

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission

On Its Own Motion

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Docket No. 02-0147

Complaint pursuant to Section 13-514,
13-515 and 13-516 of the Public Utilities
Act and 83 Ill. Admin. Code Part 766.

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Direct Testimony of

DIANNE M. MCKERNAN

On Behalf of Verizon North Inc. and
Verizon South Inc.

July 3, 2003

50 function, I also assist my assigned CLECs in obtaining answers to any questions they
51 may have by working to locate the appropriate subject matter personnel from whom an
52 answer may be obtained. Again, once the appropriate subject matter personnel have been
53 located, I serve as a type of “middle-man” to ensure that the CLEC obtains a responsive
54 answer to its question. In this respect, as I also noted with regard to the personnel who
55 manage and provision the interconnections, the subject matter experts may differ between
56 Verizon ILECs. As a result, I seek out the subject matter personnel responsible for the
57 specific Verizon ILEC with which the CLEC is seeking interconnection.

58 **Q. Do you know why the personnel responsible for managing/provisioning CLEC**
59 **interconnections as well as subject matter personnel may vary depending on the**
60 **specific Verizon ILEC with whom the CLEC requests interconnection?**

61 **A.** No. The underlying reason for the variance is beyond my knowledge. However, it is my
62 understanding that Verizon Illinois witness Ms. Kathryn Allison discusses the reasons in
63 her direct testimony.

64 **Q. Have you ever held yourself out to NCC, the Complainant in this case, as either (1) a**
65 **person responsible for knowing the technical aspects of the interconnection process,**
66 **or (2) a subject matter expert?**

67 **A.** No, I do not believe so. [If NCC ever perceived as much from anything I stated or did, it
68 certainly was not my intent to convey such a meaning.] *Non-responsive.
Irrelevant*

69 **Q. NCC has identified an e-mail from yourself to NCC’s President, Mr. Todd Lesser, in**
70 **which you state that you will be NCC’s Account Manager “coast-to-coast.” (See**
71 **Exhibits to Direct Testimony of Todd Lesser and Douglas A. Dawson, C-002). What**
72 **did you intend to convey by this e-mail?**

73 A. Simply that I would act in my capacity as an Account Manager for NCC regardless of the
74 individual Verizon ILEC with which NCC sought interconnection.

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II.
Time-Line of Correspondence with NCC

77 Q. When did you first become aware that NCC had an interest in interconnecting in
78 Illinois?

79 A. I received an e-mail from Mr. Todd Lesser, time stamped Friday December 7, 2001, at
80 7:00 p.m. I have attached this e-mail to my direct testimony as Attachment DMM-.

81 Q. Does Mr. Lesser make any particular statements in his e-mail that you would like to
82 point out?

83 A. Yes. Mr. Lesser stated: "Next week, I will be starting the process of expanding into
84 Illinois. Specifically, Leaf River Illinois."

85 [Mr. Lesser also provided what I would describe as a somewhat unclear, non-
86 specific and moving estimate of his needs for toll traffic by saying: "We will need less
87 than twenty-eight T1's [sic] or one DS3 for long distance, IXC traffic. I would be
88 satisfied if we had ten T1's [sic]. We could even get by with four T1's [sic]. If four T1's
89 [sic] is an unrealistic expectation on my part, please let me know. I may be able to work
90 within the parameters that you set."

*Argumentative.
Document
speaks for
itself.*

91 In addition, Mr. Lesser inquired as follows: "Is Verizon going to require a fiber
92 build for this? How much capacity will Verizon give me without it requiring a fiber
93 build?"

94 Mr. Lesser further stated his desired time-frame for interconnection of sixty-six
95 (66) days, and inquired whether such a time-frame would be realistic. He added as
96 follows: "If not, please tell me. My secondary choice of locations is Des Moines, Iowa.

188 (emphasis added). I have attached Mr. Bartholomew's December 13, 2001, e-mail
189 response to my direct testimony as part of Attachment DMM-2.

190 **Q. Did Mr. Bartholomew state what he intended by the phrase "retail facility?"**

191 A. No.

192 **Q. Fulfilling your role as an intermediary, did you provide Mr. Bartholomew's**
193 **response to Mr. Lesser?**

194 Yes. That same day, December 13, 2001, I forwarded Mr. Bartholomew's e-mail
195 response to Mr. Lesser. In that e-mail, I also stated that: "Unfortunately the West policy
196 is the same as the East, as you can see in the message below. We will not terminate
197 interconnection trunks on a retail/enterprise facility." (emphasis added). I have also
198 attached my December 13, 2001, e-mail to Mr. Lesser to my direct testimony as part of
199 Attachment DMM-2.

