

**EXHIBIT BJJ-60 TO THE
DIRECT TESTIMONY OF
BONNIE J. JOHNSON
ON BEHALF OF
INTEGRA TELECOM**

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
SUITE 1700
100 WASHINGTON SQUARE
MINNEAPOLIS, MN 55401-2138**

**FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
SUITE 350
121 SEVENTH PLACE EAST
ST. PAUL, MN 55101-2147**

**David C. Boyd
Phyllis Reha
Thomas W. Pugh
J. Dennis O'Brien
Betsy Wergin**

**Chair
Vice Chair
Commissioner
Commissioner
Commissioner**

**In the Matter of Qwest Corporation's
Arrangement for Commingled Elements**

MPUC Docket No. P-421/C-07-370

**In the Matter of Qwest Corporation's
Conversion of UNEs to Non-UNEs**

MPUC Docket No. P-421/C-07-371

OAH Docket No. 3-2500-19047-2

QWEST CORPORATION

SURREBUTTAL TESTIMONY OF RENÉE ALBERSHEIM

OCTOBER 16, 2009

1 rules and regulatory authorities governing Section 251 elements, and there are rules and
2 regulatory authority applicable to products sold through interstate tariffs.

3 It would also not be wise for Qwest or any other carrier to ignore the standards under
4 which the telecommunications industry operates. These standards exist to allow carriers to
5 work with each other, and to ensure some consistency within systems and in carrier-to-
6 carrier transactions.

7 Dr. Fagerlund would suggest that Qwest could "choose" to ignore these realities, but as
8 Qwest sees it, choosing to ignore regulations and choosing to ignore industry standards is
9 not an option.

10 **Q. DR. FAGERLUND STATES SEVERAL TIMES THAT THE CORE OF QWEST'S**
11 **ISSUES WITH IMPLEMENTING INTEGRA'S DEMANDS IS QWEST'S OSS.⁴¹**
12 **PLEASE RESPOND.**

13 A. First, I must point out that Dr. Fagerlund cites testimony from another Department of
14 Commerce witness to support his critical comments about Qwest's OSS. Importantly, the
15 fact that some systems have been in use for multiple years does not mean that they are
16 antiquated. Qwest augments and updates its systems on a regular basis to incorporate the
17 latest technology and to allow Qwest to provision the latest products and services to all of
18 its customers. Dr. Fagerlund's testimony does not contain any analysis of these regular

⁴¹ See for example Fagerlund Reply at pages 6 and 15.

1 updates and, in fact, does not contain any detailed evaluation of Qwest's systems and a
2 comparison of them to current industry standards. Instead, he presents broad, sweeping
3 statements that negatively characterize Qwest's systems without truly evaluating them. In
4 direct response to these statements, Telcordia is providing testimony demonstrating that
5 Qwest's systems – which rely substantially on Telcordia systems and software – are current
6 and in compliance with applicable industry standards. Unlike the Department of
7 Commerce's sweeping conclusions, Telcordia's testimony actually describes the systems in
8 detail and demonstrates why they are state-of-the-art.

9 **Q. DR. FAGERLUND SUGGESTS THAT QWEST DOES NOT CONSIDER THE**
10 **CHANGE IN CIRCUIT ID NECESSARY.⁴² DO YOU AGREE?**

11 A. No. As Ms. Torrence and I explained in our direct and rebuttal testimony, Qwest *does*
12 consider the change in circuit ID necessary when a UNE service is converted to a non-UNE
13 service, consistent with standard industry practice. As discussed above, Qwest has learned
14 the hard way that making exceptions to the standard industry practice of converting the
15 circuit ID, as Qwest did with its initial conversions of special access EELs to UNE EELs,
16 can have significant negative consequences.

17 **Q. DR. FAGERLUND STATES THAT QWEST COULD CHOOSE TO CHANGE**
18 **ONLY THE PRICE.⁴³ DO YOU AGREE?**

⁴² Fagerlund Reply at page 10.

⁴³ Fagerlund Reply at page 11.

