

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION**

**IN THE MATTER OF THE INVESTIGATION )  
INTO U S WEST COMMUNICATIONS, INC.'S )  
COMPLIANCE WITH §271(C) OF THE )  
TELECOMMUNICATIONS ACT OF 1996 )**

**DOCKET NO. UT- 003022**

**REBUTTAL TESTIMONY OF  
LORI A. SIMPSON  
ON BEHALF OF  
U S WEST COMMUNICATIONS, INC.**

**JUNE 5, 2000**

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HAVE BEEN FILED UNDER SEAL.**

**EXHIBIT LAS-3 - PERFORMANCE RESULTS**

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**I. INTRODUCTION, PURPOSE, AND SUMMARY OF TESTIMONY**

**Q. DID YOU FILE DIRECT TESTIMONY IN THIS MATTER?**

A. Yes, I did. My name is Lori A. Simpson, and I filed direct testimony regarding checklist items 7(ii) – Directory Assistance, 7(iii) – Operator Services, and (8) – White Pages Directory Listings.

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

A. The purpose of my rebuttal testimony is to respond to the testimony of Michael A. Beach of WorldCom (WCom) and the testimony of Kenneth Wilson of AT&T.

I also provide updated information concerning volumes of directory assistance and operator services, as well as updated information concerning volumes of white pages directory listings, provided to Washington CLECs. Additionally, I provide the status of performance measurements for directory assistance, operator services, and for white pages directory listings.

**Q. PLEASE SUMMARIZE YOUR REBUTTAL TESTIMONY.**

A. My rebuttal testimony establishes that WCom and AT&T, which filed testimony in this matter, have provided no evidence that undermines U S WEST's evidence that it satisfies the requirements of the Telecommunications Act of 1996 (Telecom Act) and the FCC's requirements in the checklist areas of directory assistance, operator services, and white pages directory listings.

Specifically, I address the testimony of Mr. Beach of WCom and demonstrate that his claims about changes that should be made to the directory assistance section of U S WEST's Statement of Generally Available Terms and Conditions for Interconnection and Resale (SGAT) are without merit. As to AT&T's testimony, I show that AT&T's claims concerning directory assistance and white pages directory listings have been addressed in a previous 271 workshop and are addressed in the Washington SGAT.

In summary, my direct and rebuttal testimony demonstrate that U S WEST has satisfied the requirements of the Telecom Act for providing access to directory assistance service, operator services, and white pages directory listings, which are prerequisites for U S WEST's entry into the interLATA long distance market in Washington. U S WEST meets the requirement in Washington that it be legally bound to provide these checklist items through the SGAT, and through its Commission-approved interconnection and resale agreements, under concrete and binding terms and conditions that comport with the requirements of the Telecom Act, FCC orders, and Washington Commission orders.

**II. U S WEST RESPONSE TO WORLDCOM'S AND AT&T'S TESTIMONY CONCERNING CHECKLIST ITEM 7(II) – DIRECTORY ASSISTANCE SERVICE**

**Q. PLEASE ADDRESS THE TESTIMONY OF MR. MICHAEL BEACH OF  
WORLD COM CONCERNING DIRECTORY ASSISTANCE.**

A. In its testimony in this matter, WCom makes three suggestions concerning the SGAT's terms for directory assistance service. I will address each in turn.

**1. WCom's Claims of Purported Restrictions on Use of Directory  
Assistance Listings**

In its first issue raised, WCom, referring to Section 10.5.1.1.2 of the Washington SGAT, suggests the SGAT be modified to "change the reference from 'local exchange and [sic] end user customers' to the broader term 'customers.'" WCom continues: "This change is necessary to remove any improper restriction against the use of such information by CLECs to provide National DA service or other lawful use."<sup>1</sup> Section 10.5.1.1.2 of the Washington SGAT currently provides as follows:

10.5.1.1.2 Directory Assistance List Service -- Directory Assistance List Service is the bulk transfer of U S WEST's directory listings for subscribers within U S WEST's 14 states under a non-exclusive, non-transferable, revocable license to use the information solely for the purpose of providing Directory Assistance Service to its local exchange end user customers subject to the terms and conditions of this Agreement. See Section 10.6 for terms and conditions relating to the Directory Assistance List Services.

