REBUTTAL TESTIMONY

OF

NANCY B. WEBER

TELECOMMUNICATIONS DIVISION

ILLINOIS COMMERCE COMMISSION

ICC ON ITS OWN MOTION

INVESTIGATION CONCERNING ILLINOIS BELL TELEPHONE COMPANY'S COMPLIANCE WITH SECTION 271 OF THE TELECOMMUNICATIONS ACT OF 1996

DOCKET NO. 01-0662 (PHASE 1)

MAY 20, 2002

Q. Please state your name and business address.

A. My name is Nancy B. Weber, and my business address is 160 North LaSalle, Suite C-800, Chicago, Illinois, 60601.

Q. Are you the same Nancy B. Weber who previously testified in this proceeding?

A. Yes.

Q. What is the purpose of your Phase 1 rebuttal testimony?

A. The purpose of my rebuttal testimony is to respond to the rebuttal testimony of Ameritech Illinois (Company) witnesses Mark Cottrell and Jim Ehr as they pertain to operations support systems ("OSS"), performance measurement data and reporting and the independent third party review being performed by KPMG Consulting. My discussions of OSS pertain to the requirements of checklist item 2 (access to UNEs), and my discussions of both KPMG's third party test and Ameritech Illinois' performance measurement data and reporting are relevant to the public Interest component of this proceeding.

Q. Please summarize your recommendations and findings?

A. Ameritech Illinois' line loss notification process was found to be discriminatory in IL Docket 01-0160, therefore, this Commission has already directed Ameritech Illinois to modify its line loss notification

process to correct the discriminatory behavior by July 1, 2002. Additionally, in IL Docket 02-0160, the Commission required Ameritech Illinois to modify performance measurement, MI 13, which reports its line loss notification performance to measure the interval of time from the completion of the disconnect to the time the loss notification is sent to the losing carrier. Currently, performance measure MI 13 is not part of Ameritech Illinois' tariffed remedy plan or its proposed 271 remedy plan and I recommend that MI 13 become a remedied performance measure to ensure that Ameritech Illinois not backslide on its performance in providing line loss notifications to CLECs, once it has corrected all of the problems associated with line loss notifications. I accept Ameritech Illinois' suggestion to change the time interval for MI 13 to one calendar day as long as the benchmark interval for MI 13 is moved to 97%. In addition, I disagree with Ameritech witness Ehr's position that the issues surrounding performance measure, MI 13, should not be addressed in this proceeding and should be handled only in the collaborative six month review process.

With respect to Ameritech Illinois' performance measurement data and reporting, I state that Ameritech Illinois has failed to make available to this Commission and the CLECs their processes and procedures under which Ameritech Illinois makes performance measurement data restatements. Without access to these written guidelines or procedures, it makes it

46 impossible for Staff, CLECs and the Commission to determine if
47 Ameritech Illinois' data restatements are correct or appropriate.
48
49 Lastly, I communicate that the ongoing third party test being conducted by
50 KPMG Consulting does not provide for verification of the performance
51 remedy calculations as Ameritech witness, Ehr, states in his rebuttal
52 testimony.
53
54 **I. CHECKLIST ITEM 2 – ACCESS TO UNEs**
55
56 **<u>OSS: Loss Notifications</u>**
57 **Q. Do you agree with Mr. Cottrell's viewpoint that the process used by**
58 **Ameritech Illinois' retail business units to obtain line loss**
59 **information does not result in Ameritech Illinois' retail business**
60 **operations receiving superior line loss information compared to what**
61 **CLECs receive.[1]?**
62 A. No. The Commission's Order in IL Docket 02-0160[2], dated May 8, 2002,
63 found that Ameritech Illinois' winback personnel use an enhanced line loss
64 notice that is generated at an earlier stage and contains more data fields
65 than is provided to CLECs on the 836 line loss notification[3]. Specifically,
66 the Order states that Ameritech Illinois violated four per se impediments to

[1] Ameritech Illinois Exhibit 4.1 (Cottrell) at lines 163-165.
[2] IL Docket 02-0160, Z-Tel Communications, Inc. vs. Illinois Bell Telephone Company (Ameritech Illinois), Verified Complaint and Request for Emergency Relief Pursuant to Sections 13-514, 13-515 and 13-516 of the Illinois Public Utilities Act. ("Z-Tel Line Loss Complaint Docket")

