

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
DOCKET NO. 00-0700

OFFICIAL FILE

REBUTTAL TESTIMONY OF MICHAEL KIRKSEY  
ON BEHALF OF AMERITECH ILLINOIS

DOCKET NO. 00-0700  
EXHIBIT NO. 5.0  
*Ameritech Ill*

Witness \_\_\_\_\_  
Date 6/27/04 Reporter and

10 I. INTRODUCTION

11 Q. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS.

12  
13 A. My name is Michael Kirksey. My title is Area Manager - Network Regulatory. I am  
14 employed by SBC-MSI. My Business address is 308 South Akard, Rm. 710.B1,  
15 Dallas, Texas 75202.

16 II. PROFESSIONAL EXPERIENCE

17 Q. PLEASE OUTLINE YOUR WORK EXPERIENCE.

18 A. I have 20 years of experience in the telecommunications industry. I was first employed  
19 by SWBT in July 1980, in the position of Telephone Operator. From 1981 through  
20 1985, I performed construction, rearrangements, and removal of outside plant  
21 telephone cable as a Cable Splicing Technician. In 1985, I became part of the Plant  
22 Rehabilitation organization with the responsibility of facility analysis and defective pair  
23 recovery. In 1989, while in the communications technician position, I assumed  
24 responsibility for the central office installation and maintenance of analog and digital  
25 special access services from voice grade service up to and including optical transmitters.  
26 In May 1992, I was promoted to the position of Manager-Network Maintenance.  
27 While in this position, I was responsible for the supervision of the installation and

1 maintenance of special access services, SS7 signaling, local switching, tandem switching  
2 and power. My duties also included supervision of the central office installation  
3 organization with the responsibility of installation of central office equipment to meet  
4 customer needs. I was promoted in April, 2000 to the position of Area Manager-  
5 Network Regulatory, which is the position I hold today. My primary responsibility is to  
6 assist Southwestern Bell Telephone, Pacific Bell, Nevada Bell, Southern New England  
7 Telephone Company, and Ameritech in the development of network policies,  
8 procedures and plans from both technical and regulatory perspectives. I am also  
9 responsible for representing these telephone companies' network organizations'  
10 interests in negotiations with CLECs.

11 Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.

12 A. I have done undergraduate coursework at Eastern New Mexico University and Austin  
13 Community College and have attended numerous instructional courses in my area of  
14 expertise while employed by Southwestern Bell Telephone Company ("SWBT").

15 Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY IN REGULATORY PROCEEDINGS?

16 A. Yes, the following is a list of proceedings in which I have provided testimony:

State	Docket	Type of Docket	Company	Date
Michigan	U-12465	Arbitration	AT&T/TCG	July 7, 2000
Wisconsin	05-MA-120	Arbitration	AT&T/TCG	July 25, 2000
Ohio	00-1188-TP-ARB	Arbitration	AT&T/TCG	September 1, 2000
Indiana	40571-INT03	Arbitration	AT&T/TCG	September 5, 2000
Michigan	U-12622	Cost Docket	N/A	December 4, 2000
Ohio	00-1368-TP-ATA	Tariff Proceeding	N/A	February 5, 2001
California	A.01-01-010	Arbitration	MCIIm	February 12, 2001
Connecticut	ADJ:PKD	Arbitration	MCIIm	February 16, 2001

17 III. PURPOSE OF TESTIMONY

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

2 A. The purpose of my testimony is to support Ameritech's position and to rebut the Direct  
3 Testimony of Joseph Gillan on behalf of AT&T Communications, The PACE Coalition  
4 and Z-Tel Communications regarding the customized routing of OS/DA services and  
5 the provision of interLATA toll service using unbundled shared transport.

6 **IV. CUSTOMIZED ROUTING OF OPERATOR SERVICES/DIRECTORY ASSISTANCE**

7 Q. **WHAT IS "CUSTOMIZED ROUTING" OF OS/DA?**

8 A. Customized Routing is a service provided by the ILEC that will redirect a CLEC's  
9 resale or UNE end user's OS and DA calls to the CLEC's own OS/DA platform or the  
10 OS/DA platform of a third party provider.

