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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

November 25, 2008 - 8:45 a.m.
Concord, New Hampshire

RE: DT 07-011
VERIZON NEW ENGLAND, ET AL:
Transfer of Assets to FairPoint
Communications, Inc.
(Hearing regarding FairPoint's
Cutover Readiness)

PRESENT: Chairman Thomas B. Getz, Presiding
Commissioner Graham J. Morrison
Commissioner Clifton C. Below

Connie Fillion , Clerk (until 1:13 p.m.)
Sandy Deno, Clerk (from 1:40 p.m. to end)

APPEARANCES: Reptg. FairPoint Communications, Inc.:
Frederick J. Coolbroth, Esq. (Devine...)
Patrick McHugh, Esq. (Devine, Millimet..)

Reptg. BayRing Comm., segTEL, Inc.:
Scott Sawyer, Esq.

Reptg. New England Cable & Telecomm. Assn.
and Comcast Phone of N.H., LLC:
Alan D. Mandl, Esq. (Smith & Duggan)

Reptg. One Communications:
Paula Foley, Esq.

Reptg. Verizon Business:
Alexander W. Moore, Esq.

COURT REPORTER: Steven E. Patnaude, LCR No. 52

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APPEARANCES: (C o n t i n u e d)

Reptg. the Destek Group:
Brian Susnock

Reptg. Residential Ratepayers:
Meredith Hatfield, Esq., Consumer Advocate
Office of Consumer Advocate

Reptg. PUC Staff:
F. Anne Ross, Esq.

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1 P R O C E E D I N G S

2 CHAIRMAN GETZ: Okay. Good morning,
3 everyone. Sorry for the delay in getting started. There
4 were some weather issues, and Commissioner Morrison should
5 be joining us any minute. I'd like to also point out that
6 we're going to need to take a break around 9:30. My
7 appearance at a budget hearing was just moved up about
8 five minutes ago. So, we'll proceed until about 9:30, and
9 then we're going to need to take a recess for about an
10 hour or so. Looks like, rather than a lunch recess, we'll
11 be having a brunch recess. And, when we get back, then
12 we'll move on to completing the hearing.

13 I'd like to begin with some procedural
14 background for the record. On February 25, 2008, the
15 Commission issued Order Number 24,823, approving the
16 transfer of Verizon's local exchange and long distance
17 businesses in New Hampshire to FairPoint Communications.
18 The merger transaction effecting the transfer of assets
19 closed on March 31, 2008. The Transition Services
20 Agreement, approved as part of the overall transaction,
21 sets forth certain duties of Verizon and FairPoint in the
22 period between closing and the cutover of back office
23 systems from Verizon to FairPoint. Among other things,
24 the TSA describes a process that calls for FairPoint to

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1 issue an Irrevocable Notice of Readiness for Cutover 60
2 days in advance of a designated cutover date. In Order
3 Number 24,823, we noted that, in the event we believe
4 cutover may jeopardize the provision of safe and adequate
5 service in New Hampshire, we will intervene.

6 On November 12, 2008, Liberty
7 Consulting, the third party independent monitor engaged by
8 New Hampshire, Maine, and Vermont to oversee the cutover
9 process, filed its monthly status report, and, on that
10 same date, FairPoint filed its Provisional Notice of
11 Cutover Readiness, which it supplemented on November 19.

12 On November 14, 2008, we issued a
13 secretarial letter scheduling a hearing for today to
14 consider FairPoint's, Liberty's, and other parties'
15 positions on the state of FairPoint's readiness to cut
16 over. We received comments on November 20 and 21 from One
17 Communications, BayRing, segTEL, Comcast, Destek, Verizon
18 Business, and the Consumer Advocate. And, we also
19 received affidavits for witnesses on behalf of BayRing
20 segTEL, Comcast, and Verizon Business.

21 At this point, can we take appearances.

22 MR. MCHUGH: Good morning, Mr. Chairman,
23 Commissioner Below. Patrick McHugh, from Devine, Millimet
24 & Branch, here on behalf of FairPoint Communications, Inc.

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1 With me at counsel table is Attorney Frederick Coolbroth,
2 of Devine, Millimet & Branch; Peter Nixon, President of
3 FairPoint; Michael Haga, Vice President and Senior Manager
4 for the Cutover Project; and Richard Murtha, Assistant
5 Vice President for Wholesale Services.

6 And, with the Chairman's permission, I
7 can have the other FairPoint representatives identify
8 themselves for the record sitting right behind me.

9 CHAIRMAN GETZ: Thank you.

10 CMSR. BELOW: Good morning.

11 MR. LIPPOLD: Brian Lippold, from
12 FairPoint.

13 MR. ALLEN: Jeffrey Allen, FairPoint.

14 MR. MORRISEY: Michael Morrisey,
15 FairPoint Communications.

16 MR. SHEA: Kevin Shea, FairPoint.

17 MR. MANDL: For Comcast Phone of New
18 Hampshire, Alan Mandl. With me is David Kowolenko of
19 Comcast.

20 CHAIRMAN GETZ: Good morning.

21 CMSR. BELOW: Good morning.

22 MR. SAWYER: Scott Sawyer, for BayRing
23 Communications and segTEL, Inc. With me from BayRing is
24 Ben Thayer and Wendy Wilusz. Wendy Wilusz is a witness

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1 for BayRing. And, with me, for segTEL, is segTEL's
2 witness, Kath Mullholand.

3 CHAIRMAN GETZ: Good morning.

4 CMSR. BELOW: Good morning.

5 MS. FOLEY: Good morning. Paula Foley,
6 for One Communications.

7 CHAIRMAN GETZ: Good morning.

8 CMSR. BELOW: Good morning.

9 MR. MOORE: Good morning, Mr. Chairman.
10 I'm Alex Moore, for Verizon. With me today we have Sherry
11 Lichtenberg, of Verizon Business, who has filed an
12 affidavit. Also, we have Stephen Smith, the Vice
13 President of Business Development for Verizon Domestic
14 Telecom; and Robert Kinney, Executive Director of State
15 Regulatory.

16 CHAIRMAN GETZ: Good morning.

17 CMSR. BELOW: Good morning.

18 MS. HATFIELD: Good morning,
19 Commissioners. Meredith Hatfield, for the Office of
20 Consumer Advocate, on behalf of residential customers.
21 And, with me, on behalf of the Office, is Ken Traum.

22 CHAIRMAN GETZ: Good morning.

23 CMSR. BELOW: Good morning.

24 MS. ROSS: Good morning, Commissioners.

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1 Anne Ross, with the Commission Legal Staff. And, with me
2 today is the Director of the Telecom Division, Kate
3 Bailey, and two witnesses from Liberty Consulting, Mr.
4 Falcone and Mr. King, and also John Antonuk, with Liberty,
5 and Amanda Noonan, with our Consumer Affairs Division.

6 CHAIRMAN GETZ: Okay. Good morning.
7 And, my understanding is, the order of witnesses today,
8 there will be a panel from FairPoint to begin?

9 MR. MCHUGH: Yes, Mr. Chairman. It will
10 be the three representatives with me at counsel table.

11 CHAIRMAN GETZ: And, then, we'll follow
12 with Liberty Consulting, then segTEL, then BayRing, then
13 Verizon Business, and then Comcast. Is that -- Everyone
14 agrees with that order of witnesses? Okay. Thank you.

15 MR. MCHUGH: We would agree, Mr.
16 Chairman. I would only note that we may ask for an
17 opportunity for final rebuttal at the end, which I believe
18 is FairPoint's right. Thank you.

19 CHAIRMAN GETZ: All right. Anything
20 else we need to address before we have the panel take the
21 witnesses stand?

22 MR. MCHUGH: I believe there's maybe one
23 minor issue, Mr. Chairman, and that is the scope of what
24 any direct examination might be. I believe there's a

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1 slight difference of opinion between Attorney Sawyer and
2 myself. What we would propose is that witnesses, you
3 know, identify whatever exhibits they are only, and
4 provide updates from the date of that going forward. So,
5 for example, FairPoint is going to have updates from its
6 -- what we've preliminary marked for identification as
7 "FairPoint Exhibit 2", which is dated November 18, and do
8 an update. Attorney Sawyer is of the opinion that people
9 should also be allowed to summarize the prior filings.
10 And, I just have some concern that we're going to be here
11 for an extended period of time if we're summarizing what
12 has already been provided, you know, in writing, in terms
13 of either prefiled testimony or exhibits.

14 MR. SAWYER: Yes, Mr. Chairman.

15 CHAIRMAN GETZ: Mr. Sawyer.

16 MR. SAWYER: We do believe that the
17 witnesses should have both the ability to summarize their
18 direct testimony and to respond to events that have
19 transpired since those affidavits and testimony were
20 filed, such as additional testing that may have occurred
21 and updates that have been provided by FairPoint. A lot
22 of the --

23 CHAIRMAN GETZ: Well, excuse me. Let me
24 just make sure I understand the debate. The debate is

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1 over whether the witnesses --

2 MR. MCHUGH: Summary only. The update
3 is not a concern.

4 MR. SAWYER: Correct. And, BayRing and
5 segTEL believe that it's really a question of the pleasure
6 of the Commission, and what the Commission believes would
7 best be served in terms of developing a full record. In
8 Vermont, the parties agreed, and the Board allowed the
9 parties to provide a summary of their testimony, which was
10 based on the fact that a lot of that testimony was very
11 detailed and very complicated, and that the record would
12 be benefited from allowing a brief summary of the
13 testimony.

14 CHAIRMAN GETZ: Well, I've read the
15 testimony. I guess I have no objection to a paragraph or
16 two of summary. But the purpose of prefiled direct is so
17 we can be prepared for the hearings. So, I don't -- I'll
18 permit a very brief summary.

19 MR. SAWYER: Thank you, Mr. Chairman.

20 MR. MCHUGH: Fair enough, Mr. Chairman.

21 CHAIRMAN GETZ: Please proceed,
22 Mr. McHugh.

23 MR. MCHUGH: With that, FairPoint calls
24 a panel of witnesses, Mr. Nixon, Mr. Haga, Mr. Murtha.

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 (Whereupon Peter Nixon, Michael Haga,
2 and Richard Murtha was duly sworn and
3 cautioned by the Court Reporter.)

4 PETER NIXON, SWORN

5 MICHAEL HAGA, SWORN

6 RICHARD MURTHA, SWORN

7 DIRECT EXAMINATION

8 BY MR. McHUGH:

9 Q. Starting with Mr. Haga, if you could identify your full
10 name and title with FairPoint.

11 A. (Haga) Yes.

12 Q. And, then we'll move down to Mr. Nixon and Mr. Murtha
13 please.

14 A. (Haga) Michael Haga. I'm Vice President - Billing and
15 OSS.

16 A. (Nixon) Peter Nixon, President.

17 A. (Murtha) Rich Murtha, Assistant Vice President of
18 Wholesale Customer Operations.

19 Q. Just a general question for the panel. Have each of
20 you three individuals been involved on behalf of
21 FairPoint with respect to cutover activities, as well
22 as interacting with the third party independent
23 monitor, the folks from Liberty Consulting?

24 A. (Nixon) I have.

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[WITNESS PANEL: Nixon|Haga|Murtha]

- 1 A. (Murtha) Yes.
- 2 A. (Haga) Yes.
- 3 Q. Okay. And, I apologize, but just to make sure we do
4 one at a time. And, that was unfair on me, because I
5 asked the question of everybody, but we'll go one at a
6 time. So, let me move right in then to FairPoint's
7 exhibits. What we've premarked, Mr. Haga, for
8 identification as "FairPoint Cutover Exhibit Number 1",
9 the Provisional Notice of Cutover Readiness, are you
10 familiar with this document, sir?
- 11 A. (Haga) I am.
- 12 Q. And, have you reviewed it on behalf of FairPoint?
- 13 A. (Haga) I have.
- 14 Q. And, that was dated as of November 12, 2008, is that
15 correct, Mr. Haga?
- 16 A. (Haga) That is correct.
- 17 Q. As of that date, is everything contained therein true?
- 18 A. (Haga) It is.
- 19 Q. Okay. Do you have "FairPoint Cutover Exhibit 2" with
20 you, Mr. Haga?
- 21 A. (Haga) I do.
- 22 Q. And, that's FairPoint's statement concerning Notice of
23 Cutover -- I'm sorry, Supplemental Statement Concerning
24 Notice of Cutover Readiness, dated as November 18,
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[WITNESS PANEL: Nixon|Haga|Murtha]

- 1 2008, is that correct, sir?
- 2 A. (Haga) That's correct.
- 3 Q. Have you reviewed the contents of that document?
- 4 A. (Haga) I have.
- 5 Q. And, is everything contained in there true and accurate
- 6 as of its date?
- 7 A. (Haga) As of its date, yes.
- 8 Q. And, Mr. Nixon, if you could also turn to Exhibit --
- 9 FairPoint Cutover Exhibit 2. If I ask you the same
- 10 questions I asked of Mr. Haga, is everything true and
- 11 accurate as of that date?
- 12 A. (Nixon) It is.
- 13 Q. And, that's your affidavit that is attached, that is
- 14 basically Page 1 of the exhibit?
- 15 A. (Nixon) It is.
- 16 Q. Okay. Thank you. Let me turn first to Mr. Haga, and
- 17 ask you, is there updated information that FairPoint
- 18 would like to offer to the Commission in terms of
- 19 updates to what we provided on November 18, testing,
- 20 hot cut process, things of that nature?
- 21 A. (Haga) There is.
- 22 Q. Could you provide a summary for the Commission.
- 23 A. (Haga) Well, I'll refer to the sections and the page
- 24 numbers as well. With regards to CLEC testing, on Page
- {DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 3, we provided tables for the --

2 Q. I'm sorry, Mr. Haga. Could you just tell us what
3 document you're referring to when you refer to the page
4 numbers, sir?

5 A. (Haga) Yes. I'm referring to Exhibit 2, "Supplemental
6 Statement Concerning Notice of Cutover Readiness".

7 Q. Thank you.

8 A. (Haga) On Page 3, the first table that's contained in
9 the top half of the page indicate the tests that were
10 in the November 12th Liberty report, which were
11 indications to improve our performance for CLEC
12 testing. There was a recommendation to have seven
13 additional tests. We agreed to those seven additional
14 tests. And, this table is the status for those tests.
15 At the time this was written, we had two tests that
16 were still outstanding. We had not had a successful
17 execution of the test, and success is measured by the
18 CLEC's response to the test.

19 The first one, the "New Directory
20 Listing (4 lines) Business with Caption listing and
21 PLA", that has been executed, as well as accepted as
22 passed by Comcast on November 18th. The fifth one
23 down, the "Parsed Customer Service Record Retrieval on
24 a multi-line Telephone Number", that was executed and
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1 passed by Comcast on November 21st. So, all of the
2 seven tests now have been executed and passed within --
3 by a CLEC in our testing environment.

4 The bottom half of the table shows the
5 five additional tests. Two of which, and our response
6 has already indicated, that the reject responses had
7 been tested and received and passed by numerous CLECs.
8 The one in question was the one that was still open at
9 the time of the report was the "BCN Response". Now,
10 this was executed, and we received notice yesterday
11 that this had passed, which would be on November 24th.

12 Q. Mr. Haga, can I just interrupt you and have you
13 identify for the record what is "BCN"? What does that
14 refer to?

15 A. (Haga) Billing Completion Notice.

16 Q. Thank you.

17 A. (Haga) Now, since we've received the e-mail identifying
18 that, yes, they have accepted the test case pass, there
19 has been some additional dialogue regarding the test,
20 questioning there's a single field on the transaction,
21 that is from a standards process or standards point of
22 view, it's an optional field. Currently, in today's
23 environment, that optional field has, within the
24 Verizon systems, character information is entered into
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 the field. We were placing numeric information in the
2 field. We've agreed with Comcast that we'll make that
3 change. But, from our point of view, the test, you
4 know, as it was executed, as it was passed, and we
5 agree that it was passed, but we'll continue to work
6 with Comcast to make the optional change that they have
7 requested.

8 On the next page, on Page 4, with regard
9 to the "Hot Cut Process", the update we have is the --
10 the document explains the manual process that will be
11 in place at cutover, and we'll continue to use until an
12 automated tool is provided to the CLECs. The update
13 for this is that we have committed to deploying this
14 automated hot cut functionality within 90 days of
15 cutover.

16 Moving onto Page 6, with "Daily Usage
17 Files". Since the report, we've continued to produce
18 and distribute test files to CLECs, IXCs, and
19 independent carriers, requiring or requesting usage
20 files from FairPoint. As of Friday, we had 12
21 additional CLECs where we distributed files for the
22 testing purposes. We continue to work with CLECs. As
23 we send them a test file, it's necessary for them to
24 review it and then attempt to process it within their
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1 systems. We then meet with them to discuss any issues
2 that they have with the files. We continue to work out
3 specific rules that had been arrangements with Verizon
4 over the years. This is a stand-alone application.
5 So, we're able to have a meeting with them, make the
6 necessary configuration changes, and resend additional
7 test files.

8 Q. Mr. Haga, could you explain for the Commission what the
9 usage files -- "daily usage files", "daily usage feeds"
10 might be another phrase as well that's been used, what
11 exactly is that information?

12 A. (Haga) The information is the reporting of calls that
13 were placed on the network. You either have -- there's
14 two different kinds of daily usage files. One is for
15 access records and the other ones are for originating
16 usage, so that toll can be billed, whether it's
17 intrastate toll or interstate toll, or as well as from
18 an access standpoint, so they can go back to the IXC to
19 get their portion of the access, depending upon the
20 relationship we have with the carrier.

21 Yesterday, we did meet with, as an
22 example, we did meet with the Verizon Business team.
23 Several issues were raised and discussed with the files
24 that were presented. There's an agreement with naming
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1 conventions to be used at the file level, which would
2 include a sequencing number within the file name
3 itself, as well as sequence number rules within the
4 file. We've agreed to those. And, what I do not have
5 is there was a commitment made to send additional files
6 last night. I've just not had an opportunity to get
7 confirmation that those files were delivered.

8 Another item I'd like to note is during
9 the discussion, in working with the Verizon Business
10 team, they had noted that there is a particular call
11 type that, within their systems, they would filter or
12 drop, delete, eliminate a certain call type. For us,
13 with the systems that we work in, it was a simple thing
14 that we could do to not even send the records, so that
15 we'll put that logic on our side, so that the files
16 themselves do not include something that's going to be
17 dropped any way on their side. So, we agreed to that,
18 to make that change, and they will see that in the next
19 test files.

20 Moving on to the bottom of Page 6, the
21 "Line Loss Reports", there's no update. "Training and
22 Business Processes", also no update. "Live Network
23 Testing", no specific update, though we continue to
24 perform live network tests, and we continue to provide
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1 the status, as we had indicated in the language here on
2 Page 7. "Billing", we have no update.

3 One item that was not in this document,
4 but it has been in ongoing discussions, which is the
5 intervals that are necessary during the cutover period.
6 We have produced an Order Interval Guide to help set
7 expectations for order processing intervals that will
8 be impacted by cutover to our new systems. FairPoint
9 had requested comments, and we have received comments.
10 The requests are to pull in the time, the interval
11 times that we had in the original document. We've
12 worked towards doing that. We've made some adjustments
13 with what work would be performed during and directly
14 after cutover. And, we plan to deliver a new interval
15 guide on or before November 30th.

16 And, that concludes my update.

17 MR. MCHUGH: With that, Mr. Chairman,
18 the witnesses are available for cross.

19 CHAIRMAN GETZ: Mr. Mandl.

20 MR. MANDL: Thank you, Chairman.

21 CROSS-EXAMINATION

22 BY MR. MANDL:

23 Q. I guess this would be for Mr. Nixon or Mr. Haga. We
24 had some discussion about the internal testing
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 conducted by FairPoint, and learned through the Vermont
2 proceedings that FairPoint had not conducted internal
3 EDI testing. Could you confirm that?

4 A. (Haga) That's not entirely accurate, that we had not
5 performed internal EDI testing. The specific test that
6 was addressed, and it was through the Liberty report,
7 was the response message is coming back from the EDI
8 testing, of which was why it was requested within the
9 Liberty report that we add the response messages, which
10 is the Provisioning Completion Notice, PCN, the Billing
11 Completion Notice, as the items that were on -- within
12 our response document that we would add those tests.

13 Q. We'll get to Liberty, in terms of what it said. But,
14 in terms of EDI testing, in comparison to FairPoint's
15 testing for its own retail operations and its testing
16 of the webGUI interface, would you agree that FairPoint
17 did not test the EDI interface internally in the same
18 way that it conducted its own retail testing and
19 testing involving the webGUI?

20 A. (Haga) The EDI testing that was performed was from an
21 internal standpoint, from our applications, from our
22 internal operations support system, OSS systems, you
23 know, two WISORs applications, we had tested those, we
24 would -- from a performance standpoint, from a message
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1 standpoint. The portion that was left to work with the
2 CLECs to test was the specifics of the message
3 interface between their systems and our systems. And,
4 that was the purpose of establishing the test with
5 CLECs.

6 Q. Did FairPoint simulate CLEC transactions using the EDI?

7 A. (Haga) FairPoint engaged Synchronous, which was
8 previously known as "WISOR", to simulate the 102 EDI
9 transactions that we agreed to test with the CLECs.

10 Q. And, would you agree that the testing that FairPoint
11 permitted with the EDI interface was not end-to-end
12 testing, it was limited to whether an order submitted
13 by a CLEC would receive a firm order confirmation?

14 A. (Haga) I would agree that that was how the environment
15 was set up. I'd also agree that, beyond the firm order
16 confirmation, we've also introduced the additional
17 steps that go beyond the firm order confirmation, which
18 again is the Billing Completion Notice, the
19 Provisioning Completion Notice, reject transactions,
20 jeopardy transactions. We've gone -- which goes well
21 beyond just receiving the firm order completion. The
22 test environment itself is very similar to the test
23 environment that CLECs have to date within the Verizon
24 environments. Verizon environments do not perform full
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 end-to-end testing through --

2 MR. MANDL: Mr. Chairman, I have to --
3 I've been listening patiently, but I have to interrupt,
4 and I think the witness is going far beyond the scope of
5 the question asked. It's just going to generate more
6 questions.

7 CHAIRMAN GETZ: Well, I'm going to let
8 him continue this answer. Go ahead.

9 BY THE WITNESS:

10 A. (Haga) Well, to cut it short, the testing environment,
11 it goes into our applications, it returns the messages
12 that should be returned through the normal course of
13 business of data exchange between FairPoint and CLECs.
14 That's it.

15 BY MR. MANDL:

16 Q. Mr. Haga, am I correct that FairPoint did not conduct
17 end-to-end testing involving the EDI interface in the
18 manner that it was done for Verizon for Section 271
19 purposes?

20 A. (Haga) That's not correct. We did full end-to-end
21 testing of the transaction from the beginning of our
22 systems, all the way down, up until the point -- we
23 don't go to a live switch. That's the only portion
24 where we had the -- we couldn't do that.

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 Q. Mr. Haga, you submitted joint rebuttal testimony with
2 Mr. Kurtz from Capgemini, is that correct?

3 A. (Haga) Correct.

4 Q. Do you recall in that testimony whether it was
5 indicated that CLECs would be able to test order
6 placement to see how systems handle the order all the
7 way to implementation of the order on the switch?

8 A. (Haga) I don't recall that.

9 Q. All right. I'm going to show you a copy of that joint
10 rebuttal testimony, at Page 44. Actually, it's Pages
11 43 and 44.

12 (Atty. Mandl handing document to Witness
13 Haga.)

14 CHAIRMAN GETZ: Mr. Mandl, what was the
15 date of that testimony?

16 MR. MANDL: Let's see?

17 MR. MCHUGH: September 10, 2007, Mr.
18 Chairman.

19 BY THE WITNESS:

20 A. (Haga) I've read it.

21 BY MR. MANDL:

22 Q. And, can you confirm that the words there are basically
23 in the words of the question I just asked you?

24 A. (Haga) If you can repeat the question. I want to make
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 sure that I'm answering it.

2 Q. I'm going to have to go back and get my notes. What I
3 had asked you was whether, in your joint rebuttal
4 testimony with Mr. Kurtz, it was stated that "CLECs
5 will be able to test order placement to see how systems
6 handle the order all the way to implementation of the
7 order at the switch"?

8 A. (Haga) That's correct.

9 Q. While you have the testimony there, perhaps this would
10 be an easier way to do it. Could I refer you to
11 Page 43 of that testimony.

12 A. (Haga) I'm there.

13 Q. Did FairPoint and Capgemini in that testimony state
14 that "there will be parity between retail and wholesale
15 systems"?

16 A. (Haga) Yes.

17 Q. If I could refer you to Page 32 of that prior
18 testimony.

19 A. (Haga) I'm there.

20 Q. Was it stated in that testimony that "a primary
21 mitigation of risk is effective testing before
22 cutover"?

23 A. (Haga) Correct.

24 Q. And, am I correct that FairPoint has represented that
 {DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

- 1 its new systems will be at least as efficient as
2 Verizon's current systems?
- 3 A. (Haga) Correct.
- 4 Q. Could I refer you to Page 34 of that testimony.
- 5 A. (Haga) I'm there.
- 6 Q. Did that rebuttal testimony state that "flow-through on
7 an end-to-end basis is a very important testing
8 criteria"?
- 9 A. (Haga) It does.
- 10 Q. Did FairPoint provide any flow-through results to
11 Liberty?
- 12 A. (Haga) We have.
- 13 Q. Did it provide any flow-through results for orders
14 placed through an EDI interface?
- 15 A. (Haga) Flow-through results from a standpoint of
16 individual tests.
- 17 Q. But not -- not for testing flow-through for an order
18 placed through an EDI interface, correct?
- 19 A. (Haga) No, there were two separate -- two separate
20 tests. You need to understand the operating
21 environment between the WISOR systems, Synchronous, the
22 WISOR systems and FairPoint systems. WISOR systems
23 receive information whether somebody is keying it
24 directly into their Graphical User Interface or they're
 {DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 receiving an electronic message, which we've been
2 referring to in testimony as "EDI", even though it's
3 more than just EDI. There's EDI, there's XML, and
4 there's TextSpec. Those transactions within the WISOR
5 applications get translated to the same XML messages.
6 So, from our system standpoint, we don't know the
7 difference between whether it came from the Graphical
8 User Interface or it came from an EDI message or it
9 came from an upstream XML message. Those tests, and
10 the way we've tested the applications, is WISOR
11 performed the test, to make sure that it can read and
12 understand the messages received from the CLECs. They
13 translate it, and then they pass it on to us in XML.
14 That's how we tested the applications.

15 Q. Were CLECs permitted to test order placement, to see
16 how systems handled the order all the way to
17 implementation of the order at the switch?

18 A. (Haga) They were not.

19 Q. With regard to the EDI testing, in comparison to
20 testing involving the webGUI interface, would you agree
21 that the testing involving the webGUI interface was
22 done on an end-to-end basis, but not done that way for
23 the EDI?

24 A. (Haga) Internally, for us to test that XML interface
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 between WISOR and ourselves, it was easier to use the
2 Graphical User Interface to generate the same
3 consistent XML between WISOR systems and our systems,
4 correct.

5 CHAIRMAN GETZ: Excuse me. Mr. Mandl,
6 just are you finished with questions referring to the
7 rebuttal testimony?

8 MR. MANDL: Yes, I am.

9 MR. MCHUGH: Thank you, Mr. Chairman.

10 BY MR. MANDL:

11 Q. I just want to make it clear on the record that the
12 testing that you performed on an end-to-end basis using
13 the webGUI interface was not performed using the EDI
14 interface, correct?

