SPRINT
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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

SPRINT COMMUNICATIONS COMPANY L.P.

DIRECT TESTIMONY

OF

MICHAEL R. HUNSUCKER

Q. Please state your name, business address and position with Sprint.

A. My name is Michael R. Hunsucker. My business address is 6360 Sprint Parkway, Overland Park, Kansas 66251. My position with Sprint is Director - Regulatory Policy.

Q. Please outline your educational background and business experience in the telecommunications industry.

A. I received a Bachelor of Arts degree in Economics and Business Administration from King College in 1979.

Currently I employed as Director - Regulatory Policy for Sprint Corporation. I am responsible for developing state and federal regulatory policy and legislative policy for Sprint Corporation, including the coordination of regulatory/ legislative policies across the various Sprint business units and the advocacy of such policies before regulatory and legislative bodies. I have served in this capacity since 1992.

I began my career with Sprint in 1979 as a Staff Forecaster for Sprint/United Telephone - Southeast Group in Bristol, Tennessee, and was responsible for the preparation and analysis of access line and minute of use forecasts. While at Southeast Group, I held various positions through 1985 primarily responsible for the preparation and analysis of financial operations budgets, capital budgets and Part 69 cost allocation studies. In 1985, I assumed the position of Manager - Cost Allocation Procedures for Sprint United Management Company and was responsible for the preparation and analysis of Part 69 allocations including systems support to the 17 states in which Sprint/United operated. In 1987, I transferred back

to Sprint/United Telephone - Southeast Group and assumed the position of Separations Supervisor with responsibilities to direct all activities associated with the jurisdictional allocations of costs as prescribed by the FCC under Parts 36 and 69. In 1988 and 1991, respectively, I assumed the positions of Manager - Access and Toll Services and General Manager - Access Services and Jurisdictional Costs responsible for directing all regulatory activities associated with interstate and intrastate access and toll services and the development of Part 36/69 cost studies including the provision of expert testimony as required.

Q. Have you previously testified before state Public Service Commissions?

A. Yes. I have previously testified before state regulatory commissions in South Carolina, Florida, Illinois, Pennsylvania, Nebraska and North Carolina.

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to present Sprint's positions with respect to the issues of: 1) Whether or not a CLEC, as the requesting carrier, has the right pursuant to the Act, the FCC's Local Competition Order, and FCC regulations, to designate the network point (or points) of interconnection at any technically feasible point, and 2) Whether or not an ILEC should permitted to impose restrictions on a CLEC's ability to assign NPA/NXX codes to its end-users.

Q. Please provide an overview of the structure of your testimony.

A. My testimony is structured into four parts:

1) an overview of relevant section of the Telecom Act of 1996 (Act) and the FCC's rules and discussion addressing the issue of POIs;

2) Sprint's position relative to which carrier has the right to designate the POI at any technically feasible point and how many POIs should a CLEC be required to establish with an ILEC;

3) Sprint's position relative to an ILEC's ability to impose restrictions on a CLEC's ability to assign NPA/NXX codes to its end user customers; and,

4) Sprint's recommendation to share the transport costs between the ILEC's local calling area and the CLEC designated POI.

OVERVIEW

Q. Please explain what is meant by the term "interconnection" and how it is defined.

A. The FCC has defined the term "interconnection" in 47 CFR, Part 51.5 - Terms and Definitions as the "linking of two networks for the mutual exchange of traffic." In addition, the FCC, in this same definition, specifically stated that "This term does not include the transport and termination of traffic."

Interconnection is required between an ILEC and a CLEC when a CLEC enters the market and the two carriers are required to originate and terminate end user traffic with the each other.

Q. What interconnection obligation does the Telecom Act of 1996 (Act) place on ILECs and CLECs?

A. The Act places obligations on both the ILEC and the CLEC in regards to interconnection, however, the obligations placed on the ILEC are far greater than those imposed on the CLEC.

Specifically, Section 251(a)(1) of the Act requires all telecommunications carriers, both ILECs and CLECs, to "interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers." Simply stated, **all** telecommunications carriers are required to interconnect with any other requesting carrier.

Further, the Act in Section 251(c)(2) places additional obligations on all incumbent local exchange carriers. Specifically, Section 251(c)(2) states that ILECs have ;

"The duty to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network –

(A) for the transmission and routing of telephone exchange service and exchange access;
(B) at any technically feasible point within the carrier's network;
(C) that is at least equal in quality to that provided by the local exchange carrier to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection; and
(D) on rates, terms and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms and conditions of the agreement and the requirements of this section and section 252."