11 Q. **MR. GILLAN IN HIS DIRECT TESTIMONY MAKES THE STATEMENT:**

12 "The FCC has recently concluded that there may be  
13 competitive alternatives to the ILEC's OS and DA services  
14 available to CLECs."

15 Q. **DOES MR. GILLAN'S TESTIMONY ACCURATELY REFLECT THE FINDINGS OF THE FCC?**

16 A. Actually, Mr. Gillan's testimony is uncharacteristically understated. The FCC found  
17 more than a year ago that CLECs already have competitive alternatives for providing  
18 OS/DA services. The FCC stated clearly in paragraphs 448-449 of the UNE Remand  
19 Order that:

20 "Even requesting carriers advocating the unbundling of operator  
21 and directory assistance services acknowledge that there exists  
22 a substantial number of alternative providers of operator and  
23 directory assistance services."

24 "Significantly, we find that the existence of multiple alternative  
25 providers of OS/DA service in the marketplace, coupled with  
26 evidence of competitors' decreasing reliance on incumbent

1 OS/DA services, demonstrates that requesting carriers' ability  
2 to provide the services it seeks to offer is not materially  
3 diminished without access to the incumbent's OS/DA service  
4 on an unbundled basis."

5 **Q. WHAT IS THE SIGNIFICANCE OF CLECS BEING ABLE TO CHOOSE AMONG MULTIPLE**  
6 **ALTERNATIVE PROVIDERS OF OPERATOR SERVICES AND DIRECTORY ASSISTANCE?**

7 **A. The significance is that ILECs are no longer required to provide OS/DA as Unbundled**  
8 **Network Elements as long as they offer Customized Routing of OS/DA. 47 C.F.R. §**  
9 **51.319(f). As the FCC explained in paragraph 464 of the UNE Remand Order:**

10 "We do not find differences in cost, quality, timeliness, and  
11 ubiquity that would lead to the conclusion that requesting  
12 carriers' ability to provide local exchange and exchange access  
13 services would be materially diminished without access to the  
14 incumbent's OS/DA service as an unbundled network element.  
15 Rather, we find that these alternative sources of OS/DA service  
16 are available as a practical, economic, and operational matter.  
17 Moreover, we believe that not requiring that incumbent LECs to  
18 unbundle OS/DA service is consistent with the goals of the Act,  
19 because it will reduce competitors' reliance on the incumbent's  
20 network and create new opportunities for competitors of  
21 OS/DA service to differentiate their services through increased  
22 quality and decreased prices."

23 **Q. DOES AMERITECH ILLINOIS OFFER CUSTOMIZED ROUTING OF OS AND DA?**

24 **A. Yes. Customized routing of OS/DA is available under various interconnection**  
25 **agreements and as part of SBC/s generic 13-State interconnection agreement. Mr.**  
26 **Hampton introduces a proposed tariff for Advanced Intelligent Network (AIN) based**  
27 **Customized Routing in his rebuttal testimony.**

28 **Q. MR. GILLAN STATES ON PAGE 39 LINE 11 OF HIS DIRECT TESTIMONY THAT: "UNE-P**  
29 **PROVIDERS NEED A KNOWN, RELIABLE AND EFFICIENT MECHANISM TO DELIVER A**  
30 **SPECIFIC TYPE OF TRAFFIC OS AND DA TRAFFIC TO ANOTHER CARRIER." IS THIS**  
31 **WHAT AMERITECH ILLINOIS OFFERS?**

1 A. Yes. Ameritech Illinois offers AIN-based Customized Routing for CLECs so that  
2 CLECs can route their OS/DA traffic to the OS/DA platform of their choice, in the  
3 same manner that Ameritech Illinois provides such routing to itself.