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OAH Docket No. 3-2500-19047-2

SURREBUTTAL TESTIMONY

OF

RACHEL TORRENCE

ON BEHALF

OF

QWEST CORPORATION

OCTOBER 16, 2009

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I. IDENTIFICATION OF WITNESS

Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND POSITION WITH QWEST CORPORATION.

A. My name is Rachel Torrence. My business address is 700 W. Mineral Avenue, Littleton, Colorado. I am employed as a Director supporting Network Operations for Qwest Corporation.

Q. DID YOU FILE DIRECT AND REBUTTAL TESTIMONY IN THIS DOCKET?

A. Yes, I filed direct testimony on behalf of Qwest Corporation on August 7, 2009, and rebuttal testimony on September 25, 2009.

II. PURPOSE OF SURREBUTTAL TESTIMONY

Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?

A. The purpose of my surrebuttal testimony is to respond to the rebuttal testimony of Dr. Edward Fagerlund,¹ who filed on behalf of the Minnesota Department of Commerce, and the rebuttal testimony of Mr. Douglas Denney,² filed on behalf of Integra Telecom.

¹ See *In the Matter of Qwest Corporation's Conversion of UNEs to Non-UNEs, In the Matter of Qwest Corporation's Arrangements for Commingled Elements*, OAH Docket No. 3-2500-19047-2, MPUC No. P421/C-07-370; P421/C-07-371, Reply Testimony of Edward Fagerlund on Behalf of the Minnesota Department of Commerce, filed September 25, 2009 ("*Fagerlund Reply*").

² See *In the Matter of Qwest Corporation's Conversion of UNEs to Non-UNEs, In the Matter of Qwest Corporation's Arrangements for Commingled Elements*, OAH Docket No. 3-2500-19047-2, MPUC No. P421/C-07-370; P421/C-07-371, Rebuttal Testimony of Douglas Denney on Behalf of Integra, filed September 25, 2009 ("*Denney Rebuttal*").

1 Dr. Fagerlund bases his testimony on two fundamentally flawed assumptions. First, he
2 erroneously asserts that Qwest's operational support systems ("OSS") are obsolete and
3 inefficient and, second, he claims that significant operational barriers have been proven to
4 exist with respect to UNE conversions and commingled EELs. My testimony rebuts both
5 points. Qwest's OSS are not antiquated, obsolete or inefficient, as demonstrated here and
6 in the testimony Telcordia is providing in response to Dr. Fagerlund. Contrary to
7 Dr. Fagerlund's claims, Qwest's OSS have proven to be effective and efficient when used
8 to facilitate UNE conversions. Furthermore, Qwest's repair systems are fully capable of
9 handling post-conversion repairs of converted services and repairs of commingled EELs,
10 with no changes needed. The changes that Integra's proposals would force on Qwest's
11 OSS and processes are not to facilitate any shortcomings in Qwest's systems or processes
12 but, rather, are for the purpose of enabling Integra's systems to accommodate converted
13 circuits without any effort or expenditures on Integra's part. Furthermore,
14 Dr. Fagerlund's assertion that it has been proven that significant operational barriers
15 exist, is based primarily on unsubstantiated claims made by Integra's witnesses. I must
16 reiterate that Integra's claims are unsubstantiated, since Integra offers no supporting
17 evidence and, indeed, cannot cite even one example of a UNE conversion that resulted in
18 a service disruption or outage.

19 My testimony also shows how Mr. Denney ignores the operational necessity for Qwest to
20 use product-specific circuit IDs in compliance with industry standards. These circuit IDs
21 are essential to the efficient, effective provisioning of both UNE and non-UNE services.
22 Mr. Denney, who is trained in economics, shows through his criticisms of Qwest's

1 processes and systems that he does not have a grasp of industry OSS standards and does
2 not appreciate that the use of product-specific circuit IDs is actually in the CLECs'
3 interests because those IDs ensure seamless access to the different systems the are used to
4 provision and repair UNE and non-UNE services. When addressing Qwest's
5 provisioning and repair processes in this testimony, Mr. Denney's tactic is to repeatedly
6 take one aspect of a process, distort its importance and then call the entire process into
7 question. My testimony corrects these inaccuracies.

