional written evidence on this subject.

## 2. Line Counts.

Verizon includes additional testimony regarding line counts.<sup>21</sup> Verizon witnesses commented extensively on the issue of line counts during the hearing.<sup>22</sup> Verizon provides no reason why it is entitled to submit additional evidence on the subject.

On the issue of line counts, Verizon confirms that AT&T/WorldCom used a conservative approach with respect to line counts. Indeed, Verizon is responsible for many of the line count issues because it has failed to provide the necessary information (*e.g.*, the total physical copper pairs) that would have resolved some of the DS0 equivalent issues. Rather than perform that analysis and provide the physical copper pair information, Messrs. Tardiff and Murphy continue to make theoretical attacks on AT&T/WorldCom's approach.

The line count issue has been thoroughly aired during the hearing, and Verizon has no right to simply dump additional written testimony into the record on this subject.

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<sup>19</sup> Tr. at 4428-30, 4569-71; AT&T Exhibit 130.

<sup>20</sup> It appears that AT&T/WorldCom's July 2 filing apparently omitted a wire center.

<sup>21</sup> Tardiff Submission at 3-6.

<sup>22</sup> *See, e.g.*, Tr. at 4395-96, 4412-13, 4487-92, 4517-20, 4521-25.

3. Switching.

One input to the Synthesis Model is the ratio of traffic sensitive to non-traffic sensitive switch investment. In her direct testimony, Catherine Pitts provided an estimate based on publicly available information of the traffic sensitive/non-traffic sensitive switch investment ratio and indicated that she would provide a revised number based on actual Verizon Virginia data.<sup>23</sup> In the AT&T/WorldCom Cost Panel Rebuttal filed on August 27, 2001,<sup>24</sup> Ms. Pitts provided as Attachment 5 her analysis of the traffic sensitive/non-traffic sensitive switch investment based on Verizon's actual data. This figure was used in connection with Verizon's cost study.

Verizon had the opportunity to respond to Ms. Pitts's determination of the actual traffic sensitive/non-traffic sensitive switch investment — and did so in its Recurring Cost Panel Surrebuttal Testimony at page 199. Having responded to the testimony in its surrebuttal filing, and having the opportunity to questions Ms. Pitts about her derivation of the traffic sensitive/non-traffic sensitive switch investment in upcoming cross-examination, Verizon has no basis for filing additional testimony on this issue.

Mr. Murphy's criticisms<sup>25</sup> of Ms. Pitts's switch cost testimony are the result of his evident failure to read Ms. Pitts's surrebuttal testimony<sup>26</sup> with any care. Footnote 17

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<sup>23</sup> See Pitts Direct Testimony, AT&T/WorldCom Exhibit 4, at 8. The traffic sensitive/non-traffic sensitive switch investment ratio that Ms. Pitts provided in her direct testimony was not actually used in the July 2 version of the Synthesis Model. Ms. Pitts acknowledged this error, however, in the Rebuttal Testimony of Michael R. Baranowski, Terry L. Murry, Catherine E. Pitts, Joseph P. Riolo and Stephen Turner (filed August 27, 2001), AT&T/WorldCom Exhibit 12 ("AT&T/WorldCom Cost Panel Rebuttal"), at 116 n.103.

<sup>24</sup> AT&T/WorldCom Cost Panel Rebuttal, AT&T/WorldCom Exhibit 12, Attachment 5.

<sup>25</sup> Murphy Submission at 17-20.

<sup>26</sup> Pitts Surrebuttal Testimony, AT&T/WorldCom Exh.16.

of Ms. Pitts's Surrebuttal Testimony described the differences in the traffic sensitive/non-traffic sensitive switch investment number used in Verizon's switch cost study and the traffic sensitive switch investment figure used in the Synthesis Model. In Proprietary Exhibit 1 to her surrebuttal testimony, Ms. Pitts used the same information set forth in Attachment 5 to the AT&T/WorldCom Cost Panel Rebuttal and provided the reconciliation between the Verizon approach and the approach used in the Synthesis Model. In a highlighted box at the bottom of the Proprietary Exhibit 1 computations, Ms. Pitts stated the percentage of non-traffic-sensitive switch investment next to the phrase "For use in ModSynMod." The actual input in the Synthesis Model is the traffic sensitive percentage, which is 1 minus the non-traffic-sensitive percentage set forth in Proprietary Exhibit 1 to the Pitts Surrebuttal. Ms. Pitts's testimony is quite clear; only Mr. Murphy is confused.

**4. Network Operations Expense.**

In the surrebuttal filing, AT&T/WorldCom witness Brian Pitkin acknowledged that Verizon's criticisms of the Synthesis Model's handling of network operations expense had some merit.<sup>27</sup> In response, Mr. Pitkin stated that approximately 6% of network operations expense failed to flow through correctly and corrected the error in the Synthesis Model.

Mr. Pitkin appeared for cross-examination on model cost factors, and Verizon had ample opportunity during the discussion of cost factors to ask Mr. Pitkin about the steps he took to change the Synthesis Model's treatment of network operations expense. For its own litigation reasons, Verizon made the tactical decision not to question Mr. Pitkin

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<sup>27</sup> See Pitkin Surrebuttal, AT&T/WorldCom Exhibit 14, at 66.

on this subject. Having elected not to raise the issue on cross-examination, Verizon has no right to submit additional written testimony on the subject.