67 competition as enumerated in Section 13-514 of the Public Utilities Act
68 (PUA)[4]. The Order states that since Ameritech Illinois' winback personnel
69 use an enhanced line loss notice, and that CLECs received late and
70 inaccurate 836 line loss notifications: (1) Ameritech Illinois has
71 unreasonably impaired the speed and quality of efficiency of services used
72 by Z-Tel; (2) Ameritech Illinois' actions, or lack thereof, had an adverse
73 effect on the ability of Z-Tel to provide service to it customers; and (3)
74 Ameritech Illinois has unreasonably provided Z-Tel inferior and
75 discriminatory access to OSS[5].
76
77 **Q. What corrective action has the Commission directed Ameritech**
78 **Illinois to take as a result of its decision in Docket 02-0160 and in**
79 **what timeframe is the Company required to accomplish these**
80 **actions?**
81 A. In Docket 02-0160, the Commission imposed the following requirements
82 upon Ameritech Illinois, which specifically relate to the creation and
83 delivery of line loss notifications[6].
84 (1) Until such time as Ameritech provides CLECs the option of receiving
85 an enhanced notice, Ameritech Winback personnel are directed to
86 only use the 836 line loss notification transaction.

[3] Z-Tel Line Loss Complaint Docket, Order at 17-19.
[4] Id. at 15-16.
[5] Id. at 16.
[6] Id. at 19-20.

(2) Once Ameritech has in place a system where Z-Tel can choose between the 836 line loss notification transaction and/or a notice that is sent in the same timeframes and contains as much information as that currently sent to Ameritech's retail and Winback business units, then Ameritech Winback may use the enhanced line loss notice again. Ameritech is directed to make this option available to Z-Tel by July 1, 2002.

Q. Would the corrective action ordered by the Commission in Docket No. 02-0160, when implemented by Ameritech Illinois, level the playing field to allow CLECs to receive loss notification information in substantially the same timeframe and manner as Ameritech Illinois' retail winback unit?

A. If Ameritech Illinois chooses to limit the implementation of the ruling to Z-Tel Communications, then I would disagree. In my opinion, Ameritech Illinois should extend the Commission ruling in Docket 02-0160 to all CLECs. By providing all CLECs line loss notifications in the manner as ordered by the Commission, then the playing field should be leveled, such that all CLECs and Ameritech's winback and retail personnel would be treated the same. Furthermore, it should ensure that CLECs won't continue to experience the problems related to the untimely and inaccurate line notifications that were addressed by the Commission in Docket No. 02-0160.

Q. When will we know that all of Ameritech Illinois' loss notification issues have been resolved for good?

A. This question is difficult to answer with certainty. Mr. Cottrell has stated that the line loss notification process is complicated, and that, in order for Ameritech Illinois to be thorough in ensuring that all loss notifications are sent accurately and in a timely fashion, an extensive amount of time and resources is needed[7]. In my opinion, observing Ameritech Illinois' line loss notification performance over time will indicate whether any of the current problems persist. The line loss notification process will also require continued monitoring from Ameritech Illinois to ensure that all problems identified have been rectified, do not reoccur, and that new problems do not arise.

Q. How much time should be given to monitor the loss notification situation?

A. Depending upon the timing of the second phase of this proceeding, I believe it's reasonable to revisit Ameritech Illinois' line loss notification performance in phase 2. If, by the beginning of the second phase of this proceeding, the loss notification issue appears to continue to be adequately addressed, and Ameritech Illinois has implemented the changes the Commission ordered in Docket 02-0160, then I would expect Ameritech Illinois to provide testimony to that effect in phase 2 of this

133 proceeding. If the accuracy and timeliness of Ameritech Illinois line loss
134 notices continues to be an issue for CLECs when the second phase
135 begins then testimony should be provided by the CLECs to on the issue
136 and the topic would be reexamined.
137
138 **Q. Are there any recommendations that you made in your testimony**
139 **regarding performance measure MI 13 that Ameritech Illinois did not**
140 **respond to?**
141 A. Yes. In my testimony I state that performance measure MI 13, today is a
142 diagnostic[8] performance measurement and that MI 13 should become a
143 remedied measure and be included in Ameritech Illinois' Performance
144 Remedy Plan[9]. I believe that Ameritech Illinois should make MI 13 part of
145 its remedy plan since MI 13 tracks line loss notifications, which the
146 Commission in Docket 02-0160 has determined that Ameritech Illinois'
147 performance in this area has enabled it to unreasonably impair the speed
148 and quality of efficiency of services of a competition, has had an adverse
149 effect on the ability of a competitor's ability to provide service to its
150 customers and has lead to CLECs receiving unreasonable or inferior and
151 discriminatory access to Ameritech Illinois OSS[10]. Thus, the Commission
152 should require Ameritech Illinois to include performance measurement MI
153 13 in its performance remedy plan in order to prevent backsliding by