15 A. (Haga) That's correct.

16 Q. All right. Was it a function of the test methodology
17 adopted by FairPoint?

18 A. (Haga) Correct.

19 Q. Who designed that test methodology?

20 A. (Haga) Capgemini, and assistance with FairPoint,
21 designed that.

22 Q. On the FairPoint side, who signed off on that test
23 methodology?

24 A. (Haga) I don't believe we have a signature for the
 {DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

- 1 signing off on the methodology.
- 2 Q. Who would have approved it on the FairPoint side?
- 3 A. (Haga) I would have.
- 4 Q. All right. With regard to the test bed made available
5 to CLECs, would you agree that Liberty concluded that
6 the test bed for CLECs was somewhat restrictive?
- 7 A. (Haga) I would agree that the restriction was based on
8 the data that was available in the test bed.
- 9 Q. All right. Let me back up to the test methodology.
10 Could you tell us when it was determined that the test
11 methodology would not include end-to-end EDI testing in
12 the same way that webGUI was tested?
- 13 A. (Haga) I can't recall the specific date or timeline.
- 14 Q. All right. Were you aware from these proceedings that
15 Comcast had made requests through testimony for
16 complete EDI bonding work to be conducted prior to the
17 cutover notice?
- 18 A. (Haga) You'll have to help me with "complete".
- 19 Q. Right. I guess that record will speak for itself. I'm
20 just using a word that the witness used, but we can
21 pass over that. Going back to the test bed, is it true
22 that the order scenarios that CLECs could place were
23 originally selected by and limited by FairPoint?
- 24 A. (Haga) The effort to work with all of the CLECs, as
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1 well as FairPoint, to determine what the test scenarios
2 would consist of was -- it was holistic, it was all of
3 us working together to come up with the test. The
4 original 80, I forget the numbers, I want to say "85",
5 the original 85 that was in the test deck came from the
6 Verizon test bed for the ASR and LSR testing that they
7 would perform. So, we started with the 85, we added
8 17, to bring it up to 102. And, with the Liberty
9 report, we brought it up to the 109.

10 Q. During the CLEC testing process, did Comcast and other
11 CLECs ask FairPoint for additional order testing
12 scenarios?

13 A. (Haga) They did.

14 Q. Okay. And, do you recall FairPoint's receiving a
15 letter, a request from Comcast Phone to conduct
16 something in the neighborhood of 53 test scenarios?

17 A. (Haga) I recall that the letter was submitted to the
18 three State Commission Staffs, in a response to a
19 request from the Staffs indicating that, if you had
20 issues, that they need to be brought forward. That 53,
21 you've got to evaluate the test scenarios. You know,
22 some of those scenarios, from a numbering standpoint,
23 we would have -- when we see an (a), (b), and (c), as
24 far as subsets of a test, we would have counted it
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 different. So, yes, I recall seeing that.

2 Q. Is it FairPoint's intention to end all CLEC testing as
3 of December 5th?

4 A. (Haga) That's correct.

5 Q. And, would it be fair to say that FairPoint does not
6 intend to conduct test scenarios requested by FairPoint
7 -- excuse me, requested by Comcast, but not conducted
8 as of this date?

9 A. (Haga) That's correct.

10 A. (Nixon) May I elaborate on that?

11 Q. Please.

12 A. (Nixon) The purpose of the -- and the rationale of why
13 we're stopping early December is so that we can turn
14 our attention to, from cutover preparations -- from
15 cutover readiness to cutover preparations. And, the
16 need to spend that 60-day period getting ready to move
17 from test environments and to production environments,
18 and training our employees, train the CLEC business
19 partners. And, limiting the activity that's occurring
20 within all the environments, the testing environments,
21 production environment, it is absolutely essential that
22 we spend our time and effort on that. We'll continue
23 to evaluate our business processes, both wholesale and
24 retail. And, for us to, and it was appropriate, even
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 though we had originally said that we would stop with
2 the CLEC third party testing on November 21st,
3 recognizing the needs expressed by several CLECs to
4 continue that, we extended that through December 5th.
5 Prior to that, we had doubled the testing
6 opportunities, as Mr. Haga indicated, increased the
7 number of the test scenarios.

8 So, there's a sound and logical reason
9 why we're stopping where we do. We have to move,
10 because of the complexity of the cutover in front of
11 us, we have to focus on that cutover. And, recognize
12 that, following cutover, the CLECs will have an
13 opportunity and will wish to continue testing, similar
14 to what they are doing today in even the Verizon test
15 systems. So, we will be offering tests following
16 cutover also.

17 Q. With regard to the testing scenarios that were
18 described and updated by you, Mr. Haga, this morning,
19 did a number of those tests initially fail and require
20 retesting?

21 A. (Haga) They did.

22 Q. And, did some of those tests involve the EDI interface,
23 the placement of orders?

24 A. (Haga) They did.

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 Q. If post cutover, given the experience with the few EDI
2 orders that were tested, would you expect that the
3 remaining orders that Comcast wanted tested might
4 encounter similar testing issues?

5 A. (Haga) Well, first, we've go to -- when we say "issues"
6 and we describe a defect, you've got to have an
7 understanding of what creates these defects. The term
8 "defect" itself carries a strong tone. The issue that
9 we've got is that the -- is business rules that are
10 unwritten, undetermined working with the CLECs. And,
11 what we've discovered, certain fields that are from a
12 standards standpoint are considered "optional". And,
13 what we've discovered through these tests are there are
14 some optional fields that CLECs require. That the
15 structure of the message is sound, the delivery of the
16 message is sound. And, through these tests, we've been
17 able to quickly identify what the requests are. For
18 example, the test that was yesterday, you know, though
19 we have an agreement on the Billing Completion Notice,
20 there was an additional optional field that "hey, if
21 you can make this change, you know, we'd appreciate
22 it." And, we went through that exercise to do so.

23 So, the additional tests that are being
24 requested are one-offs of existing tests that we are
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 performing. Is there an opportunity that there could
2 be an issue with one of those tests? Yes, there is
3 that option. On the flip-side, could we test
4 everything that needs to be tested? There's not
5 enough, the amount of time that that would take would
6 extend well beyond, you know, just two months or four
7 months. The amount of testing that we've done, we're
8 comfortable that the systems work. I believe you'll
9 see in Liberty's report that they also agreed with
10 that, that we have done the appropriate level of
11 testing. We also anticipate that there will be, you
12 know, some issues. But we believe that we've done a
13 majority of the testing for a majority of the business
14 support that we need to account for.

15 And, part of the other exercise that
16 Mr. Nixon pointed out, in preparing for, you know, for
17 cutover, is to have people readily available in the
18 event that we do have an issue that needs to be
19 resolved quickly.

20 A. (Nixon) Let me add, if I might, to your question. Is
21 that, if you refer to Page 17 of the Liberty November
22 report, and one of their requirements requested of us
23 was to provide them information to ensure that the
24 number of testing scenarios matches the historical
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 range of wholesale transactions. We have done that.
2 The analysis that we've made of the tests, and as they
3 relate to the transactions that are within the Northern
4 New England footprint today, they do match and mirror
5 that. We're comfortable, as Mr. Haga said, that the
6 test scenarios that we've conducted that have passed
7 and have been successful mirror the historical range.
8 There are, as Mr. Haga indicated, some, well, I'll use
9 the word "one-offs", some less frequently used
10 transactions that we'll continue to work with the CLEC
11 business partners on at cutover to ensure that they do
12 flow through. I don't know if Mr. Murtha would like to
13 embellish on that in terms of the numbers. But we're
14 comfortable that those test scenarios do mirror the
15 activity.

16 Q. Mr. Nixon, the data that you provided to Liberty
17 regarding typical CLEC transactions or wholesale
18 transactions, would you agree that that data came from
19 the year 2006?

20 A. (Nixon) I believe that's correct.

21 Q. And, you're also aware that Comcast requested 53 tests
22 involving EDI, a number of which, based on Mr. Haga's
23 testimony, have not been tested to date, and will not
24 be tested prior to cutover?

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[WITNESS PANEL: Nixon|Haga|Murtha]

- 1 A. (Nixon) I'd like Mr. Murtha, if he would, to respond to
2 that.
- 3 A. (Murtha) We also did work with Comcast, and Comcast
4 identified five critical cases to their testing. And,
5 we built all five of those test scenarios and put them
6 in. We put 15 total cases in for Comcast to test on
7 their business. I did look at the entire volume of
8 orders. And, based on the history, I looked at the
9 product sets that Comcast does order, specifically the
10 req types. And, we accounted for those req types in
11 the test scenarios.
- 12 Q. You would agree, though, that Comcast requested that
13 all of the 53 test scenarios be conducted prior to
14 cutover?
- 15 A. (Murtha) With the 53, we went along with the 85, plus
16 the --
- 17 Q. Let me stop you right there. The 85 and the 53 are
18 apples and oranges.
- 19 A. (Murtha) I disagree. Because a number of them mirror
20 up against other cases that were already in. They're
21 one-offs. There's many cases that you guys submitted
22 for for a directory listing with one additional item in
23 each one. We tried to mirror the test bed, so it
24 covered all of the -- all of the CLECs that were
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 testing with us.

2 Q. And, in that test bed, a number of the CLECs, if not
3 all of the CLECs in this state, are users of the webGUI
4 interface, is that correct?

5 A. (Murtha) They're not all members of the webGUI.
6 They're also EDI.

7 Q. All right. But, as to EDI, those tests weren't
8 conducted?

9 A. (Murtha) Can you repeat the question?

10 Q. As to use of the EDI interface, the additional tests
11 requested by Comcast were not conducted?

12 A. (Murtha) The additional tests that Comcast deemed as
13 critical to their business were conducted.

14 Q. But the additional tests out of that 53 that Comcast
15 requested be conducted by cutover are not going to be
16 conducted by cutover, correct?

17 A. (Murtha) That's correct.

18 Q. Mr. Haga, you mentioned the issue of "intervals".
19 Could you tell us, just as an example, the current
20 interval for local number porting and how that interval
21 is going to be extended under FairPoint's plan?

22 A. (Murtha) The current interval for LNP or Local Number
23 Portability is four days. The way that's going to be
24 impacted during the cutover, there would be an

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 elongated interval during the embargo period, and then
2 during the cutover period, when we transition from the
3 Verizon systems to the FairPoint systems. Previously,
4 we had an elongated interval that was going to take us
5 about six weeks to recover and bring all the intervals
6 back in. We announced this week that we, through some
7 synergies of our own businesses, are going to be able
8 to reduce that by 30 percent, 33 percent, from a
9 six-week elongated interval to a four-week. But we
10 also announced on the LNP interval that we're going to
11 bring that back into normal standards within ten
12 business days prior -- after cutover.

13 Q. In terms of bringing the LNP interval back to the four
14 days, ten days after cutover, first, what will be the
15 intended interval? What will be the -- in comparison
16 to four days?

17 A. (Haga) That is something that I will be delivering
18 prior to the 30th. As soon as I get home from here,
19 I'll be working on that.

20 Q. And, then, prior interval guide or the last interval
21 guide that has been given to CLECs, was that four-day
22 interval extended to 18 days?

23 A. (Haga) It was at the longest period, but that has now
24 been brought in by 33 percent.

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 Q. All right. And, with regard to the four-week period
2 that you mentioned, that commences with the embargo and
3 runs for a number of days after the cutover, is that
4 correct?

5 A. (Murtha) Yes.

6 Q. And, could you give us the approximate dates, you know,
7 when the embargo begins and when this extended period
8 will end?

9 A. (Murtha) Absolutely. The embargo period begins on
10 January 23rd. And, I think it's important for the
11 Commission to understand the purpose of the embargo.
12 What we're trying to do is limit the amount of
13 in-flight order activity between the Verizon systems
14 and the FairPoint systems. Which means we're trying to
15 complete as many orders as possible within the Verizon
16 systems, so that the data is kept as clean as possible
17 and is not moving through progress of the provisioning
18 process and the PCN, the Provisioning Completion
19 Notice, and the BCN, the Billing Completion Notice.
20 So, by allowing ourselves a five-day embargo period
21 will allow all orders that should have a due date and
22 complete by January 23rd. This should be noted that
23 this is an embargo not just for wholesale, but also for
24 retail, consumer, small business, large business, ESG,
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 all customers that FairPoint interacts with. So, this
2 embargo period will be in place from January 23rd to
3 January 30th. On the 30th, that night, we will begin
4 cutover with Verizon. We anticipate that cutover will
5 last until approximately February 6th. And, then,
6 we'll be in the elongated interval process for four
7 weeks after that.

8 A. (Haga) And, the elongated interval process is all the
9 pent-up demand for those orders that we've held prior
10 to and during the time period, where we don't have
11 access to systems, we'll be catching up to those orders
12 at the same time of operating the business as usual.
13 So, the whole process is a risk mitigation strategy to
14 not impact customers during this process, to limit that
15 impact. You know, the opposite is to let everything --
16 let all orders go all the way up until the last minute.
17 The orders are inflight. We may not complete the
18 orders accurately, the customers' records could be
19 incomplete. So, you know, this is something that's
20 been thought out for the better part of the last year,
21 to try to determine, one, the best way to bring the
22 data over from the Verizon systems. Upon completion of
23 that evaluation, it was determined that the best way to
24 perform this is to ask for an embargo period, to have
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 orders held, so we can basically flush everything
2 that's in the pipeline out prior to cutover, and then,
3 when we bring the systems back up, everything that
4 we've done, you know, whether it's a held order in the
5 WISOR application that's available to the CLECs, or
6 it's the orders that we're processing via paper or
7 spreadsheets or whatever method we have when we have no
8 systems, and we catch that information up as soon as
9 the systems come up.

10 MR. MANDL: I have about 9:30 on my
11 watch, and I know you have a place to be.

12 CHAIRMAN GETZ: How much more do you
13 have, Mr. Mandl?

14 MR. MANDL: I have a little bit more,
15 but I don't want to affect your timetable.

16 CHAIRMAN GETZ: Well, this may be a good
17 time to take the recess then. And, I hope to be back here
18 and restarting at 10:30. Okay. Thank you.

19 (Whereupon a recess was taken at 9:30
20 a.m. and the reconvened at 10:51 a.m.)

21 CHAIRMAN GETZ: Okay. We're back on the
22 record in DT 07-011, and picking up with Mr. Mandl.

23 MR. MANDL: Comcast Phone has finished
24 its cross-examination for this panel.

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

- 1 CHAIRMAN GETZ: Thank you.
- 2 MR. MANDL: Thank you.
- 3 CHAIRMAN GETZ: Mr. Sawyer.
- 4 MR. SAWYER: Thank you, Mr. Chairman.
- 5 BY MR. SAWYER:
- 6 Q. Mr. Murtha, how many CLEC transactions are there in an
7 average day that go through Verizon's GUI for New
8 Hampshire?
- 9 A. (Murtha) I don't know the number.
- 10 Q. Do you know the number for the three-state region?
- 11 A. (Murtha) I know the total volume for an approximate
12 week that would include EDI and GUI.
- 13 Q. What would that be?
- 14 A. (Murtha) Approximately -- did you say just LSRs?
- 15 Q. All of the transactions.
- 16 A. (Murtha) All wholesale transactions? Approximately
17 18,000.
- 18 CHAIRMAN GETZ: I'm sorry. Is that now
19 for the three states or --
- 20 WITNESS MURTHA: For the three states.
- 21 BY MR. SAWYER:
- 22 Q. And, that's in one week?
- 23 A. (Murtha) Yes, sir.
- 24 Q. Do you know what -- Do you know what the number of
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

- 1 transactions would be through the GUI or the GUI and
2 EDI for New Hampshire in a single day?
- 3 A. (Murtha) I do have the data. I don't have that number
4 in front of me. And, I just want to include that the
5 18,000 includes supplements, which would mean an order
6 has been received the first time, and then it receives
7 a second order behind it for either a due date change
8 or an order change or to cancel the order. So, it
9 could be the same order issued multiple times.
- 10 Q. And, is it true that the bulk of those orders come in
11 normal business hours, typically 8:00 to 4:00, is that
12 correct?
- 13 A. (Murtha) We have looked at the volumes, the ordering
14 volumes in Verizon. And, it is true that a majority of
15 the orders do come in between the hours of between 9:00
16 and 2:00.
- 17 Q. 9:00 and 2:00?
- 18 A. (Murtha) Yes, sir.
- 19 Q. Now, FairPoint -- FairPoint is proposing to extend the
20 time intervals for providing retail and wholesale
21 services, correct?
- 22 A. (Murtha) That's correct.
- 23 Q. And, Mr. Mandl was discussing that with you. I would
24 like to take the example of a T1. Would you agree with
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 me that the existing interval for FairPoint to install
2 a T1 for a CLEC is ten business days?

3 A. (Murtha) The current business interval for a T1 is ten
4 days, yes.

5 Q. So, if BayRing were to put in an order to FairPoint for
6 a T1 for a BayRing customer on January 9th, which,
7 subject to check, is ten business days before
8 January 23rd, can you tell me when that T1 would
9 actually be installed?

10 A. (Murtha) The interval guide is being updated at this
11 time to bring in the intervals. I can tell you what
12 was posted previously, with the elongated intervals for
13 the six-week period. But, now that we're bringing it
14 in by 33 percent into a four-week period, I have not
15 computed that as of yet.

16 Q. Well, can you tell me how it would -- can you tell me
17 how it would work then? The dark period starts on
18 January 23rd?

19 A. (Murtha) No, the embargo period starts on January 23rd.

20 Q. The embargo period starts on the 23rd. So, can you
21 tell me --

22 CHAIRMAN GETZ: Let's not talk over one
23 another, so Mr. Patnaude can record.

24 BY MR. SAWYER:

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 Q. Could you tell me what would happen to a CLEC order for
2 a T1 that was ordered on January 9th --

3 A. (Murtha) Sure.

4 Q. -- under your proposal?

5 A. (Murtha) Yes.

6 Q. Thank you.

7 A. (Murtha) In the proposal that we have on the table is a
8 voluntary embargo for the wholesale community. This
9 will not be a voluntary embargo for the retail
10 customers. The retail customers will be embargoed.
11 What we're requesting of the wholesale community is to
12 go into the Verizon systems, if it's applicable for
13 them to do their pre-order checks, and then to submit
14 their order into FairPoint's WISOR for queuing
15 throughout the embargo process and the cutover process.
16 Which would basically mean that any order that has a
17 due date extending beyond January 23rd, we would want
18 that order to be queued within the FairPoint WISOR
19 system, where it will be held in a packet of
20 information based on the date that it was entered into
21 the system. Once the systems become up and
22 operational, then we will release the orders in the
23 order that they were received within WISOR to go
24 downstream into the FairPoint back-end systems and
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1 release the orders to the field.

2 Q. So, can you tell me when an order would actually be
3 installed that was ordered on February 9th --
4 January 9th, I beg your pardon?

5 A. (Murtha) As I said earlier, I had the elongated
6 intervals built for the six-week period. I'm working
7 on them for the four-week period. And, I'll have that
8 delivered on or before November 30th.

9 Q. But is the four-week period measured from -- that
10 you're talking about, measured from, in the example I
11 have given, of January 9th or is it from another date?

12 A. (Murtha) It's from January 9th. So, an order that is
13 received with the January 9th day on it would get an
14 earlier interval than an order received on
15 January 15th, even though both have to go through the
16 embargo and cutover period. And, the same would hold
17 true to the FairPoint retail customers as well. So,
18 there is direct parity between wholesale and retail.

19 Q. And, so, when you talk about the "33 percent reduction
20 in the interval", you're talking about a 33 percent
21 reduction in the interval that you had in the six-week
22 interval that you had initially proposed, to a
23 four-week interval that you are now proposing, is that
24 correct?

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- 1 A. (Murtha) You'd have to repeat the question.
- 2 Q. So, when you talk about a "33 percent reduction in the
3 interval", you're talking about the reduction from the
4 six-week extended interval that you had previously
5 proposed, to a four-week interval, is that correct?
- 6 A. (Murtha) That is correct.
- 7 Q. Could FairPoint meet the existing intervals by
8 increasing its workforce?
- 9 A. (Murtha) There is going to be a volume of orders that
10 are built up when the systems are down that there's
11 going to be a backlog. We are taking every look at
12 that backlog as possible how to bring more force onto
13 the workload, so that we can get that backlog down as
14 quickly as possible. In order to get the six-week to
15 four-week, we've moved technicians off of construction
16 jobs to put them in installation. We moved technicians
17 off of some of our pro-activities into installation.
18 We're increasing overtime, putting the max amount of
19 employees available onto the network to bring these
20 intervals in. So, we believe we've looked at the
21 employee and technician base and put the max number of
22 employees out here, because our goal is to drive the
23 intervals down for all of our customers.
- 24 Q. Could you please describe any effect that the dark
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1 period and embargo would have on any processes that are
2 presently not automated, such as pole and conduit,
3 right-of-way application, dark fiber, and collocation
4 applications?

5 A. (Murtha) Collocation applications are still going to
6 come in to FairPoint via an e-mail system. The e-mail
7 will be processed. The application will be reviewed.
8 It will go to the engineering organization to be
9 reviewed. The same thing for conduit applications.
10 What you're discussing are items that are handled via
11 e-mail and communication.

12 Q. So, will there be any delay in those matters?

13 A. (Murtha) There will be delay in processing of the
14 orders in the systems, because, just like for the
15 operations of my center for processing wholesale
16 orders, the engineering systems will not be up and
17 operational either during the cutover period.

18 Q. Is it the same four-week extension of the intervals?
19 Is that what you're contemplating?

20 A. (Murtha) I'll have to review the extension on those
21 intervals. I have not put the extension on the
22 collocation interval right now.

23 Q. What about dark fiber, dark fiber inquiries?

24 A. (Murtha) Dark fiber inquiries are coming into us, your
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1 dark fiber inquiries coming in via ASR, the ones that
2 are coming in today.

3 Q. My understanding is it's its own process.

4 A. (Murtha) Okay. Everything that comes into one of our
5 systems is going to be delayed throughout the cutover.

6 Q. And, is the delay that you're talking about a four-week
7 delay for dark fiber inquiries?

8 A. (Murtha) There will be a four-week interval delay on
9 all processes between wholesale and retail, and all
10 customers will be treated equally.

11 A. (Haga) Can I make a comment regarding this?

12 CHAIRMAN GETZ: Any objection?

13 MR. SAWYER: I'd like to keep this line
14 of questioning going first with Mr. Murtha, if I may.

15 CHAIRMAN GETZ: Well, is this a
16 follow-up onto this line of questioning?

17 WITNESS HAGA: Correct.

18 CHAIRMAN GETZ: Well, let's hear it.

19 BY THE WITNESS:

20 A. (Haga) The embargo period and everything we're
21 discussing is important to get through the actual
22 cutover process itself. Whether we're doing this in
23 January or March, which gets me in trouble every time I
24 say something other than "January", we'll still have to
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1 go through the same process. So, these same questions
2 will be relevant regardless of the actual cutover time.
3 Just wanted to add those comments.

4 MR. SAWYER: I beg your pardon, Mr.
5 Chairman.

6 BY MR. SAWYER:

7 Q. Mr. Murtha, is the 33 percent reduction that we talked
8 about earlier in actual intervals?

9 A. (Murtha) It will be in actual intervals, yes. It's
10 going from six weeks to four weeks. So, it's in actual
11 business days.

12 Q. I guess the confusion we have is that not all intervals
13 are six weeks. I mean, for example, for a T1, the
14 interval is ten days. So, I'm unclear about --

15 A. (Murtha) The elongated intervals, when we initially put
16 in the process, would have stretched us from the
17 February 9th start date to March 27th to return to
18 business as usual. What we're going to do is we're
19 going to back that up from six weeks to four weeks.
20 The elongated intervals are still going to be within
21 that period of time. The intervals that we've put in
22 the elongated period are those that have business day
23 intervals of one-day, two-day, and three-day, etcetera,
24 up to 18 days. Everything that's beyond 18 days is
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- 1 going to be negotiated. So, while, yes, some of the
2 intervals, for instance, the ten day, had 18, it might
3 come down to 14 or 15, I haven't developed it yet. But
4 that will be spread across the same on the one-day
5 interval, the two-day, the three-day, the four-day,
6 etcetera, to back it in to restore business as usual by
7 the end of four weeks instead of six.
- 8 Q. So, the 33 percent reduction is for the time to -- the
9 time to get back to normal intervals, is that correct?
- 10 A. (Murtha) That's correct.
- 11 Q. Regarding pole and conduit, would you agree that there
12 are no automated systems for this?
- 13 A. (Murtha) I would agree that there is no automated
14 system for it. That it's a request that goes in and it
15 takes an engineer to look at the pole records or for
16 conduit, if it exists.
- 17 Q. So, why would there be a delay imposed on these
18 applications?
- 19 A. (Murtha) Well, first off, the engineering system would
20 not be up for them to do their engineering work orders
21 in. They will not have access to that data throughout
22 the embargo and cutover period. So, that would
23 automatically put a delay in there.
- 24 Q. At one point, FairPoint was indicating that it was
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1 going to seek a waiver of the PAP for 90 days, is that
2 correct?

3 A. (Nixon) We are not seeking a waiver of the PAP beyond
4 what's already been provided for in New Hampshire.

5 Q. So, regardless of the increase in intervals that you
6 are proposing, there will be no change made to the
7 intervals in the PAP, is that correct?

8 A. (Murtha) That's correct.

9 Q. Mr. Murtha, did you state to Mr. Mandl that you were
10 planning to bring the intervals for LNP porting back to
11 the extended -- back to the normal interval within ten
12 days of cutover?

13 A. (Murtha) Within ten business days.

14 Q. What good does bringing back in the normal standard
15 interval for LNP orders do for CLECs to provide service
16 to their end users using unbundled network elements,
17 like loop facilities?

18 A. (Murtha) LNP does not require a dispatch. It's
19 something that all we have to do, it's an automated
20 process.

21 Q. Right. So, my question is, what good does bringing
22 back those intervals to standard intervals for LNP
23 orders do for CLECs that are reliant on UNEs, like
24 loops?

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1 A. (Nixon) Our objective is to return to business as usual
2 intervals as quickly as we can. And, where we have
3 intervals that are -- and orders that are based upon
4 automated process that don't require a dispatch,
5 anything we can do to accelerate and bring those orders
6 and the intervals back to business as usual as quickly
7 as we can, we will. And, in the case where there's a
8 dispatch, those will take a little bit longer to bring
9 back into business as usual mode. But, understanding,
10 there are CLECs that do a complete automated process,
11 similar to local number portability, where we can, we
12 will accelerate that.

13 Q. Mr. Haga, how many simultaneous webGUI transactions
14 were done when the GUI interface was being tested?

15 A. (Haga) You'll have to help me with -- we had
16 performance tests where we had 50 simultaneous
17 transactions being executed at the same time we had
18 multiple individuals in a test environment. If that's
19 what you're referring to?

20 MR. SAWYER: Yes. Thank you. I have no
21 further questions.

22 CHAIRMAN GETZ: Thank you. Ms. Foley.

23 MS. FOLEY: Yes. Thank you. Can you
24 hear me okay, in the corner? Good morning. Paula Foley,

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1 for One Communications.

2 BY MS. FOLEY:

3 Q. This morning you provided an update for daily usage
4 files, is that correct?

5 A. (Haga) That's correct.

6 Q. But I believe you indicated that that's still an open
7 area with certain CLECs, despite the work that has
8 recently been done, correct?

9 A. (Haga) That's correct.

10 Q. Do you agree that this is an area which CLECs consider
11 to be very important?

12 A. (Haga) I agree.

13 Q. Do you agree that this is an area which needs to be
14 resolved before cutover occurs?

15 A. (Haga) I agree.

16 Q. Can you provide the Commission and the CLECs with an
17 indication of when you anticipate resolving these
18 issues?