8 Finally, my testimony rebuts Dr. Fagerlund's and Mr. Denney's unfounded accusations
9 that Qwest has engaged in discriminatory conduct and denied access to unbundled
10 network elements.

11
12 **III. QWEST'S OPERATIONAL SUPPORT SYSTEMS ARE CURRENT,**
13 **COMPREHENSIVE, AND EFFICIENT**
14

15
16 **Q. HOW DOES QWEST RESPOND TO DR. FAGERLUND'S**
17 **CHARACTERIZATION, AT PAGE 6, OF QWEST'S OPERATIONAL**
18 **SUPPORT SYSTEMS AS "ANTIQUATED"?**

19 **A.** Dr. Fagerlund is mistaken. It is important not to equate complicated with antiquated.
20 Qwest's operational support systems ("OSS") are not antiquated. On the contrary,
21 Qwest's systems are highly sophisticated and efficient and are capable of inter-relating an
22 astonishing number of accounts, facilities and processes. To handle this extraordinarily
23 high volume of activity and data, an operation system must necessarily be complex – that
24 necessary complexity is a positive attribute, not a negative one. Qwest's OSSs have

1 evolved over time to effectively manage not only the network and accounts of Qwest's
2 retail customers, but also the myriad of wholesale, resale and tariffed services offered to
3 CLECs with their varying, but parallel, pricing, ordering, provisioning and regulatory
4 requirements. Additionally, it cannot be ignored that the complexity of Qwest's OSS
5 was, in large part, the result of accommodating these parallel UNE/non-UNE treatments
6 at the insistence of CLECs and per regulatory obligation.

7 Moreover, as the telecommunications landscape has changed, Qwest has deployed state-
8 of-the-art OSS technology to ensure that its systems are current, as described in the
9 testimony that Telcordia is filing in this proceeding. This technology facilitates
10 automated provisioning, remote monitoring and testing capabilities, automated record
11 updates, and other operational efficiencies. The deployment of this type of technology
12 allows CLEC systems to interact directly with Qwest's systems and to carry out the
13 ordering, provisioning, billing, and repair processes through efficient, automated
14 functions. These functions and the technologies that permit them are consistent with
15 current industry standards, contradicting any suggestion that Qwest's systems are
16 "antiquated."

17 **Q. DOES DR. FAGERLUND OFFER ANY OTHER CRITICISM OF QWEST'S**
18 **OSS?**

19 **A.** Yes. At page 6, Dr. Fagerlund also describes Qwest's OSS as costly and rigid. What
20 Dr. Fagerlund has lost sight of is the fact that it is always costly to bring any systems
21 online and to maintain them once online, whether they support a communications carrier
22 or any other commercial entity. One cannot ignore that these types of computerized

1 support systems are generally quite expensive. Furthermore, any modifications to any
2 existing support systems almost certainly require costly IT involvement. This does not
3 make them antiquated or ineffective. The only objectionable OSS costs would be those
4 incurred by the implementation of unnecessary "adjustments" such as those that would be
5 imposed by Integra's proposals.

6 Similarly, Dr. Fagerlund's complaints regarding the alleged rigidity of Qwest's OSS do
7 not point to obsolescence or ineffectiveness. By their very nature, all automated support
8 systems operate based upon a very precise, rigid, set of instructions, parameters, and
9 standards. The complexity of Qwest's network and the need for a robust network and
10 reliable and timely operations leave little room for flexibility and thus for failure. Strict
11 adherence to industry standards and established practices, which ensure reliability and
12 interoperability, are hard-coded into these systems. The fact that Qwest's OSS cannot
13 accommodate Integra's non-standard, unnecessary proposals does not support Dr.
14 Fagerlund's contention that Qwest's systems are somehow inadequate.