[7] Ameritech Illinois Exhibit 4.1 (Cottrell) at lines 85-87.
[8] A diagnostic performance measure is one where Ameritech Illinois reports its results but the results do not have remedy payment amounts associated with it.
[9] ICC Staff Exhibit 11.0 at lines 473-477.

154 Ameritech Illinois before making a recommendation of the Company's
155 compliance with the 271 checklist.
156
157 Q. **How did Ameritech Illinois respond to your suggested modification**
158 **for performance measure MI 13, which would require Ameritech**
159 **Illinois to report on its performance in delivering line loss**
160 **notifications to its wholesale customers?**
161 A. In his rebuttal testimony, Ameritech witness Ehr indicates that Ameritech
162 Illinois is willing to consider the proposal I made in my direct testimony,
163 with one modification. My proposal was to change the business rule for
164 performance measure MI 13 so the interval is measured from the
165 completion of the disconnect work (instead of from the generation of the
166 service order completion notice to the winning CLEC) to the time that the
167 loss notification is transmitted to the losing carrier. Mr. Ehr's suggested
168 modification is to increase the benchmark for the measurement[11].
169
170 **Q. Did the Commission's Order in IL Docket 02-0160 require Ameritech**
171 **Illinois to implement any changes for performance measure MI 13?**
172 A. Yes, in its order in Docket 02-0160 the Commission found that MI 13, as it
173 currently exists, does not adequately measure Ameritech Illinois' line loss
174 notification failures. Therefore, the Commission required that Ameritech
175 Illinois redesign performance measure MI 13 to start the calculation of the

[10] Z-Tel Line Loss Complaint Docket, Order at 16.
[11] Ameritech Illinois Exhibit 6.1 (Ehr) at lines 370-372.

interval from the completion of the work to disconnect the account[12] as I recommended in my direct testimony[13]. Therefore, although Ameritech Illinois witness Ehr has stated in his rebuttal testimony that Ameritech Illinois would consider the modification[14], it should be noted that as of May 8, 2002 Ameritech Illinois was ordered by the Commission to make this modification in Docket 02-0160.

Q. What is your opinion of the suggestion by Mr. Ehr to increase the benchmark interval for performance measure MI 13?

A. The current benchmark interval defined for performance measure MI 13 is one hour. In my opinion, the benchmark interval should remain at one hour, regardless of the modification ordered by the Commission to measure the interval start time from the completion of the disconnect notice. However, it is my understanding that Ameritech Illinois uses a nightly batch process to generate its loss notifications therefore Ameritech Illinois has stated that it is not possible for it to keep the one hour benchmark interval for MI 13. Currently, performance measure 7.1 reports the percent of mechanized completion notices returned within one calendar day of work completion[15], and the benchmark that Ameritech is required to meet for Illinois is 99% and 97% for the other states in the region. Since Ameritech Illinois is committed to provide notice to the

[12] Z-Tel Line Loss Complaint Docket, Order at 24.
[13] ICC Staff Exhibit 11.0 at lines 458-461.
[14] Ameritech Illinois Exhibit 6.1 (Ehr) at line 378.
[15] Id. Schedule 2 (IL performance measure and remedy tariff).

197 winning carrier[16] within one calendar day of work completion, as it has in
198 performance measure 7.1, it is reasonable Ameritech Illinois would also
199 suggest that it provide notification to the losing carrier[17] within one
200 calendar day of work completion. If the time interval for MI 13 is moved to
201 one calendar day, then Ameritech Illinois should be required to increase
202 the MI 13 benchmark percentage to 97% from the current level of 95%. A
203 losing carrier should receive notice in the same timeframe as the winning
204 carrier. The one calendar day interval and 97% benchmark has been set
205 for completion responses to CLECs when Ameritech Illinois' provisioning
206 work has been completed, since it's important for the winning carrier to
207 understand at what point it's responsible for providing service to an end
208 user. CLECs that lose an end user also need to know when they no
209 longer are the provider of record in situations when an end user calls and
210 asks for assistance. Once a carrier has lost an end user it can no longer
211 access Ameritech's OSS to view information about that end user or their
212 account information. In my opinion, both notifications (the completion
213 notification to the winning carrier and the line loss notification to the losing
214 carrier) are equally important to carriers, and therefore both notifications
215 should have the same interval set for their corresponding performance
216 measures and the same benchmark level. Ameritech Illinois should be
217 required to increase its benchmark for MI 13 from 95% to 97%, if

[16] When an end user switches from one provider to another, the winning carrier is the carrier who the end user is switching to.
[17] When an end user switches from one provider to another, the losing carrier is the carrier who the end user is switching away from.