4 Q. **ON PAGE 39 LINE 19 MR. GILLAN TESTIFIES THAT "THIS MEANS THAT A UNE-P  
5 PROVIDERS' OS/DA TRAFFIC IS SIMILARLY DISTRIBUTED THROUGHOUT A REGION,  
6 AND MUST BE AGGREGATED IN ORDER TO USE AN ALTERNATIVE TO THE ILEC." DOES  
7 AMERITECH ILLINOIS' OFFERING OF CUSTOMIZED ROUTING ALLOW A CLEC TO  
8 AGGREGATE OS/DA TRAFFIC?**

9 A. Yes. A CLEC may bring its OS/DA trunks from the end offices, where Customized  
10 Routing occurs, to a single point in the LATA and aggregate the traffic for delivery to  
11 the OS/DA platform of their choosing.

12 Q. **MR. GILLAN ALSO TESTIFIES BEGINNING ON PAGE 40 LINE 23 THAT "ENTRANTS  
13 SHOULD BE ABLE TO ESTABLISH OS/DA TRUNK GROUPS AT A SINGLE POINT-OF-  
14 INTERCONNECTION IN THE LATA, OR AT THE VERY LEAST RELY ON SHARED/COMMON  
15 TRANSPORT TO AGGREGATE SUCH TRAFFIC AT AMERITECH'S TANDEMS. FURTHER,  
16 ENTRANTS SHOULD BE ABLE TO COMMINGLE THE TRAFFIC ON EXISTING FG TRUNK  
17 GROUPS FOR EFFICIENCY IF THEY DESIRE." IS THIS TECHNICALLY FEASIBLE?**

18 A. No. For example, when an end user dials "0", it is not technically feasible to route such  
19 a call over existing shared transport because such transport utilizes Signaling System 7  
20 (SS7) signaling. Ameritech's end offices must process "0" as a local call, using MOSS  
21 signaling, which is incompatible with SS7 signaling which is used for interoffice  
22 transport. Therefore such a call cannot be routed over shared transport but must be  
23 delivered to dedicated trunks capable of Operator Services Signaling.

24 Q. **HAS THE FCC ACKNOWLEDGED THAT SUCH ROUTING ISSUES EXIST IN THE  
25 NETWORKS TODAY?**

26 A. Yes, in paragraph 463 of the UNE Remand Order the FCC clearly identifies this  
27 incompatibility and that this interoperability issue does not diminish a CLECs ability to  
28 provide local exchange or exchange access service:

1            “We conclude that the interoperability issues identified in the  
2            record do not materially diminish a requesting carrier’s ability to  
3            provide local exchange or exchange access service. In  
4            particular, MCI WorldCom complains that incumbent LECs  
5            should implement Feature Group D signaling, instead of  
6            outdated legacy signaling protocol. According to MCI  
7            WorldCom, to use the incumbent LECs’ signaling protocol  
8            instead of Feature Group D, most competitive LECs would  
9            have to either deploy new customized operator platforms or  
10           modify their existing platforms, both of which impose substantial  
11           costs. SBC responds that the customized routing of Feature  
12           Group D is not technically feasible in all end-office switches.”

13    Q.    **MR. GILLAN TESTIFIES ON PAGE 40 BEGINNING ON LINE 11 THAT: “THE COMMISSION**  
14    **SHOULD MAKE CLEAR THAT THE MERE FILING OF PAPER TARIFFS THAT CLAIM**  
15    **AMERITECH IS CAPABLE OF EFFICIENTLY ROUTING OS/DA TRAFFIC TO THIRD-PARTY**  
16    **PROVIDERS OF OS/DA SERVICE IS NOT SUFFICIENT TO REMOVE AMERITECH’S OS/DA**  
17    **UNBUNDLING REQUIREMENTS.” IS THIS CONSISTENT WITH THE FCC’S RULING IN THE**  
18    **UNE REMAND ORDER?**

19    A.    Absolutely not. The FCC’s rule on OS/DA states that ILEC must “provide the  
20    requesting telecommunications carrier with customized routing.” 47 C.F.R. §  
21    51.319(f). Ameritech Illinois provides such customized routing by making it available to  
22    any requesting carrier on nondiscriminatory terms and conditions. Mr. Gillan’s proposal  
23    would create great uncertainty in the market about when OS/DA did or did not have to  
24    be provided as UNEs, as he essentially argues that the CLECs should be able to decide  
25    whether the ILEC’s provision of customized routing is “good enough” to satisfy them.  
26    In fact, however, the FCC determined that OS and DA are not to be treated as UNEs  
27    *unless* the ILEC chooses not to offer customized routing. Thus, the burden should fall  
28    on the CLEC to prove that OS and DA should be unbundled, not on the ILEC.