19 A. (Haga) We anticipate, we've got processes, each day we
20 either produce or have conversations with CLECs for
21 files that we have produced, to ensure that we've
22 cleared any remaining issues that we have with the
23 files that we have produced on their behalf. We
24 anticipate that, before we get out of the month of
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1 December, that we'll have these issues behind us, and
2 we'll focus on preparing for, directly after cutover,
3 to produce those files in a normal production mode.

4 Q. Do you have FRP-C Exhibit 2 in front of you?

5 A. (Haga) I do.

6 Q. Could you turn to Page 6 please. In the middle of
7 Page 6, it states "FairPoint expects that open issues
8 will be resolved prior to the end of November." Is
9 that no longer the case?

10 A. (Haga) The statements made in this document were in
11 reference to the Liberty report, which it correctly
12 identified and assigned fix dates or acceptable
13 workarounds, including those associated with DUF files.
14 The comment of the "open issues" were the issues that
15 were open at that time. It's expected, through this
16 process, that we'll identify additional items that need
17 to be discussed between the companies, and then
18 addressed between the companies. And, that's where we
19 see the -- the reference to the "end of December" takes
20 that into consideration.

21 MS. FOLEY: Thank you. I have no
22 further questions.

23 CHAIRMAN GETZ: Thank you. Mr. Moore?

24 MR. MOORE: I have no questions for the

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1 panel.

2 CHAIRMAN GETZ: Thank you. Before we
3 turn to Ms. Hatfield, Mr. Susnock, did you want to make an
4 appearance? Were you seeking to cross-examine or were you
5 planning on just making a closing statement?

6 MR. SUSNOCK: I was considering making a
7 statement. I was confused. I thought this was not just
8 wholesale. I'm a retail customer, and I'm having some
9 problems. And, I've been informed that this is more
10 towards the systems, the OSS and wholesale. I don't know
11 where I get to say my piece, but I would like to, when the
12 time is correct.

13 CHAIRMAN GETZ: Okay. At the close of
14 the hearings, we'll be allowing the opportunity for
15 closing statements.

16 MR. SUSNOCK: Thank you.

17 CHAIRMAN GETZ: Ms. Hatfield.

18 MS. HATFIELD: Thank you, Mr. Chairman.
19 I have several questions for this panel that relate to the
20 Liberty Consulting's report of November 12th. I think
21 that Staff was intending to submit that into the record,
22 but I don't think it's been done yet. How would the
23 Commission like to proceed?

24 CHAIRMAN GETZ: Well, why don't you just

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1 ask your questions, and we'll take care of the
2 identifications.

3 MS. HATFIELD: Okay. Thank you. Good
4 morning, gentlemen.

5 WITNESS MURTHA: Good morning.

6 WITNESS HAGA: Good morning.

7 WITNESS NIXON: Good morning.

8 BY MS. HATFIELD:

9 Q. I have a few questions that specifically relate to
10 staffing and training issues in the Liberty report of
11 November 12th. Are you familiar with that report?

12 A. (Nixon) I am.

13 Q. On Page 22 of that report, FairPoint states that it has
14 filled most of the positions that it needs. And, I'm
15 wondering if you have any update since November 12th on
16 your progress towards staffing?

17 A. (Nixon) We provide the staffing information on a
18 regular basis to Liberty, and I believe they share that
19 then with the three states. We have filled all of the
20 key positions. We have filled all of the positions
21 that's were identified in it's either the September or
22 the October report as being "service positions". With
23 have continued to fill the positions. We are now at
24 the point where we have some cutover-related positions
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1 that we have yet to fill. Those positions are not --
2 they're back office type positions that we would not
3 need to begin to fill until Notice of Cutover Readiness
4 is given, because they're required at that time. We
5 would, once cutover notice is given, we will begin to
6 fill those positions.

7 Q. And, roughly how many positions does that effect?

8 A. (Nixon) Subject to check, I believe it's about 130 to
9 150.

10 Q. And, how many of those are in New Hampshire?

11 A. (Nixon) I do not know.

12 Q. And, is it true that FairPoint announced a hiring
13 freeze earlier this month?

14 A. (Nixon) We did announce a hiring curtailment. And,
15 again, what the -- the important point here is that we
16 have filled the key positions, we have filled the
17 service effecting positions. And, as I've just
18 indicated, the remaining open positions in the staffing
19 plan are related to cutover that we would then fill
20 once notice is given.

21 Q. And, why did the Company announce the hiring
22 curtailment?

23 A. (Nixon) Like anybody else, we are always managing the
24 costs of the Company and managing the business, and
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1 indicated -- wanted to get indication out to the
2 community that, again, subject to Notice of Cutover
3 Readiness, that we were going to hold back on the
4 hiring at that time.

5 Q. Do you know how long it will be in place?

6 A. (Nixon) I do not know. What I think the important,
7 again, point here is that, once we give notice, that we
8 will fill the positions that are necessary for cutover.
9 In addition to that, we've also identified positions
10 that are required for the bubble force and contingency
11 force that we will begin to fill immediately upon
12 Notice of Cutover Readiness. And, those positions are
13 primarily -- they're all either a temporary basis or
14 contractors. And, as we return to business as usual,
15 those employees that were hired at that time for the
16 bubble force and contingency force would be released.

17 Q. And, with respect to the office that you have in
18 Littleton, New Hampshire, does this hiring curtailment
19 impact the positions that you had planned for that
20 location?

21 A. (Nixon) We're still looking at the positions for
22 Littleton. As we take a look at the hiring for New
23 Hampshire, we are currently, I believe the number is
24 about 350 employees that were hired in New Hampshire,
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1 our original objective that we set out was -- I believe
2 it was 250 for New Hampshire. We are still intending
3 to meet our commitment to Littleton. And, those will
4 be filled either prior to cutover or there's some other
5 opportunities immediately following cutover. But we
6 still intend to meet the Littleton commitment.

7 Q. Thank you. On Page 9 of the November 12th Liberty
8 report, there is a reference to FairPoint using an
9 additional workforce with a headcount of no more than
10 50 full-time equivalents. Is that the total number of
11 temporary or contract workers that FairPoint intends to
12 use during the cutover?

13 A. (Nixon) No, it's not. I think there's an important
14 distinction as it relates to full-time equivalents.
15 That was intended to represent the work effort that
16 would be required. It was not intended to represent
17 the number of people that would be required. That can
18 be managed through overtime, through redistribution of
19 employees. We have, however, contemplated that, as we
20 hire for the bubble force and contingency workforce,
21 that we would indeed have to hire some additional
22 employees to fill that commitment, but as a combination
23 of work distribution, overtime, and additional
24 employees.

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1 Q. Does FairPoint have plans or contracts in place to have
2 the required temporary workers on board during cutover?

3 A. (Nixon) Yes. We have been actually conducting job
4 fairs throughout the region. And, we have quite a
5 record of candidates and applicants that we have been
6 evaluating and contractors that we'll be utilizing.

7 Q. I'd like to turn now to the issue of training. In
8 their November 12th report, Liberty said that
9 "FairPoint has not yet demonstrated satisfaction with
10 some of the training cutover criteria." And, it stated
11 that "none of the final training courses had yet been
12 completed as of that date." Do you have any updates
13 since November 12th?

14 A. (Haga) Yes. Last week was the start of our first wave
15 of CSR training for both our business call center and
16 our consumer call centers. We've also had our first
17 waves of our dispatch training. The schedule for the
18 training, as well as the schedule for the completion of
19 the training material, as we continue to evaluate our
20 business processes and update them, that is on track.
21 And, the schedule is provided, you know, to Liberty,
22 with the intention that, as we move up to cutover, we
23 will continue to provide status to both Liberty, as
24 well as the three Commissions.

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- 1 Q. Thank you. I'm not sure which of you would be most
2 familiar with this, but the OCA learned at the
3 technical session last week that FairPoint had produced
4 something called a "Wholesale Cutover Communication
5 Plan". Are any of you familiar with that?
- 6 A. (Murtha) Yes, I am.
- 7 Q. And, while this is called the "Wholesale Cutover
8 Communication Plan", in a quick review of it, it does
9 appear that many of the issues in this plan also would
10 impact retail customers, is that true?
- 11 A. (Murtha) That's correct.
- 12 Q. Is there a similar document that deals with retail
13 cutover communications?
- 14 A. (Murtha) There is a Retail Cutover Plan, yes.
- 15 Q. Has that been provided to Liberty and to the Staffs in
16 the three states?
- 17 A. (Haga) It has not.
- 18 Q. Do you know when it might be provided?
- 19 A. (Haga) I can't give you a specific date, but it will be
20 very soon. Part of the work that we have in front of
21 us is to finish that particular document, so that we
22 can begin. The External Communication Plan has been
23 developed, the timing of the activities. It's now an
24 effort of getting the details in those particular
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1 communication plans so we can get the word out.

2 Q. Since this is my only chance to ask you questions
3 before cutover, if you wouldn't mind, I'd like to just
4 ask you to just give a quick overview, if you would, of
5 what the External Communication Plan is at this time
6 for retail customers?

7 A. (Haga) I can give you the highlights. I'm not the --
8 our Communications group is not here, but I am familiar
9 with the content. We're working with them. One
10 section of the communication will talk about
11 differences in the bills themselves. There are some
12 changes from a cosmetic standpoint, as well as some
13 changes in taxation, as well as a recognition of
14 whether something is a regulated item or a
15 non-regulated item. In other words, another way of
16 looking at it is basic or non-basic charge. We've
17 identified that. We're going through the process of
18 putting that into a document that could be used for a
19 communication plan. The other exercises will talk
20 about the steps that will take place, basically from
21 the start of January, you know, leading through the
22 month of January, and then going into the actual
23 cutover process, with a description of what we will
24 have available, how will it support customers, very
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1 similar to the content that's in the wholesale
2 document. That document had to be worked with in
3 conjunction with the retail operations. It's just this
4 one here, there was a request from the CLEC community
5 to get that in front of them sooner, which is why
6 you've seen that particular document. You just haven't
7 seen it for our retail operations.

8 A. (Nixon) We would be happy and plan to meet with the
9 Staff, and, if the OCA would like, we'd be happy to
10 meet with them and share particularly the differences
11 in the billing. As Mr. Haga indicated, we've done a
12 thorough tax audit. We have looked at the
13 regulated/deregulated split. And, we plan to and will
14 sit with the Staffs of the Commissions to review what
15 that is, so they're aware of it well before cutover.
16 And, we would make that offer.

17 Q. Thank you. With respect to the embargo period, which I
18 think is eight calendar days, and then the dark period,
19 which is I think is seven calendar days, can you talk a
20 little bit about whether there's a plan to deal with
21 emergencies and disconnects and, you know, special
22 circumstances that face customers during those periods?

23 A. (Murtha) Yes, there is. We have an emergency order
24 process that has been rolled out, and that will be on
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1 both the retail and wholesale side. It's a manual
2 process. That we will be receiving orders, whether,
3 first off, for TSP, you know, the Homeland Security
4 types that we have to put in. Anything deemed
5 necessary by any of the states' Commissions. And, then
6 working with the retail and wholesale customers on what
7 are deemed emergency services, medical emergencies,
8 etcetera, throughout that time period.

9 In addition, we've also stated that,
10 throughout the embargo period and cutover period, we
11 would also continue to work all snips and restore, also
12 our disconnects for non-payment and re-connects for
13 payment through the emergency order process as well.
14 And, so, that will continue.

15 Q. Thank you. Would you also process Lifeline and Link-up
16 orders through that emergency process? Or, that
17 "manual process", I should say?

18 A. (Haga) I don't know.

19 Q. I have a question related to One Communications' filing
20 that they made on November 20th. Are any of you
21 familiar with their -- these were the comments that
22 they made?

23 A. (Nixon) What was the date of that again, I'm sorry?

24 Q. November 20th.

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1 A. (Nixon) I do have it.

2 Q. If you look on Page 2 and 3 of the One Communications'
3 comments, they recommend that the Commission, if the
4 Commission is to either approve cutover or not take
5 action to stop cutover, One Communications recommends
6 two different approaches with respect to conditions.
7 And, one approach is listed on the top of Page 3, and
8 there are several items there, including "Liberty
9 continuing to monitor activities" and then some
10 specific CLEC-related deadlines that they would ask the
11 Commission to impose. And, the second approach deals
12 with a shorter notice period. And, I'd like to just
13 get FairPoint's response to these proposals and whether
14 you think they're feasible?

15 A. (Nixon) Sure. Let me, if we could, refer to the
16 document, we'll go right down through the proposed
17 conditions. The first one I note is that "Liberty
18 continues its monitoring and reporting activities." We
19 certainly support that and are already working with
20 Liberty to make sure that we provide them on a timely
21 and regular basis the information that they would need.
22 So, we certainly support that.

23 Second bullet indicates "provide the
24 availability of training and testing opportunities to
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1 CLECs throughout the notice period." As I indicated
2 earlier, the CLEC testing will cease on December 5th,
3 so that we can begin to focus on the necessary
4 requirements for effective cutover. As in regards,
5 however, to training, we will be extending the training
6 intervals for the CLECs, understanding that they, like
7 us, will need training closer to cutover. So, again, I
8 don't believe it's necessary as a condition. But, as a
9 matter of fact, that's the process that we're going to
10 engage in.

11 Third bullet refers to "hot cut method"
12 proposed by One Communications to "be available within
13 30 days following cutover." We have made a commitment
14 that we'll make that available 90 days following
15 cutover. And, again, we have to stay focused on
16 effective cutover and the preparations for that. And,
17 I believe, in the Liberty report, it indicates that the
18 interim hot cut processes that we have put in place is
19 satisfactory, and that the 90 days after cutover would
20 be, we believe, satisfactory. Also, again, I don't
21 believe that's necessary as a condition, but I did
22 indicate what our practice will be.

23 The fourth bullet would indicate that
24 "CLECs have successfully received system-generated DUF
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 files 30 days prior to cutover." Again, we have stated
2 that, by the end of December, that we expect to have
3 the resolution of the DUF files completed. This
4 actually indicates that they "have received the DUF
5 files". We'd like to do more than that. We intend to
6 resolve the issues that might arise from the receipt.
7 Again, I don't believe a condition is necessary. We're
8 on record with that commitment.

9 The next bullet indicates "a suspension
10 of the PAP". And, again, what I've already indicated
11 is that we will not ask for any suspension that's more
12 than is already indicated in New Hampshire.

13 Lastly, it talks about "cutover
14 intervals", and that there be a technical session
15 sponsored. Mr. Murtha has indicated that he will be
16 providing the Wholesale Interval Guide to the CLEC
17 community by the 30th of November. And, I believe you
18 already have a plan in place to review that at the next
19 Wholesale User Forum. I'm not exactly sure when that
20 is. Do you know when that is?

21 A. (Murtha) Mid December. I'm not sure of the actual
22 date.

23 A. (Nixon) So, that is our current practice today for
24 communications, we would be doing that. The next

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 question, as I understand it, was our response to a
2 shorter notice period. We do not believe that a
3 shorter notice period is required. We believe we have
4 met the additional conditions that were recommended by
5 Liberty. We're prepared to issue our notice with your
6 support. We also feel strongly that we need the full
7 60 days to prepare for cutover. There's a lot of work
8 to do, and to defer, distract, and deter us from that
9 really might unintentionally put us at risk for a
10 successful cutover. Our focus is that 60 days has got
11 to be on cutover preparation, implementation, and
12 execution. We have -- When the Liberty Report came
13 out, they indicated that, with the exception of some
14 CLEC -- additional CLEC requests, that we had met the
15 requirements. We have now met those. And, we believe
16 now we're ready to proceed with Notice of Cutover.

17 Q. Thank you. If FairPoint does give its Notice of
18 Readiness for Cutover on November 30th, but
19 subsequently discovers a problem that it needs more
20 time to address prior to cutover, what would FairPoint
21 do?

22 A. (Haga) The question itself, with the testing that we've
23 performed, we don't believe that we'll have that
24 particular condition. What we may find are incidental
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 items that will need to be addressed. That's
2 predominantly what we've discovered over the course of
3 the last two months, which is evident in the turnaround
4 time, as we've identified issues and corrected the
5 issues. I see that in some of those results that we've
6 had with the CLEC testing. So, there is no
7 anticipation that we're going to discover something
8 that is so large that would impact our ability to cut
9 over.

10 A. (Nixon) Let me add, if I might. When the original
11 Transition Service Agreement was contemplated, it was
12 anticipated that there would be two data extracts
13 provided, test data extracts, and then a final.
14 Verizon has provided FairPoint with a September
15 extract. And, the importance of that is that the
16 extract prior was before close, and now it's a full and
17 complete extract, because, as a party before close, we
18 couldn't be in possession of things like Customer
19 Proprietary Network Information, CPNI, and other
20 attributes. We now have that full September extract.
21 That is what we're loading today. We have the benefit
22 of more information and more time for the testing and
23 to load the data extracts.

24 Q. Mr. Nixon, I believe it was you who mentioned that, or
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 perhaps it was Mr. Haga, who mentioned some tax changes
2 that were going to be part of your Customer
3 Communication Plan. Can you just briefly describe
4 those and indicate if they are going to have a rate
5 impact for customers?

6 A. (Haga) I can. The primary one is within Federal Excise
7 Tax. With bundles, currently, they are charged a
8 Federal Excise Tax, the Federal Excise Tax rules
9 indicate that bundles are not -- you don't collect nor
10 remit for Federal Excise Tax for bundled services.
11 There is also a voice mail service that's, in today's
12 world, is collected for. So, we will not, so that the
13 ratepayers will actually see a decrease in their
14 federal taxes. There are some other incidental taxes,
15 and I just don't recall specific for New Hampshire.

16 Q. I believe that FairPoint recently had similar hearings
17 in Maine and Vermont, is that correct?

18 A. (Haga) That's correct.

19 Q. And, can you tell us what the status is of those
20 Commissions' review of cutover readiness at this time?

21 A. (Nixon) I believe that the Maine is in deliberations
22 this afternoon and Vermont will be in deliberations
23 tomorrow. I believe that's the case.

24 MS. HATFIELD: Thank you very much. I

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 don't have any additional questions.

2 CHAIRMAN GETZ: Thank you. Ms. Ross.

3 MS. ROSS: Thank you. Good morning,
4 gentlemen.

5 WITNESS HAGA: Good morning.

6 WITNESS NIXON: Good morning.

7 BY MS. ROSS:

8 Q. I would just like to follow up with a couple of
9 questions with regard to some of the CLEC testimony or
10 comments that were filed. BayRing Witness Wilusz
11 suggests that FairPoint does not have anything
12 equivalent to the after-hours support of the hot cut
13 process after normal business hours. Do you have any
14 comment on this?

15 A. (Murtha) Yes. Where Verizon had the 1-800-HOTCUTS
16 separate LNP center, that functionality will be picked
17 up in our 7 by 24-hour center here in Manchester. And,
18 we have an 800 number for that as well.

19 Q. And, when will that be available, that service?

20 A. (Murtha) Upon cutover. Today, the Verizon center is
21 still in process.

22 Q. Okay. Do you have any observations and comments on the
23 testing experience that segTEL Witness Mullholand
24 reports in her testimony?

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 A. (Murtha) The testimony talks about the first test
2 experience for segTEL. They had an additional test
3 experience last night. In the first test environment,
4 I believe segTEL tested seven trouble administration
5 tests, and ended up passing all seven. There was, I
6 think, some misunderstanding of the data that's in the
7 test environment, in that the data set in the test
8 environment is specific to do one thing. The test
9 environment is set up to show connectivity between us
10 and the wholesale customer, and to provide
11 notifications back. It's not to go end-to-end to the
12 back-end systems and show full connectivity. We have
13 done those tests internally and we have done those
14 tests with Liberty. The data in the data set is a
15 unique data set, in that the data is reset after each
16 test window. Thereby, the data is not set up for any
17 specific company. So, the data set that is in there
18 was used for all three states, for all wholesale
19 customers to test with. So, there was some unique
20 situations or questions around the data set as to
21 whether a city name was correct. It was specific to
22 what was put in for the data. It went into the system,
23 that data existed, so that's why the test passed and
24 processed.

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 We created the data sheets for each of
2 the data tests to assist our wholesale customers to
3 walk through and to get the results for each of the
4 data tests. We had several wholesale customers that
5 tried to not follow the data tests, by putting in
6 fictitious characters, features, names in circuit IDs,
7 such as "banana"; it didn't work. The test was set up
8 to demonstrate how an order gets processed, how a
9 ticket gets processed, how a pre-order gets processed,
10 and to provide that response. And, that's what the
11 test deck did.

12 Q. Thank you. I have just a few questions that relate
13 more to the transition around prior and after cutover
14 that I just want to ask again, because we have an
15 opportunity today to hear it. Are there differences
16 between the Verizon and FairPoint billing processes?

17 A. (Haga) I'm not familiar with the details of the Verizon
18 processes, but the differences that I am aware of is
19 just the duration of the process itself. We will --
20 Our turnaround time, from starting of a bill cycle to
21 the actual printing and the ability to place the
22 statements in the mail, will be shorter by two days.
23 The individual steps that take place, I couldn't answer
24 that. I'm not familiar with the details.

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[WITNESS PANEL: Nixon|Haga|Murtha]

- 1 Q. Do you know whether the bill format is different for
2 FairPoint than it is for Verizon?
- 3 A. (Haga) We have attempted to keep the format itself as
4 close to the existing bill as possible. We maintained
5 the existing account numbers, so that, you know,
6 customers are not impacted by that. There will be some
7 subtle differences in the presentation itself in the
8 bill, which will be part of the description that we'll
9 provide that will go in the communication I mentioned
10 earlier.
- 11 Q. Will you be planning to meet with Staff to review the
12 differences in your billing format and processes before
13 cutover?
- 14 A. (Haga) We propose that, yes.
- 15 Q. Will you provide a plan in writing which outlines how
16 FairPoint will manage its collections process and
17 timely application of payments, both prior to and
18 during the embargo and cutover?
- 19 A. (Nixon) Certainly.
- 20 Q. Would you be willing to meet with Staff to review those
21 processes with our Consumer Affairs Director?
- 22 A. (Nixon) Would be happy to.
- 23 Q. Is there an internal guide for Carrier Access Records
24 Exchange transactions that cue up during the embargo
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[WITNESS PANEL: Nixon|Haga|Murtha]

1 and cutover -- I'm sorry, an interval guide, excuse me?

2 A. (Murtha) Yes, there is.

3 Q. Would you be willing to provide that?

4 A. (Murtha) Absolutely.

5 Q. I have --

6 A. (Nixon) Let me make sure I -- that was the interval
7 guide you're talking?

8 Q. Yes.

9 A. (Nixon) Be happy to.

10 Q. For CARE, the acronym is "CARE", Carrier Access Records
11 Exchange.

12 A. (Murtha) Yes.

13 MS. ROSS: Thank you. I have no further
14 questions.

15 BY CMSR. BELOW:

16 Q. In your November 12th Provisional Notice of Cutover
17 Readiness and Rebuttal, on Page 5, the next to the last
18 paragraph states that "FairPoint does not agree" --
19 "does not disagree with Liberty's recommendations to
20 increase the number of tests available to the CLECs and
21 continue testing into January 2009 when the systems
22 will need to be frozen to be prepared for production."
23 I think you've stated today that you intend to actually
24 end those CLEC testings on December 5th, is that
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 correct?

2 A. (Nixon) There is an important distinction. There is
3 the third party CLEC testing on December 5th. We will
4 continue to do our own wholesale and retail business
5 simulation exercises, if you will, all the way through,
6 just to continue to make sure we've updated our
7 internal processes. So, external tests through
8 December 5th; we'll continue testing internally up
9 through code freeze.

10 Q. Okay. The last paragraph, the middle sentence says
11 "This transition will allow FairPoint to increase its
12 competitive position in the market." The first
13 sentence says that "FairPoint stresses there are clear
14 benefits to FairPoint and its customers to be achieved
15 from moving to its new systems." When you refer to
16 "its customers", are you referring primarily to retail
17 customers or retail and wholesale customers?

18 A. (Nixon) No, we're referring to both.

19 Q. Okay. So, you believe there are clear benefits to
20 moving ahead at this time to both wholesale and retail
21 customers?

22 A. (Nixon) We do.

23 Q. Okay. Some of the CLEC testimony and comments refer to
24 essentially a retail operating support system and a
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 CLEC or wholesale operating support system, and express
2 concern about the parity between the two. To what
3 extent are these distinct systems or to what extent are
4 they overlapping systems?

5 A. (Haga) I'll take this one. From a wholesale
6 standpoint, we offer two mechanisms to enter into our
7 operating systems, which are for our purposes as well
8 as their purposes. They have the -- we've referred to
9 it as the "graphic web wholesale", or "Graphical User
10 Interface". So, that's an online order capture
11 capability to put in the ASR, LSRs, and trouble
12 administration. We've also got the opportunity to come
13 in electronically, the EDI that we've also mentioned.
14 For ourselves, we've got an order capture system, which
15 is, by nature, very similar to what the WISOR Graphical
16 User Interface provides. That allows our CSRs to enter
17 their orders. From there, they all feed into the same
18 order management application. So, it takes requests
19 from all three of these source -- source systems. They
20 feed into that. And, then, once they're into that,
21 there is complete parity. It's first in/first out. As
22 the orders are received, they're then managed to
23 completion, based on the intervals that we've just
24 described.

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[WITNESS PANEL: Nixon|Haga|Murtha]

1 Q. So, essentially, the OSS is one system with three
2 different interfaces. Your own retail GUI, sort of the
3 wholesale GUI, and the EDI alternative to the GUI?

4 A. (Haga) Correct.

5 Q. Okay. The One Communications comments, on Page --
6 whoops, I'm sorry, I'm looking at the wrong thing.
7 Strike that. In the testimony of Kath Mullholand, on
8 Page 16, at line -- starting at Line 3, there's a set
9 of three questions. Could you comment on each of
10 those, whether the -- essentially, I think this is
11 referring to the wholesale GUI, whether, when a user
12 enters critical data, such as address or telephone
13 number, if the system is going to provide feedback if
14 the format of the data is incorrect?

15 A. (Murtha) The answer to that is "yes". In the -- And,
16 we've demonstrated this in our end-to-end testing
17 internally. When a user enters the critical data in
18 the WISOR functionality, it has two sets of business
19 rules that it follows. First is the critical business
20 rules within WISOR itself, which, when the user goes to
21 submit their order, the system will check for that.
22 For instance, if you put in yesterday as a due date, it
23 will not allow the order to get into the system. Then,
24 when the system -- when the order gets downstream into
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 the order management system, as Mr. Haga just talked
2 about, then, again, it's going to do -- it's going to
3 do a compare into inventory and the back-end systems as
4 well, to make sure that everything is validated. We
5 provide pre-order services through WISOR for the
6 address validation as well to help the customers submit
7 the correct information.

8 Q. So, if somebody enters an address in Connecticut, it
9 might not except that?

10 A. (Murtha) It's not going to accept that.

11 Q. Okay. The second question concerns whether, when index
12 information is entered, such as a telephone number, is
13 other data pulled up that's associated with that record
14 to save the user time?

15 A. (Murtha) The answer to that is "no". If they put in
16 the telephone number, the address isn't going to
17 populate. That's not a feature of WISOR at this time.
18 They have to continue submitting all of the rest of the
19 address information, to list the address, the street
20 name, etcetera.

21 Q. Is that true for both the retail or your internal GUI,
22 as well as for the wholesale GUI, or is it unique to
23 the wholesale GUI?

24 A. (Murtha) It's true for both.

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 Q. Okay. And, the third question is how long does it take
2 the same -- for the same user to enter the same process
3 in each of the two systems, which, from your
4 description, is more like the two different interfaces?

5 A. (Murtha) They're two different interfaces. It's the
6 same functionality and processes. So, it's, you know,
7 keystroke, tally, it's the same amount of time.