15 **Q. HOW ACCURATE IS DR. FAGERLUND'S STATEMENT, AT PAGE 6 OF HIS**
16 **TESTIMONY, THAT QWEST'S DESIGN OF CIRCUIT IDs IS AN EXAMPLE**
17 **OF ITS ANTIQUATED OSS DESIGN?**

18 **A.** It is not at all accurate. Dr. Fagerlund's position appears to be based on the testimony of
19 one Department witness in a previous proceeding relating to forward looking technology
20 (page 6, footnote 19). The Department's opinion of Qwest's OSS being inefficient and
21 not based upon forward-looking technology is contradicted by the fact that Qwest's

1 current use and application of circuit IDs is consistent with long-standing industry
2 practice. Indeed, as the Telcordia testimony confirms, most carriers use the same
3 product-specific circuit ID formats as Qwest, with very similar, if not identical, OSS. It
4 is revealing that Telcordia reports it is not aware of any other carrier ever before having
5 requested that a UNE circuit ID be transferred to a different, non-UNE service. While
6 operating within industry standards and practice, Qwest, like other Regional Bell
7 Operating Companies ("RBOCs") has maximized the functionality of its systems by
8 incorporating new processes and technologies, including a current standard application of
9 circuit IDs. Thus, Dr. Fagerlund's testimony fails to recognize that the methodology for
10 assigning circuit IDs has not remained static, but instead has evolved with the
11 introduction of new systems, new technologies, and new service offerings. Similarly,
12 systems that utilize circuit IDs have changed to accommodate these changes in
13 telecommunications. The fact that Integra apparently cannot accommodate circuit IDs
14 that comply with industry standards says more about its systems than Qwest's.

15 **Q. ARE THE CLAIMS THAT QWEST'S SYSTEMS ARE ANTIQUATED OR**
16 **INEFFICIENT CONTRADICTED BY FINDINGS OF THE FCC?**

17 **A.** Yes. When Qwest petitioned for relief under Section 271 of the 1996 Act, its OSS were
18 scrutinized extensively by state commissions and the FCC. The FCC specifically found
19 that Qwest's OSS are capable of performing the functions needed to accommodate the

1 needs of CLECs and that they comply with federal law, including the requirement of non-
2 discriminatory access to UNEs.³

3 **Q. IS DR. FAGERLUND CORRECT WHEN HE OPINES, AT PAGE 11, THAT**
4 **WITH A MORE MODERN AND EFFICIENT OSS, A CIRCUIT ID CHANGE**
5 **MIGHT NOT BE NECESSARY?**

6 A. No. First and foremost, I have seen no evidence that conversions have not been
7 efficiently performed by Qwest using its current OSS. In fact, with almost 1700
8 successful conversions having been completed, it would seem the opposite is actually
9 true. The issue is not the vintage and efficiency of Qwest's OSS, but rather the
10 deficiencies of Integra's systems. While it can handle the change in circuit IDs
11 associated with UNE conversions, Integra appears to concede that its systems are
12 currently unable to process the changes associated with conversions to commingled
13 EELs.⁴

14 Furthermore, while Dr. Fagerlund repeatedly opines that Qwest's OSS are inadequate, he
15 fails to cite any instance where Qwest's OSS have not or could not perform the functions
16 for which they were designed and built.

³ See *In the Matter of Application by Qwest Communication International Inc., for Authorization to Provide In-Region, InterLATA Services in Minnesota*, WC Docket No, 03-09, MEMORANDUM OPINION AND ORDER.

⁴ Denney Direct, pages 17, 18, 21, and 24; Exhibit DD-2; Exhibit DD-3, ARB-1 ARB-15.



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Lori Swanson
ATTORNEY GENERAL

September 25, 2009

The Honorable Kathleen D. Sheehy
Administrative Law Judge
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

Re: In the Matter of Qwest Corporation's Conversion of UNES to NON-UNES
OAH Docket No. 3-2500-19047-2
MPUC Docket No. P421/CI-07-370

Re: In the Matter of Qwest Corporation's Arrangements for Commingled Elements
OAH Docket No. 3-2500-19047-2
MPUC Docket No. P421/CI-07-371

Dear Judge Sheehy:

Enclosed for filing in the above referenced docket, please find the Reply Testimony of Edward Fagerlund on behalf of the Minnesota Department of Commerce.

For clarification, the following sets forth the specific identification of Public and Trade Secret versions by witness:

<u>Witness</u>	<u>Public Volumes</u>	<u>Trade Secret Volumes</u>
Edward Fagerlund	One Public volume	No Trade Secret volume

The Department of Commerce is also filing a copy of this document electronically. Also enclosed is an affidavit of service.