In other words, all telecommunications carriers are required to interconnect with any other requesting telecommunications carrier, however, the Act places additional obligation upon the ILEC to provide interconnection to the "requesting telecommunications carrier" or CLEC consistent with the above terms and conditions.

Q. Subsequent to the Act, has the FCC established rules related to interconnection between telecommunications carriers?

A. Yes, they have. The specific rules related to interconnection have been codified in 47 CFR, Part 51.305 which states the following :

51.305 Interconnection.

(a) An incumbent LEC shall provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the incumbent LEC's network:

(1) for the transmission and routing of telephone exchange traffic, exchange access traffic, or both;

(2) at any technically feasible point within the incumbent LEC's network including, at a minimum:
(i) the line-side of a local switch;
(ii) the trunk-side of a local switch;
(iii) the trunk interconnection points for a tandem switch;
(iv) central office cross-connect points;
(v) out-of-band signaling transfer points necessary to exchange traffic at these points and access call-related databases; and
(vi) the points of access to unbundled network elements as described in 51.319 of this part;

(3) that is at a level of quality that is equal to that which the incumbent LEC provides itself, a subsidiary, an affiliate, or any other party, except as provided in paragraph (4) of this section. At a minimum, this requires an incumbent LEC to design interconnection facilities to meet the same technical criteria and service standards that are used within the incumbent LEC's network. This obligation is not limited to a consideration of service quality as perceived by end users, and includes, but is not limited to, service quality as perceived by the requesting telecommunications carrier;

(4) that, if so requested by a telecommunications carrier and to the extent technically feasible, is superior in quality to that provided by the

incumbent LEC to itself or to any subsidiary, affiliate, or any other party to which the incumbent LEC provides interconnection. Nothing in this section prohibits an incumbent LEC from providing interconnection that is lesser in quality at the sole request of the requesting telecommunications carrier; and **(Please note that this section was vacated by the Eighth Circuit Court Decision)**

5) *on terms and conditions that are just, reasonable, and nondiscriminatory in accordance with the terms and conditions of any agreement, the requirements of sections 251 and 252 of the Act, and the Commission's rules including, but not limited to, offering such terms and conditions equally to all requesting telecommunications carriers, and offering such terms and conditions that are no less favorable than the terms and conditions the incumbent LEC provides such interconnection to itself. This includes, but is not limited to, the time within which the incumbent LEC provides such* interconnection.

b) A carrier that requests interconnection solely for the purpose of originating or terminating its interexchange traffic on an incumbent LEC's network and not for the purpose of providing to others telephone exchange service, exchange access service, or both, is not entitled to receive interconnection pursuant to section 251(c)(2) of the Act.

(c) Previous successful interconnection at a particular point in a network, using particular facilities, constitutes substantial evidence that interconnection is technically feasible at that point, or at substantially similar points, in networks employing substantially similar facilities. Adherence to the same interface or protocol standards shall constitute evidence of the substantial similarity of network facilities.

(d) Previous successful interconnection at a particular point in a network at a particular level of quality constitutes substantial evidence that interconnection is technically feasible at that point, or at substantially similar points, at that

level of quality.

(e) An incumbent LEC that denies a request for interconnection at a particular point must prove to the state commission that interconnection at that point is not technically feasible.

(f) If technically feasible, an incumbent LEC shall provide two-way trunking upon request.

(g) An incumbent LEC shall provide to a requesting telecommunications carrier technical information about the incumbent LEC's network facilities sufficient to allow the requesting carrier to achieve interconnection consistent with the requirements of this section.

Q. The FCC uses the term "technically feasible" throughout Part 51.305. Did the FCC define the term "technically feasible"?

Yes, they did. 47 CFR 51.5, Terms and Definitions defines the term "technically feasible" as follows :

"Interconnection, access to unbundled network elements, collocation, and other methods of achieving interconnection or access to unbundled network elements at a point in the network shall be deemed technically feasible absent technical or operations concerns that prevent the fulfillment of a request by a telecommunications carrier for such interconnection, access, or methods. A determination of technical feasibility does not include consideration of economic, accounting, billing, space or site concerns, except that space and site concerns may be considered in circumstances where there is no possibility of expanding the space available. The fact that an incumbent LEC must modify its facilities or equipment to respond to such request does not determine whether satisfying such request is technically feasible. An incumbent LEC that claims that it cannot satisfy such

request because of adverse network reliability impacts must prove to the state commission by clear and convincing evidence that such interconnection, access, or methods would result in specific and significant adverse network reliability impacts."