8 Q. And, the time for acknowledgment, is that just going to
9 be a function of the internet connection?

10 A. (Murtha) That's correct.

11 CMSR. BELOW: Okay. I guess that's all.

12 CHAIRMAN GETZ: Actually, I have a
13 question for you, Mr. McHugh, following up on Mr. Nixon's
14 response to questions from Ms. Hatfield about the One
15 Communication proposed conditions. And, Mr. Nixon
16 indicated that he was committing to these six steps, that
17 he didn't believe that they were required as conditions, a
18 couple of minor modifications, one with respect to hot
19 cuts, that they would be within 90 days, instead of 30
20 days, and I guess also a clarification around the PAP
21 issue, that it would not be seeking any different
22 treatment than is already contemplated. But would you
23 agree that those oral commitments under oath this morning
24 are enforceable?

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 MR. MCHUGH: Well, I think the answer is
2 "yes". The only reason I hesitated is because, in the
3 PAP, I either -- maybe I didn't understand you, Mr.
4 Chairman, or I read it differently. What I understood One
5 Communications really was doing here is revisiting what
6 you've already ordered, and saying that there's no PAP
7 waiver whatsoever. When, in fact, we're sticking to what
8 the CLEC settlement stipulation that was approved by this
9 Commission says, I just don't have it right in front of
10 me. But it was about a month and three days or something
11 to that effect, but it's contained in there.

12 CHAIRMAN GETZ: Well, what I was seeking
13 to clarify was I understood him to say that "FairPoint
14 would not be seeking any treatment or modifications to the
15 PAP different than already are incorporated in the orders
16 approving the transaction."

17 MR. MCHUGH: That's correct.

18 CHAIRMAN GETZ: Do you have any --

19 CMSR. BELOW: Actually, I have a couple
20 more questions.

21 BY CMSR. BELOW:

22 Q. In the Affidavit by Sherry Lichtenberg, on Page 5, on
23 Paragraph 8, there's a concern expressed that whether
24 the system might potentially have the capability to
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

- 1 allow one CLEC to enter a trouble ticket or an order
2 for another CLEC's customer, and the observation is
3 that is "a process that clearly should not be allowed."
4 Is that issue -- What's going to be the actual
5 functionality when the system goes live?
- 6 A. (Murtha) That will not be allowed. That test case was
7 removed and that functionality was removed.
- 8 Q. Okay. So, it should block a CLEC from accessing or in
9 any way requesting work for another CLEC customer?
- 10 A. (Murtha) That's correct.
- 11 Q. Okay. In the comments of Comcast of November 20th, on
12 Page 2, and I think you may have addressed this
13 earlier, but there's an expression of concern about a
14 lack of testing for the EDI interface back to the back
15 office systems. And, did I understand your testimony
16 earlier that, essentially, the data coming from the EDI
17 interface is converted to XML just as data from your
18 retail internal GUI or the wholesale GUI, it's all
19 converted to XML. And, at that point, it all goes
20 through the back office systems in the same way, is
21 that correct?
- 22 A. (Haga) Correct.
- 23 Q. So, what you said is, there really isn't a need to have
24 the kind of back-to-back or full system testing for the
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Nixon|Haga|Murtha]

1 EDI interface, but rather to make sure the EDI
2 interface converts correctly to XML?
3 A. (Haga) Partially correct. The items that Liberty
4 pointed out in their report of asking for the
5 additional response messages, which will ensure that,
6 you know, our systems are providing the correct data to
7 WISOR, so that WISOR can then format it into the EDI
8 response, those tests, which were requested, we agreed,
9 and that's why we added all the rest of the tests, did
10 prove that the messages themselves, except for what we
11 call the "optional fields", based on the standards that
12 are placed with EDI, learning to understand what the
13 industry may call "optional", but, between the working
14 relationship with Verizon and the CLECs, they became
15 more of a mandatory type situation, and that's what
16 we've discovered through testing.

17 CMSR. BELOW: Okay.

18 CHAIRMAN GETZ: Redirect?

19 MR. MCHUGH: No, Mr. Chairman.

20 CHAIRMAN GETZ: Okay. Then, I believe
21 that's all the questions for the panel. You're excused.
22 Thank you, gentlemen. Ms. Ross.

23 MS. ROSS: Yes, I'd like to call the
24 Liberty witnesses, Mr. Falcone and Mr. King, to the stand.

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 (Whereupon Robert Falcone and Charles
2 King were duly sworn and cautioned by
3 the Court Reporter.)

4 MS. ROSS: Good morning, gentlemen.

5 WITNESS KING: Good morning.

6 WITNESS FALCONE: Good morning.

7 MS. ROSS: I'd like to begin by offering
8 for identification a copy of the FairPoint Cutover
9 Monitoring Status Report, dated November 12th. I assume
10 that everyone in the room has it, so I'm only providing
11 copies to the Clerk and to the Court Reporter.

12 ROBERT FALCONE, SWORN

13 CHARLES KING, SWORN

14 DIRECT EXAMINATION

15 BY MS. ROSS:

16 Q. And, Mr. King, did you -- well, let me ask both of you,
17 did you both prepare this report jointly or --

18 A. (King) Well, it was prepared -- I wrote the report, but
19 it was prepared based on input from the entire Liberty
20 team.

21 Q. Okay. And, I'm just going to enter one more exhibit
22 for identification. If you look at the first footnote
23 in that report, Mr. King, you refer to another
24 document, don't you?

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 A. (King) Yes. Yes, we do.

2 Q. And, that's called the "Assessment of FairPoint's
3 Cutover Readiness Verification Plan"?

4 A. (King) Yes, it is.

5 MS. ROSS: And, just for the record, I'm
6 going to ask that that be marked as an exhibit. And, I
7 have provided copies, if people need them. But I don't
8 think that we'll actually be dealing with specific
9 questions on that exhibit. That report is dated
10 "August 15th".

11 CHAIRMAN GETZ: I guess, for purposes,
12 we'd be calling this "Staff Exhibit C-3, the August 15
13 filing? Because we've got -- I assume you want to enter
14 the November 12th Provisional Notice and the November 19th
15 Supplemental, correct?

16 MS. ROSS: Those are already identified.
17 Those were identified by FairPoint.

18 CHAIRMAN GETZ: As "1" and "2".

19 MS. ROSS: Right.

20 CHAIRMAN GETZ: Okay.

21 MS. ROSS: So, these would be, I would
22 assume, if we're going sequentially, these would be "3"
23 and "4", Exhibits 3 and 4.

24 CHAIRMAN GETZ: Yes, looks like there's

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 some -- we've got a couple of different -- okay. Let's
2 just call this then "Staff C-1".

3 CMSR. BELOW: Which one?

4 CHAIRMAN GETZ: The August 15th.

5 (The document, as described, was
6 herewith marked as Exhibit Staff C-1 for
7 identification.)

8 MS. ROSS: And, then, we would refer to
9 the November 12th report as "Staff C-2"? Okay.

10 (The document, as described, was
11 herewith marked as Exhibit Staff C-2 for
12 identification.)

13 BY MS. ROSS:

14 Q. Turning to Exhibit Staff C-2, which is the November
15 12th report, do you have any corrections to make to
16 this report?

17 A. (King) Yes. We found one correction in the report to
18 correctly state the status as of November 12th. At the
19 top of Page 18, the sentence that begins "Capgemini is
20 now nearing completion", the correct statement should
21 be "Capgemini has now completed Integrated Performance
22 Testing".

23 Q. Thank you. Are there any other corrections?

24 A. (King) That's all.

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 Q. And, what I would like to ask now is, since this report
2 was issued on November 12th, and we are now at November
3 24th -- 25th, excuse me, almost two weeks later, would
4 you mind updating this report to cover any changes that
5 have occurred between the date of the report and today?

6 A. (King) Yes. Liberty's November 12th report that we're
7 talking about here concluded that for all areas, except
8 one, either FairPoint had satisfied the corresponding
9 cutover readiness criteria or FairPoint's preparations
10 are already sufficiently advanced, that the lack of
11 complete satisfaction of the cutover criteria did not
12 constitute a significant impediment to FairPoint
13 declaring cutover readiness.

14 However, there was at that time further
15 work necessary in the area of CLEC testing, although we
16 believed that FairPoint would be able to demonstrate
17 satisfaction of those criteria within a few weeks.
18 And, in that report, we identified five specific steps
19 that we thought that FairPoint should take, in order to
20 demonstrate readiness in -- with respect to CLEC
21 testing.

22 The first step for FairPoint was, to
23 quote that report, "add and allow the CLECs to execute
24 additional test cases that would provide coverage of
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 the scenarios that are most important to EDI users",
2 that's the Electronic Data Interchange users. Liberty
3 noted in the November 12th Monitoring Report that this
4 step could be accomplished through the addition of
5 seven new CLEC test cases, which some EDI users had
6 recommended and indicated would meet their business
7 needs. And, as has been noted by Mr. Haga, FairPoint
8 has now provided all seven of those test cases to CLECs
9 for testing. And, in addition, each of those test
10 cases has passed by at least one CLEC tester.

11 The second step was for FairPoint to
12 "internally test or provide a means for CLECs to test
13 all forms of EDI response messages, including those
14 that can originate in the back-end systems, such as
15 rejects, jeopardy notices, provisioning completion
16 notices, billing completion notices, and design layout
17 records." Since that report, Liberty has confirmed
18 that neither Verizon nor FairPoint provides the design
19 layout records through EDI messages. So, that is not a
20 relevant issue. Liberty has also learned that the
21 reject messages were already being transferred as part
22 of the existing testing, and so -- and successfully so.
23 So, that is taken care of. So, to address the
24 remaining EDI response messages, FairPoint has provided
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 to the CLECs the capability to test the transmission
2 and receipt of jeopardy notices, provisioning
3 completion notices, and billing completion notices.
4 And, as Mr. Haga indicated earlier, all of those have
5 passed. There apparently is an issue which we learned
6 today by listening to Mr. Haga's testimony, with regard
7 to the formatting of a optional field. But, other than
8 that, it appears that those additional tests associated
9 with the transmission of those response messages are
10 completed.

11 The third step that we recommended was
12 for FairPoint to "provide evidence to Liberty that the
13 CLEC testing scenarios sufficiently mirror the
14 historical range of wholesale transactions in the
15 northern New England states." And, since our report,
16 FairPoint has provided historical data associated with
17 the transactions in those states. And, we have
18 concluded looking at that that the -- there is
19 sufficient mirroring of the historical range of
20 wholesale transactions in northern New England in the
21 test cases that are provided to CLECs.

22 The fourth step was for FairPoint to
23 "modify its hot cut process to address the concerns
24 raised by the CLECs, providing an acceptable workaround
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1 by cutover and a more permanent solution after
2 cutover." FairPoint, in fact, provided a description
3 of an interim hot cut process in its November 18th
4 filing, and discussed it with CLECs during the
5 Wholesale User Forum the next day, on November 19th.
6 In addition, as Mr. Haga indicated in his earlier
7 testimony, they -- FairPoint is planning to provide a
8 final solution, a more permanent solution, which
9 replicates the essential aspects of Verizon's EWPTS
10 system within 90 days of cutover. Liberty has examined
11 the interim process and found it to be essentially the
12 same process as the so-called "coordinated hot cut
13 process" that Verizon formally provided to CLECs. And,
14 we believe this is a satisfactory interim solution and
15 addresses the concerns that were raised by the CLECs
16 about the earlier coordination process that FairPoint
17 had proposed.

18 The fifth and last step was for
19 FairPoint to "assure that all defects are correctly
20 identified and have assigned fix dates or acceptable
21 workarounds, including those associated with the
22 so-called daily usage feed, or DUF files".

23 In our November 12th Monitoring Report,
24 we noted that there had been some discrepancies between
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1 the reporting of the CLECs and FairPoint in the results
2 of the CLEC testing. In order to address that issue,
3 we have observed seven sessions of the testing that the
4 CLECs have done. There is a bridge that FairPoint
5 provides for communicating back and forth between the
6 CLECs and FairPoint and Capgemini during the testing.
7 We've observed seven of the sessions through that
8 bridge. And, what we have found is that, in all of
9 those cases, FairPoint's representation of the results
10 of the test was accurate.

11 In addition, since the November 12th
12 Monitoring Report, FairPoint has fixed all the
13 outstanding defects that had been identified in CLEC
14 testing, and all have either been successfully retested
15 or are ready for retesting by the CLECs.

16 As Mr. Haga noted previously in his
17 testimony, the one thing that remains open, there is
18 the testing of the DUF files. It has yet to be
19 completed. FairPoint has provided a number of DUF
20 files to the CLECs for testing, and is continuing to
21 work with the wholesale carriers on that issue.

22 So, based on these observations,
23 specifically with regard to FairPoint's response to the
24 five suggestions that Liberty made, those five
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1 recommendations we made in our November 12th Monitoring
2 Report, we feel that FairPoint has made substantial
3 progress in addressing the CLEC testing issues. And,
4 although they haven't fully completed all the steps
5 that we proposed in our report, they have succeeded in
6 -- FairPoint has succeeded in completing most them in
7 the short time since the November 12th report.

8 As we noted, the principal outstanding
9 issue is the DUF files. And, however, we note that, as
10 FairPoint has indicated, the remaining DUF issues do
11 not result from system defects or require software
12 coding issues, but, rather, relate to configuration
13 matters and business rules beyond those specified in
14 the industry guidelines, the so-called "EMI Guidelines"
15 for such files. Because these DUF issues should be
16 relatively quick to resolve, and, as Mr. Haga indicated
17 in his testimony, it appears that FairPoint is
18 attempting to resolve them by the end of December, we
19 believe that the DUF testing should be completed in
20 time for a January cutover.

21 Therefore, based on the rapid progress
22 FairPoint is making in resolving the outstanding CLEC
23 testing issues, and the relatively straightforward
24 nature of the remaining ones, Liberty concludes that
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1 the remaining CLEC testing issues are insufficient to
2 provide a justification for preventing FairPoint to
3 declare readiness to cut over at the end of
4 January 2009.

5 Liberty believes, nevertheless, that
6 it's important to emphasize a point we made in our
7 November 12th Monitoring Report, that no verification
8 process or monitoring process can guarantee there will
9 be no impact on customers during or after the cutover.
10 The transition of the operation support systems and
11 business processes from Verizon to FairPoint is of such
12 magnitude and complexity that some issues are very
13 likely to arise as a result of the cutover.
14 Nevertheless, we believe that FairPoint has now taken
15 sufficiently -- sufficient, appropriate steps to
16 significantly reduce the number and magnitude of such
17 potential cutover problems.

18 Now, despite this conclusion and
19 Liberty's belief that FairPoint should be able to
20 successfully resolve the remaining issues before the
21 January cutover, we recognize that a number of parties
22 have expressed concern about the potential impacts of a
23 premature cutover. As a result, we also believe that
24 it's appropriate to consider and discuss additional
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1 assurances which FairPoint might be able to provide to
2 reduce any potential impact on customers.

3 Q. Mr. King or Mr. Falcone, do either of you have any
4 suggestions for the type of assurances that would help
5 that transition?

6 A. (King) Yes. We've looked at the proposals of several
7 -- of all the parties, and there are a few of the
8 issues that particularly struck us as being ones that
9 might need some assurances. The one is the issue of
10 the DUF files, which both we and FairPoint certainly
11 recognize is not entirely resolved at this point. And,
12 so, if that issue, for some reason, is not resolved by
13 cutover, we do believe it's appropriate for FairPoint
14 to provide compensation to wholesale carriers for loss
15 revenue resulting from inaccurate or missing data in
16 DUF files provided by FairPoint. And, ideally, this
17 would be accomplished through existing billing dispute
18 processes. So, to the extent that that can be fit
19 within the existing billing dispute processes within
20 New Hampshire, we think that would be an appropriate
21 way to address that.

22 There has been concern about the
23 long-term hot cut process. I think now, with the
24 assurance from FairPoint that that process will be in
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1 place 90 days after cutover, that issue should be
2 addressed.

3 The third one that we -- The third issue
4 that we had noticed of concern that a lot of folks have
5 raised is that of the lengthening intervals that was
6 brought up during the FairPoint testimony for
7 provisioning. And, I want to emphasize that that's an
8 issue both for wholesale and for retail customers. It
9 is important to reiterate a point that Mr. Haga made,
10 which is that's also an issue which will occur
11 independent of when the cutover actually takes place.
12 However, to make sure that FairPoint is taking all
13 steps that are appropriate to make sure that those
14 intervals are minimized, we think it would be very
15 helpful for FairPoint to meet with Staff and to discuss
16 the temporary staffing levels that they talked about,
17 the so-called contingency and bubble forces, and the
18 rationale for the sizes of those, of those workforces,
19 so that Staff can be assured that those lengthening
20 intervals are as small as is feasible.

21 The last issue that has been raised that
22 we considered important to look at, in terms of
23 additional assurances, is the issue of further CLEC
24 test cases. As FairPoint has testified, currently, the
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1 CLEC testing is expected to end on December 5th, a week
2 from Friday. And, we understand that a number of CLECs
3 have been concerned that not all of the test cases that
4 they had asked for are able to be tested, certainly
5 within that time frame.

6 We also are concerned that FairPoint not
7 be distracted from all of the many preparations that
8 are necessary for a successful cutover. Furthermore,
9 we note that the additional test cases that FairPoint
10 has added to the test deck were done in discussions
11 with the CLECs, and is our understanding that those
12 represented the most important transactions the CLECs
13 had, were considered in.

14 So, it would appear that the remaining
15 transactions that the CLECs would like to include in
16 CLEC testing are relatively infrequent. However, as
17 Mr. Haga testified, it is possible that there might be
18 some defects, particularly in EDI messages that might
19 be sent. So, if there could be some assurance that
20 FairPoint could provide that, after cutover, if there
21 was a defect that was found in EDI messages or any of
22 the other transmission of information between FairPoint
23 and the CLECs, that that could be -- that these defects
24 could be fixed within a short period of time, say, five
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1 business days, I think that would potentially help to
2 address the concern.

3 Q. And, Mr. King, just to recap, in order to sort of bring
4 your recommendation in your November -- Liberty's
5 recommendation in the November 12th report up-to-date,
6 I'd like to focus your attention on each of the places
7 in that report where you didn't find readiness to be
8 complete, and ask you to just indicate whether it is
9 now complete. And, the first one I believe that I see
10 is on Page 9. And, it's the three little "i"s. "Does
11 the cumulative effect of manner workarounds across all
12 operational support system testing require additional
13 workforce...?" Has this now been met?

14 A. (King) The one outstanding issue there is the extent to
15 which this might be impacted by things that one might
16 have to do to correct DUF, DUF defects. Based on our
17 understanding of what the DUF defects are, we consider
18 it extremely unlikely that it would need significant
19 additional headcount, or FTE, on FairPoint's part to
20 address. So, based on that, we would conclude that
21 very likely this condition has been met.

22 Q. And, would the same analysis apply for Item Number iii
23 on Page 11, which is again discussing the additional
24 workforce required?

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- 1 A. (King) Yes. Yes, it would apply in all cases where
2 we're talking about the additional workforce required.
- 3 Q. All right. And, then, if you turn to Page 13, where
4 you have the first little "i", which is "Have
5 100 percent of the CLEC tests been executed?" You had
6 listed your five conditions, which you reviewed
7 earlier. And, is your answer now to that question a
8 full "yes" or not?
- 9 A. (King) Yes, the tests have been executed.
- 10 Q. Are there any defects, which is the second little "i"
11 on Page 14, severity 1 or 2 defects without manual
12 workarounds at this point?
- 13 A. (King) There are no severity 1 or severity 2 defects at
14 this point.
- 15 Q. So, that criterion --
- 16 A. (King) That criterion has already been met.
- 17 Q. -- has been met?
- 18 A. (King) Yes.
- 19 Q. And, then, finally, on Page 16, we have the workforce
20 criterion again, which you've indicated has been met?
- 21 A. (King) Very likely, yes.
- 22 Q. Okay. Is almost met?
- 23 A. (Witness King nodding affirmatively).
- 24 Q. And, "defects assigned fix dates", has that criterion
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1 been met?

2 A. (King) Yes.

3 Q. And, the "manual workarounds incorporated in the
4 methods and procedures", has that criterion?

5 A. (King) Yes.

6 Q. And, for the remaining criteria that have not been met,
7 which have to do with business processes and training,
8 is it still your opinion that these are sufficiently
9 advanced to support a conclusion that cutover should
10 proceed?

11 A. (King) Yes.

12 Q. All right. And, then, the last area that I would like
13 to cover with you is just a few of the specific issues
14 that were raised by the CLECs. And, the first is that
15 a number of the CLECs were concerned about the
16 inability to do end-to-end CLEC testing. And, why
17 should this not be a concern to the Commission?

18 A. (Falcone) It shouldn't be a concern -- It would be a
19 concern if no end-to-end testing was done at all. But
20 the purpose of the CLEC testing, as Mr. Murtha had said
21 earlier, was to allow the CLECs to test their ability
22 to interface with the front-end system that FairPoint
23 is offering the CLECs, to be able to issue orders or
24 trouble reports into that front-end system, and for
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1 FairPoint's ability to respond to those trouble tickets
2 or -- to those trouble report or orders.

3 Beyond that, the end-to-end testing that
4 needs to be done to ensure that, once that order comes
5 in from the CLEC, that it flows downstream so that the
6 order is provisioned, that the proper dispatch is
7 scheduled, the proper billing is initiated, all the
8 databases are updated that need to be updated, such as
9 E911, directory listing, all of that testing was
10 performed by FairPoint. And, therefore, end-to-end
11 testing was done and done successfully, and Liberty
12 even observed some of that testing.

13 Q. You -- Liberty and the CLECs have pointed out flaws in
14 the CLEC testing environment. Why shouldn't these
15 flaws be a concern for a demonstration of cutover
16 readiness?

17 A. (Falcone) Again, it's the purpose of the CLEC testing.
18 In our report, we discussed the flaws, that the test
19 bed and the test environment that was created for the
20 CLECs is not flexible. Again, Mr. Murtha described how
21 the test cases are reset again at the end of each
22 testing window. So that, if CLEC A is in there testing
23 in one particular window, and CLEC A finishes, the same
24 accounts get reset for CLEC B, who might come in right
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1 after CLEC A to test. That lends to inflexibility.
2 It's a one-for-one relationship account per test case.
3 And, so, if I were a CLEC, and that's all I was seeing,
4 I would say that this is insufficient. And, I can
5 understand that. But, again, knowing that the purpose
6 of that test is to allow them to use a test bed in
7 those accounts that were established for them, to
8 exchange information back and forth, and receive the
9 proper notifiers, then it's accomplishing what it needs
10 to accomplish. Knowing, again, that the other testing,
11 the more stringent testing was done behind the scenes,
12 and the CLECs were just not aware of that testing.

13 Q. CLECs have raised concerns about the ability of
14 FairPoint/CLEC -- of the FairPoint/CLEC interface to
15 operate under normal business volumes. What is your
16 opinion about that?

17 A. (Falcone) FairPoint has conducted both normal volume
18 testing and stress testing on all of its back office
19 systems, and including the WISOR interface that it's
20 offering to the CLECs. So, that performance testing
21 was successfully conducted by FairPoint.

22 Q. Did Liberty observe any of that performance testing?

23 A. (Falcone) We did not observe that performance testing
24 firsthand. What we did do was we reviewed the test

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1 plan, the success criteria for the tests, both in the
2 volumes and the timing of responses, and then we
3 reviewed the results, the reported results from
4 FairPoint.

5 Q. The CLECs have suggested that definite dates should be
6 provided for when the missing functionality in the
7 FairPoint systems, for which FairPoint has provided an
8 interim solution, will be available. Do you have an
9 opinion about this?

10 A. (Falcone) Yes. As FairPoint has indicated, their focus
11 in the next couple of months needs to be on getting to
12 a successful cutover. So, if there is a nice-to-have
13 functionality, I'm not saying that this functionality
14 shouldn't be there, but it's kind of not necessary,
15 because there is an acceptable workaround for some of
16 that missing functionality. It would be difficult to
17 say "FairPoint's feet should be held to the fire to
18 develop that functionality, let's say, within 60 days
19 of cutover", and, yet, they have some cutover issues
20 that they need to be focusing on which affect more
21 customers.

22 So, it would make sense to get to what
23 I'll call a "level of normalcy". You know, get to --
24 let them focus now on the things they need to do to get
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1 through a successful cutover. Once that cutover
2 happens, work through what needs to be done to work
3 through the backlog that we've heard FairPoint discuss.
4 And, then, once we get to the normal business-as-usual
5 volumes and get through that backlog, that would be a
6 time to establish dates.

7 Q. You have noted in your report that you made a detailed
8 examination of five percent of the Capgemini and
9 FairPoint internal testing. What do you believe is a
10 sufficient -- why do you believe this is a sufficient
11 level of review?

12 A. (King) First of all, sometimes I think people have a
13 misconception that we were the testers. And, it's
14 important to note that we were the monitors, not the
15 testers. The testing was, in fact, done by FairPoint,
16 Capgemini, and, to a limited extent, the CLECs and
17 other wholesale users. Our purpose was to try to
18 verify the information that we were receiving from
19 FairPoint about the results of the tests. And, in
20 order to do that, we did a selective sample of the
21 tests, looking both at results in detail, as well as
22 observing tests live. And, I think, if there was a
23 statistician in the room, the statistician would
24 probably say "a 5 percent sample for that purpose is
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1 maybe even too large." It's a very large sample for
2 that purpose.

3 Q. SegTEL Witness Mullholand said that "there is limited
4 validation of data entered through the FairPoint GUI
5 and that there is limited validation against real
6 data." Do you agree?

7 A. (Falcone) Let me separate that into two questions --
8 into two parts. I think there is a misconception,
9 perhaps from a lack of experience with the system that
10 Ms. Mullholand may have. There certainly is a
11 validation of the fields that you put in. I believe
12 the issue may be one of instant gratification, if you
13 will. When I -- If anyone has ever used a graphic user
14 interface, and you all probably have, just haven't
15 realized it. You know, if you are going to shop at LL
16 Bean online and you're typing in your credit card
17 information and other information, you don't get a
18 response until you hit that "send" button, and LL Bean
19 will come back and say that "This is not a valid credit
20 number" or perhaps you forgot your zip code or
21 whatever. It's no different with the FairPoint graphic
22 user interface. If I type something incorrectly, it
23 doesn't know that until I hit one of two options that
24 FairPoint has given the users. They could hit a
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1 "validate" button, that will tell them what's wrong,
2 and it highlights the field that's wrong, and even
3 gives some hints as to how to correct that field. So,
4 if I wanted to, on every single thing I typed, I could
5 hit "validate" each -- I wouldn't advise that, but the
6 option is certainly there to validate every single
7 field, or the user could populate all the fields and
8 hit "submit" or "validate", either one will still do a
9 validation, and the same thing will happen. It will
10 come back -- If there's no errors, off it goes. If
11 there's an error, it will highlight what the errors are
12 and give hints as to what the error may be.

13 With respect to the second part of that
14 question, there, because this is not an end-to-end
15 test, and because it was a test of the FairPoint
16 interface, the WISOR interface, into FairPoint's own
17 system, there was no validation with the back-end
18 system. So, as Mr. Murtha alluded to earlier, you
19 could put in an invalid address, and because there was
20 no validation with the FairPoint address guide, the
21 system accepted it. But that's not to say, when you
22 connect this all together and do end-to-end testing and
23 do production, that, if you put in an invalid address
24 that that will go through. And, again, in some of our
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1 testing that we have observed, we've seen those errors
2 come back.

3 Q. Some CLECs have raised questions about the quality of
4 the training FairPoint provides CLECs. Do you have any
5 information about that?