I note that WCom had every opportunity to raise this matter in the Arizona workshop on directory assistance, and it did not do so. However, U S WEST will reply to WCom's testimony regarding directory assistance in order to eliminate any concerns

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<sup>1</sup> Testimony of WorldCom., Inc., Witness Michael Beach at p 6.

regarding the language of the SGAT.

First, there is no restriction in the Washington SGAT that prevents a CLEC from providing National Directory Assistance to its local exchange end users in U S WEST's local service territory. Thus, WCom's concern with the SGAT's language is unfounded.

Next, as to other purported "improper restrictions" on the use of U S WEST's directory assistance listings provided to CLECs under the SGAT, there are none. The SGAT provides the terms and conditions under which U S WEST offers to provide CLECs with services, as required under the Telcom Act and FCC orders, for the purpose of competing with U S WEST to provide local exchange service in U S WEST's local service territories. To the extent that WCom wishes to purchase U S WEST directory assistance listings for this purpose, the SGAT, as written, permits it to do so.

## **2. WCom's Concerns with Licensing of Directory Assistance Listings**

The second issue raised by WCom also concerns the language of Section 10.5.1.1.2 quoted above. Mr. Beach states that this section "should be revised to delete the use of the term 'license' as licensing implies a greater control and power to revoke by U S WEST on the use of this data by CLECs than is appropriate."<sup>2</sup>

WCom's claim is without foundation, and without any specific example as to the potential harm

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<sup>2</sup> Id.

WCom is attempting to prevent by deleting the licensing arrangement from the SGAT. WCom also fails to cite any provision of the Telecom Act or FCC rules that supports its revision. Accordingly, this suggestion should be rejected as unexplained and unsubstantiated.

Second, U S WEST rejects WCom's suggested revision because *licensing* the use of the listings by CLECs for the purpose of providing directory assistance service to their local exchange end users is exactly what U S WEST properly does with directory assistance listings in its possession. Directory assistance listings are customer information that U S WEST must appropriately protect, and licensing the listings for a specific use provides the needed protection.

Moreover, U S WEST has an agreement with at least one local exchange carrier, whose listings are included in the directory assistance listings that U S WEST supplies to CLECs, that provides that U S WEST will only use the local exchange carrier's listings for purposes of providing directory assistance service. Deletion of the licensing provision from the SGAT could permit WCom and other CLECs to use the directory assistance listings of this and other local exchange carriers for purposes other than providing directory assistance to the CLECs' local exchange end users. Such use would violate at least one U S WEST agreement with another local exchange carrier. For these reasons, WCom's unsupported claim that licensing use of directory assistance listings gives U S WEST "too much control" over use of the

listings should be rejected.

Because WCom's recommended changes to Section 10.5.1.1.2 are unnecessary and improper and the SGAT, as written, complies with the Telecom Act and FCC requirements, there is no need to amend Section 10.6.2.1 to include WCom's erroneous proposed revisions. Under its current SGAT and interconnection agreements, U S WEST provides access to the listings that permit WCom to provide directory assistance service, as the Telecom Act requires.

### **3. WCom's Concern with SGAT Requirements to Provide Accurate Listings**

The third issue raised by WCom concerns language in the SGAT regarding warranty and accuracy requirements for end user listings that a CLEC provides to U S WEST, and that U S WEST provides to CLECs in its Directory Assistance List product. In its testimony WCom states: "there are several instances in the proposed SGAT language where U S WEST attempts to impose more stringent warranty and accuracy requirements on the data that a CLEC provides to U S WEST than when U S WEST provides the same data to a CLEC." WCom goes on to state: "These (and any similar) inequities in the language applying to U S WEST, on the one hand, and CLECs, on the other, must be corrected and reconciled to provide fair treatment and reasonable assurance of accurate database data and updates to all parties and to



the end users they serve.”<sup>3</sup>

WCom, in making these statements, ignores the fact that U S WEST is the “middleperson” in supplying its Directory Assistance List product to CLECs, and as such, U S WEST does not, and cannot, warrant the accuracy of the listings provided in the Directory Assistance List product. The Directory Assistance List product includes listings U S WEST receives from third parties, such as CLECs and independent companies, as U S WEST has no control as to the accuracy of the listings received from such third parties. Thus, the language in Section 10.6.2.1 of the SGAT that provides that U S WEST will provide its Directory Assistance List product to CLECs “AS IS, WITH ALL FAULTS,” appropriately reflects the fact that U S WEST does not have control over the accuracy of all of the listings in the product.