218 Ameritech Illinois moves the time interval from one hour to one calendar
219 day.
220
221 **Q. Do you agree with Mr. Ehr's characterization that the performance**
222 **measurement issue regarding MI 13 need not, and should not, be**
223 **resolved in this proceeding[18]?**
224 A. No, I do not. While I agree that the changes posed in this proceeding for
225 performance measure MI 13 are being discussed at the current
226 performance measurement six-month collaborative review meeting, I do
227 not think that the six-month collaborative review meeting is the only place
228 that performance measures can be determined. In Ameritech Illinois'
229 performance measurement tariff[19] and as understood by the parties
230 involved in the six month collaborative review meeting, the only changes
231 made to performance measures during the six-month review meeting are
232 those changes where a consensus is reached among the parties. If there
233 is no agreement on an issue, then the parties have to take the disputed
234 issues to the Commission to resolve[20]. Currently, the business rule
235 definition surrounding performance measure MI 13 is in dispute in the
236 collaborative six month review process. In my opinion, it is unlikely that
237 consensus will be reached in the six month review session, therefore, it

---

[18] Ameritech Illinois Exhibit 6.1 (Ehr) at lines 373-376.
[19] ICC Staff Exhibit 26.0 (Patrick), Schedule 26.01 (Ameritech Illinois Tariff No. 20, Part 2, Section 11, Performance Measurements) at sheet 3.
[20] Id.

makes sense to address the issue now in this proceeding since it appears that this issue will likely go to the ICC for resolution.

Q. Are there any other items related to Ameritech Illinois' OSS that you would like to highlight in your rebuttal testimony?

A. Yes. As previously stated in my direct testimony, if necessary, I will address other issues and concerns related to Ameritech Illinois' OSS during Phase 2 of this proceeding[21]. At this time there are many other known issues with Ameritech Illinois' OSS that I have chosen not to address in the first phase of this proceeding. It is my hope that Ameritech Illinois addresses these items before the second phase of this proceeding begins.

II. PUBLIC INTEREST

<u>Performance Measurement Data and Reporting</u>

Q. In your direct testimony you state that there is no documentation readily available to the CLECs, or to this Commission, that communicates the process Ameritech Illinois uses to determine

[21] ICC Staff Exhibit 11.0 at lines 86-91.

whether it will restate previously reported performance metrics data[22]. Did Ameritech Illinois respond to this concern?

A. No, it did not. Ameritech Illinois provided a document that details the process by which it recalculates performance remedy payment amounts due to restated performance measurement data[23], but it has not yet provided a written document describing its performance measurement data restatement policies and procedures.

Since Ameritech has not responded to this issue, Staff and the CLECs can't fully comment on the details of the process under which modifications to previously reported performance measurement data will occur. Until this information is provided to CLECs and this Commission, it appears to me, that full discretion is being left up to the Company to determine the rules that guide Ameritech Illinois in determining when they will or will not make performance measurement data restatements. Currently, Staff does not understand the rules that Ameritech Illinois uses to determine whether or not recalculation of a performance measurement is necessary. Ameritech Illinois' lack of documented processes and procedures on its performance measurement data restatement policy makes it impossible for Staff, CLECs and the Commission to determine if the performance measurement data restatements that Ameritech Illinois' makes each month are correct or appropriate.

[22] Id. at lines 661-672.
[23] Ameritech Illinois Exhibit 6.1 (Ehr), Schedule 3.

281

282 As I stated in my direct testimony, Ameritech Illinois restated April 2001
283 performance measurement results for 53 of the 165 measurements since
284 they were originally posted. I believe it's apparent that Ameritech Illinois
285 continuously restates results as a normal course of business, since
286 Ameritech restated approximately one-third of its performance
287 measurement data for the month of April 2001[24]. To further substantiate
288 my position Ameritech Illinois, in response to Staff data request 9.14,
289 provided the number of performance measurement data restatements it
290 has made for each month from January 2001 through December 2001.
291 The data request response reports that Ameritech Illinois has restated an
292 average of 68 performance measures each month from January 2001
293 through December 2001[25].