200 **Q. Why did you use the phrase "retail enterprise facility?"**

201 A. Like my prior use of the phrase "existing enterprise services mux," I did not have any
202 specific type of facility in mind when I used the phrase "retail/enterprise facility." The
203 phrase simply resulted from my combining part of the phrase "existing enterprise services
204 mux," which I had used in my inquiry to Mr. Bartholomew, and the phrase "retail
205 facility," which Mr. Bartholomew used in his response to my inquiry. In other words, I
206 simply combined and paraphrased the terms I and Mr. Bartholomew had used in our e-
207 mails to each other with regard to NCC's inquiry.

208 **Q. Did Mr. Lesser ask you what was meant by the phrase "retail/enterprise facility?"**

209 A. No.

210 **Q. Did Mr. Lesser tell you his understanding of the phrase "retail/enterprise facility?"**

21 A. No, he did not.

Irrelevant

213 Q. Did Mr. Lesser indicate to you that the response to his "fiber build" inquiry was
214 somehow problematic in that he thought it meant Verizon Illinois was violating
215 some type of legal requirements in connection with CLEC interconnections?

*Irrelevant
Calls for
speculation*

215 A. No, he did not. The first I learned that Mr. Lesser found the response problematic was
when I became aware of NCC's Complaint with the ICC.

218 Q. From looking at Attachment DMM-2, is it correct that you sent to Mr. Lesser the
219 entire internal Verizon e-mail train that developed as Verizon personnel sent e-
mails to each other during the process of addressing Mr. Lesser's "fiber build"
inquiry?

221 A. Yes. I forwarded to Mr. Lesser the entire e-mail train, so he was able to review Mr.
222 Bartholomew's e-mails to me in connection with the inquiry.

223 Q. To be specific, you forwarded Mr. Lesser as part of this e-mail train Mr.
224 Bartholomew's e-mail to you, dated December 11, 2001, wherein Mr. Bartholomew
specifically states that "VZwest does not require a fiber build in order to
interconnect." Is that correct?

*Cumulative
Asked-and-
answered*

227 A. Yes, that is correct.

228 Q. Did Mr. Lesser ever ask you what was meant by Mr. Bartholomew's statement?

229 A. No, he did not.

230 Q. Did Mr. Lesser ask you to ask Mr. Bartholomew what was meant by the statement?

231 A. No, he did not.

Irrelevant

232 Q. Again, to be specific, you forwarded Mr. Lesser as part of the e-mail train Mr.
233 Bartholomew's e-mail to you, dated December 13, 2001, wherein Mr. Bartholomew
234 uses the phrase "retail facility." Is that correct?

*Cumulative
Asked and
answered*

235 A. Yes.

236 Q. Did Mr. Lesser ever ask you what was meant by the phrase “retail facility?”

237 A. No, he did not.

Q. Did Mr. Lesser ask you to ask Mr. Bartholomew what was meant by the phrase “retail facility?”

240 A. No.

24 Q. When was your next correspondence with NCC?

A. The next day, Friday, December 14, 2001, at 10:13 p.m., Mr. Lesser sent me an e-mail wherein he inquired whether capacity existed for NCC to collocate with Verizon Illinois at a specific location. He also asked: “How long does it take to establish co-location?

245 How long it would take to get interconnection trunks if we co-locate in the central office?” have attached Mr. Lesser’s December 14, 2001, e-mail to my direct testimony as part of Attachment DMM-3.

Q. What did you do with NCC’s inquiry?

A. I handled it in my role as an intermediary. The next business day, Monday, December 7, 2001, I forwarded Mr. Lesser’s e-mail to Mr. Bartholomew to obtain a response. I

251 have attached my e-mail to Mr. Bartholomew, as part of which I forwarded Mr. Lesser’s
252 e-mail, to my direct testimony as part of Attachment DMM-3