It is very clear that the FCC has taken a very stringent approach to the definition of "technically feasible". Reasons such as economic, accounting and billing considerations are not to be used to form the basis of ILEC denial of a particular form of interconnection. Likewise, the burden of proof clearly lies in the ILEC's court to prove that a requested form of interconnection is not technically feasible or if technically feasible, that the provision of the requested form of interconnection will result in "specific and significant adverse network reliability impacts."

ISSUE - DOES [A CLEC], AS THE REQUESTING CARRIER, HAVE THE RIGHT PURSUANT TO THE ACT, THE FCC'S LOCAL COMPETITION ORDER, AND FCC REGULATIONS, TO DESIGNATE THE NETWORK POINT (OR POINTS) OF INTERCONNECTION AT ANY TECHNICALLY FEASIBLE POINT?

Q. Which carrier, the ILEC or the CLEC, has the right to designate the POI?

A. The CLEC. The FCC, in the First Report and Order in Docket 96-98, clearly stated that the specific obligation of ILECs to interconnect with local market entrants pursuant to Section 251(c)(2) the Act engenders the local entrant's right to designate the point or points of interconnection at any technically feasible point within the Local Exchange Carrier's network:

> *...The interconnection obligation of section 251(c)(2),... allows competing carriers to choose the most efficient points at which to exchange (emphasis added) traffic with incumbent LECs, thereby lowering the competing carriers' cost of, among other things, transport and termination of traffic.*
> *. . . . Of course, requesting carriers have the right to select points of interconnection at which to exchange (emphasis added) traffic with an incumbent LEC under Section 251(c)(2).*[1]

It is clear that Congress and the FCC intended to give CLECs the flexibility to designate the POI for the receipt and delivery of local traffic in order that the CLEC may minimize entry costs and achieve the most efficient network design. No such right is given to the incumbent carrier, only to new entrants. Sprint's

right to designate the point of interconnection so as to lower its costs, including its cost of transport and termination of traffic, includes the right to designate the point of interconnection associated with traffic that originates on an ILEC's network, which Sprint must terminate.

Clearly, the use of the term "exchange" means that both the CLEC originated traffic and the ILEC originated traffic is to be exchanged at the CLEC designated POI. All traffic between the ILEC and the CLEC must pass through the designated POI.

Q. How many POIs should a CLEC be required to establish with an ILEC?

A. The CLEC should be required to establish a minimum of one POI per Local Access and Transport Area (LATA). It is necessary to place some minimal requirement on the CLEC such that the CLEC does not place any extreme financial burden on the ILEC by potentially establishing one POI per state or even one POI for the entire nine-state BellSouth region while attempting to

[1] First Report and Order, Docket No. 96-98, Paragraphs 172, 220 and footnote 464.

force BellSouth to pay to transport the traffic to the one point per state or region. It is entirely reasonable to allow the CLEC to establish one POI per LATA as this affords the CLEC with an opportunity to effectively minimize its cost of entry into the local market while not placing an undue financial burden on the ILEC.

Q. Is there general agreement between Sprint and BellSouth on how many POIs a CLEC should be required to establish with an ILEC?

A. Yes. It is my understanding that BellSouth only requires one POI per LATA. This understanding is consistent with testimony that BellSouth has filed in other states in arbitrations with Sprint. Sprint asserts that CLECs should be able to designate one POI per LATA, which is fully consistent with the Act and the FCC's rules.

ISSUE - SHOULD [AN ILEC] BE PERMITTED TO IMPOSE RESTRICTIONS ON [A CLEC'S] ABILITY TO ASSIGN NPA/NXX CODES TO [ITS] END USERS?

Q. If there is general agreement on how many POIs a CLEC should be required to establish with an ILEC, what is the disputed issue in this proceeding?

A. The disputed issue in this proceeding revolves around who should bear the financial responsibility of paying for the transport if the CLEC places NXX Codes in local calling areas for rating purposes while establishing routing of the NXX code to the single POI per LATA. This concept is generally referred to as establishment of virtual rate centers or what BellSouth has called in other states "VPOI" or virtual point of interconnection.

Q. Please explain the concept of the VPOI.

A. Basically, the CLEC acquires a NPA/NXX code and assigns the code to a specific ILEC rate center. This establishes the rating point for the specific NPA/NXX code. In addition, the CLEC is required to establish a routing point for the traffic that is terminated to the NPA/NXX code to allow originating carriers to route the traffic to the appropriate routing point or the point of interconnection (POI). Thus, when an ILEC customer

dials a CLEC customer served by the NPA/NXX within the ILEC local calling area, the call is rated as a local call to the end user even though the call may be routed to the POI in a distant location (e.g. one POI per LATA) to get to the CLEC network.