6 A. (Falcone) Yes. After FairPoint conducted the training
7 sessions that it's conducted to date, it's asked the
8 CLECs to fill out a survey. And, typical survey, you
9 know, you ask a question "Was this training useful?"
10 "Was the material helpful?" "Was the material easy to
11 understand?" And, they gave like four options, you
12 know, "strongly agree", "agree", "disagree", and
13 "strongly disagree". And, from the survey results that
14 have been provided to Liberty, overwhelmingly, more
15 than 90 percent of the responses on every question were
16 either "agree" or "strongly agree". There is always
17 the outlying person who was not satisfied, but that was
18 the exception.

19 Q. And, one last question. Are either of you aware of any
20 issues with cutover of the operation support systems
21 that would affect the operation of the network?

22 A. (Falcone) No, and this is a very important point. The
23 network, as it's running today, people will make phone
24 calls. So, we've heard about the "embargo period" and
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1 the "dark period", where there is no system
2 connectivity. That is not going to effect anybody's
3 ability to make calls, for traffic to be routed through
4 the network. That network is going to operate just
5 fine. It's the support systems that support that
6 network coming online to update the network, to make
7 changes to the network, that's what's going to be
8 offline for a while. But there will be no impact on
9 people's ability to make calls, nor will there be a
10 dark period where, for six days, people of New
11 Hampshire will not be able to make phone calls. That's
12 not going to happen.

13 MS. ROSS: Thank you. I have no further
14 questions. The witnesses are available for
15 cross-examination.

16 CHAIRMAN GETZ: Okay. Thank you. Let's
17 start with Mr. Mandl.

18 MR. MANDL: Thank you.

19 CROSS-EXAMINATION

20 BY MR. MANDL:

21 Q. First, you listed several assurances that you thought
22 would be desirable, based on some concerns expressed by
23 CLECs. To your knowledge, has FairPoint made any
24 commitment to carry out those items?

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- 1 A. (King) Well, we're familiar with some things that
2 FairPoint has agreed to do. For example, the 90 days
3 after cutover to provide the permanent hot cut process.
- 4 Q. Well, we talked about, I think your fourth assurance,
5 that EDI defects discovered post cutover be fixed
6 within five business days. Is that something that
7 FairPoint has committed to, to your knowledge?
- 8 A. (Falcone) This same issue came up yesterday in the
9 Maine hearings. And, when Liberty proposed that
10 yesterday in Maine, FairPoint had indicated that they
11 had no problem with that.
- 12 Q. In terms of assurances, would you agree that a
13 condition imposed by the Commission would constitute an
14 assurance that FairPoint lives up to that commitment?
15 We haven't heard that commitment on this record.
- 16 A. (King) Well, I mean, I think there are multiple ways in
17 which those assurances can be provided. One,
18 obviously, is a condition by the Commission. Another
19 way is through party-to-party commitment.
- 20 A. (Falcone) And, may I also add that, though, that
21 commitment, that specific commitment on an EDI problem
22 being fixed, there would not be a New Hampshire unique
23 EDI problem. So, if that commitment was made in Maine,
24 it kind of carries through to the other states, because
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1 EDI is EDI. So, if there was a problem, and FairPoint
2 had committed to fix it in five days in Maine, they
3 can't just fix it for the Maine CLECs.

4 Q. Well, we didn't hear from FairPoint in this hearing.
5 That's my concern.

6 A. (Falcone) I understand.

7 Q. If we could turn to the November 12th Liberty report,
8 and, in particular, Page 17. One of your
9 recommendations or one of your conclusions was that
10 "FairPoint should provide evidence to Liberty that CLEC
11 testing scenarios sufficiently mirror the historical
12 range of wholesale transactions in the northern New
13 England states." Is the data that you received for
14 those historical scenarios from 2006?

15 A. (Falcone) Yes, it was.

16 Q. With regard to the, also on Page 17, the adding of test
17 cases for EDI users, I believe you identified seven
18 tests. Did you know at that time that Comcast had
19 requested 53 EDI test scenarios from FairPoint?

20 A. (Falcone) What we did know at this time was that
21 FairPoint was in discussion with the EDI users who were
22 participating in the tests, and there was two, as far
23 as I know, and asking those users of the test cases
24 that you asked us to add, because both, Comcast being
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1 one of the two, and the other one had a number of test
2 cases they wanted. It was our understanding that
3 FairPoint went to both of those and said "which of
4 these are the most important to your business? Which
5 do you incur the most volumes on?" There was agreement
6 between the parties on those seven, five of the seven,
7 if I'm correct, were from Comcast, the other two were
8 from the other carrier. And, so, it's our
9 understanding that those seven are agreement between
10 the parties and represent the most high volume test
11 cases that were of interest to EDI users.

12 Q. Were you aware, when you submitted your report, that
13 Comcast, on November 4th, if not sooner, had requested
14 that I believe around 35 of the EDI test scenarios be
15 conducted and completed prior to cutover, not the
16 cutover notice, but prior to cutover?

17 A. (King) I don't recall the exact timing of when we had
18 that information, but we certainly were aware of that
19 request.

20 Q. Do you recall testifying in Vermont that FairPoint
21 never gave to Liberty the 53 test scenarios for EDI
22 that Comcast provided to FairPoint in May of 2008?

23 A. (Falcone) Yes. We never saw a list of 53 test
24 scenarios from Comcast.

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- 1 Q. All right. You touched on your sampling of 5 percent
2 of FairPoint/Capgemini testing. Am I correct that none
3 of the tests in that 5 percent sample involved EDI
4 testing?
- 5 A. (Falcone) That's correct.
- 6 Q. When did Liberty conduct that sampling of the
7 FairPoint/Capgemini tests?
- 8 A. (Falcone) FairPoint conducted many observations, we
9 spent some time in June observing the UAT testing, User
10 Acceptance Testing that was being conducted in
11 Manchester. We observed test cases then. We, in July,
12 went to Atlanta and observed systems test cases being
13 conducted. We did the same in August and September,
14 also in Atlanta. And, then, in October, most recently,
15 Liberty also went to Atlanta and observed test cases
16 being run in conjunction with FairPoint's business
17 simulation testing.
- 18 Q. Did you raise any questions with FairPoint regarding
19 the lack of EDI testing in any of those months?
- 20 A. (Falcone) At the time when we observed the wholesale
21 testing, the graphic user interface was being used, and
22 that's what we observed being used. And, no, we didn't
23 ask about EDI.
- 24 Q. Is it your understanding that the internal testing of
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1 FairPoint systems used the webGUI interface and did not
2 use the EDI interface?

3 A. (Falcone) The internal end-to-end testing that
4 FairPoint conducted on its wholesale test scenarios did
5 use the graphic user interface, that's correct.

6 Q. It did use the graphic user interface, but not the EDI
7 interface?

8 A. (Falcone) That's correct. The EDI interface, FairPoint
9 -- WISOR did some EDI testing of its EDI interface
10 testing, similar to the CLECs, testing to the
11 front-end, but it wasn't tested end-to-end using EDI.
12 But, I may add, as Mr. Haga said, whether the message
13 comes in through the graphic user interface or the EDI,
14 that's just kind of the mailman, if you will, the way
15 the message gets there. Once the mailman delivers the
16 message into the front-end system, everything is the
17 same. So, regardless of whether it came in through the
18 graphic user interface or through the EDI system, once
19 it gets into the front end, the downstream processes
20 and systems are all the same.

21 Q. Is it your understanding that, in the context of
22 Section 271 testing, an independent tester tested CLEC
23 orders end-to-end for both the webGUI interface and a
24 EDI interface?

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- 1 A. (Falcone) During 271 testing, an independent third
2 party contractor did test the incumbent LEC's ability
3 to open up its systems for -- to prove that they opened
4 up their systems for competition. No CLEC tested
5 end-to-end, the independent third party did that
6 testing.
- 7 Q. And, in this case, FairPoint could have done the
8 end-to-end EDI testing, had it chosen to do so?
- 9 A. (Falcone) I'm not sure I understand that question.
- 10 Q. Well, we heard from FairPoint earlier that, when they
11 designed their testing plans, EDI testing was not
12 included. But, I'm asking, you know, could FairPoint
13 have included EDI testing?
- 14 A. (Falcone) FairPoint certainly could have conducted
15 end-to-end testing using the EDI interface to get the
16 message into the back-end. FairPoint chose to do that
17 with the GUI interface.
- 18 Q. FairPoint indicated that its internal testing will run
19 through January 2009. Should FairPoint, during that
20 time period, also include front-end EDI testing?
- 21 A. (Falcone) Again, if, assuming the CLECs have identified
22 -- the EDI CLECs have identified their high volume
23 transactions -- the answer is "no". But the reason I'm
24 saying "no" is, assuming that the high volume EDI
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1 transactions have been tested, and FairPoint has given
2 those carriers an opportunity to identify those
3 transactions, everything else beyond that transaction,
4 getting in the front door, remains the same. So, it
5 would be kind of redundant to the GUI testing that's
6 already been done.

7 Q. Well, let's flip it around. Could FairPoint have
8 tested EDI end-to-end and just simply told the webGUI
9 users "Tough luck, you know, we're not doing the
10 end-to-end testing for you"?

11 A. (Falcone) I just think it's important, we're saying
12 "GUI end-to-end" and "EDI end-to-end", there's really
13 no such thing. GUI and EDI are ways to get the
14 transaction into FairPoint so that the end-to-end
15 process can happen. Yes, to answer your question,
16 FairPoint could have chose to use the EDI interface to
17 trigger that end-to-end testing, but they didn't. They
18 used the GUI interface.

19 Q. Okay. With regard to the FairPoint proposal to -- I'm
20 going to try to keep my terminology straight here,
21 we've heard about a period of weeks described as
22 "extended intervals", and I think that's created some
23 confusion on the record. I guess, during that period
24 of weeks, we've also heard that the time periods for
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1 carrying out certain orders, like a T1 order, mentioned
2 by Mr. Sawyer, or an LNP request, that those intervals
3 were going from, say, four days to ten business days,
4 and so forth. Given what FairPoint has explained it's
5 going to be doing, do you see a need for some consumer
6 education, if these intervals, you know, the daily
7 intervals are extended?

8 A. (King) Yes.

9 Q. With regard to the cost of that consumer education,
10 should that be paid for by FairPoint?

11 A. (King) I don't think we have a position on that issue.

12 Q. All right. Did FairPoint provide you with any
13 flow-through percentages that resulted from its
14 testing?

15 A. (Falcone) FairPoint -- No, FairPoint has provided us
16 with their engineered or design flow-through rate,
17 which is 90 percent. But we have not seen any
18 percentages of realized flow-through from any testing.

19 Q. Would you agree that flow-through percentages are an
20 indication of system performance?

21 A. (King) Well, I think it's a little more complicated
22 than that. The amount of flow-through that is achieved
23 is a function of whether the systems are operating as
24 they are designed. But it's also a function of the
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1 quality of the data that is provided. And, so, one
2 important aspect of whether flow-through is going to
3 occur is whether the data that's provided by Verizon at
4 cutover is accurate and complete, and then has been
5 properly converted and placed into the FairPoint
6 systems. And, it's also a function of whether the
7 systems can operate under loads, and other information
8 has been put properly into the systems so that they can
9 operate. So, it's a more complex situation.

10 Q. Okay. Thank you for that. Would you agree that a lack
11 of testing increases the risk of system failures post
12 cutover?

13 A. (Falcone) That's kind of a loaded question.

14 Q. Well, let me -- let me bring it down to some specifics.
15 With regard to testing -- EDI testing scenarios
16 requested by Comcast, that FairPoint does not intend to
17 address until after cutover, does that approach
18 increase the risk of post cutover system failures, in
19 comparison to conducting that testing prior to cutover?

20 A. (Falcone) No, not in the way you're describing,
21 Mr. Mandl. Because, again, assuming the high volume
22 transactions have been tested for EDI, if there's a
23 transaction, what I'll call a "one-off", I think the
24 term was used before, or one that's not experienced as
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1 frequently, if that transaction comes in to FairPoint,
2 and then FairPoint responds, and there's a problem with
3 that transaction, it wouldn't constitute a "system
4 failure", it may force that transaction to require some
5 manual handling on the part of either FairPoint or the
6 carrier who issued the orders to get it corrected. But
7 it's a "one order" kind of situation. It's not a
8 system failure, where it would affect a lot of orders
9 or a lot of customers.

10 Q. Would you agree that, during sessions in Vermont,
11 Liberty recommended continued EDI testing if a Notice
12 of Readiness were issued by November 30th?

13 A. (King) We certainly recommended that there should be
14 continued testing. But there is a limit to how much
15 that testing can continue.

16 MR. MANDL: Just give me a minute, I
17 think I'm close to finishing.

18 (Short pause.)

19 BY MR. MANDL:

20 Q. Mr. Falcone, you had mentioned, I think in reference to
21 it may have been segTEL comments, that, if you were a
22 CLEC and saw just what the CLEC had seen, you would be
23 concerned. But that, because you have seen some
24 additional testing, you're not as concerned as that
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1 CLEC. Do you recall that?

2 A. (Falcone) Yes, I do.

3 Q. Given the position that the CLEC is in, is there a way
4 in which FairPoint or Liberty could verify to that CLEC
5 that the additional testing that you have seen
6 addresses their concern?

7 A. (Falcone) Well, I think, as we described in our report,
8 Liberty has done a lot of observations. The three
9 Commissions purposely brought Liberty on so that
10 FairPoint didn't have -- was not in a position that
11 they were the only party who said they're ready for
12 cutover. The role Liberty served was to kind of look
13 over their shoulder, make sure, not only are we
14 agreeing that test cases have been run, but we've also
15 reviewed the test cases, we've provided input into the
16 test cases. If we thought things were missing, we
17 provided input on that.

18 So, we've been playing what I like to
19 believe is a very active role. And, in that role,
20 we've looked at the type of testing that needs to be
21 done to assure that, when FairPoint does cutover, not
22 that there will be no impact, as Mr. King said earlier,
23 because there's not enough testing that could possibly
24 be done to catch everything in something of this
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1 magnitude, but that there will be no disasters. You
2 know, all the big issues have been taken care of.

3 So, to answer your question specifically
4 to the CLECs, we've observed the 500 and something, I
5 don't remember -- 34 (534) wholesale test cases, we
6 didn't observe them all, we reviewed them all. We
7 observed the results in those test cases. And, we
8 personally observed the execution of many of those test
9 cases, either watching them go live or getting test
10 artifacts after-the-fact and reviewing those artifacts.

11 Q. If you could turn to Page 9 of the November 12th
12 report. On Page 9, you've listed I think 44 full-time
13 equivalent employees required for manual workarounds to
14 deal with, I guess it's -- would it be known defects?

15 A. (King) Well, to deal with critical change requests that
16 would be required.

17 Q. All right. And, I believe you may have mentioned in
18 Vermont or Maine, one of those states, that --

19 A. (King) It's hard to remember sometimes.

20 Q. -- that the number of 44 had risen to 45?

21 A. (King) Oh. No, that number has not risen to 45. You
22 have to include also the number of equivalent employees
23 that would be needed to address existing defects. And,
24 that number is approximately one FTE. So, it's

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1 combining the one FTE from that, with 44 FTE coming
2 from the critical change request.

3 Q. Should additional defects be discovered as a result of
4 further CLEC testing after cutover, isn't it possible
5 that more full-time employee equivalents will need to
6 be added?

7 A. (King) Well, anything's possible. But what we're
8 observing is the situation now, is that the types of
9 issues that are arising are very minor issues. They're
10 ones that can be easily resolved, would not require a
11 lot of additional work on the part of FairPoint for a
12 workaround, if that should be required. So, anything's
13 possible, but I think it's very unlikely.

14 Q. And, you can say that as to tests that haven't been
15 conducted?

16 A. (King) Absolutely.

17 Q. And, you can say that given that almost all of the EDI
18 tests that have been conducted required retesting?

19 A. (Falcone) Again, of all the EDI problems that have been
20 found, it's been our experience observing those
21 problems that FairPoint has generally turned around a
22 fix in 48 hours, and then the retesting occurred and
23 the problem was solved. So, would that require
24 additional headcount to do that? No, based on the
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1 experience we've been witnessing.

2 MR. MANDL: Thank you. That completes
3 my questions.

4 CHAIRMAN GETZ: Thank you. Mr. Sawyer.

5 MR. SAWYER: Thank you, Mr. Chairman.

6 BY MR. SAWYER:

7 Q. In the FairPoint Wholesale Customer OSS Test Plan, it
8 indicates that there will be three phases of CLEC
9 testing; an internal Phase 1 testing, an external Phase
10 2 testing by CLEC, and an external Phase 3 testing.
11 Are you gentlemen familiar with that?

12 A. (King) Well, I guess I would say that I'm familiar with
13 a number of different ways in which FairPoint has
14 described the possible ways in which they would do CLEC
15 testing. It has been an evolving process over time.

16 Q. And, in Liberty's Assessment of Cutover Readiness,
17 dated August 15th, at Page 5, Liberty describes five
18 phases of testing: Unit testing, product testing,
19 shakeout testing, integration testing, and system
20 testing. Are you familiar with that?

21 A. (King) Yes.

22 Q. Could you please bring these two descriptions of
23 testing into line with each other? For instance, does
24 unit testing occur in Phase 1? In what phase does
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1 product testing occur, etcetera?

2 A. (Falcone) Okay. But I think we need to separate, and
3 we're talking two different things. The unit testing,
4 product testing, system testing, all that is talking
5 about the internal systems, the unit --

6 A. (King) Internal testing.

7 A. (Falcone) -- internal testing, right, on the back-end
8 systems. So, the unit testing is done by the fellow
9 who is doing the programming of a particular system.
10 He or she is then going to test their program, move it
11 on to the next phase of testing. So that all of that
12 testing, those phases or those steps are done on all
13 the back-end systems.

14 The WISOR system also had, which is the
15 front-end interface, also had unit testing and product
16 testing done internally by FairPoint and Capgemini.
17 The integration testing, the end-to-end testing, or the
18 system testing was also done by Capgemini. The CLEC
19 testing, again, is a unique subset of -- not of those
20 tests, it's a unique test to test the CLEC's ability to
21 interconnect with FairPoint and to exchange messages.

22 Q. So, the CLEC testing didn't include integration
23 testing, for example?

24 A. (King) Well, the CLEC testing, per se, did not, but
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1 wholesale testing did.

2 Q. And, that was done pursuant to FairPoint's internal
3 testing, is that correct?

4 A. (King) That's correct.

5 Q. Can you tell me how many hours of testing FairPoint has
6 spent on its systems?

7 A. (Falcone) Many thousands, I would guess. Keep in mind,
8 Capgemini did most of this testing, subject to check,
9 with FairPoint. It's my understanding, Capgemini, at
10 one point, had close to or over 600 people on this
11 project, in addition to the FairPoint people on it.
12 Many of those people were testers of some sort or
13 another, whether they were testing their individual
14 programs or testing the application integration. So,
15 when you add up those people and those hours and those
16 months, I can't do that arithmetic in my head, but it's
17 a lot.

18 Q. And, can you tell me how much testing have CLECs been
19 permitted to do?

20 A. (Falcone) Again, for the CLEC testing, it has been
21 going on for quite some time. There are windows that
22 FairPoint makes available to the CLECs, and the CLECs
23 are testing a very small subset of what needs to be
24 tested. So, how many hours? Again, I couldn't do the
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1 arithmetic. But there's been test windows, three-hour
2 windows available to CLECs for -- since October 13th.

3 Q. Can you give me a ballpark estimate, you know, the
4 amount of hours of CLEC testing?

5 A. (Falcone) A thousand.

6 Q. And, CLECs were initially limited to two-hour windows,
7 is that correct?

8 A. (King) That's correct.

9 Q. And, recently, that was expanded to three-hour windows,
10 is that correct?

11 A. (King) Yes, that's correct. And, we understand that a
12 number of those windows have not been used by CLECs.

13 Q. And, can you tell me when the windows were expanded to
14 three hours?

15 A. (Falcone) October 13th. And, the number of windows was
16 also expanded on October 13th. Subject to check, I
17 believe they doubled.

18 Q. And, there are no constraints, there are no time
19 constraints on FairPoint employees for their testing,
20 is that correct?

21 A. (Falcone) Not that I'm aware of.

22 Q. And, FairPoint users are not limited to data sheets
23 that strictly define what data can be entered in every
24 field, is that correct?

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1 A. (King) That's correct.

2 Q. And, CLECs are, is that correct?

3 A. (Falcone) Again, because of the way the CLEC test
4 environment was set up, with this one account to one
5 test case relationship, data sheets are provided to the
6 CLECs so that they know which account to use to execute
7 that test case. So, yes, that is correct. But it has
8 to do with the environment that was set up for the CLEC
9 testing.

10 Q. And, this may have been stated before, but just to be
11 clear. Mr. Falcone, is it your testimony that the
12 purpose of CLEC testing was solely for the CLEC to be
13 able to issue orders to FairPoint and that FairPoint
14 could respond to those orders and trouble tickets?

15 A. (Falcone) Not only is my testimony, but that's what
16 FairPoint communicated to the CLECs at a Wholesale User
17 Forum, that the purpose of the CLEC testing would be to
18 allow them to interconnect, to ensure that they could
19 -- that both their -- whether they're using the graphic
20 user interface or the EDI interface, the first thing
21 you need to do is test that you can get -- talk to each
22 other, if you will. And, then, the next step, once you
23 get past that point, is to test for the exchange of
24 orders and trouble reports and get responses on those.

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- 1 A. (King) And pre-orders.
- 2 Q. And, so, is it your position that testing FairPoint's
3 OSS for purposes of competition is not the purpose of
4 CLEC testing?
- 5 A. (Falcone) If you're referring to a 271 type of testing,
6 that's certainly my understanding.
- 7 Q. And, you didn't examine whether FairPoint's systems
8 complied with the market opening provisions of the
9 Telecommunications Act, did you?
- 10 A. (King) Well, we certainly observed whether there was
11 any evidence that the systems were designed in a way to
12 be discriminatory, and we found no such design.
- 13 Q. When did you do that?
- 14 A. (King) That was part of our ordinary looking at the
15 system design and the system test.
- 16 A. (Falcone) And, when we observed the end-to-end testing,
17 we observed that the wholesale orders went through all
18 of the same back-end systems and updated all of the
19 same back-end systems as the retail orders, with the
20 only exception of the billing system, because there's a
21 different billing system for wholesale and resale --
22 and retail.
- 23 A. (King) And, the different input, obviously.
- 24 Q. CLEC testing didn't test whether FairPoint is providing
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1 CLEC with OSS -- CLECs with OSS functions for ordering,
2 for example, that are equivalent to what it provides to
3 itself?

4 A. (Falcone) The CLEC testing provided the CLEC the
5 opportunity to issue the types of orders that CLECs
6 order. For example, unbundled loops, FairPoint
7 wouldn't order unbundled loops, because it's not a
8 retail product. So, the CLECs' test environment and
9 test cases allowed the CLECs to issue all the orders on
10 the various types of products that they would be
11 ordering.

12 Q. Well, I'm not asking about the provisioning OSS. I'm
13 just -- You had testified that basically the whole
14 purpose of CLEC testing pertained to connectivity.

15 A. (Falcone) No, I never said that.

16 Q. All right.

17 A. (Falcone) I said that that was one facet of the CLEC
18 testing was for connectivity. The other facet was to
19 exchange messages back and forth. And, those messages
20 are trouble reports, Local Services Requests, LSRs, and
21 Access Service Requests, ASRs, which are types of
22 orders. And, for FairPoint to be able to respond to
23 those requests. And pre-orders, I'm sorry. Mr. King
24 had advised me at the beginning, and the ability to do
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1 pre-orders. And, he keeps kicking me under the table,
2 I'm getting sore here.

3 Q. Right. But merely testing whether the CLEC OSS -- the
4 CLEC OSS allows the CLECs to be able to issue orders to
5 FairPoint, and that FairPoint could respond to those
6 orders, isn't the same as testing whether FairPoint is
7 providing CLECs with OSS functions for ordering that
8 are equivalent to that which FairPoint provides to
9 itself, is it?

10 A. (Falcone) There is no equivalency. FairPoint doesn't
11 use a gateway to get to its own systems. The gateway,
12 the WISOR gateway is something that FairPoint has made
13 available, just as Verizon has its gateway that it
14 makes available to the CLECs, so that they can get into
15 Verizon systems, FairPoint has made its gateway
16 available so that the CLECs could get into its systems.

17 If I am a FairPoint employee, and I have
18 a customer on the phone ordering service, I'm not going
19 to use WISOR to get into -- I'm going to go right into
20 the FairPoint system. But -- So, we essentially end up
21 at the same place.

22 Q. Forgive me for the delay. In your November report, at
23 Page 3, it states that the testing environments for
24 CLECs "were intentionally designed to restrict access
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1 to only a subset of the operations support system's
2 applications and data", is that correct?

3 A. (King) That's correct.

4 Q. Did it bother you that the testing environments for
5 CLECs were more limited than for FairPoint users?

6 A. (Falcone) It didn't bother us that they were more
7 limited than FairPoint users, again, because the
8 purpose of the testing was very different. Frankly,
9 the reason we wrote it in the report as we did is it
10 did bother us that they were as restrictive as it was,
11 so that -- such that it was only a one account to one
12 test case relationship. What Liberty -- What Liberty
13 would like to have seen is a more robust test bed,
14 maybe more CLEC-specific, so that a CLEC could use a
15 number of accounts to execute a test case, and choose
16 from maybe 20 accounts that was -- that were unique to
17 that CLEC. That would have been a more robust way of
18 making the test bed. However, the end result is
19 essentially the same. The CLEC could issue orders and
20 get responses back. I just think it would have
21 resolved a lot of this concern that the CLECs have,
22 because the testing would have been a bit more robust.

23 Q. It also states in the November report that "Liberty had
24 made live observations of test cases considered
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1 successfully passed by Capgemini, although producing
2 incorrect results." Is that correct?

3 A. (King) We did, in the past, observe that phenomenon.
4 And, as a result of that, we were concerned to make
5 sure that we observed those tests again. And, when we
6 did our last visits to Atlanta that Mr. Falcone was
7 talking about, we observed no cases in which that was
8 occurring.

9 Q. But it certainly bothered you that, during the course
10 of the testing, that this was being -- that this was
11 producing incorrect results. Would you agree with
12 that?

13 A. (King) Well, some of that is very likely to happen in a
14 testing environment of this complexity, with that many
15 testers, and that much going on, particularly in the
16 early phase of the testing. But, nevertheless, it was
17 of sufficient concern to us that we clearly reported
18 about it, and we wanted to revisit the situation and
19 make sure it had been resolved.

20 A. (Falcone) And, if I may add, it was not on every single
21 test case. It was occasional, what we would see was
22 that the reported results and what we observed were
23 different. But that didn't happen on -- you're making
24 it sound, Mr. Sawyer, that was time and again. It was
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1 not on every test case.

2 Q. Now, it's been stated that FairPoint employees were
3 permitted to test their orders on an end-to-end basis,
4 right?

5 A. (Falcone) Well, FairPoint and Capgemini had to test on
6 an end-to-end basis, to make sure that the connectivity
7 between the systems was there and the systems
8 communicated with each other as they should.

9 Q. And, do you think that it is helpful for FairPoint
10 employees to be able to see an order go through the
11 system end-to-end without an error?

12 A. (King) It's certainly helpful for FairPoint in ensuring
13 that its systems are working to see that that's
14 occurring, yes.

15 Q. And, CLECs are not permitted to test on an end-to-end
16 basis, is --

17 MS. ROSS: I'm going to object at this
18 point. This point has been raised and answered several
19 times by this witness. I don't think it's necessary to
20 keep asking the same question over and over.

21 MR. SAWYER: Well, I'm happy to go to
22 the next question.

23 BY MR. SAWYER:

24 Q. From a CLEC perspective, don't you think it would be
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1 equally beneficial for CLEC employees to see that they
2 can -- that their order can get through end-to-end
3 without an error?