294

295 **Q. Is it still your recommendation that this Commission should require**
296 **Ameritech Illinois to fully document its policies and procedures**
297 **related to performance measurement data restatements and to make**
298 **this documentation available on its performance measurement page**
299 **of its CLEC Online website[26]?**

300 A. Yes, my recommendation remains the same.

301

[24] Id. at 639-643.
[25] Ameritech Illinois Exhibit 25.0 (Weber), Schedule 25.01 **Proprietary** (Response of Ameritech Illinois to Staff Data Request 9.14).
[26] ICC Staff Exhibit 11.0 at lines 687-701.

302 **Q. Ameritech Illinois voluntarily agreed to enhance its written policies**
303 **and procedures related to its recalculation of remedy payments and**
304 **that it would publish them on the CLEC OnLine website[27]. Has**
305 **Ameritech Illinois published the policy entitled "Process Flow for**
306 **Calculations of Additional Performance Remedy Amounts Due to**
307 **Restated Performance measurement data" on its website yet?**
308 A. No. As of the time this testimony was filed, Ameritech Illinois had not yet
309 posted its revised document on remedy calculations due to restated
310 performance measurement results on its website. Ameritech Illinois,
311 however, did provide this documentation as Schedule 3 to Mr. Ehr's
312 rebuttal testimony.
313
314 **Independent Third Party Test**
315 **Q. The rebuttal testimony of Mr. Ehr states "given the ongoing KPMG**
316 **test, and the provision for future audits, there is no basis for Z-Tel**
317 **witness Walters' claim that the process by which Ameritech Illinois**
318 **calculates and reports performance remedies lets the 'fox guard the**
319 **hen house'"[28]. Do you agree with Mr. Ehr's statement?**
320 A. No, I do not. I would like to clarify that the ongoing third party test being
321 performed by KPMG Consulting does not provide for verification of the
322 performance remedy calculations.
323

[27] Ameritech Illinois Exhibit 6.1 (Ehr) at lines 585-590.
[28] Id. at lines 549-552.

Q. Does the independent third party review being performed by KPMG Consulting verify any aspect of Ameritech Illinois' performance remedy process?

A. The independent third party review being conducted by KPMG Consulting is performing a very limited review of Ameritech Illinois' remedy restatement process. The review will only determine whether Ameritech Illinois has a documented remedy restatement process and whether pertinent Ameritech Illinois personnel understand the process. The third party review will not verify whether Ameritech Illinois' reported remedy payment amounts or its recalculated remedy payment amounts are accurate, or not.

Q. Do you agree with Mr. Ehr's statement that at the completion of the KPMG third party OSS test, all concerned should have confidence in the integrity and accuracy of Ameritech Illinois' performance measurement reports and related performance remedy payments as suggested in your direct testimony[29]?

A. In my direct testimony, I indicated that at the end of the KPMG Third Party OSS test there could be confidence in the integrity and accuracy of Ameritech Illinois' performance measurement data[30]. However, I did not indicate that there could be confidence in the integrity and accuracy of Ameritech Illinois' reported performance remedy amounts. Although, one

[29] Id. at 564-567.
[30] ICC Staff Exhibit 11.0 at 769-778.

346 can correctly conclude, that if the reported performance measurement
347 data is questionable, then the performance remedy payments calculated
348 from that performance measure data should not be trusted, however, one
349 can't necessarily conclude the reverse would be true. The reverse is not
350 necessarily true because there are additional calculation steps involved in
351 determining the remedy amounts once the performance measurement
352 data has been produced.
353
354 An audit or independent review of Ameritech Illinois' reported performance
355 remedy payment amounts has not yet occurred, and I am unaware, if, or
356 when, an audit of the remedy payment amounts is planned. Therefore,
357 Mr. Ehr mischaracterized my testimony regarding the integrity and
358 accuracy of Ameritech Illinois' reported performance remedy amounts.
359 Staff Witness McClerren speaks more to the audit requirements of
360 Ameritech Illinois' reported performance remedy plan in his rebuttal
361 testimony (ICC Staff Exhibit 27.0).
362
363 **Q. Does this conclude your rebuttal testimony?**
364 A. Yes, it does.