253 Q. Do you know whether Mr. Bartholomew responded to NCC’s collocation inquiry?

254 A. Yes. [The next day, December 18, 2001, Mr. Bartholomew e-mailed his response directly
255 to Mr. Lesser and copied me on his e-mail. In his e-mail, Mr. Bartholomew provided Mr.
Lesser contact information for collocation with Verizon Illinois, including the contact’s
257 name, direct phone number and e-mail address. In addition, even though Mr. Lesser had
258 only asked about collocation, Mr. Bartholomew was forthcoming and voluntarily gave

Irrelevant

Non-responsive
Argumentative

Mr. Lesser the following advice with regard to what would be entailed should NCC wish to proceed with interconnection:

For interconnection, you would first submit a forecast, we would hold a conference call to discuss and revise the forecast if necessary. Once we have an agreed upon forecast, you can submit orders for trunking. It takes approximately 15 days from the receipt of a clean (no errors) order to establish trunking.

Non-responsive Argumentation

have attached Mr. Bartholomew's December 18, 2001, e-mail to Mr. Lesser to my testimony as part of Attachment DMM-3.

Q. Did NCC pursue collocation?

A Not to my knowledge. I did not receive any additional correspondence from NCC concerning collocation in Illinois.

Q. Did NCC respond to Mr. Bartholomew's December 18, 2001, e-mail by taking action to complete or otherwise follow the steps Mr. Bartholomew identified with regard to the interconnection process?

A Again, not to my knowledge, at least not within the time-frame relative to Mr. Bartholomew's e-mail. In fact, I did not hear from NCC for some time with regard to Illinois.

Q. When did you next hear from NCC with regard to Illinois?

A. Approximately one (1) month later, on January 13, 2002, was copied on an e-mail from Mr. Lesser to Verizon's Contract Negotiations Group, wherein Mr. Lesser stated: "Since it is necessary for us to have an interconnection agreement before we can go to the next level, I am formally requesting that Verizon and North County opt into the AT&T agreement in Illinois. have attached Mr. Lesser's January 13, 2002, e-mail to my direct testimony as part of Attachment DMM-4.

Q. Were you involved in the process of preparing NCC's IA with Verizon Illinois?

*Non-responsive
Lacks foundation*

A. No. [However, it is my understanding that NCC's IA with Verizon Illinois was contractually effective on February 5, 2002, and approved by the ICC on April 10, 2002.]

Q. Following Mr. Lesser's e-mail of January 13, 2002, wherein Mr. Lesser stated

289 NCC's intent to opt into the AT&T IA for Illinois, did Mr. Lesser contact you to
pursue interconnection in Illinois?

291 A. No. [I decided to take the initiative and contacted him on February 14, 2002, which was
292 about one (1) month later, because I had not heard from him.] *Non-responsive*

293 Q. Why did you contact Mr. Lesser at that time?

294 A. Although I did not think that I had an obligation to initiate any communication at that
295 point, I was aware of Mr. Lesser's e-mail of January 13, 2002, wherein Mr. Lesser stated
NCC's intent to opt into AT&T's IA in Illinois, which seemed to me to indicate an intent
297 to pursue interconnection in Illinois. Accordingly, even though it seemed to me that the
298 "ball was in NCC's court," as a matter of courtesy, I took the initiative and e-mailed Mr.
299 Lesser to find out whether NCC still intended to pursue interconnection in Illinois. In
300 case NCC did, I substantially reiterated the steps that Mr. Bartholomew had previously
301 identified in his December 18, 2001, e-mail to Mr. Lesser, (Att. DMM-3), that NCC
302 would need to take to proceed with interconnection in Illinois.

Q. Had NCC filed its Complaint with the ICC at that time?

304 A. No.

305 Q. What specifically did you say when you contacted Mr. Lesser on February 14, 2002?

306 A. In reference to Mr. Bartholomew's December 18, 2001, e-mail, I stated as follows:

307 It has been almost two months since Charles sent this message to
308 you. Since you decided to pursue interconnection in Illinois by
309 signing an Interconnection Agreement, please advise me of your
310 intentions. In order to proceed with your request, please provide
311 me with the required forecast (found on the Verizon wholesale
312 markets web-site), and the location of your intended Point of

Q. What happened next?

347 A. The following day, Friday, February 15, 2002, I responded to Mr. Lesser, via e-mail, as
follows: "I just wanted you to know that we are looking into your request for service
349 locations, but will not be able to provide you an answer by Monday. Monday is a Federal
350 Holiday and Verizon employees have the day off."