4 A. (Falcone) Not necessarily. Again, in the Verizon test
5 system today, a CLEC -- a new entrant into the market,
6 a new CLEC or a CLEC doing testing for a system change,
7 Verizon offers a test system to that CLEC today, as
8 does AT&T, as does Qwest, and those orders do not go
9 end-to-end either. They are very similar, as Mr. Haga
10 spoke earlier, same type of environment that FairPoint
11 offers. The ability to exchange the records, the
12 ability to get the messages back. And, again, if no
13 end-to-end testing was done, then I think we'd have an
14 issue here. The fact that end-to-end testing was done,
15 the fact that Liberty observed some of that testing and
16 saw it working, I don't see an issue.

17 Q. Concerning the test beds that CLECs are required to use
18 for their testing, in hindsight, Mr. Falcone, would you
19 agree that FairPoint should have created separate test
20 beds for each of the CLECs?

21 A. (Falcone) Not even in hindsight, I've been saying that
22 all along. I think, in hindsight, FairPoint would say
23 that they probably should have done it differently, but
24 that's a question you should ask them. But, as we said
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1 in our report, we thought that the test bed and the
2 test environment could have been set up differently to
3 make the testing a bit more robust. That doesn't mean
4 it would have gone end-to-end, though. It would have
5 just given the CLECs more flexibility in what accounts
6 to choose to execute a test case.

7 Q. And, would that have allowed CLECs to test using real
8 data?

9 A. (King) No, it would not.

10 A. (Falcone) Well, it would have been real test bed
11 account data. But, once it got into the front-end
12 system, it still would not be testing data in the
13 back-end. So, the example before with the wrong
14 address, whether it's the environment that they have
15 today or whether they had six accounts to choose from,
16 that wrong address would still not work -- would still
17 not fail, because it would not be checking with the
18 back-end system.

19 CHAIRMAN GETZ: Mr. Sawyer, how much
20 more do you have?

21 MR. SAWYER: I've probably got another
22 10 or 12 minutes.

23 CHAIRMAN GETZ: Well, for planning
24 purposes, this may be a good time to recess. But, Ms.

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[WITNESS PANEL: Falcone|King]

1 Moore, do you have -- or, Ms. Foley, do you have questions
2 for this panel?

3 MS. FOLEY: I have no questions for the
4 panel.

5 MR. MOORE: I do, probably 15 minutes.

6 CHAIRMAN GETZ: Okay. And,
7 Ms. Hatfield?

8 MS. HATFIELD: Probably five or so.

9 CHAIRMAN GETZ: Okay. Well, let's, I
10 think we're maybe pushing Mr. Patnaude's limits, if no one
11 else's, let's take a recess now and come back at 1:30.

12 (Whereupon a recess was taken at 1:13
13 p.m. and the hearing reconvened at 1:40
14 p.m.)

15 CHAIRMAN GETZ: Okay. We're back on the
16 record, and resuming with Mr. Sawyer.

17 MR. SAWYER: Thank you, Mr. Chairman.

18 BY MR. SAWYER:

19 Q. Do you agree that it is important to ensure that
20 FairPoint is providing adequate training and assistance
21 to CLECs to make sure they know how to implement and
22 use all the OSS functions available to them?

23 A. (Falcone) Yes, I do.

24 Q. And, has Liberty reviewed the training materials
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1 provided to CLEC training?

2 A. (Falcone) Liberty has not reviewed the CLEC specific
3 training materials. Liberty got a brief overview of it
4 at one of the Wholesale User Forum sessions, but has
5 not looked at any detail as to the CLEC training that's
6 available. However, I would also like to add that the
7 training is only on the graphic user interface. It's
8 not on the EDI, because EDI is a machine, a machine
9 interface. So, from our experience, from Liberty's
10 experience in observing the graphic user interface
11 being used through the testing, it's pretty
12 user-friendly and intuitive. So, it doesn't seem like
13 training would be too difficult.

14 Q. When do you intend to review those materials?

15 A. (Falcone) Currently, we don't have -- we didn't have a
16 plan to review the materials. I mean, certainly, if
17 FairPoint wants to share them, and we certainly can
18 review them. But, as I indicated, because it's a
19 graphic user interface, and keep in mind the training
20 is not to teach the CLECs how to issue an ASR or an
21 LSR. They should know that themselves. It's not
22 FairPoint's job to teach the CLECs the business rules
23 of how to complete an order. That's the CLEC's
24 responsibility. The training is only on how to take
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1 those business rules and apply it to their interface.

2 And, again, the training -- the interface is pretty

3 intuitive. It's just fill in the field.

4 Q. And, has Liberty reviewed any actual training that

5 FairPoint has provided to CLECs?

6 A. (King) Not to CLECs, no.

7 Q. Okay. Do you intend to?

8 A. (King) No.

9 Q. You understand that some CLECs are concerned that the

10 OSSs that FairPoint intends to make available to CLECs

11 are not ready, correct?

12 A. (Falcone) Well, based on from what we've read of the

13 CLEC affidavits, that, yes, that's how the CLECs have

14 indicated, they don't feel that their OSSs are ready.

15 Q. What if the CLECs are right? What if, after cutover,

16 or, I should say, if, after cutover, FairPoint's GUI

17 interface does not work, and CLECs are unable to get

18 their orders or their trouble tickets to FairPoint,

19 what happens?

20 A. (Falcone) I guess that's a hypothetical. And, if we

21 want to play out the hypothetical, the worst case that

22 would happen is, if the system didn't work at all,

23 which would be -- means that the testing that both the

24 CLECs and FairPoint has done was for not, because even

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1 the CLEC testing is proving that they could get the
2 orders to FairPoint, and FairPoint could respond to
3 them. But, let's say the CLEC testing isn't indicative
4 and the FairPoint testing isn't indicative, the worst
5 that would happen, worst case scenario would be that
6 the CLECs would have to manually get those orders to
7 FairPoint.

8 Q. And, what would that be like for FairPoint, if that
9 occurred for all of the CLEC orders in the three-state
10 region?

11 A. (Falcone) It would be a labor-intensive effort to work
12 those orders.

13 Q. What remedies are available to CLECs if this happens?

14 A. (Falcone) Well, I believe the PAP is in place to handle
15 things like this. There are -- There are measures in
16 the PAP for FairPoint's ability to respond with firm
17 order confirmations. There are measures for some
18 system interface. So, if the system is not up, there's
19 a systems interface measure. So, there are many
20 measures in the PAP that contemplate taking care of
21 scenarios that are where the CLECs are being harmed.

22 Q. But the PAP would only apply in that stance if
23 FairPoint actually received the order, wouldn't it?

24 A. (Falcone) No. Again, there are -- the one PAP measure
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1 that I have in mind is system availability. If the
2 system is not working, it's not available, so that's a
3 PAP measure that would be an indication of a failure.

4 Q. But you would agree, wouldn't you, that FairPoint
5 wouldn't be in a position of providing a FOC data that
6 never got the order?

7 A. (Falcone) Right. FairPoint can't read the CLEC's mind.
8 If it doesn't get an order, it can't provide the FOC.

9 A. (King) But, as we said before, the order could be
10 submitted manually, if the electronic capability is not
11 there.

12 Q. Have you accounted for the full-time employees that
13 would be required, if FairPoint's systems went down and
14 manual orders were replacing automated orders?

15 A. (Falcone) No, I think that's a hypothetical. On the
16 same token, we could play this out that says that "the
17 FairPoint employees can't get their orders into the
18 systems either, and have we accounted for those
19 employees?" No, I think we're banking on the test
20 results that we've seen, that these systems are going
21 to work, and that the orders will be -- CLECs will be
22 able to electronically, either through the graphic user
23 interface or through EDI, and get their orders to
24 FairPoint, and FairPoint will be able to respond to
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1 those orders.

2 A. (King) Yes. I think the key point is there is nothing
3 we have seen to indicate that a disaster of the
4 proportions you're talking about have any significant
5 likelihood of occurring.

6 MR. SAWYER: I have no further
7 questions.

8 CHAIRMAN GETZ: Okay. Thank you. And,
9 Ms. Foley, you indicated you have no questions?

10 MS. FOLEY: That's correct. I have no
11 questions.

12 CHAIRMAN GETZ: And, Mr. Moore?

13 MR. MOORE: Just a few. Thank you.

14 BY MR. MOORE:

15 Q. I'll go back to a discussion you had I believe with
16 Mr. Mandl, discussing flow-through. Now, if orders
17 that are designed to flow through, don't flow through,
18 they will fall out and then they have to be handled
19 manually, correct?

20 A. (Falcone) That's correct.

21 Q. And, did I get it right, that you stated that FairPoint
22 has not provided you with a figure of tested
23 performance, if you will, of their systems, in terms of
24 flow-through?

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- 1 A. (Falcone) FairPoint has not provided us with a figure
2 on testing performance. FairPoint has provided us what
3 their design flow-through rate is, which is 90 percent.
4 FairPoint has also done performance testing on its
5 systems to ensure that the systems can work under both
6 normal loads, based on historical data, and on what
7 I'll call "stress volumes", which were 20 to 30 percent
8 above normal loads.
- 9 Q. Okay.
- 10 A. (King) Plus they have also tested the functional
11 testing of the expected flow-through, to see that
12 things that are designed to flow through, do flow
13 through. They have also tested the conversion of the
14 data extracted from Verizon, to assure that it is
15 properly put into the FairPoint systems.
- 16 Q. And, based on your review, in your testing, aside from
17 information -- an estimate from FairPoint, you don't
18 have a view today of what flow-through rate FairPoint
19 should expect at cutover, do you?
- 20 A. (Falcone) What we did see was orders that were designed
21 to flow through, did flow through. And, orders that
22 were designed not to flow through, or only flow through
23 up to a certain point, where they had to be picked up
24 and worked manually, have performed that way. Again,
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1 based on the evidence we've seen, we had no reason to
2 anticipate a disaster when the systems cut over, and
3 that all of those things that did flow through, that we
4 observed flow through, will now not do so.

5 Q. Well, aside from a disaster, do you expect then that
6 FairPoint will see a 90 percent flow-through rate after
7 cutover?

8 A. (Falcone) After cutover, probably not. I mean, there
9 are many factors that go into flow-through. And, not
10 only the volumes and the systems coming online, but
11 also one of the factors that goes into flow-through is
12 the quality of the input from a CLEC on a CLEC order.
13 Fields are validated, but the validations can only go
14 so far until they get to the back office system. So,
15 for example, let's say a CLEC types in on an order a
16 code for its collocated equipment, and it has the field
17 filled in correctly, but it typed the code in wrong.
18 Once it gets to the back-end systems, and FairPoint's
19 back-end systems validate that code, it's going to see
20 that that's not a valid code, and it's going to fall
21 out for manual handling. So, that's one way of
22 something that should have flowed through had the CLEC
23 filled it out correctly will not flow through.

24 Q. Right. So, for whatever reason, to the extent
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[WITNESS PANEL: Falcone|King]

1 FairPoint doesn't have a flow-through rate after
2 cutover of the hoped for 90 percent, they will need
3 people available to handle those orders manually?

4 A. (Falcone) That's correct. Anything that doesn't fall
5 -- flow through will need to be handled manually to get
6 provisioned.

7 Q. Have you calculated or estimated how many people
8 FairPoint would need at different flow-through rates?
9 For example, instead of at a 90 percent, they have an
10 80 percent flow-through or a 50 percent, have you
11 figured out how many people they would need for that?

12 A. (Falcone) Liberty hasn't figured out, but, in talking
13 with FairPoint, it's our understanding that they've --
14 we've heard earlier from FairPoint, when they were up
15 here, about their bubble force or the people that
16 they're bringing in to help, temporary staff to help
17 with this crunch at cutover. One of the factors that
18 they're calculating into that equation is a 60 percent
19 flow-through rate.

20 Q. And, I believe you testified in Maine that the
21 additional people that FairPoint would need are not
22 included in the 50 full-time equivalent limit that
23 Liberty had determined, is that right?

24 A. (Falcone) That is correct. The 50 -- The 50 limit is
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[WITNESS PANEL: Falcone|King]

1 for defects on system design issues, notice change
2 requests that are not in place that will need to be
3 handled manually. So, those are things that FairPoint
4 knows of that have to be manually, and they're
5 full-time equivalent employees, as opposed to the
6 bubble force, which is going to handle this fallout, if
7 you will, and any other issues that come up during and
8 after cutover.

9 Q. But wasn't the 50 full-time equivalent limit imposed
10 out of a concern on the part of Liberty that, if
11 FairPoint needs an extremely large additional
12 workforce, that would lead to errors and complications
13 and additional costs?

14 A. (King) Yes. But what we were trying to deal with is to
15 make sure that known defects in the systems were not
16 unnecessarily contributing to that, to that situation.

17 A. (Falcone) And, may I add? We were also looking for the
18 long-term normal operation. So that, if FairPoint cut
19 over with defects, known defects and change requests
20 that required, let's say, 125 people, and that was
21 going to be a long-term situation, we felt that that
22 was not a tenable situation, because of the fact that
23 you have all these human touch points. We were not
24 calculating in that 50 limit the extra people that
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[WITNESS PANEL: Falcone|King]

1 would be needed to get through the crunch at cutover,
2 because of the backlogged orders and other things that
3 are going to come up.

4 A. (King) And other unexpected events that would occur.

5 A. (Falcone) Right.

6 Q. The 44 people or additional full-time equivalents are
7 intended to give FairPoint the capability to substitute
8 for changes in their systems that they have asked
9 Capgemini to create, is that right?

10 A. (King) The 44, yes.

11 Q. And, do you expect those to be long-term full-time
12 employees that FairPoint will need?

13 A. (Falcone) No. Again, it was -- the notion was not to
14 go into cutover with a lot of change requests for
15 system functionalities that needed to be there to
16 replace manual processes. The notion on many of those
17 change requests is that FairPoint has dates on many of
18 them to implement them immediately after -- well, I say
19 "immediately", within 90 to 120 days after cutover.

20 Q. Okay. Well, if both, the two groups, if the group of
21 people who are included in the 44, the full-time
22 equivalents, you expect to be temporary, and the group
23 that FairPoint would need to handle orders, if they
24 have a lower flow-through rate are temporary, what is
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[WITNESS PANEL: Falcone|King]

1 the difference in those groups?

2 A. (Falcone) The difference is that, when we established
3 the 50 criteria, we did not know how temporary they
4 would be. That criteria was established, I think, back
5 in August or earlier. And, at the time, we said that
6 it's not acceptable to go into cutover knowing that you
7 had functionality or defects that required hundreds of
8 people to, or, yes, and maybe that's an exaggeration,
9 but over 50 people to have to work, not knowing what
10 those defects at that time would be or what those
11 change requests would be at that time.

12 Since that time, you know, the defects
13 have been identified, the change requests have been
14 identified. And, FairPoint has even put dates on many,
15 not all, but many of the change requests for
16 implementation. So, it's kind of a point in time.

17 Q. But shouldn't the Commission be concerned, because it
18 sounds like FairPoint and Liberty have a better handle
19 on the number of people that will be necessary for
20 those change order workarounds and how long they might
21 have them, and less information about the flow-through
22 rate, how many people they would need to have and how
23 long they are going to need to employ them?

24 A. (Falcone) If FairPoint has designed its systems for
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 90 percent flow-through, and based on the performance
2 testing and the functional testing, the systems testing
3 that Liberty observed of the systems, Liberty has no
4 reason to believe that, once those systems cut over and
5 FairPoint's volumes get down to normal business day
6 volumes, that they will not be achieving close to that
7 90 percent flow-through.

8 A. (King) Aside from unexpected events that might occur.

9 MR. MOORE: I have no further questions.

10 Thank you.

11 CHAIRMAN GETZ: Thank you. Ms.

12 Hatfield.

13 MS. HATFIELD: Thank you, Mr. Chairman.

14 Good afternoon, gentlemen.

15 WITNESS FALCONE: Good afternoon.

16 WITNESS KING: Good afternoon.

17 BY MS. HATFIELD:

18 Q. Attorney Ross walked you through most of your November
19 12th report and had you note any changes or updates
20 with the issues you had raised. And, I wanted to do
21 the same thing, just with respect to staffing and
22 training. Do you have a copy of Staff Exhibit C-2 with
23 you, which is the November 12th report?

24 A. (King) Yes.

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[WITNESS PANEL: Falcone|King]

- 1 A. (Falcone) Yes.
- 2 Q. If you turn to Page 22 of that report.
- 3 A. (King) Okay.
- 4 Q. In the footnote, you note that, "on November 7th, when
5 FairPoint announced its third quarter financial
6 results, it also announced a hiring freeze." And, then
7 you indicate "This information is too new for Liberty
8 to assess its significance." Have you had time, since
9 November 12th, to assess that significance, if there is
10 any?
- 11 A. (King) No. No, we haven't. We've spent a lot of time
12 going to regulatory hearings between now and then.
- 13 Q. Is that something that you'll consider or that you'll
14 assess after this hearing?
- 15 A. (King) Well, we will certainly continue to receive
16 staffing reports. And, if we see anything in those
17 staffing reports that cause us some concern, we will
18 certainly make that available, that information
19 available to the Staffs.
- 20 Q. In One Communications' comments that I discussed
21 earlier with Mr. Nixon, One Comm's first suggested
22 condition was that you, Liberty, continues to monitor
23 FairPoint's activity and report on them, and continue
24 to provide updates to the Commission and to the CLECs.
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1 What is your understanding of Liberty's role from this
2 point forward?

3 A. (King) Can you repeat the question? I'm not quite sure
4 I understand.

5 Q. Sure. Well, I'm really asking you what is your
6 relationship to the Commissions or to this docket going
7 forward? And, I just draw your attention to the One
8 Comm condition that I think FairPoint said that they
9 would support, which is that you would continue to
10 monitor and report on their activities.

11 A. (King) Well, certainly, our current contract and scope
12 of work has us continuing to monitor until I believe
13 it's two months after cutover. And, it specifically
14 says that we will file a report after cutover
15 indicating -- summarizing what's happened and
16 indicating any issues that may have occurred at
17 cutover. I don't believe it explicitly calls for us to
18 continue doing monthly reporting. However, I believe
19 FairPoint has suggested that would be a good idea, and
20 some other parties have, and that would be certainly
21 something we would intend to continue to do.

22 Q. With respect to training, which you discuss on Page 23
23 of your November 12th report, you do note that
24 FairPoint, at that time, had "not yet demonstrated
 {DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 satisfaction" with one of the related criteria. And,
2 you also noted that "none of the final training courses
3 had been completed to date." Are you aware of whether
4 that has changed?

5 A. (King) Well, as Mr. Haga reported in his testimony
6 earlier today, there have been at least two First Wave
7 training classes that have completed I believe it was
8 last week. We have not, at this point, had a chance to
9 review the results of those, but we do understand that
10 they took place.

11 Q. Earlier in your testimony you discussed, I believe,
12 four what you referred to as "assurances", do you
13 remember that?

14 A. (King) Yes.

15 Q. Is it your recommendation that the Commission make
16 those conditions to a decision not to intervene with
17 respect to Notice of Readiness of Cutover?

18 A. (King) I believe that, in answer to an earlier
19 question, I said that they could be conditions, they
20 could be handled in other ways. They could be handled
21 through party-to-party agreements. So, we don't take a
22 specific position on whether or not they should be
23 conditions.

24 Q. So, assuming that they weren't conditions imposed by
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 the Commission, do you have any hesitation with
2 recommending that the Commission not intervene with
3 FairPoint making its Irrevocable Notice of Readiness of
4 Cutover on November 30th?

5 A. (King) No, we are -- we're only offering those as
6 additional assurances.

7 Q. So, even without them, you would recommend that the
8 Commission let FairPoint go forward?

9 A. (King) Yes.

10 MS. HATFIELD: Thank you. No further
11 questions.

12 CHAIRMAN GETZ: Mr. McHugh?

13 MR. MCHUGH: No further questions.

14 CMSR. BELOW: Yes, I have a question.

15 BY CMSR. BELOW:

16 Q. If FairPoint proceeds with the cutover, and northern
17 New England experiences a bad ice storm during late
18 January or early February, during the embargo and dark
19 period, with extensive service outages, would you
20 expect that FairPoint could make a reasonable response
21 with their manual emergency work order system and other
22 workforce capability, compared with what might be
23 expected in the absence of the cutover?

24 A. (Falcone) I think what might happen, to play out that
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 scenario, is, during the cutover period, FairPoint's
2 actually transferring all the data from the Verizon
3 systems into its own systems. It's not going to have
4 an impact on FairPoint's ability to fix troubles or
5 things of that nature. So, if, at the same time that
6 was happening -- there's two scenarios here, if I may.
7 If, while that was happening, it was in the dark
8 period, if you will, where nothing could be electronic,
9 FairPoint would have to take a manual record of those
10 trouble reports coming in due to the ice storm.
11 FairPoint would have to focus its workforce on fixing
12 those problems, just as it would do in an ice storm if
13 its systems were online. Once the systems came up and
14 the trouble reports could be put into the systems, and
15 this ice storm was severe that there was lots of
16 outages and wires down, poles down, FairPoint, if I
17 were running FairPoint, certainly a question for
18 FairPoint, but I would divert folks who are
19 provisioning service, not emergency services, into
20 fixing -- restoring service, before I did some of those
21 extended intervals, make it extended a little longer.
22 You know, so, the 33 percent that they brought in, may
23 have to go back out again. That would kind of be out
24 of their control. And, that would be true for Verizon
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[WITNESS PANEL: Falcone|King]

1 today. If Verizon had an ice storm, and it needed to
2 restore service, provisioning kind of takes a backseat
3 to doing service restoration. I hope that answers your
4 question.

5 Q. Well, it's, obviously, a difficult scenario. But the
6 point is, from what you know, they have the -- the
7 technical staff is in place to do the field work?

8 A. (King) Yes.

9 Q. And, their call center would become operative at the
10 point of cutover, in terms of them receiving customer
11 calls or --

12 A. (Falcone) The call center is -- It's our understanding
13 that the call center will be there from day 1 during
14 the dark period. Their process during that dark period
15 for trouble reporting is that the call center is there
16 to take trouble reports. FairPoint, I understand, has
17 developed a -- I wouldn't call it a "mechanized
18 system", but a way of recording those trouble reports
19 so that it's easy to take them, once the systems come
20 back online, and put them in there for historical
21 purposes, to get those trouble reports that were
22 manually taken, so that they could be in there, both
23 from history and from reporting their performance. So,
24 yes, the call center will be there. Will they need
 {DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS PANEL: Falcone|King]

1 additional staff? No doubt, if it was an ice storm,
2 just like if there was an ice storm and they were fully
3 operational, they would schedule overtime, bring, you
4 know, put people from other work groups into those
5 positions.

6 CMSR. BELOW: Okay. Thank you.

7 CHAIRMAN GETZ: Ms. Ross, any redirect?

8 MS. ROSS: No, your Honor.

9 CHAIRMAN GETZ: All right. Then, the
10 witnesses are excused. Thank you, gentlemen.

11 WITNESS KING: Thank you.

12 WITNESS FALCONE: Thank you.

13 CHAIRMAN GETZ: Mr. Sawyer, is
14 Ms. Mullholand next?

15 MR. SAWYER: Yes. SegTEL calls Kath
16 Mullholand to the stand.

17 CHAIRMAN GETZ: And, the plan is to go
18 one witness at a time or --

19 MR. SAWYER: Yes, sir.

20 CHAIRMAN GETZ: Okay.

21 (Whereupon Kath Mullholand was duly
22 sworn and cautioned by the Court
23 Reporter.)

24 KATH MULLHOLAND, SWORN

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 DIRECT EXAMINATION

2 BY MR. SAWYER:

3 Q. Could you please state your name for the record.

4 A. My name is Kath Mullholand.

5 Q. And, are you the same Kath Mullholand that prepared
6 direct testimony in this docket?

7 A. I am.

8 Q. And, is that testimony in front of you?

9 A. Yes, it is.

10 Q. And, has that testimony been premarked as "segTEL
11 Exhibit CR-1"?

12 A. It has.

13 Q. And, was the testimony prepared by you or under your
14 control?

15 A. It was prepared by me.

16 Q. And, is it accurate and truthful?

17 A. Yes, it is.

18 Q. And, do you have any changes to make to the testimony?

19 A. There is one typographical error on Page 3. Line 16,
20 the line starts "OSS) is ready", and it should say
21 "OSS) is not ready".

22 Q. Would you please summarize your testimony.

23 A. I can, very quickly. I tested FairPoint's CLEC OSS,
24 the trouble administration portion last week. The test
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 that I did, they passed as they were designed. But I
2 don't believe that's dispositive for several reasons.
3 First of all, the CLEC testing that CLECs are doing is
4 not functional testing. It isn't integrated with the
5 operating system that FairPoint is using to a
6 satisfactory degree, and it uses inappropriate data as
7 test data. That's all come out earlier today.

8 But, more important is, that we aren't
9 testing a CLEC OSS here. There are concerns that this
10 CLEC OSS does not have the functionality it should
11 have, that it could create a time synch for CLECs.
12 There are interoperability issues that are coming up.
13 But the crux of my testimony goes to the question or,
14 actually, what the issue that Mr. Haga raised earlier
15 this morning, and that is how much testing is enough,
16 how do you tell when a system is really ready?

17 I am not and segTEL is not looking for
18 the interface to be perfect. There's no such thing. I
19 am, however, looking for an interface. A GUI interface
20 isn't just a gateway into a remote system. It is a
21 software entity all in itself. What I tested, in my
22 opinion, was a template for a GUI to be created later.
23 I don't believe it can possibly be a parity with what
24 FairPoint is providing to itself. Let me restate that.
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 I hope it's not a parity with what FairPoint will be
2 providing to itself. It has not been tested to make
3 sure that it's a parity.

4 There are significant outstanding issues
5 regarding the functionality of the system, the
6 usability of the system, the lack of stress testing,
7 the time synch issues, the security issues, and the
8 interoperability issues. And, I believe that these
9 issues will affect CLECs disproportionately. If the
10 retail OSS of this company works, and Liberty has
11 stated that it does, what I want to know is, why aren't
12 CLECs being given the opportunity to have an interface
13 into that system that works just as well, that we can
14 test just as thoroughly, and that we will know will
15 work on day one after cutover.

16 Q. Ms. Mullholand, it was stated by both Liberty and from
17 FairPoint today that "CLEC testing is not end-to-end."
18 Is it segTEL's position that CLECs must have end-to-end
19 testing?

20 A. It couldn't hurt. End-to-end testing is always a good
21 thing. But that's not really what the point of my
22 testimony was. The point of my testimony is that the
23 GUI system, in and of itself, as a stand-alone system,
24 isn't ready. Let me try and give you an example. I
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 use TurboTax to do my income taxes. It's a GUI
2 interface -- well, it's a computer interface into a
3 system that I don't know a whole lot about, just like
4 the FairPoint GUI. Like FairPoint, the IRS has a bunch
5 of computer systems that do all kinds of things.
6 That's subject to check. But I assume they have a
7 really complex computer system that checks returns,
8 calculates taxes and all of that. And, FairPoint has a
9 complex computer system, their retail OSS, it keeps
10 track of inventory, does order processing, billing, the
11 whole bit. As a CLEC, just like as a taxpayer, I don't
12 need to know a whole lot about that system, other than
13 that it works.

14 So, in order to file my tax return, I
15 need to have an interface that allows me to prepare a
16 tax document that can go to the IRS and get an
17 appropriate response. And, I'm being told, in the case
18 of FairPoint's OSS, that that's what my system will do.
19 That the GUI system will go out to FairPoint's OSS, and
20 it will come back and it will get an appropriate
21 notifier.