However, in order to minimize any inaccuracies in the listings provided to U S WEST by CLECs, and provided, in turn, to CLECs and others via U S WEST’s Directory Assistance List product, Section 10.4.2.13 and 10.4.2.14 of the SGAT require CLECs to: “warrant the end user information provided to U S WEST is accurate and correct;” and, “to represent[ ] and warrant[ ] that it [CLEC] has reviewed all listings provided to U S WEST, including end user requested restrictions on use, such as nonpublished and nonlisted.” Such requirements are appropriate in order to ensure that CLECs provide accurate listings to U S WEST for inclusion in white pages

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<sup>3</sup> Id. at pp 12-13.

directories and directory assistance service, as well as in U S WEST's Directory Assistance List product. Likewise, this provision helps ensure that WCom *receives* accurate listing information.

In summary, U S WEST properly requires CLECs to take reasonable steps to provide accurate end user listings to U S WEST; however, U S WEST cannot fairly be asked to warrant that CLECs and others have done so.

#### **4. AT&T's Request for Reassurances Regarding Four Previously-Satisfied Concerns**

##### **PLEASE ADDRESS THE TESTIMONY OF MR. KENNETH WILSON OF AT&T CONCERNING DIRECTORY ASSISTANCE.**

A. In its testimony filed in this matter, AT&T notes that in Arizona it raised four "concerns" regarding the language of the Arizona SGAT covering directory assistance. AT&T goes on to note that the language of the Arizona SGAT was revised to address AT&T's concerns, and AT&T acknowledges that resolution of each issue was reached in Arizona.<sup>4</sup> Other CLECs and the Arizona Commission Staff were also satisfied with the changes to the SGAT, and U S WEST received verbal approval of this checklist item in Arizona, conditioned upon review of performance measurements and results during the third party OSS test.

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<sup>4</sup> Direct Testimony of Kenneth Wilson on Behalf of AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services Addressing Access to Poles, Ducts, Conduit and Rights of Way, 911, Signalling and Databases, Directory Listings, Number Administration and Reciprocal Compensation at pp 27-29.

Now, in its Washington testimony, AT&T notes that the same language that was included in the Arizona SGAT regarding directory assistance is included in the Washington SGAT.<sup>5</sup> Accordingly, AT&T should be satisfied in Washington, just as it was in Arizona, that U S WEST satisfies requirements for providing access to directory assistance. However, in its Washington testimony, AT&T states that “if U S WEST makes the same affirmation it made in Arizona, all of AT&T’s issues on directory assistance have been resolved.”<sup>6</sup>

U S WEST has affirmed the agreements made in Arizona regarding access to directory assistance by including the provisions in the Washington SGAT. Accordingly, AT&T’s concerns have been addressed in Washington.

**5. Updated Volumes of Directory Assistance and Operator Services Provided to Washington CLECs**

**PLEASE PROVIDE AN UPDATE TO THE VOLUMES OF DIRECTORY ASSISTANCE AND OPERATOR SERVICES PROVIDED TO CLECS IN WASHINGTON.**

A. In the two months that have passed since I filed my direct testimony in this matter, U S WEST has provided increased volumes of directory assistance and operator services to CLECs in Washington. Specifically, U S WEST currently provides directory assistance and operator services over more than 31,000 resold local exchange lines in Washington.

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<sup>5</sup> Id.

<sup>6</sup> Id. at p 29.

**6. Updated Performance Results for Directory Assistance and Operator Services**

**Q. PLEASE PROVIDE AN UPDATE TO WASHINGTON PERFORMANCE RESULTS FOR DIRECTORY ASSISTANCE AND OPERATOR SERVICES.**

A. In my direct testimony filed in this matter I provided performance results through February, 2000, for directory assistance and operator services. I update those results in Exhibit LAS-3 filed with this rebuttal testimony.

**CHECKLIST ITEM 8 - WHITE PAGES DIRECTORY LISTINGS**

**1. AT&T's Request for Reassurances Regarding Previously-Satisfied Concerns**

**PLEASE RESPOND TO AT&T'S TESTIMONY CONCERNING WHITE PAGES DIRECTORY LISTINGS.**

A. In its filed testimony in this matter, AT&T lists several "concerns" regarding white pages directory listings and notes that U S WEST and AT&T, and the other parties and Commission staff, reached "resolution of these issues in Arizona."<sup>7</sup>

U S WEST agrees that all white pages directory assistance listings issues were resolved to AT&T's satisfaction in the Arizona workshop process, and the identical changes that were made in the Arizona SGAT were made in the Washington SGAT. Accordingly, AT&T's concerns have been addressed in Washington.