In BellSouth's proposals on interconnection, a VPOI is thus established at the BellSouth rate center to which the NPA/NXX is assigned. In addition, this is the point where BellSouth asserts that their responsibility as the originating carrier ends and Sprint's responsibility as the terminating carrier begins. Thus, BellSouth believes that 100% of the transport costs associated with delivering the traffic from the BellSouth end office to the Sprint network is the financial responsibility of Sprint.

Q. **Does Sprint agree with BellSouth's position on who should bear the cost of the transport facility?**

A. No. If one were to accept BellSouth's proposal on this issue, the practical result is that Sprint and any other CLEC would effectively be required to establish a VPOI in every local calling area and assume 100% of the

financial responsibility for the transport from the VPOI to the actual physical POI. This is clearly contrary to the Act and the FCC rules and discussions which afford the opportunity to select the point of interconnection to the CLEC for the "exchange" of local traffic. As noted earlier in the testimony, the FCC was clearly concerned about a CLEC's ability to lower its costs of market entry.

Q. Should a CLEC be required to pay for 100% of the transport from the VPOI to the physical POI designated by the FCC?

A. No. In the Sprint/BellSouth Florida arbitration proceeding before the Florida Public Service Commission,[2] BellSouth portrays these transport costs as 100% incremental costs. While this may be true on some portion of the calls, in fact, on some portion of the calls that would normally be originated and terminated by BellSouth, BellSouth actually avoids transport costs. This is best explained by an example.

Let's assume that a BellSouth end user customer in End Office A calls another BellSouth customer in the same

End Office A. This is what I will refer to as an intraoffice call or a call that originates and terminates in the same office. In this scenario, BellSouth would incur no transport to terminate the call. If the same BellSouth end user in End Office A originates a call to a Sprint end user customer who has a local NPA/NXX associated with the BellSouth End Office A, the call will be switched by BellSouth and placed on a transport facility to the Sprint POI. In this situation, BellSouth does incur incremental costs to complete the call to the Sprint network.

However, let's assume that End Office A has local calling to ten other BellSouth end offices. I will refer to this as an interoffice call. If the same end user customer in End Office A calls a BellSouth end user served by one of the ten other end offices, BellSouth would switch the call in the originating office and place the call on a transport facility to the other end office. Thus, BellSouth incurs transport costs in this scenario. When the same BellSouth customer in End Office A calls a Sprint end user who has an NXX associated with on of the ten other

[2] Docket No. 000828-TP

BellSouth end offices, BellSouth is required to switch the traffic at the originating end office and place the call on a transport facility to the Sprint POI. In this example, the transport facility to the Sprint POI has been substituted for the BellSouth transport. In this example, BellSouth avoids their transport costs and would have Sprint pay for 100% of the transport to the Sprint POI.

Q. Should the ILEC or the CLEC have the authority to assign CLEC NPA/NXXs codes?

A. The CLEC should have the authority to assign their NPA/NXXs codes. Just as the CLEC has no right or authority to assign the ILEC NPA/NXXs codes, the ILEC should not have the right or authority to assign the CLEC NPA/NXX codes. The CLEC must be in total control of its market entry strategies and should not be placed in the position of being forced by ILECs to deploy a network based on ILEC decisions while potentially imposing uneconomic and unfair costs on the CLEC. This is the same concern that the FCC shared in regards to the designation of the POI and their decision to allow

the CLEC to designate the POI for the exchange of traffic between the ILEC and the CLEC.

SPRINT'S RECOMMENDATION

Q. Please outline Sprint's recommendation regarding the establishment of POIs for the exchange of traffic between ILECs and CLECs.

A. As discussed above, the FCC has granted the CLEC unilateral authority to designate the POI for the exchange of traffic between ILECs and CLECs. The FCC was concerned about a CLEC's ability to lower its costs of market entry. Sprint urges this Commission to affirm the FCC's decision and grant to the CLEC the authority to designate the POI for the exchange of traffic. CLECs should be required to designate a minimum of one POI per LATA.

Q. Should an ILEC have the right to impose restriction on a CLEC's ability to impose restrictions on a CLEC's ability to assign NPA/NXX codes to its end-users?

A. Absolutely not. As discussed above, an ILEC should not be allowed to make any decision that results in the imposition of costs and or operational changes to how a CLEC decides to enter the local marketplace including a CLEC's right to assign NPA/NXX codes to its end-user customers. This right includes the ability of CLECs to establish VPOIs without a requirement to establish a physical POI.