22 So, I buy TurboTax, and it says on the
23 box "This software has been fully tested. When you
24 send in your return from TurboTax it will get an
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 appropriate response." And, I say "Great. That must
2 mean the software works." So, I get it home and I open
3 it up and it says "How much money did you make last
4 year?" I misunderstand the question and I type "a
5 lot", subject to check. And, TurboTax says "No, I need
6 a number." Then, I realize, "Oh, yes. Okay." So, I
7 type in the number that it wants, and it says the
8 equivalent of "Okay, let's go on." I open up the
9 FairPoint CLEC GUI. And, it says "What's your service
10 ID?" Meaning "what circuit ID or what trouble ticket
11 is in -- telephone number is in trouble?" And, I type
12 in "Purple". And, at that moment, the CLEC GUI says
13 nothing.

14 I go to TurboTax and it says "How many
15 taxes did you pay?" And, I say "Too much". I go to
16 the FairPoint GUI, and it says -- sorry -- "What's the
17 address of where your service is located?" And, I put
18 in "Atlanta, New Hampshire". To my knowledge, there's
19 no Atlanta in New Hampshire. The CLEC GUI says
20 nothing. Now, ultimately, when I send in my document
21 for final processing, those errors do get fixed. But
22 they don't get fixed on the front-end. There is --
23 Just having one field for circuit ID and telephone
24 number alone could create enormous issues, because
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 those are not the same type of parameters in the
2 system. A circuit ID has two digits, followed by four
3 characters, followed by five, six, or seven digits,
4 followed by two more characters. A telephone number is
5 ten digits. If you're putting that same input into the
6 same field, that field is obviously not testing that
7 you only put in ten digits for telephone numbers,
8 obviously, not testing that you've put in "purple"
9 instead of a circuit ID. And, so, there is no
10 up-front, real-time checking on what the user is doing.

11 So, although -- although the two systems
12 have a very -- the two systems have a very different
13 interface. And, the difference is TurboTax has been
14 tested. It's been tested to know that customers can
15 use it, that it's user-friendly. It's been tested to
16 know that it gets appropriate data from the consumer,
17 because up-front testing, up-front validation of data
18 saves enormous time down the road in any computer
19 system. It has been tested to be sure that it meets
20 the standards that are applicable to it.

21 And, the GUI, it's my understanding that
22 the GUI hasn't been tested for any of that. So, that's
23 my concern about the difference in functionality
24 between what we've been offered as a GUI and what you
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 can be offered as a software. And, I'm not talking
2 about something pretend. If I look at Verizon's
3 systems, and I go into their trouble ticket admin., I
4 have a button to click. "Do you want to enter in a
5 POTS ticket or a circuit ID ticket?" And, if I click
6 on "POTS", I can only enter ten digits. If I click on
7 "circuit ID", I get four fields for that circuit ID. I
8 can only enter the relevant data that's part of that
9 circuit ID. I can't enter the dashes or the slashes or
10 commas or whatever someone has used to separate those
11 segments of data.

12 In the testing that we've done, as we
13 look at circuit IDs, and circuits IDs are a great
14 example, because, in various Verizon systems, circuit
15 IDs are segmented differently. Some of the Verizon
16 systems use commas as segmenters for circuit IDs and
17 some use slashes. Some don't use anything at all, you
18 just run the whole ID out. And, so, as a tester on the
19 CLEC side, if I put in a circuit ID that's 73/ARDU/
20 whatever, I might assume that the next time I put in a
21 circuit ID, if I do 81/TXMU/, it's going to be okay,
22 too. But what if it's not? What if the live data is
23 slashes between some of those segments in one instance,
24 and periods between those segments in another instance.
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 I have no way of knowing that. And, the way that this
2 up-front data is configured, I could end up playing
3 whack-a-mole with the data, trying to figure out which
4 way it wants it to be configured before it ends up
5 going to the back-end system. I expect FairPoint isn't
6 asking its employees to play whack-a-mole with their
7 data. If they are, I think that's an issue, too. But,
8 if they aren't, then this system isn't in parity.

9 MR. MCHUGH: Mr. Chairman, I just feel
10 the need to interject at this point. This goes well
11 beyond the summaries, and is really just a rehashing of
12 all of the testimony that Ms. Mullholand has already
13 admitted. When we talked about it this morning, I
14 understood it was going to be a very brief summary. And,
15 you know, I'd like to stick with that ruling.

16 MR. SAWYER: Mr. Chairman, this isn't a
17 part of -- this isn't a summary of her testimony at all.
18 This is in response to testimony that was given this
19 morning about end-to-end testing, and that that wasn't the
20 main point -- it was not the main point of
21 Ms. Mullholand's testimony.

22 CHAIRMAN GETZ: Well, it was brought in
23 under the heading of "rebuttal", but you'll have your
24 opportunity to cross.

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 BY MR. SAWYER:

2 Q. Earlier today, Mr. Falcone said that "the purpose of
3 CLEC testing was for the CLEC to be able to issue
4 orders to FairPoint, and that FairPoint could respond
5 to these orders and trouble reports." Do you agree
6 that this is adequate?

7 A. No, I don't. I think that a CLEC interface has to be
8 at parity with what FairPoint provides itself. And, we
9 know at this point that it is not. Liberty came up
10 with an example this morning about buying a sweater
11 from LL Bean. That, if you put in the data, and then
12 submit, it doesn't really check your data until you
13 have submitted your order and it comes back with a
14 confirmation. Actually, I'm pretty sure you can't put
15 "Purple" in for a credit card, even on LL Bean's input
16 screen. But, even if you can, there's two big
17 differences between LL Bean and FairPoint. The first
18 is, LL Bean isn't regulated, and FairPoint is. And,
19 the second is, LL Bean really wants to sell me a
20 sweater.

21 Q. This morning, FairPoint Witness Haga said that "Comcast
22 said that certain tests had passed." Do you have any
23 comment concerning that?

24 A. I think the question went to "whether or not low volume
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 testing -- certain low volume transactions are
2 important?" And, I agree, that if you're testing a
3 software, certainly in the early stages, what you want
4 to test is that your high volume transactions, the
5 things that people do every day, need to be able to go
6 through. That's, by far, the most important.

7 But, going to your question,
8 Commissioner Below, about the ice storm in New
9 Hampshire, when there's an ice storm, segTEL might be
10 placing an order to restore service on three DS3s.
11 That would be a once-in-a-lifetime order for us, but
12 it's still pretty important. And, if we don't know
13 that we can get that through, that could cause problems
14 for everybody.

15 Q. FairPoint testified this morning that there would be
16 parity between FairPoint and CLEC systems. Do you have
17 a comment on this?

18 A. I know that they have said that they believe that they
19 need to follow Section 271. But I don't believe that
20 this system has been tested to see that it's at parity.
21 I don't believe that they have looked to see if the
22 user entering data gets the same kind of immediate
23 feedback. I don't believe they have looked to see if
24 transactions take the same amount of time. I don't

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 believe that they have looked to see if the testing is
2 equivalent.

3 Liberty basically has looked at the CLEC
4 GUI with the test bed, and even Liberty has said that
5 the test bed isn't as robust as it could have been.
6 And, because the test bed is so limited, all you can do
7 is put in A, get out B. We kind of saw that last
8 night. We did testing last night, and we wanted to do
9 an ASR test, and we couldn't do it, because someone
10 else on the call had played around with the ASR testing
11 and consumed the data. In other words, the test bed
12 was no longer available to us. And, so, there was one
13 ASR example, and that one ASR example that we wanted to
14 do was unavailable to us for testing. The test bed is
15 admittedly very limited.

16 So, what FairPoint did, and what Liberty
17 watched them do, is they took the CLEC GUI and they put
18 it on the fully functional core FairPoint OSS. And,
19 then, they used the GUI to put in the data, and they
20 watched it flow through all the systems. And, so, what
21 Liberty is saying is that, if you take away the test
22 bed, put the GUI with the core systems instead, the GUI
23 passes the test. But all they have really tested is
24 that, if the right inputs are given into the FairPoint
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 OSS, the system functions and it passes all the tests.
2 Michael Haga said the same thing this morning. "Once
3 the data is in, the systems are at parity." I'm not
4 talking about that. I'm talking about the CLEC GUI
5 itself. Is the CLEC GUI at parity with what FairPoint
6 has given to its own customer service representatives?

7 Q. In response to a question from Mr. Mandl, Liberty's
8 witnesses stated that "In the context of 271 testing,
9 CLECs would not be able to test on an end-to-end
10 basis." Do you agree with that?

11 A. I agree with that, and I think I addressed that when I
12 discussed that there's a difference between end-to-end
13 testing and the kind of testing that I'm talking about
14 for the purposes of parity.

15 Q. And, did you hear FairPoint's responses to Commissioner
16 Below's questions concerning about how long a user has
17 to wait for acknowledgment?

18 A. Yes. Commissioner Below's question went to whether or
19 not that response might depend on the speed of the
20 internet connection. And, I think that response also
21 depends on a couple of other things. We tested on
22 Monday evening. And, at this point, we tested order
23 and pre-order OSS. And, in the testing that we did,
24 there were at least a couple of instances where the
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 system took a long time to complete what we were doing.
2 And, in fact, one of the orders consistently timed out
3 and never completed. Stress testing ensures that the
4 response back from a system will -- that the system can
5 handle an expected load and give a response back. Two
6 testers running 13 tests is no load at all. And, yet,
7 there were still significant processing delays. And, I
8 don't think that those processing delays have been
9 addressed.

10 MR. SAWYER: I move that segTEL Exhibit
11 C-1 be admitted. And, Ms. Mullholand is available for
12 cross.

13 CHAIRMAN GETZ: It will be marked for
14 identification. We will address admission of evidence at
15 the end the proceeding. Start with Mr. Mandl. Do you
16 have questions for the witness?

17 MR. MANDL: No questions.

18 CHAIRMAN GETZ: And, Ms. Foley?

19 MS. FOLEY: No questions.

20 CHAIRMAN GETZ: Mr. Moore?

21 MR. MOORE: No questions.

22 CHAIRMAN GETZ: Ms. Hatfield?

23 MS. HATFIELD: Thank you, Mr. Chairman.

24 Good afternoon.

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 WITNESS MULLHOLAND: Good afternoon.

2 CROSS-EXAMINATION

3 BY MS. HATFIELD:

4 Q. Do you remember the four assurances that the Liberty
5 witnesses said that the Commission might consider
6 either imposing or that the parties could have as
7 bilateral agreements?

8 A. I heard them testify to them this morning. I've read
9 them. I think, if you want me to recite them, I'm not
10 going to be able to do that.

11 Q. No. What I really wanted to ask you is, do any of
12 those proposed assurances address the issues that
13 you've raised in your testimony?

14 A. I've seen several different versions of conditions, the
15 ones that Liberty proposed, the ones that One
16 Communications has proposed, Vermont Staff proposed
17 some conditions as well. The two things that I haven't
18 seen in any of those sets of conditions that I've
19 looked at is, first of all, there's no recourse for
20 CLECs if the Section 271 violations that we're
21 concerned about are real. That, if this system is not
22 at parity, it's a violation of 271, plain and simple.
23 And, 271 is something that the courts have -- that
24 Congress order, and that the FCC has implemented. And,
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 when Verizon came in for 271 testing, and I understand,
2 FairPoint already has there 271 approval, Verizon
3 already had all their internal systems. That all was
4 there. All that Verizon had to do, and it was a big
5 job, all they had to do was provide a CLEC interface.
6 It took months, and it was tested for months, and it
7 was audited for months, before Verizon was able to do
8 271.

9 The difference here is that this system
10 wasn't tested to see if it meets the market opening
11 requirements of Section 271. But another difference is
12 is that FairPoint already has 271 authority. They're
13 already providing in-region, interLATA toll services,
14 they're already providing information services. And,
15 so, this is the opportunity to look at this OSS and
16 ensure that it meets the parameters of Section 271.

17 And, I just want to mention that that's
18 a positive showing. That FairPoint has an obligation
19 to show that it meets the market opening requirements
20 of 271. It's not incumbent on the CLECs to show that
21 they failed to. They need to show it.

22 Q. You do conclude in your testimony that you recommend
23 that the Commission deny FairPoint's request to issue
24 its Irrevocable Notice of Readiness. Are there
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 conditions that could be imposed to change your
2 conclusion?

3 A. I don't think there are. I understand that FairPoint
4 believes -- I think they really believe that they will
5 be able to offer better services once they are off the
6 Verizon system. I understand that the transaction in
7 the past several months of developing and testing its
8 system has been hard. I know that the economy really
9 stinks right now. I understand all that. But, at the
10 end of the day, the escape route from that can't be
11 over the backs of CLECs. And, I don't see anything in
12 the conditions that have been proposed, and I tried to
13 come up with conditions myself that would make up for
14 that. But CLECs need a meaningful opportunity to
15 compete. That's what the FCC has said, that's what the
16 courts have said. And, denied that meaningful
17 opportunity to compete, there's nothing that can take
18 the place of that.

19 Q. Do you think it would be possible to have a condition
20 that allowed the CLECs to have recourse if Liberty or
21 some other party found that FairPoint was not providing
22 parity to the CLECs?

23 A. I think, ultimately, what that would mean is that,
24 after Notice of Cutover is given, on November 30th, my
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 understanding is that's a runaway train. It starts
2 November 30th and it ends on January 30th no matter
3 what. There's no stopping the cutover process. I've
4 only heard that in technical sessions. I don't know
5 that of my own knowledge, but that's what I've been
6 told. And, so, I don't -- I don't believe that, with
7 what President Nixon said this morning about how
8 FairPoint's focus needs to be on cutover, that it can
9 also focus on developing a CLEC system that's compliant
10 with 271 at the same time. I think they need more time
11 to make sure that that happens.

12 MS. HATFIELD: Thank you. No further
13 questions.

14 CHAIRMAN GETZ: Ms. Ross.

15 MS. ROSS: Good afternoon,
16 Ms. Mullholand.

17 WITNESS MULLHOLAND: Good afternoon.

18 BY MS. ROSS:

19 Q. When you filed your affidavit in this case, how much
20 experience did you have with FairPoint's GUI interface?

21 A. I had spent, when I filed the affidavit in this case, I
22 had spent two hours in online testing. I had also
23 spent about I think about 12 hours, going through the
24 Capgemini testing materials that are available. I went
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 over all of the scenarios that are available to CLECs,
2 and spent some time looking at what was being made
3 available. And, frankly, that did lead me to a
4 misunderstanding. Because, when I looked at the
5 Capgemini materials that were available for testing, I
6 reasonably expected that, when the CTO of segTEL and I
7 went into the system last night, that order and
8 pre-order would turn out to be unremarkable. And,
9 instead, in that additional testing, one test failed,
10 another passed with exceptions, and we encountered two
11 interoperability errors and two unexpected system
12 errors, as well as the delays in processing that I
13 mentioned earlier.

14 SegTEL's CTO, looking at the system,
15 summed it up saying "If we're testing this to determine
16 if this system, as it stands right now, is ready, it
17 absolutely, positively is not. It's a mighty, shiny
18 alpha release of code, but it's not ready for general
19 testing, and certainly not for general availability."

20 Q. And, I think you sort of moved ahead to your experience
21 last night, but I just want to take you back to what
22 was the basis of your testimony here.

23 A. Yes.

24 Q. Before that initial testing experience, which was what
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 you based your affidavit on, did you attend any of the
2 FairPoint training?

3 A. There was training available a little earlier than
4 that, and I was unable to attend. I have been to most
5 of the user forums. I have also talked to other CLECs,
6 and spent some time at the user forums looking at the
7 materials that were there.

8 Q. Do you know, and you used an example when you were
9 talking earlier of TurboTax, do you know if the
10 TurboTax interface is what we call a "graphic user
11 interface"?

12 A. It's not, because it's not web-based. It's on a
13 computer system. And, so, it can have some more
14 functionality. Although, these days, with Java Script,
15 you can get a lot of that functionality into a
16 graphical user interface, which is what I'm talking
17 about. I'm comparing it to TurboTax for the purposes
18 of drawing out the example that I'm talking about, the
19 front-end functionality, and not the end-to-end
20 functionality, because I'm not talking about end-to-end
21 functionality. I'm talking about the functionality
22 within the front end of that interface.

23 Q. But it would be fair to say that you're comparing a GUI
24 interface with a non-GUI interface for purposes of this
 {DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Mullholand]

1 discussion?

2 A. For purposes of that example. But I also compared it
3 to Verizon's GUI interface, and found several major
4 differences between what the up-front GUI can accept
5 for data and what Verizon's interface accepts for data,
6 when you're actually entering the data into the box,
7 and the kind of immediate feedback that you get when
8 you enter the incorrect data into the box.

9 MS. ROSS: Thank you. I have no further
10 questions.

11 CHAIRMAN GETZ: Mr. McHugh?

12 MR. MCHUGH: No questions, Mr. Chairman.

13 CHAIRMAN GETZ: Any redirect,
14 Mr. Sawyer?

15 MR. SAWYER: No, sir.

16 CHAIRMAN GETZ: Okay. The witness is
17 excused. Thank you.

18 WITNESS MULLHOLAND: Thank you.

19 CHAIRMAN GETZ: Is Ms. Wilusz next?

20 MR. SAWYER: Yes. BayRing calls Wendy
21 Wilusz to the stand.

22 (Whereupon Wendy C. Wilusz was duly
23 sworn and cautioned by the Court
24 Reporter.)

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Wilusz]

1 WENDY C. WILUSZ, SWORN

2 DIRECT EXAMINATION

3 BY MR. SAWYER:

4 Q. Could you please state your name for the record please.

5 A. Wendy Wilusz.

6 Q. And, could you please spell your name for the court
7 reporter, your last name.

8 A. W-i-l-u-s-z.

9 Q. And, are you the same Wendy C. Wilusz that prepared an
10 affidavit on behalf of BayRing in this docket?

11 A. I am.

12 Q. And, is that affidavit in front of you?

13 A. It is.

14 Q. And, has it been premarked as "BayRing Exhibit CR-1"?

15 A. It has.

16 Q. And, is it truthful and accurate?

17 A. It is.

18 Q. Could you please summarize your affidavit briefly.

19 A. Yes. In my affidavit to the Commission, I stated four
20 primary areas of concern. They revolved around the
21 experiences that we had in training, as well as
22 testing. And, then, the dark period, which includes
23 the delay and due dates that are subsequent to that
24 dark period.

{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Wilusz]

1 Starting with the testing that we did,
2 BayRing definitely found the testing to be extremely
3 limited in its scope. We were, as it has been
4 testified to many times today, very limited in the data
5 that we were able to put into the system. We were
6 given very canned data. Which does not in any way
7 reflect the type of areas that we do business today,
8 nor were we allowed to place those orders, as we've
9 talked about today, end-to-end. The concerns with that
10 relied around when we go live, we really have no
11 reassurance that CLEC specific data that we utilize on
12 every order, such as our ACNA, which is our CLEC
13 identifier, will actually be accepted into that system.

14 We found very similar things with the
15 training that we were partaking in. Again, having the
16 data provided for us that we were to put into the
17 system proved that, basically, you know, as long as you
18 had that data, it would go in. Sometimes it went in,
19 sometimes it had errors that kicked out. The woman on
20 the telephone on the conference call that was provided
21 to us generally played with the data a little bit
22 sometimes to get it to go through and so forth. So, it
23 was a very disruptive training session, in that we
24 weren't really able to see it just flow in a very
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Wilusz]

1 thoughtful manner. Our training was also interrupted
2 based on FairPoint shutting down their systems daily
3 between 10:00 and 11:00 and again at 2:00 and 3:00 in
4 the afternoon. If you were actually doing your -- or
5 having your training conducted during those times, your
6 training then went from being an interactive training
7 to a "view only". Considering that the training was
8 considered a "train the trainer", implying that we
9 would be able to take the training, then implement it
10 in our own organization, it's not a very fluid way for
11 you to learn in order to be able to then conduct that
12 same training.

13 We further went on to state concerns
14 about the dark period. The dark period really impedes
15 our ability to do business. It definitely freezes our
16 ability to generate revenue. It also really impedes
17 the ability for the customers to have choice, and to
18 react to their day-to-day business issues that they may
19 have. A customer today really expects that it's
20 business as usual. If we discussed with our customers
21 whether or not they're familiar with this, that this is
22 sort of news to them, they have certainly not kept up
23 with these hearings. I have serious concerns about the
24 customer that's not aware, and all of a sudden decides
{DT 07-011} [RE: Cutover readiness] {11-25-08}

[WITNESS: Wilusz]

1 that, in January, they need to move February 1, and
2 their orders aren't in the system in time. It's going
3 to be very hindbersome amongst our customers to adhere
4 to some of these delay time frames, which I guess kind
5 of parallels into the delay due dates are excessive.
6 To take a ten day order, a very common order for us, a
7 T1 order, and to take a ten day order and then turn
8 that into a 28 day time frame is very excessive for a
9 business that's trying to do business today. That's
10 pretty much my summary.

11 Q. About those extensions of intervals, do you have
12 particular concerns about the extension of intervals
13 for, say, a T1 order?

14 A. I do. As I stated, a customer looking to install a T1,
15 today they really do, I mean, a T1 order has been about
16 a ten day interval for about as many years as I can
17 remember recently. Without them, the customers, being
18 aware that they really need to plan so far ahead, to go
19 from a ten day interval to 28 business days, is just
20 extremely excessive. I heard today for the first time
21 that those intervals will be -- well, I heard the
22 intervals I guess that are being provided to go back to
23 business as usual being reduced down to a four-week
24 time frame. That's still a really long time frame for
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1 customers to have to adhere to these extended
2 guidelines, without any relief, such as a hospital
3 might receive, if they were in an emergency.

4 Q. There was discussion of flow-through today. Does the
5 issue of flow-through relate to the issue of extended
6 intervals?

7 A. I believe it does. I think I have a little confusion
8 here as to what you consider a "flow-through". My
9 understanding of a flow-through order is an order that
10 gets inputted into the system and just automatically
11 flows through the system to a FOC without any manual
12 intervention. It's been my understanding, through some
13 of the meetings that I've attended, that there are a
14 very limited amount of orders that will actually be
15 flowing through the system in that manner. That's
16 substantially less, if it's half, that's still
17 substantially less than what we have today with
18 Verizon. So, if those -- if less orders are actually
19 going to flow through the system, that means there will
20 be more orders that have to be manually intervened,
21 which will carry a higher rate of error. And, if more
22 of them have to be manually handled, it only makes
23 sense to me that that would also delay these orders
24 even further from being able to be produced to the
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1 customer.

2 Q. There was discussion this morning concerning
3 after-hours hot cuts by the FairPoint witnesses. Do
4 you have any concerns about after-hours hot cuts?

5 A. This morning, FairPoint stated that the after-hour hot
6 cut support would be handled out of the Manchester
7 center. I am concerned if that Manchester center is
8 actually their Repair Division, it should be known that
9 Repair would not be able to handle a hot cut that had
10 been recently performed. The FairPoint system, as well
11 as the Verizon system, it takes time for those orders
12 to actually be released into their data systems. And,
13 because of that, if you go to open up a repair ticket,
14 they won't recognize that order. They will not work
15 that repair, because it is an in-process order as far
16 as they're concerned. So, if the support they're
17 offering is actually the Repair Division, it would be
18 completely inadequate.

19 MR. SAWYER: Ms. Wilusz is available for
20 cross-examination.

21 CHAIRMAN GETZ: Thank you. Mr. Mandl?

22 MR. MANDL: No questions.

23 CHAIRMAN GETZ: Ms. Foley?

24 MS. FOLEY: No questions.

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1 CHAIRMAN GETZ: Mr. Moore?

2 MR. MOORE: No questions.

3 CHAIRMAN GETZ: Ms. Hatfield?

4 MS. HATFIELD: Thank you, Mr. Chairman.

5 CROSS-EXAMINATION

6 BY MS. HATFIELD:

7 Q. I don't see it directly in your affidavit, but I
8 understand from reading it that you are opposed to
9 FairPoint being afforded with cutover on November 30th?

10 A. Yes.

11 Q. And, do the assurances that Liberty has proposed, do
12 any of those resolve any of the issues that you've
13 raised?

14 A. I think that it certainly addresses some of them.
15 Overall, the experiences that we had in the training,
16 as well as our testing, really do concern me, in that I
17 don't believe that, much as Kath has said, that when
18 you're testing these systems, and you go in and you put
19 in the data exactly as you were told to, and sometimes
20 the systems accept that information and sometimes it
21 kicks out, does not show me that the systems are ready.
22 It doesn't show me that information is going into the
23 depth of where it needs to be or that they are -- the
24 fields are actually properly formatted and protected so
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1 the data will flow correctly.

2 My biggest concern about the way the
3 fields are today is that, as Kath -- Kath was stating,
4 you know, you put in a circuit ID, you know, it's as
5 Kath stated, it's two digits, and then some characters
6 and so forth. What ends up happening is that, if you
7 put that data in and it goes in and it's free flowing
8 and, okay, it accepted that data and it actually
9 produces an order, subsequent to that installation or
10 whatever, if you go to open up a repair ticket, there's
11 a concern that I have that if, you know, if I put that
12 particular circuit ID in as 73..TXMU, Kathy puts it in
13 as 73//TXMU, what happens when I go to open up a repair
14 ticket? How is that data actually going to recognize
15 each other so that it knows that my .. equals here XX
16 or her, you know, //. And, furthermore, when I go to
17 pull a customer service record, how is that going to
18 actually be pulled as well? I'm concerned that the
19 result of that will actually be that it's "no
20 information found".

21 So, does it answer all of the concerns I
22 have? It answers some. It does not answer the
23 in-depth questions I have about the end-to-end testing
24 and what we would have actually seen and whether or not
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1 these fields are ready to go.

2 Q. Are there any other conditions that you would suggest
3 the Commission impose to address your concerns?

4 A. Not that I have given thought to prepare for today.

5 MS. HATFIELD: Thank you. No further
6 questions.

7 CHAIRMAN GETZ: Ms. Ross?

8 MS. ROSS: No questions. Thank you.

9 CHAIRMAN GETZ: Mr. McHugh?

10 MR. MCHUGH: No questions, Mr. Chairman.

11 CHAIRMAN GETZ: All right. No questions
12 from the Bench. Any redirect?

13 MR. SAWYER: No, your Honor.

14 CHAIRMAN GETZ: Okay. Then, the witness
15 is excused. Thank you. Mr. Moore.

16 MR. MOORE: Mr. Chairman, on behalf of
17 Verizon Business, we would call Sherry Lichtenberg.

18 (Whereupon Sherry Lichtenberg was duly
19 sworn and cautioned by the Court
20 Reporter.)

21 SHERRY LICHTENBERG, SWORN

22 DIRECT EXAMINATION

23 BY MR. MOORE:

24 Q. Can you state your name for the record please?

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[WITNESS: Lichtenberg]

1 A. Sherry Lichtenberg, L-i-c-h-t-e-n-b-e-r-g.

2 Q. Do you have before you, Ms. Lichtenberg, the Affidavit
3 of Sherry Lichtenberg filed in this proceeding and
4 dated November 20th?

5 A. Yes, I do.

6 Q. Is that affidavit true and accurate to the best of your
7 knowledge as of the time it was filed?

8 A. Yes, it is.

9 Q. Do you adopt it as your testimony in this proceeding?

10 A. I do.

11 MR. MOORE: We'll ask that that will be
12 marked as "Verizon Exhibit C-1".

13 CHAIRMAN GETZ: It will be so marked.

14 (The document, as described, was
15 herewith marked as Verizon Exhibit C-1
16 for identification.)

17 BY MR. MOORE:

18 Q. Ms. Lichtenberg, this is dated five days ago. And, you
19 heard testimony this morning from FairPoint updating
20 the Commission on certain testing and other issues.
21 Would you care to update your affidavit?