351 Also, in response to Mr. Lesser's resubmission of his initial e-mail
correspondence, dated December 7, 2001, with regard to interconnection in Illinois, (*see*,
353 DMM-1), as NCC's forecast, I stated: "I recognize your reluctance to complete the
forecast template, however, the information you provided in your e-mail is not
sufficient."

I have attached my February 15, 2002, e-mail to Mr. Lesser to my direct
testimony as part of Attachment DMM-7.

Q. Did you believe that the forecast information Mr. Lesser had provided was
insufficient?

A. Yes, because Mr. Lesser's forecast lacked much of the information outlined in the
Company's forecast form.

362 Q. Was your request for NCC to provide further forecast information driven, in any
respect, by the fact that Mr. Lesser simply submitted the information via e-mail?

A. No. [In Mr. Lesser's February 14, 2002, e-mail, wherein Mr. Lesser resubmitted his
initial, December 7, 2001, e-mail as NCC's forecast information, (*see*, Att. DMM-6), Mr.
Lesser made an extraneous comment that assumes Verizon Illinois had an objection to
the manner in which Mr. Lesser submitted NCC's forecast information. Mr. Lesser's
assumption was simply incorrect. My attempts to obtain further forecast information
369 from NCC were not driven by the manner in which Mr. Lesser submitted the information.]

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Rather, my attempts pertained to the substance of the information Mr. Lesser had provided on NCC's behalf up to that point in time. In fact, as I note below, once Mr. Lesser finally submitted the appropriate forecast information for Illinois, Mr. Lesser again did so via e-mail. I voluntarily transcribed NCC's forecast information from Mr. Lesser's e-mail into the Company's database.

Non-responsive
Argumentative

Q. So Mr. Lesser did respond to your February 15, 2002, e-mail request for additional forecast information?

377

A. Yes. Mr. Lesser provided a more complete forecast on the same day, February 15, 2002, via e-mail. I have attached Mr. Lesser's February 15, 2002, e-mail to my direct testimony as part of Attachment DMM-7.

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Q. Did anything else occur on February 15, 2002?

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A. Yes. That same day NCC filed its Complaint with the ICC.

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Q. What was the next thing that happened?

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A. On Tuesday, February 19, 2002, Mr. Bartholomew sent to me a response to Mr. Lesser's February 14, 2002, e-mail, (*see*, Att. DMM-6), wherein Mr. Lesser requested a list of locations where Verizon Illinois had sufficient capacity to interconnect with NCC. I then sent Mr. Lesser an e-mail that stated:

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As per your request, here are three locations in DeKalb, Illinois served by fiber facilities. Currently, there is sufficient capacity at all of these sites to handle NCC's requirements to interconnect at the DeKalb tandem. Please advise me when you have secured your location, so we can proceed with our conference call to establish your interconnection.

Also, would you please clarify your forecast statement below regarding toll traffic. Based on your original message dated 12/7 am I to assume you are referring to interlata toll? Are you placing this order as a long distance provider? If this is correct, you will need to order Switched Access feature group D trunks via the ASR process.

or Feature Group D, trunk group. I have attached Mr. Bartholomew's February 19, 2002,
461 e-mail to my direct testimony as Attachment DMM-1

462 **Q. Did you respond to Mr. Lesser?**

463 A. No. At this point the email exchange occurred primarily between Mr. Bartholomew and
464 Mr. Lesser. As such, I will defer such discussion to Mr. Bartholomew.

465 **Q. Did you have any further correspondence with NCC that you would like to**
466 **mention?**

467 A. Yes, on February 25, 2002, Mr. Lesser sent me an e-mail wherein he states:

468 There appears to be some misunderstanding. I wanted to make sure that
469 you all know that we are not just going to be serving Leaf River, but the
470 Leaf River area which includes DeKalb.

471 I have attached Mr. Lesser's February 25, 2002, e-mail to my direct testimony as
472 Attachment DMM-12.

473 **Q. Did you know why Mr. Lesser sent you his February 25, 2002, e-mail.**

474 A. No. [However, I later learned that on February 22, 2002, Verizon Illinois had filed a
475 Motion to Dismiss NCC's Complaint in part on the ground that Leaf River was not a
476 Verizon Illinois exchange.] *Non-responsive, no foundation,
477 hearsay.*

478 **Q. Have you summarized this time-line in a single exhibit?**

A. Yes. Please see Attachment DMM-12.

480 **Q. Does this conclude your testimony?**

481 A. Yes.

482