29    Q.    **CAN YOU PLEASE SUMMARIZE AMERITECH ILLINOIS’ POSITION ON AIN-BASED**  
30    **CUSTOMIZED ROUTING OF OS/DA?**

1 A. Yes. Ameritech Illinois offers nondiscriminatory AIN-Based Customized Routing of  
2 OS/DA in the same fashion that it provides to itself. Because it does so, it should not be  
3 required to provide OS and DA as UNEs or at UNE rates.

4 Q. **WOULD AMERITECH ILLINOIS ACCEPT A BFR TO EVALUATE ADDITIONAL**  
5 **CONFIGURATIONS THAT A CLEC MIGHT REQUEST?**

6 A. Yes. If a CLEC wanted to request additional configurations of OS/DA Ameritech  
7 Illinois would evaluate such requests by a CLEC via the BFR process.

8 Q. **WHAT IS YOUR RECOMMENDATION?**

9 A. Mr. Gillan's proposed use of shared transport or aggregation of traffic through  
10 Ameritech Illinois' tandems is not technically feasible. The FCC has reviewed and  
11 addressed the technical feasibility issue of using Feature Group D (FGD) trunks for  
12 Customized Routing and has concluded that a lack of interoperability does not  
13 materially diminish a requesting carrier's ability to provide local exchange or exchange  
14 access service. For all of the reasons addressed in my testimony, the Commission  
15 should find that Ameritech Illinois' offering of Customized Routing, meets its obligation  
16 under the UNE Remand Order with respect to Customized Routing of OS/DA.

17 V. **INTRALATA TOLL OVER SHARED TRANSPORT**

18 Q. **WHAT IS THE DISPUTE ON THIS ISSUE?**

19 A. The dispute is whether Ameritech Illinois should be required to carry, end-to-end, a  
20 CLEC's intraLATA Toll traffic using Ameritech's Shared Transport UNE.

21 Q. **HAS MR. GILLAN TESTIFIED THAT A CLEC'S INTRALATA TOLL TRAFFIC COULD BE**  
22 **CARRIED OVER THE SHARED TRANSPORT UNE WITHOUT ANY NEED FOR CUSTOMIZED**  
23 **ROUTING?**

1 A. Yes, Mr. Gillan testifies on page 26 beginning on line 1: "Far from being a request for  
2 custom routing all that is being requested here is access to the standard routing  
3 mechanism."

4 Q. **WHY IS THIS IMPORTANT?**

5 A. Mr. Gillan and the CLECs have to claim that intraLATA toll traffic can be carried over  
6 shared transport without customized routing because shared transport does not include  
7 customized routing (except for OS/DA). Specifically, the FCC's definition of shared  
8 transport includes use of the ILEC's existing routing tables only. If those routing tables  
9 had to be changed, or customized, to meet a CLEC's particular routing request, the  
10 CLEC would no longer be using shared transport as envisioned by the FCC.

11 Q. **DO YOU AGREE WITH MR. GILLAN'S STATEMENT THAT THE CLEC REQUEST DOES NOT**  
12 **REQUIRE CUSTOMIZED ROUTING?**

13 A. No. If Ameritech were to utilize Ameritech's standard routing mechanisms, as suggested  
14 by Mr. Gillan, the CLEC's end user's toll call would be transported over Ameritech  
15 Illinois' IntraLATA Toll network, as described by Mr. Hampton, and would be billed  
16 by Ameritech as though the call belonged to Ameritech. In addition, the terminating  
17 carrier, if other than Ameritech, would think the call came from Ameritech and try to  
18 charge Ameritech for terminating access. The only way to avoid these problems is  
19 either by using the current system for routing toll traffic to the end-user's presubscribed  
20 carrier of choice, or through some type of customized routing.