Verizon's criticism of Mr. Pitkin's approach is simply wrong.<sup>28</sup> The results presented by Mr. Pitkin includes more than the \$106 million dollars that Mr. Tardiff asserts is appropriate. This result can be confirmed by looking at cell AX184 in the "PerLine Allocation" sheet of the Synthesis Model density zone results as filed with Mr. Pitkin's surrebuttal testimony.<sup>29</sup>

#### **5. Interoffice Transport.**

In his surrebuttal, AT&T/WorldCom witness Steve Turner acknowledged that some of Verizon's criticisms of AT&T's HAI transport model in state cost proceedings were also applicable in this proceeding (the Synthesis Model transport module is based on the HAI model).<sup>30</sup> As a result, changes that were made to the HAI model in state cost proceedings were also made here to the Synthesis Model. In making the changes, cells in the Synthesis Model that were changed were highlighted so that Verizon could tell which cells had been changed.<sup>31</sup>

The one point that is clear from Verizon's proposed testimony is that Verizon has not been surprised by AT&T/WorldCom's surrebuttal transport testimony or by the

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<sup>28</sup> Tardiff Submission at 17-18.

<sup>29</sup> The value in that cell is \$180,095,000. After removing all other common support expense per line by deleting the values in cells D8:F8 and D10:F12 of the "Per Line Allocation" sheet, this value drops to \$107,496,059, which is the total amount of network operations expenses included in the Synthesis Model results. The difference can also be confirmed by evaluating the annual costs developed for each element with and without the inclusion of network operations expenses.

<sup>30</sup> Turner Surrebuttal, AT&T/WorldCom Exh. 19 at 11.

<sup>31</sup> It appears that one cell – item number 4 on Mr. Murphy's Attachment A – was inadvertently not highlighted.

changes to the Synthesis Model. Indeed, the transport cost issue has been litigated in several jurisdictions over the past couple years, and it appears that Mr. Tardiff and/or Mr. Gansert have participated in most of those proceedings.<sup>32</sup> Thus, Verizon has suffered no prejudice as a result of AT&T/WorldCom's surrebuttal filing and is well positioned to protect its interests at the hearings on the transport issues, through cross-examination of AT&T/WorldCom witnesses and possible testimony by its own witnesses. This does not give Verizon the right to submit significant new testimony on the transport issues.

The Verizon testimony is also problematic in that it includes general criticisms of the approach of the Synthesis Model (and the HAI Model) to the development of transport costs that are not specifically tied to changes made in the surrebuttal filing. In the Murphy Submission at 9, he discusses alleged "flaws with Mr. Pitkin's cost model that his changes are incapable of correcting." Such alleged flaws obviously have nothing to do with the surrebuttal filing and should have been made in prior rounds of testimony. The Murphy Submission at pages 11 and 13 similarly discusses how the Verizon model does not suffer from such flaws, which is equally unrelated to the surrebuttal changes to the Synthesis Model. Mr. Tardiff engages in an extended discussion at pages 11-15 of the use of host-remote switch relationships, but he ignores the fact that the host-remote option was activated in the July 2, 2001 Synthesis Model filing.<sup>33</sup> Accordingly, this criticism could have been raised in prior Verizon filings.

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<sup>32</sup> See Tardiff Submission at 6 (discussing history of transport issues in Massachusetts, New York, and New Jersey).

<sup>33</sup> The Synthesis Model in its default form uses the host-remote relationships. Mr. Pitkin did not change this default setting in this proceeding, and Verizon has had ample opportunity to evaluate these algorithms in this proceeding and in other proceedings in which Verizon has participated.

The Verizon filing is also incorrect in a number of respects or makes criticisms that apply equally to the Verizon transport model. For example, Mr. Murphy claims (p. 3) that the “most essential information needed” for modeling interoffice costs is “data on demand between each pair of nodes in the network,” and he criticizes the Synthesis Model because it does not use that information. This criticism applies equally to the Verizon transport model, which similarly does not rely on information about traffic between nodes. More fundamentally, Mr. Murphy is simply wrong on a basic point about the addition of nodes to a SONET ring: adding more nodes to a SONET ring does not limit the number of DS3s that can be placed on the SONET ring but in fact increases the number of DS3s that can be placed on that ring. This misunderstanding undermines much of Mr. Murphy’s analysis.

The appropriate course is for Verizon to cross examine AT&T/WorldCom witnesses on the transport issues. Verizon is not entitled to file additional testimony on this issue.

### **CONCLUSION**

Verizon agreed to the procedural schedule providing for the simultaneous submission of testimony. Both parties made changes to their cost studies in their surrebuttal submissions, and both parties have the opportunity to address those changes in the hearing that are currently underway. There is no due process or other right that allows Verizon the last word on any testimony. Verizon’s untimely switch cost study introduced enough problems to the schedule. We do not need more problems by allowing this filing. Verizon’s motion should be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Mark J. ..." with a stylized flourish at the end.

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