

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of A Complaint By The  
Joint CLECs Against the Joint Applicants  
Regarding OSS For Maintenance And  
Repair

Docket No. UT-111254

**DIRECT TESTIMONY OF**

**LYNDALL NIPPS**

**ON BEHALF OF**

**tw telecom**

**October 14, 2011**

1 **I. INTRODUCTION**

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

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

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

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

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

13 A. I began my career in the telecommunications industry in 1979 as a customer  
14 service representative in the Napa Valley office of Pacific Bell/SBC. During my  
15 20-year career with Pacific Bell/SBC, I was promoted within the wholesale  
16 services organization. I specialized in pre-order, order, provisioning, billing and  
17 collections, methods and procedures, interconnection performance measures,  
18 improving results, and personnel management. I was eventually promoted to  
19 Director of the Local Wholesale Service Center (LSC-Southern Ca.).

20 I joined Allegiance Telecom in September of 1998. I began my five-year  
21 career at Allegiance by developing and implementing back-office methods and  
22 procedures for the sales organization. I moved to the Regulatory Department  
23 where I was promoted to Vice President, Industry Affairs. My responsibilities

1 included 271 process issues, negotiating performance measures, establishing  
2 benchmarks, filing testimony, state regulatory compliance, rates and tariffs,  
3 assessments, policy, and legislation.

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

10 **Q. PLEASE DESCRIBE TW TELECOM.**

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

21 **tw telecom's** Washington operating company, **tw telecom of washington**  
22 **llc**, provides service in the greater Seattle metropolitan area and also in Spokane  
23 and multiple cities in the Spokane valley. **tw telecom** provides services by way

1 of Qwest Wholesale, as well as our own network; our own network currently  
2 extends throughout the greater Seattle and Spokane areas.

3 **Q. HAVE YOU EVER TESTIFIED PREVIOUSLY BEFORE THE**  
4 **WASHINGTON PUBLIC UTILITIES COMMISSION?**

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

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

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

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

17  
18 **Q. DESCRIBE TW TELECOM’S PARTICIPATION IN REGULATORY**  
19 **PROCEEDINGS RELATING TO THE APPROVAL OF QWEST AND**  
20 **CENTURYLINK.**

21 A. **tw telecom** was an active participant in merger approval proceedings before five  
22 state commissions and also before the Federal Communications Commission.  
23 Among our areas of concern was that, after the merger was completed, the  
24 Merged Company would make changes to the legacy Qwest OSS. **tw telecom**  
25 uses Qwest OSS to obtain services from Qwest and has established its own

1 systems to interface with the Qwest OSS. We were concerned that changes to the  
2 legacy Qwest OSS would result in unnecessary cost and disruption for tw  
3 telecom. We were also concerned that the Merged Company would implement  
4 changes without following clear and agreed upon process protocols allowing **tw**  
5 **telecom** a reasonable amount of time in which to adequately assess and  
6 implement changes to the legacy Qwest OSS.

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

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

16 **Q. IS TW TELECOM A PARTY TO ANY OTHER AGREEMENTS WITH**  
17 **QWEST THAT RELATE TO OSS ISSUES?**

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

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

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

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

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

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

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

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

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

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

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

7  
8 **Q. BEFORE WE DISCUSS THE COMMUNICATIONS THAT **tw telecom****  
9 **HAS HAD WITH CENTURYLINK REGARDING OSS USED IN THE**  
10 **LEGACY EMBARQ AND CENTURYTEL SERVICE TERRITORIES,**  
11 **CAN YOU PLEASE BRIEFLY DESCRIBE "E-BONDING"?**

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

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

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

1 and Embarq would both have the benefit of an e-bonded interface, for all of the  
2 Embarq and CenturyTel territories.

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

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

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

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

19 A. Not at all. We believe that the Merged Company is obligated to comply with the  
20 merger conditions relating to OSS, including the 30-month moratorium and the  
21 specific procedures designed to assure the CLECs have a meaningful opportunity  
22 to provide input into the development, implementation and integration of  
23 replacement OSS. There is nothing about our request relating to the Embarq and



1 CenturyTel territories that should interfere with the Merged Company's ability to  
2 comply with those obligations.

3 **Q. IN TESTIMONY FILED IN COLORADO, QWEST/CENTURYLINK**  
4 **CLAIMED THAT THERE IS AN INCONSISTENCY BETWEEN TW**  
5 **TELECOM'S DESIRE FOR AN E-BONDED INTERFACE IN THE**  
6 **LEGACY EMBARQ AND CENTURYTEL TERRITORIES AND ITS**  
7 **DESIRE THAT THE MERGED COMPANY COMPLY WITH ITS**  
8 **MERGER COMMITMENTS REGARDING CHANGES TO THE QWEST**  
9 **LEGACY OSS.<sup>1</sup> IS TW TELECOM IS TAKING INCONSISTENT**  
10 **POSITIONS?**

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

15 Moreover, **tw telecom** entered into its settlement agreement with the  
16 understanding that the Merged Company would not be making the kind of  
17 changes to the Qwest legacy OSS that it is now insisting on until at least 30  
18 months following the closing of the merger. It remains important to **tw telecom**  
19 to have the benefit of this period of certainty in a critically important area for at  
20 least 30 months, particularly in light of other changes, and uncertainty, resulting  
21 from the merger. Changing an OSS platform is never a simple matter; it is not

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<sup>1</sup> 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.

1 something that can be accomplished by simply flipping a switch. Such a change  
2 requires careful planning and significant effort on the part of any CLEC; contrary  
3 to the Merged Company's rush to implement a whole new interface by the end of  
4 the year, without any consideration of or regard for the impacts, nor the Merged  
5 Company's contractual obligations. In light of the merger commitments regarding  
6 OSS, **tw telecom** did not anticipate having to devote resources to the development  
7 of a new interface in Qwest's territory so soon after the merger. It's important to  
8 understand that **tw telecom** sought to achieve electronic bonding in Embarq  
9 legacy territories as a business to business tool to better understand our quality of  
10 service levels (for issues such as Mean Time to Repair (MTTR)) months ahead of  
11 this egregious violation of the Merged Company's settlement obligations; and not  
12 until after **tw telecom** became a participant in these multiple state-level  
13 proceedings did leadership at Century Link reach out to us to discuss their  
14 company-wide strategies for OSS deployment. To date, **tw telecom** has not  
15 received any substantive commitment from CenturyLink/Qwest as a result of our  
16 meetings, rather only that they continue to internally deliberate their willingness  
17 to assist us. Although **tw telecom** is willing to consider moving to an XML  
18 interface in the Qwest territory at the appropriate time, that appropriate time,  
19 consistent with the settlement agreement, is not now, less than six months after  
20 the merger closed.

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

22 A. Yes, it does.

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