Q. How should the costs of the transport facilities from an ILEC local calling area to the CLEC POI be recovered?

Sprint asserts that the transport of traffic from an ILEC end user customer to a CLEC POI represents new costs if, and only if the call would have been an ILEC intraoffice call with no avoided costs by the ILEC. However, on an interoffice call, these transport costs represent new costs while the ILEC also avoids the associated transport costs on this traffic. Because of this, Sprint asserts that the transport costs between the VPOI in a local calling area and the physical POI should be a cost shared by the ILEC and the CLEC.

Q. Please summarize your testimony.

A. Sprint believes that CLECs have the right to designate the POI between an ILEC and a CLEC for the mutual "exchange" of traffic between the two carriers. As such, the Georgia Commission should affirm this right in their decision. CLECs should be required to establish a minimum of one POI per LATA. ILECs should not be permitted to impose restrictions on a CLEC's ability to assign NPA/NXX does to its end users. Additionally, the transport costs between a VPOI and a physical POI is a cost that should be shared between CLECs and ILECs.

Q. Does that conclude your testimony?

A. Yes.

Georgia Public Service Commission

December 14, 2010

Document Filing Search Results

Docket No.	Document No.	Received Date	Legal Date	Description	Company	Industry	Status
13542	46655	4/20/01	4/20/2001	Rebuttal Testimony of Lee L Selwyn	Global NAPs Georgia Inc.	Telcom	Open
13542	46654	4/20/01	4/20/2001	Rebuttal Testimony of Cynthia K. Cox	BellSouth Telecommunications, Inc.	Telcom	Open
13542	46653	4/20/01	4/20/2001	Rebuttal Testimony of Michael R. Hunsucker	Sprint Communications Company L.P.	Telcom	Open
13542	46652	4/20/01	4/20/2001	Rebuttal Testimony of Mark E. Argenbright	WorldCom	Telcom	Open
13542	46650	4/20/01	4/20/2001	Rebuttal Testimony of Richard Guepe	AT&T Communications of the Southern States and Teleport Communications Atlanta, Inc.	Telcom	Open
13542	46446	4/13/01	4/13/2001	Petition to Intervene	MCI WorldCom, Inc.	Telcom	Open
13542	46419	4/12/01	4/12/2001	Application for Leave to Intervene	BroadRiver Communication Corporation	Telcom	Open
13542	46371	4/11/01	4/11/2001	Pages 19 through 26 of Richard Guepe`s testimony which were inadvertently omitted	AT&T Communications of the Southern States	Telcom	Open
13542	46204	4/5/01	4/5/2001	Petition to intervene	ALLTEL Georgia, Inc.	Telcom	Open
13542	46192	4/5/01	4/5/2001	Petition to Intervene	Focal Communications Corp.	Telcom	Open
13542	46185	4/5/01	4/5/2001	Petition to Intervene	XO Georgia, Inc.	Telcom	Open
13542	46150	4/4/01	4/4/2001	Petition for Intervention	US LEC of Georgia, Inc.	Telcom	Open
13542	46137	4/4/01	4/4/2001	Testimony of Mark E. Argenbright	WorldCom	Telcom	Open
13542	46118	4/3/01	4/3/2001	Prefiled Direct Testimony of Michael R. Hunsucker	Sprint Communications Company L.P.	Telcom	Open
13542	46111	4/3/01	4/3/2001	Direct Testimony of Richard Guepe	AT&T Communications of the Southern States	Telcom	Open
13542	46099	4/3/01	4/3/2001	Testimony of Brett Burgett	BroadRiver Communication Corporation	Telcom	Open
13542	46095	4/3/01	4/3/2001	Direct Testimony of Cynthia K. Cox	BellSouth Telecommunications, Inc.	Telcom	Open
13542	46094	4/3/01	4/3/2001	Application for Leave to Intervene	AT&T Communications of the Southern States	Telcom	Open
13542	46093	4/3/01	4/3/2001	Petition to Intervene	Global NAPs Georgia Inc.	Telcom	Open
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13542	46061	4/2/01	4/2/2001	Application for Leave to Intervene	Association of Communications Enterprises	Telcom	Open
13542	45911	3/26/01	3/26/2001	Application for Leave to Intervene	Sprint Communications Company L.P.	Telcom	Open
13542	45853	3/23/01	3/23/2001	Application for Leave to Intervene	Level 3 Communications, LLC	Telcom	Open
13542	45839	3/22/01	3/22/2001	Application for Leave to Intervene	ITC^DeltaCom Communications, Inc.	Telcom	Open
13542	45660	3/19/01	3/19/2001	Procedural and Scheduling Order	GPSC	Telcom	Open
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