**BEFORE THE WASHINGTON**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of A Complaint By The Joint CLECs Against the Joint Applicants Regarding OSS For Maintenance And Repair |  Docket No. UT-111254 |
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**DIRECT TESTIMONY OF**

**Lyndall Nipps**

**ON BEHALF OF**

**tw telecom**

**October 14, 2011**

**I. INTRODUCTION**

**Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

A. My name is Lyndall Nipps. My address is 9665 Granite Ridge Drive, Suite 500, San Diego, California 92123.

**Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

A. I am employed by **tw telecom** as its Vice President of Regulatory for the Western Region. My job duties include telephone regulation; public policy; issue, data and rate-case analysis; tariff filings; contract negotiations; business process support; docketed proceedings and legislative activity.

**Q. HOW LONG HAVE YOU BEEN INVOLVED IN TELECOMMUNICATIONS REGULATION AND IN WHAT CAPACITIES?**

A. I began my career in the telecommunications industry in 1979 as a customer service representative in the Napa Valley office of Pacific Bell/SBC. During my 20-year career with Pacific Bell/SBC, I was promoted within the wholesale services organization. I specialized in pre-order, order, provisioning, billing and collections, methods and procedures, interconnection performance measures, improving results, and personnel management. I was eventually promoted to Director of the Local Wholesale Service Center (LSC-Southern Ca.).

 I joined Allegiance Telecom in September of 1998. I began my five-year career at Allegiance by developing and implementing back-office methods and procedures for the sales organization. I moved to the Regulatory Department where I was promoted to Vice President, Industry Affairs. My responsibilities included 271 process issues, negotiating performance measures, establishing benchmarks, filing testimony, state regulatory compliance, rates and tariffs, assessments, policy, and legislation.

 I joined **tw telecom** in 2007, and I continue to be employed with **tw telecom** today as Vice President, Regulatory. My responsibilities include implementation and on-going management of regulatory and legislation strategies within an assigned territory for a 9-state region, which includes Washington, along with five other Qwest, now CenturyLink, dominated states. I am also responsible for oversight of interconnection agreements with local carriers.

**Q. PLEASE DESCRIBE TW TELECOM.**

A. **tw telecom**, through its operating companies, provides a wide range of telecommunications and telecommunications-related services to business customers. **tw telecom** serves customers in 75 markets, spanning 30 states and Washington, D.C. **tw telecom** operates two Sales and Operations offices in Washington; one located in the Seattle area and another in Spokane. **tw telecom** is a leading provider of managed networking solutions to a wide array of businesses and organizations in the Washington market, focusing on integrating data, voice and dedicated Internet access for enterprise organizations in healthcare, finance, higher education, manufacturing, and hospitality industries, as well as for military, state and local government.

 **tw telecom’s** Washington operating company, **tw telecom of washington llc**, provides service in the greater Seattle metropolitan area and also in Spokane and multiple cities in the Spokane valley. **tw telecom** provides services by way of Qwest Wholesale, as well as our own network; our own network currently extends throughout the greater Seattle and Spokane areas.

**Q. HAVE YOU EVER TESTIFIED PREVIOUSLY before the WASHINGTON public utilities commission?**

A. No, although I have testified regarding a wide range of issues before public utilities commissions in a number of other states as well as before the Federal Communications Commission.

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

A. In this Direct Testimony, I will: 1) discuss the settlement agreement that **tw telecom** entered into with Qwest and CenturyLink; 2) describe how **tw telecom** uses Qwest repair Operations Support Systems (“OSS”) in legacy Qwest service territories; and 3) describe discussions that **tw telecom** has had with the Merged Company regarding the repair OSS used in legacy Embarq and CenturyTel service territories.

**II. TW TELECOM’S SETTLEMENT AGREEMENT WITH QWEST AND CENTURYLINK**

**Q. DESCRIBE TW TELECOM’S PARTICIPATION IN REGULATORY PROCEEDINGS RELATING TO THE APPROVAL OF QWEST AND CENTURYLINK.**

A. **tw telecom** was an active participant in merger approval proceedings before five state commissions and also before the Federal Communications Commission. Among our areas of concern was that, after the merger was completed, the Merged Company would make changes to the legacy Qwest OSS. **tw telecom** uses Qwest OSS to obtain services from Qwest and has established its own systems to interface with the Qwest OSS. We were concerned that changes to the legacy Qwest OSS would result in unnecessary cost and disruption for tw telecom. We were also concerned that the Merged Company would implement changes without following clear and agreed upon process protocols allowing **tw telecom** a reasonable amount of time in which to adequately assess and implement changes to the legacy Qwest OSS.