Very truly yours,

/s/ Linda S. Jensen
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COUNSEL OF THE MINNESOTA
DEPARTMENT OF COMMERCE

1 process that Qwest goes through includes reviewing the circuit design and updating many
2 parts of the Qwest system of OSS.¹⁷

3
4 **Q. Why has Qwest chosen to use an extensive process for conversion?**

5 A. When the 251 UNE status is lost for an element, the CLEC can choose to continue to
6 obtain the element from Qwest at a price that is higher than the price charged for the
7 element as a 251 UNE.¹⁸ No party claims that there is a change in the network facilities
8 used to provide the service before and after the conversion. The change can be simply a
9 change in the price. In some cases, Qwest chooses to convert the 251 UNE to an existing
10 Qwest product and use that product's existing tariff, ordering procedure, repair procedure,
11 billing process, etc. This choice by Qwest, in and of itself, is not the problem; the
12 problem is that this choice requires the extensive use of Qwest's Operational Support
13 Systems (OSS), the software programs that Qwest uses to handle orders, keep track of its
14 facilities, bill its customer, etc. Qwest's system of OSS is rigid, antiquated and costly.¹⁹

15
16 **Q. What is the issue related to the circuit ID?**

17 A. Having an identification number (ID) for a circuit is of course a necessity, not a problem,
18 but the design of the circuit ID used by Qwest is an example of its antiquated OSS
19 design. The Qwest circuit ID, in addition to identifying the circuit and the wire center or
20 location, also identifies the type of service offering going over the circuit as well as

¹⁶ Torrence Direct, p. 7; Albersheim Direct, pp. 15-18.

¹⁷ Id.

¹⁸ The level of rates for a non-251 element is not an issue in this case, but the Commission is investigating Qwest's rates for non-251 elements in Docket No. P421/CI-05-1996.

¹⁹ In the 713 UNE Cost Case (P421/AM-06-713), Department engineering witness Wes Legursky evaluated Qwest's OSS (Legursky August 24, 2007 Direct Testimony, pp. 3-29; February 5, 2008 Surrebutal Testimony, pp. 35-39). Mr. Legursky found that the "system of Qwest OSS is not efficient and does not embody forward-looking technology." (Legursky Direct, p. 29).

1 as a single circuit. A special access EEL is given a single circuit ID and treated by Qwest
2 as a single circuit.⁵²

3
4 **B. OPERATIONAL BARRIERS RESULTING FROM QWEST'S CHOSEN PROCESS FOR A**
5 **COMMINGLED EEL**

6 **Q. What are the operational barriers that Integra claims result from the processes that**
7 **Qwest has chosen for commingled EELs?**

8 A. Integra describes operational barriers that result from the processes Qwest chooses for a
9 commingled EEL.⁵³ Under the process chosen by Qwest, CLECs face barriers in the
10 tracking, ordering and installation of a commingled EEL, getting such a circuit repaired,
11 and dealing with the Qwest bills for a commingled EEL. The CLEC faces barriers
12 whether the commingled EEL is ordered for a new end user or the commingled EEL is a
13 conversion from a UNE EEL.

14
15 **Q. What is the underlying cause of the operational barriers?**

16 A. The key issue is Qwest's decision to separate the two elements in the commingled EEL
17 and completely revise the way the non-251 element portion of the commingled EEL is
18 handled compared to how that element is handled as a 251 UNE, despite the fact that
19 Qwest's OSS is not capable of handling this efficiently.⁵⁴ The difficulties of the Qwest
20 systems to deal with and relate the two circuit IDs (i.e., one for the 251 UNE portion and
21 one for the non-251 element portion) creates the operational barriers faced by a CLEC.

⁵² See discussion concerning when the circuit ID for a special access EEL is changed when the EEL is converted to a UNE EEL. Denney Direct, pp. 23-24.

⁵³ ARB 15, Denney Direct, pp. 151-152, 153-154, 161-164.

⁵⁴ Denney Direct, pp. 21-22.