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<sup>7</sup> Id. at p 31.

AT&T also raises a new, unsubstantiated issue regarding the correction of any listings errors.

AT&T states that “other provisions of U S WEST’s proposed SGAT establish procedures that are deficient and discriminatory.”<sup>8</sup> However, the single example that AT&T provides to back up this extremely broad claim is without substance or merit. This claim concerns the process for correcting any errors in CLECs’ listings. AT&T states that “the SGAT does not describe how this process will work or whether it will be identical to the process enjoyed by U S WEST Communications.”<sup>9</sup> The SGAT clearly provides for a process for review and correction of any errors in CLEC listings.

10.4.2.19 U S WEST will provide monthly listing verification proofs that provide the data to be displayed in the published white pages directory and available on directory assistance. Verification proofs containing nonpublished and nonlisted listings are also available upon request on the same monthly schedule.

10.4.2.20 U S WEST will provide CLEC a reasonable opportunity to verify the accuracy of the listings to be included in the white pages directory and directory assistance.

10.4.2.21 CLEC may review and if necessary edit the white page listings prior to the close date for publication in the directory.

As promised in the SGAT, U S WEST provides reports, called “verification proofs,” to CLECs on a monthly basis that show all of the CLECs’ new or changed listings since the prior month’s report. To the extent that a CLEC finds any listings that are in error, the CLEC simply contacts U S WEST’s listings representative and makes corrections.

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<sup>8</sup> Id. at p 34.

<sup>9</sup> Id.

There is an opportunity to correct any CLEC listing within a month or less of being entered in U S WEST's listings database, thus ensuring that corrections can be made prior to the close of a directory, and preventing an error in a printed white pages directory.

AT&T's expressed concern that the process for a CLEC's review of its listings may not be identical to U S WEST's retail process for review of end users' listings is correct as there is no comparable process at all in U S WEST's retail operations for systematic review of end users' listings. The practice of providing monthly listings reports to CLECs, as well as the practice of providing on-demand total listings reports to CLECs as described in my initial testimony, does not exist in U S WEST's retail operations. Errors in U S WEST retail end user's listings would likely not be discovered until after a directory is printed with an error, or a listing error is discovered by a caller to directory assistance.

If a listing error is found by a retail end user, or a CLEC, the process for correction would be like the process to create the listing in the first place: a service order would be issued to correct a CLEC or U S WEST retail listing if an error in the listing existed on the customer service record, or a CLEC listing without a customer service record would be corrected directly in the listings database. As described above, all new or changed listings flow nightly from the listings database to Dex for updating of its listings information.

AT&T's comments regarding the process for correcting any errors in its listings is without merit and should be disregarded. Further, AT&T should not be allowed to raise additional issues concerning the alleged "deficient and discriminatory" procedures in the SGAT as it failed to identify them in its filed comments.

**2. Updated Volumes of White Pages Directory Listings Provided to Washington CLECs**

**PLEASE PROVIDE AN UPDATE TO THE VOLUMES OF DIRECTORY ASSISTANCE AND OPERATOR SERVICES PROVIDED TO CLECS IN WASHINGTON.**

A. In the two months that have passed since I filed my direct testimony in this matter, U S WEST has provided an increased volume of white pages directory listings in Washington. U S WEST currently provides more than 29,100 white pages directory listings.

**3. Performance Results for White Pages Directory Listings**

**Q. PLEASE PROVIDE AN UPDATE TO WASHINGTON PERFORMANCE MEASUREMENTS FOR WHITE PAGES DIRECTORY LISTINGS IN WASHINGTON.**

A. As I described in my direct testimony in this matter, U S WEST continues development and implementation of two new performance measurements for white pages directory listings. We expect to have performance results by the end of June, 2000.

**CONCLUSION**

**DOES THAT CONCLUDE YOUR REBUTTAL TESTIMONY?**

Yes, it does.



## **TABLE OF EXHIBITS**

- 1. Proprietary and Confidential Exhibit LAS-3 – Performance Results for Directory Assistance Service and Operator Services**