**Q.** **DID TW TELECOM ENTER INTO A SETTLEMENT AGREEMENT WITH QWEST AND CENTURYLINK?**

A. Yes. **tw telecom** entered into a settlement agreement with Qwest and CenturyLink on February 4, 2011. A copy of that settlement agreement is attached to my Direct Testimony as **Exhibit LN-1**. In the settlement, **tw telecom** opted into the settlement agreement that Integra had entered into with Qwest and CenturyLink, agreed to certain clarifications, modifications, and additional commitments, and agreed that it would not participate further in regulatory proceedings relating to the merger.

**q. Is TW TELECOM A PARTY TO ANY OTHER AGREEMENTS WITH QWEST THAT RELATE TO OSS ISSUES?**

A. Yes, **tw telecom** is also party to an interconnection agreement with Qwest that sets forth many of the terms and conditions that govern the parties’ relationship. Some of the provisions of that agreement pertain to OSS issues. Relevant excerpts from **tw telecom’s** interconnection agreement are attached as an exhibit to the Amended Complaint and are also attached to my Direct Testimony as **Exhibit LN-2**.

**Q. WHY IS TW TELECOM PARTICIPATING IN THIS PROCEEDING?**

A. **tw telecom** has joined in this proceeding because of our concern that the Merged Company has announced plans to implement OSS that it intends to replace legacy Qwest OSS – CEMR and MEDIACC – in violation of its merger commitments, including commitments contained in the Integra and **tw telecom** settlement agreements. However, beyond the specific OSS issues that are the subject of the Joint CLECs’ Amended Complaint in this proceeding, **tw telecom** is also concerned that the companies completed their merger only months ago and we are already having to come to regulators in order force the Merged Company to comply with its commitments.

**III. TW TELECOM’S USE OF LEGACY QWEST REPAIR OSS**

**Q. DOES TW TELECOM USE LEGACY QWEST REPAIR OSS?**

A. Yes. **tw telecom** uses both the MEDIACC and CEMR systems. **tw telecom** uses a Synchronoss gateway to MEDIACC and MEDIACC serves as the gateway to pass trouble tickets and repair-related information to Qwest’s legacy trouble reporting system, CEMR.

**Q. DOES QWEST ALSO USE MEDIACC?**

A. Yes. Qwest uses MEDIACC internally to send and retrieve requested information and actions to and from other Qwest systems, such as systems used for ordering, service dispatch, and repair.

**Q. HAS TW TELECOM EXPERIENCED ANY PROBLEMS WITH EITHER MEDIACC OR CEMR BEING UNSTABLE?**

A. No. I am aware that, at various times, Qwest has asserted that CEMR and/or MEDIACC are unstable, but **tw telecom** has not experienced any stability issues with either CEMR or MEDIACC.

**IV. TW TELECOM’S DISCUSSIONS WITH CENTURYLINK REGARDING OSS USED IN THE LEGACY EMBARQ AND CENTURYTEL SERVICE TERRITORIES**

**Q. BEFORE WE DISCUSS THE COMMUNICATIONS THAT tw telecom HAS HAD WITH CENTURYLINK REGARDING OSS USED IN THE LEGACY EMBARQ AND CENTURYTEL SERVICE TERRITORIES, CAN YOU PLEASE BRIEFLY DESCRIBE “E-BONDING”?**

A. E-bonding refers to a type of connection between systems that allows information to be passed between those systems automatically, without the need for human intervention. Because it reduces the number of times that a person must “touch” the information, e-bonding can help to reduce costs and errors. MEDIACC, for example, is an e-bonded interface. An e-bonded interface is sometimes referred to as an “application-to-application interface” because it allows two applications to exchange information.

**Q. WHAT DISCUSSIONS HAS TW TELECOM HAD WITH CENTURYLINK REGARDING THE MAINTENANCE AND REPAIR OSS USED IN THE LEGACY EMBARQ AND CENTURYTEL TERRITORIES?**

A. In Embarq territories, the Company has an interface via Synchronoss that would allow **tw telecom** to e-bond easily. At the time of the Embarq acquisition, CenturyLink was planning on integrating all of its territories into the then-current, e-bonded Embarq maintenance system. If this work were completed, **tw telecom** and Embarq would both have the benefit of an e-bonded interface, for all of the Embarq and CenturyTel territories.