21 Q. **ARE THE CLECS SEEKING AN UNWARRANTED COMPETITIVE ADVANTAGE BY USE OF**  
22 **AMERITECH'S SHARED TRANSPORT FOR INTRALATA TOLL?**

1 A. Yes. CLECs are seeking to impose on Ameritech the obligation to provision and  
2 maintain its shared transport network at sufficient capacity levels to accommodate the  
3 CLECs' intraLATA toll traffic as well as their local traffic. They also seek to use the  
4 shared transport UNE to provide intraLATA toll even though competing providers of  
5 intraLATA toll service would normally receive and transport such traffic according to  
6 the standard routing instructions, based on the presubscribed intraLATA toll carrier  
7 selected by the end user.

8 Q. **WHY ARE SUCH OBLIGATIONS INAPPROPRIATE?**

9 A. Ameritech would be required to add facilities and switch terminations above and  
10 beyond normal growth to accommodate additional CLEC toll traffic that normally  
11 would be routed to the end user's presubscribed intraLATA toll carrier of choice.  
12 Essentially, traffic that intraLATA toll providers were receiving via intraLATA toll  
13 presubscription would no longer be handed off in the standard manner. That traffic,  
14 rather than being handed off to the intraLATA toll carrier, would be forced to ride, end  
15 to end, on Ameritech Illinois' network using the shared transport UNE. Moreover,  
16 CLECs that directly compete with Ameritech Illinois in the intraLATA toll business  
17 would effectively force Ameritech Illinois to subsidize the competing toll service by  
18 relieving those CLECs of the duty to build additional facilities or make other  
19 arrangements for transporting toll traffic on an even playing field with all other  
20 competitors.

21 Q. **WILL THERE BE AN INCENTIVE FOR CLECS TO ESTABLISH THEIR OWN NETWORKS IF**  
22 **AMERITECH ILLINOIS IS REQUIRED TO CARRY CLECS' INTRALATA TOLL OVER ITS**  
23 **SHARED TRANSPORT UNE?**

1 A. Certainly not, and this is exactly what some CLECs are seeking to avoid. A CLEC that  
2 used Ameritech Illinois' shared transport UNE to provide intraLATA toll service would  
3 in effect be a mere reseller of Ameritech Illinois' intraLATA toll service and would have  
4 no incentive to innovate or to deploy its own competitive facilities. Thus, granting the  
5 CLECs' request here could actually be a backward step for competition in the  
6 intraLATA toll business in Illinois.

7 Q. **HAS THE FCC PROVIDED GUIDANCE ON HOW FACILITIES-BASED COMPETITION**  
8 **SHOULD EVOLVE?**

9 A. In paragraph 7 of the UNE Remand Order the FCC makes it clear that rules that  
10 encourage facilities-based competition are necessary and appropriate and should be  
11 considered in any unbundling analysis (which would include a request to expand the use  
12 of a UNE such as shared transport to a service other than local exchange service):

13 "Unbundling rules that encourage competitors to deploy their  
14 own facilities in the long run will provide incentives for both  
15 incumbents and competitors to invest and innovate, and will  
16 allow the Commission and the states to reduce regulation once  
17 effective facilities-based competition develops. Accordingly, the  
18 unbundling rules we adopt in this proceeding seek to promote  
19 the development of facilities-based competition."

20 Q. **WHAT IS YOUR RECOMMENDATION?**

21 A. The Commission should not impose upon Ameritech Illinois the obligation to transport a  
22 CLEC's intraLATA Toll over Ameritech Illinois' shared transport. It would be  
23 inappropriate to require Ameritech to face the financial burden of possible network  
24 augments to handle increased CLEC traffic and the costs of developing customized  
25 routing solutions for dozens of CLECs. Rather, the Commission should maintain the

1           *status quo, in which the intraLATA toll business is already very competitive without the*

2           aid of any unbundling requirements.

3    Q.     **DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

4    A.     Yes it does.