 On multiple occasions, **tw telecom** has had discussions with CenturyLink regarding its desire for an e-bonded interface, such as MTG, in the legacy CenturyLink and Embarq territories. The most recent of these discussions took place on August 30, 2011.

**Q. HOW HAS CENTURYLINK RESPONDED TO THESE REQUESTS FROM TW TELECOM?**

A. In these discussions with **tw telecom**, CenturyLink has been more interested in seeking to persuade **tw telecom** to accept MTG in the *Qwest* territory, outside the terms of the settlement agreements and merger conditions, rather than on the implementation of an e-bonded interface in the Embarq and CenturyTel territories.

**Q. IN YOUR DISCUSSIONS REGARDING AN E-BONDED INTERFACE IN THE EMBARQ AND CENTURYTEL TERRITORIES, WAS IT YOUR INTENTION THAT THE MERGED COMPANY NOT COMPLY WITH THE SETTLEMENT AGREEMENTS AND MERGER CONDITIONS RELATING TO THE LEGACY QWEST OSS?**

A. Not at all. We believe that the Merged Company is obligated to comply with the merger conditions relating to OSS, including the 30-month moratorium and the specific procedures designed to assure the CLECs have a meaningful opportunity to provide input into the development, implementation and integration of replacement OSS. There is nothing about our request relating to the Embarq and CenturyTel territories that should interfere with the Merged Company’s ability to comply with those obligations.

**Q. IN TESTIMONY FILED IN COLORADO, QWEST/CENTURYLINK CLAIMED THAT THERE IS AN INCONSISTENCY BETWEEN TW TELECOM’S DESIRE FOR AN E-BONDED INTERFACE IN THE LEGACY EMBARQ AND CENTURYTEL TERRITORIES AND ITS DESIRE THAT THE MERGED COMPANY COMPLY WITH ITS MERGER COMMITMENTS REGARDING CHANGES TO THE QWEST LEGACY OSS.[[1]](#footnote-1) IS TW TELECOM IS TAKING INCONSISTENT POSITIONS?**

A. No. First, **tw telecom** is concerned that if the Merged Company is able to avoid its merger commitments in this instance, this would call into question whether **tw telecom** is able to rely on any of the other commitments that the Merged Company made in order to get its merger approved.

 Moreover, **tw telecom** entered into its settlement agreement with the understanding that the Merged Company would not be making the kind of changes to the Qwest legacy OSS that it is now insisting on until at least 30 months following the closing of the merger. It remains important to **tw telecom** to have the benefit of this period of certainty in a critically important area for at least 30 months, particularly in light of other changes, and uncertainty, resulting from the merger. Changing an OSS platform is never a simple matter; it is not something that can be accomplished by simply flipping a switch. Such a change requires careful planning and significant effort on the part of any CLEC; contrary to the Merged Company’s rush to implement a whole new interface by the end of the year, without any consideration of or regard for the impacts, nor the Merged Company’s contractual obligations. In light of the merger commitments regarding OSS, **tw telecom** did not anticipate having to devote resources to the development of a new interface in Qwest’s territory so soon after the merger. It’s important to understand that **tw telecom** sought to achieve electronic bonding in Embarq legacy territories as a business to business tool to better understand our quality of service levels (for issues such as Mean Time to Repair (MTTR)) months ahead of this egregious violation of the Merged Company’s settlement obligations; and not until after **tw telecom** became a participant in these multiple state-level proceedings did leadership at Century Link reach out to us to discuss their company-wide strategies for OSS deployment. To date, **tw telecom** has not received any substantive commitment from CenturyLink/Qwest as a result of our meetings, rather only that they continue to internally deliberate their willingness to assist us. Although **tw telecom** is willing to consider moving to an XML interface in the Qwest territory at the appropriate time, that appropriate time, consistent with the settlement agreement, is not now, less than six months after the merger closed.

**Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

A. Yes, it does.

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1. See Integra Telecom, PAETEC Business Services and tw telecom of Colorado v. Qwest Corporation and CenturyLink, Colorado P.U.C. Docket No. 11F-436T, Answer Testimony of Renee Albersheim, p. 21, l. 10- p. 22, l. 4. [↑](#footnote-ref-1)