22 A. Yes, I would. I'd like specifically, if I could, to
23 talk about the daily usage feeds and where we are in
24 testing that. And, I'd like to start by explaining
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[WITNESS: Lichtenberg]

1 what a daily usage feed is, and why it is important not
2 just to the CLEC, but to our retail customers. As
3 Verizon Business, we have about 20,000 lines here in
4 New Hampshire that serve small business customers,
5 residential customers, and large business customers.

6 So, what is a "daily usage feed"? When
7 you pick up your phone, if you were my local customer,
8 and you make a phone call, the switch, the FairPoint
9 switch that we use, will translate the digits that you
10 dialed. You might be making a local call, you might be
11 making a long distance call, or you could be calling
12 the operator, or you got a call and you missed it, and
13 you're going to use *69 so that you can call the person
14 back. Each of those events is a billable or countable,
15 if you will, event. That is, I will need to bill you
16 if you made an intraLATA call and you're on a plan
17 where that is billed. I will need to bill you or
18 perhaps count the number of local calls you make. And,
19 if you make a call to return a call, by using *69,
20 which I think we all use now a lot, then I will need to
21 count up the number of times you do that, and I will
22 need to associate that record with the actual
23 completion of that call, because the switch will
24 actually dial that number again. Those records are
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1 sent to the CLEC by the daily usage feed. The switch
2 record goes into this stand-alone application that Mr.
3 Haga talks about, and it sends me an industry standard
4 electronic message interchange record.

5 Now, there's been some talk about
6 nuances and this is something very simple. It should
7 be. We have had EMI records for calls, the format of
8 these records, for over 20 years. And, the Alliance
9 for Telecommunications Information, the ATIS, A-T-I-S,
10 has books that explain what an EMI record should look
11 like. Verizon Business needs those records to provide
12 information to customers, to bill the customers, and to
13 bill other carriers for whom we terminate long distance
14 calls. We still don't have, as of today, records from
15 FairPoint that meet the requirements of the ATIS
16 standard.

17 We did meet, as Mr. Haga said, with
18 FairPoint yesterday. We reviewed again the information
19 that we had provided to FairPoint on November 11th and
20 November 13th and November 14th. We started working on
21 these records with FairPoint in July, with handmade
22 sample records, which is a good way to start. There's
23 a form. You read the ATIS book. You create a record.
24 And, it should be perfect. They aren't. I have yet to
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[WITNESS: Lichtenberg]

1 be able to run them through our billing systems to
2 generate a bill that I will be able to bill to my
3 customers and to other companies for whom I terminate
4 traffic.

5 We were promised some more records last
6 night to look at with the problems corrected, and they
7 really seem like they're simple problems. When you
8 send records, you should send New Hampshire records in
9 one file and Maine records in another file and Vermont
10 records in a third file. We haven't seen that. When
11 you send records, they should have a sequence number.
12 Number one, number two, we got three sets of number
13 four. We -- There are some nuances. For instance,
14 Verizon chooses to use a category 30 to indicate call
15 return. And, FairPoint said they preferred to use 095.
16 That's fine. You tell me what you're going to use, I
17 can tell my computer to look at that record and put it
18 together. Unfortunately, they sent us a record called
19 "060", and neither company could figure out what it
20 meant. So, we have issues, and we are still trying
21 very hard to work through them.

22 These issues must be corrected before we
23 feel confident that we can bill those customers. And,
24 customers who don't get billed, they're really happy on
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[WITNESS: Lichtenberg]

1 day one. But, as you go farther, they get very
2 unhappy. And, we don't bill a customer after 90 days.
3 And, as you've gone past 30 or 40 days, those customers
4 forget they made the call, and they don't like it when
5 we bill them. And, then, they have to call you, and
6 then you call me, and we take the bill off -- the
7 charge off their bill. So, we need this information.
8 We need it. We need it correct. We need to be able to
9 test it. And, we need to know that we're going to get
10 it every single day.

11 So, that is the update. One additional
12 update is that we are still trying to get line loss
13 reports. We are working with FairPoint to set up our
14 systems to receive records from their systems. Line
15 loss is equally important. If a customer leaves me and
16 goes someplace else, I have to stop billing that
17 customer. But, if I don't get a line loss report, as
18 much as I try to work on my psychic abilities, I don't
19 know that he's gone. So, he could get billed twice.
20 So, we continue to work to try to get records of the
21 line loss, so that we can make sure that we can read
22 what's sent and that what is sent matches. And, that
23 is my update.

24 MR. MOORE: Ms. Lichtenberg is available
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[WITNESS: Lichtenberg]

1 for cross-examination.

2 CHAIRMAN GETZ: Okay. Thank you.

3 Mr. Mandl?

4 MR. MANDL: No questions.

5 CHAIRMAN GETZ: And, Mr. Sawyer?

6 MR. SAWYER: No questions.

7 CHAIRMAN GETZ: Ms. Foley?

8 MS. FOLEY: No questions.

9 CHAIRMAN GETZ: Ms. Hatfield?

10 MS. HATFIELD: Thank you, Mr. Chairman.

11 CROSS-EXAMINATION

12 BY MS. HATFIELD:

13 Q. Ms. Lichtenberg, at the end of your affidavit, on Page
14 8, you state that "if the Commission were to allow
15 FairPoint to move forward with cutover, it should at a
16 minimum establish hard and fast dates to address each
17 of your concerns and also assess fines or provide other
18 appropriate sanctions to ensure that the issues are
19 addressed." Do the assurances that FairPoint -- excuse
20 me, Liberty proposed, do those address your issues?

21 A. No. I am concerned that, other than the date for
22 automating the hot cut process, and that date has been
23 phrased as "normal operations plus 90 days", I don't
24 have a date when the other requirements, the other
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1 problems we have seen will be fixed. For instance, we
2 have the inability to select a due date on which a
3 customer will have his service installed. In the
4 Verizon world, this is automatic. It's called the
5 "SMARTS clock", S-M-A-R-T-S clock. FairPoint didn't
6 develop it, and has said they will add it. I would
7 like to know when. In Verizon, if a customer calls me
8 and says "my Call Waiting doesn't work", I can look in
9 electronically to the Verizon switch, and I can see
10 whether the customer actually has Call Waiting.
11 Sometimes they don't. And, that does not exist
12 electronically in FairPoint. I would like a date for
13 when I'll be able to see that.

14 I really need a date when my DUF file is
15 going to be correct. Because I want to be able to come
16 back to this Commission and say "Here was the date. It
17 isn't ready. What can you do to help me and what can
18 you do to help my customers?"

19 Q. So, it's still your position that FairPoint is not
20 ready for cutover, to give notice on November 30th?

21 A. You have me on the cusp here. I've heard a lot of
22 assurances. I've heard from Liberty that they believe
23 that everything is ready and things are not going to
24 fall apart. And, so, I am torn. I have significant
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[WITNESS: Lichtenberg]

1 concerns. I look to this Commission, because you have
2 a staff that's been looking, you all are privy to more
3 information than I am, to look at this closely and help
4 me decide.

5 Q. And, just to be clear, your position is on behalf of
6 Verizon Business?

7 A. Yes. I represent Verizon Business, which is the former
8 MCI, the Verizon CLEC, C-L-E-C, that continues to do
9 business in this footprint.

10 Q. And, so, is that also -- are you also representing the
11 position of Verizon Communications?

12 A. I work actually for Verizon Business, so I cannot speak
13 to the position of Verizon Communications.

14 MS. HATFIELD: Thank you. No further
15 questions.

16 CHAIRMAN GETZ: Thank you. Ms. Ross?

17 MS. ROSS: I have no questions for this
18 witness, your Honor.

19 CHAIRMAN GETZ: Mr. McHugh.

20 MR. MCHUGH: None, Mr. Chairman.

21 CHAIRMAN GETZ: No questions from the
22 Bench. Any redirect, Mr. Moore?

23 MR. MOORE: No thank you.

24 CHAIRMAN GETZ: Okay. Then, the witness

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[WITNESS: Lichtenberg]

1 is excused. Thank you.

2 WITNESS LICHTENBERG: Thank you.

3 CHAIRMAN GETZ: Mr. Mandl.

4 MR. MANDL: Comcast Phone would call

5 David Kowolenko.

6 (Whereupon David Kowolenko was duly

7 sworn and cautioned by the Court

8 Reporter.)

9 CHAIRMAN GETZ: Please proceed.

10 DAVID KOWOLENKO, SWORN

11 DIRECT EXAMINATION

12 BY MR. MANDL:

13 Q. Mr. Kowolenko, could you state your full name for the
14 record please.

15 A. I'm David Kowolenko.

16 Q. And, what is your position with Comcast?

17 A. I'm the Division Vice President of Voice Services.

18 Q. And, have you had a chance to read the November 12th
19 Liberty report?

20 A. I have.

21 Q. And, have you also read the Liberty rebuttal and
22 comments that it filed on November 18th?

23 A. You mean the "FairPoint rebuttal"?

24 Q. Yes. That's right. I'm sorry.

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[WITNESS: Kowolenko]

1 A. Yes.

2 Q. In your position, have you been monitoring the cutover
3 readiness process and the activities of Comcast in that
4 regard?

5 A. I have.

6 Q. Do you have before you an affidavit which accompanied
7 comments filed by Comcast Phone on November 20th?

8 A. I do.

9 Q. And, could you confirm that, you know, the factual
10 assertions contained in those comments are true and
11 accurate to the best of your knowledge and belief?

12 A. As of November 20th, yes, they are.

13 MR. MANDL: Comcast has previously
14 marked and distributed its comments and Mr. Kowolenko's
15 affidavit as "Exhibit CPNH CR-1".

16 CHAIRMAN GETZ: It will be so marked for
17 identification.

18 MR. MANDL: Thank you.

19 (The document, as described, was
20 herewith marked as Exhibit CPNH C-1 for
21 identification.)

22 BY MR. MANDL:

23 Q. Mr. Kowolenko, since November 20th, have there been
24 more recent testing activities between FairPoint and
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[WITNESS: Kowolenko]

1 Comcast?

2 A. Yes, there has.

3 Q. And, you've heard FairPoint witnesses describe some
4 testing updates?

5 A. Yes, I have.

6 Q. At this time, could you indicate, in light of those
7 updates, if you still have concerns about the issue of
8 testing?

9 A. Well, in regards to the testing that had been performed
10 to date, the 15 tests that were agreed to back in the
11 November 4th letter that we submitted to FairPoint, the
12 15 tests have passed, with the exception of one, we
13 have a conditional pass. And, I think Mr. Haga talked
14 about a optional field that we're having an issue with
15 right now with, and I don't know the specifics of the
16 field, it is a field that we were relying on in the
17 Verizon environment that we were not getting with the
18 -- getting back from FairPoint. When we talk about
19 "testing", there's a couple things that also need to be
20 clarified, when we talk about the whole issue from a
21 Comcast perspective of CLEC testing. I think it's been
22 said over and over again today that the CLEC
23 environment has been rather restrictive in nature as
24 far as how often we could test. That has really, to
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1 some extent, limited our ability to do, you know, the
2 depth and breadth of testing that we would like to do.

3 In our November 4th letter, we actually
4 submitted 53 tests to Verizon -- I mean, to FairPoint.
5 We prioritized those down to 15. The test deck that we
6 did submit is typical to the type of EDI testing that
7 we perform for any other ILEC that we connect with
8 across the country. So, it wasn't a, you know, "what
9 are we going to do with FairPoint?" This is a very
10 generic test deck that we've put together and have used
11 numerous times when we established EDI connections with
12 carriers.

13 And, as we went through that exercise
14 with the 15 tests, on November 12th, the infamous
15 Liberty report came out as well, that spoke about some
16 of the criteria as it relates to the testing
17 environment. And, one of the things that, from a
18 Comcast perspective, that was a little bit of an
19 epiphany, is that there was an acknowledgment that
20 there wasn't very rich or robust testing when it comes
21 to the EDI, as it relates to FairPoint, in the way that
22 they were testing the systems.

23 The assumption that we had, and albeit
24 now probably a poor assumption, is that, with any new
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1 software application that's being developed, one would
2 hope that the person developing the software, to be an
3 EDI, a GUI, or the in-house systems, would all have the
4 rigorous testing that any software developed system
5 should have. So, as we were making our concessions
6 down to the 15 tests, we had a purview or at least our
7 perspective was that there was, you know, inherent
8 regression testing and flow-through testing being
9 performed by FairPoint itself internal to the Company.

10 By not having that testing, a lot of
11 the, you know, basically, and I think this is what's
12 been iterated -- reiterated over and over again, is
13 that the burden of the testing has been now reliant
14 upon the CLECs to prove that, you know, our systems are
15 going to be able to connect to FairPoint systems in a
16 limited environment.

17 I think one of the gentlemen from
18 Liberty talked about the post office, and talked about
19 how letters were coming into the post office. I think
20 the analogy is good to a point. Where there was a lot
21 of testing done on the GUI within Verizon, and there
22 was, you know, very limited on the EDI. Well, the EDI
23 is an interface that allows CLECs to communicate to
24 FairPoint. And, that has to -- there has to undergo a
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[WITNESS: Kowolenko]

1 translation between our systems, this firewall or
2 gateway, if you will, in the Verizon -- in the
3 FairPoint systems. If that translation is off by a
4 little bit, we're going to have a problem. So, I'm
5 trying to build on the mail metaphor or analogy. And,
6 it's almost like we're having a post office in Europe
7 and a post office in the United States. And, they all
8 have, you know, Certified Mail and Return Receipt.
9 And, so, the basic over-the-counter mail goes through
10 and you can do a lot of those transactions. But the
11 corner ones are the ones that we worry about. So, the
12 mail from Europe comes in, we submit it, it's got a
13 different format from how they do addresses, so treat
14 the CLECs as the foreign country here to some extent.
15 We submit an order, it's got a name, address, post
16 office box, whatever we have, a zip code, we submit
17 that. And, if that gets translated wrong, because the
18 post office in Europe doesn't understand the United
19 States addressing scheme, that's going to get
20 misrouted, and we may never get what we want. So,
21 that's where that EDI interface is so critical to our
22 success, is that we need to be able to take our
23 information, submit it to this EDI, have it be
24 translated into a form that allows it to flow
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[WITNESS: Kowolenko]

1 downstream, and then have that downstream system talk
2 to the EDI, whose interface is on the back side of the
3 EDI, the need to talk to the FairPoint back-end
4 systems. And, if we're not talking to those back-end
5 systems in any transactional way, there's no assurances
6 that there's a timing mismatch or a load issue that
7 needs to be considered.

8 So, the testing environment for us is
9 pretty critical to our success, and is something that I
10 think has raised a lot of concerns, we've been talking
11 an awful lot about it over the last couple of weeks on
12 both sides of the table on this. And, we're really,
13 you know, apprehensive about, when we do go live, and
14 we do start pushing transactions through this system
15 that they're going to be successful and in a material
16 way.

17 Q. With regard to testing scenarios requested by Comcast
18 post notice and pre-cutover, FairPoint has indicated
19 that they will not conduct those tests or allow those
20 orders to be tested until after cutover. Does that
21 raise any concerns?

22 A. Well, you know, considering -- well, yes, they do. We
23 were still working through this last issue with them,
24 and we have covered an enormous amount of ground in the
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[WITNESS: Kowolenko]

1 last few weeks. So, one would hope, based upon our
2 past history, that the future we'd say will be in
3 pretty good shape, you know, coming to the end of the
4 month. But, you know, one thing that we, you know, one
5 thing that we did add -- that I did comment on in my
6 affidavit was, as a result of having the test be
7 scripted, if you will, one test at a time or a certain
8 set tested at a time, one thing that we haven't been
9 able to do is any sort of regression testing. So, it
10 took us I think it was 14 or 15 test windows to test
11 the 15 tests that we wanted. And, we had found -- we
12 have found, and, you know, there's no surprise based
13 upon comments, that we did have issues that we
14 encountered. So, one of the concerns we have is, as a
15 result of encountering those failures and having them
16 be corrected, we really haven't had an opportunity to
17 go back and make sure all of the previous 14 or 13
18 tests, wherever we were, in our test list are going to
19 work okay. Because there may have been a fix that was
20 implemented that may or may not have broken something
21 that was working before, part of software development.

22 The other part of the testing that was
23 -- that was something that we were looking for, as a
24 result of not having the ability to do or having
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[WITNESS: Kowolenko]

1 learned about the restrictive nature and the amount of
2 testing that was done internally to FairPoint, was the
3 ability to do what we consider "life cycle testing".
4 Being able to actually go in and simulate
5 transactionally, you know, a bunch of orders. You
6 know, we submit an order, we might get a reject, or
7 whatever the sequence of events are, we'd actually be
8 able to simulate the transaction and exchange of
9 information between companies in a life cycle of an
10 order. We haven't been able to do that, and that is
11 something that we'd really like to see because of that.

12 And, on top of that, as we look at, you
13 know, going beyond the transition to FairPoint, there
14 was a couple comments made about the test environments.
15 And, there's going to be, inevitably, software changes
16 in LSOG or industry standards and new software that
17 comes out that we're going to need to test against, to
18 make sure that we both, you know, move and migrate to
19 the new software releases as they come out in the
20 industry. And, we really need to understand how these
21 test environments are going to be constructed. If the
22 test environments today are any indication of what they
23 are in the future, we're, as an industry, going to be
24 really challenged, to make sure that we don't get
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1 caught and have they call them "dark periods",
2 "embargoes", or whatever, these extended periods after
3 any major software upgrade. The test environments from
4 today, with Verizon, which was mentioned earlier, even
5 though they may, really, from far away, look the same,
6 they are not. The test environments for Verizon are
7 opened for extended periods of time. They have the
8 ability to be given to a CLEC for I believe it's up to
9 a month unabated, it's our own test environment, that
10 we can go in and bang it, you know, bang it to death
11 and test our systems. Something that we can use when
12 going up against a Verizon upgrade or something that we
13 can do when we're introducing new software into our
14 systems. So, the amount of testing, the type of
15 testing that needs to be done, both now and going
16 forward, needs to be addressed.

17 Q. You mentioned regression and life style testing -- life
18 cycle testing. Are those types of tests typical in the
19 industry?

20 A. To my knowledge, yes. I mean, that's why Verizon has
21 these test suites available for CLECs to use.

22 Q. And, if I could touch on it again, with regard to the
23 35 or so test scenarios that will not be conducted by
24 FairPoint or allowed by FairPoint prior to cutover, do
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1 you have specific concerns about the lack of that
2 testing pre-cutover?

3 A. Well, I think the -- it was in my commentary or the
4 affidavit, we -- the context of our November 4th letter
5 was to basically prioritize the tests down to 15. But
6 we would really like to see the remaining 38 tests, if
7 my math serves me correctly, the remaining 38 tests
8 completed prior to cutover.

9 Q. Do any of the testing updates that have occurred since
10 November 20th change Comcast's position regarding
11 necessary conditions in this matter?

12 A. No, not -- I don't believe so.

13 Q. Another subject that came up, in terms of updates, was
14 the issue of intervals. Intervals were discussed in
15 the Comcast comments. And, FairPoint indicated there
16 might be some changes in intervals. Could you comment
17 on that and indicate any concerns you might have?

18 A. Yes. The good news is that the intervals are going to
19 be shortened, which is a great new story. I guess the
20 question is "how short do they actually become?" I
21 think we've heard everything from a simple port, LNP
22 type orders for e-bonded or electronic exchange, you
23 know, e-bonded companies, that that may go to ten days.

24 I think the way to put this in context, and I think

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1 you can look at it from multiple ways, one is, I think
2 has been said several times, to set the proper
3 expectations post cutover, the intervals are being
4 extended. But, you know, in a competitive environment,
5 where we're looking -- where Comcast's, you know,
6 business, primarily in New Hampshire is on the
7 residential side today, the port windows for simple
8 ports become very critical. We know, from a lot of
9 data that we've looked at over the years, that the
10 longer the port window for a consumer, the higher the
11 probability that that consumer is going to forget about
12 being there. Because, since they already have phone
13 service and time goes on, you know, it can't be there,
14 you got to pick the kid up from school or something
15 happens, it really puts an interesting operational
16 impact on the business. And, we do know -- And, we do
17 have, you know, learned over the years that those
18 customers will recall, but we characterize them as
19 pre-installed churn, they actually churn away before
20 they come on with us.

21 The other thing that it impacts is, if a
22 customer buys a bundled product from us, it really
23 impacts our billing system to be able to support that
24 customer. Longer intervals now really start to strain
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1 the customer expectation as far as what they purchase a
2 bundle for, whether it be video, voice and data or any
3 combination thereof, obviously phone being the key part
4 of that bundle. And, because they buy these bundles,
5 and the intervals become longer, then how do you
6 communicate with the customer that they're not eligible
7 for the bundle for up to, you know, 24, 36 days, or
8 actually it will be ten business days, almost two weeks
9 from when you could potentially install them. So, that
10 becomes operationally challenging for Comcast to be
11 able to support. And, the customers are kind of
12 confused, "why are we, you know, why are we in this
13 space and how do we handle that?"

14 Q. The term over which the intervals will be extended, I
15 guess was initially six weeks, and we're hearing that
16 it might be four weeks. In your opinion, has that
17 length of time been justified, based upon FairPoint's
18 position that it will have pent-up orders?

19 A. I don't know from -- obviously, FairPoint knows their
20 systems a lot better than I do. So, for me to comment
21 on that, you know, one could surmise that, you know,
22 with the pent-up orders, they know the volumes, I think
23 we heard 18,000 a week. But the industry as a whole
24 knows that this, you know, this dark cloud's coming.

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1 So, the 18,000 shouldn't be pent up. And, we would
2 hope that a lot of the CLECs would pause and say "let's
3 not continue to, you know, push this volume through."
4 You know, Comcast is not -- is going to try to adhere
5 to that embargo period and not submit any orders
6 through that period. So, you know, if everything works
7 well, and the notice has been very clearly socialized
8 through the Wholesale Users Forum, through all the
9 regulatory proceedings, one would think there shouldn't
10 be a lot of pent-up orders, at least on the wholesale
11 side. Maybe on the retail side they'll continue to
12 grow. But, on the wholesale side, the wholesale
13 community is probably giving us a real, you know, big
14 berth for us to support. So, coming out of that, you
15 know, from a wholesale perspective, since we have taken
16 the approach of not entering into that playing field
17 for that period, and, for those CLECs that are
18 e-bonded, it wouldn't -- doesn't make sense to me, from
19 a business perspective, why we shouldn't be able to get
20 a quicker turnaround on our intervals once we come out
21 of that embargo period.

22 Q. Right. Liberty indicated in its testimony that CLECs
23 tested high volume tests. Does that -- Does that
24 indicate that you are able to do a large number of test
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[WITNESS: Kowolenko]

1 orders?

2 A. I think what was characterized is that we did the tests
3 for those high volume orders, but we didn't do high
4 volume tests of those orders. You know, we only had 14
5 test windows, or 15 or 16, we had 15 or so test
6 windows. We haven't had an opportunity to really bang
7 that volume in any material way.

8 Q. Okay. Getting back to the 35 or so test scenarios that
9 FairPoint will not conduct prior to cutover, could you
10 explain why those test scenarios are important to
11 Comcast's business?

12 A. We will encounter, I mean, that's part of our test
13 deck. And, I think the Liberty gentlemen talked about,
14 I mean, it may be 80/20 or 70/30, those orders that we
15 -- are part of that 35 are orders that we do process
16 throughout our normal course of business. I personally
17 don't have the distribution of, you know, all those 53
18 tests and the volumes that they represent. But they
19 are part of our portfolio of services that we offer our
20 customers.

21 Q. Just one final area. When Comcast prioritized a
22 certain number of tests to be conducted before a
23 cutover readiness notice, was it its expectation that
24 the remainder of the tests would be conducted before
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1 cutover?

2 A. Yes, it was.

3 MR. MANDL: Thank you. Mr. Kowolenko is
4 available for cross-examination.

5 CHAIRMAN GETZ: Okay. Thank you. Mr.
6 Sawyer?

7 MR. SAWYER: I have no questions.

8 CHAIRMAN GETZ: Ms. Foley?

9 MS. FOLEY: Yes. Thank you. Good
10 afternoon.

11 WITNESS KOWOLENKO: Good afternoon.

12 CROSS-EXAMINATION

13 BY MS. FOLEY:

14 Q. Is it your understanding that CLECs that use the EDI
15 will have different intervals than GUI CLECs?

16 A. All I've been focusing on is the LNP intervals. So, I
17 don't know if that is truly going to be the case or
18 not. While I heard Mr. Murtha talk about the ten days
19 for what I call simple ports or LNP orders, but I
20 haven't heard anything that says that there's going to
21 be something different to that from the GUI users. I
22 know that what he said was that the interval list will
23 be generated by the end of the month. That's all I
24 heard.

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1 MS. FOLEY: Thank you. That's all I
2 have.

3 CHAIRMAN GETZ: Mr. Moore?

4 MR. MOORE: No questions.

5 CHAIRMAN GETZ: And, Ms. Hatfield.

6 MS. HATFIELD: Thank you, Mr. Chairman.

7 BY MS. HATFIELD:

8 Q. Mr. Kowolenko, I think you might know what I'm going to
9 ask you.

10 A. I came prepared.

11 Q. And, my question is, are the assurances that Liberty
12 proposed, do those meet the conditions that you
13 outlined in your affidavit?

14 A. I think they meet a portion of the ones that we have in
15 our -- do you want me to go through each one of them, I
16 believe it addresses two of the six or seven they put
17 in.

18 Q. So, is it your request to the Commission that they
19 include your other three as conditions?

20 A. We would like that to be the case, yes.

21 MS. HATFIELD: Thank you. No further
22 questions.

23 CHAIRMAN GETZ: Ms. Ross?

24 MS. ROSS: No, your Honor. No

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1 questions.

2 CHAIRMAN GETZ: Mr. McHugh?

3 MR. MCHUGH: None, Mr. Chairman.

4 CHAIRMAN GETZ: Okay. No questions from
5 the Bench. So, any redirect?

6 MR. MANDL: No redirect.

7 CHAIRMAN GETZ: Then, the witness is
8 excused. Thank you.

9 WITNESS KOWOLENKO: Thank you.

10 CHAIRMAN GETZ: Mr. McHugh, are you
11 seeking to put a witness in on rebuttal?

12 MR. MCHUGH: At the risk of prolonging
13 it, though, Mr. Chairman, I would ask if we could take a
14 five or ten minute break, so I could consult with my
15 client representatives?

16 CHAIRMAN GETZ: And, I think it would be
17 helpful to address at least one issue. I don't know if
18 some of this conversation is going to be going to further
19 assurances. But there was the one assurance raised by
20 Mr. Mandl with respect to Liberty's discussion of the
21 "fixing EDI flaws within a date certain after cutover".
22 I'd like to at least hear something on the record from
23 Mr. Nixon on that. If there are any other assurance-based
24 issues, let's get those on the record. But let's take ten

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1 minutes.

2 (Whereupon a recess was taken at 3:23
3 p.m. and the hearing reconvened at 3:50
4 p.m.)

5 CHAIRMAN GETZ: Mr. McHugh.

6 MR. MCHUGH: Thank you, Mr. Chairman.

7 At this time I'd like to recall to the stand Mr. Nixon and
8 Mr. Haga.

9 (Whereupon, Peter Nixon and Michael Haga
10 were recalled to the stand, having been
11 previously sworn.)

12 CHAIRMAN GETZ: Please proceed.

13 PETER NIXON, Previously sworn

14 MICHAEL HAGA, Previously sworn

15 REBUTTAL DIRECT EXAMINATION

16 BY MR. MCHUGH:

17 Q. Gentlemen, one at a time, and you folks realize you're
18 still under oath?

19 A. (Haga) I do.

20 A. (Nixon) I do.

21 Q. Mr. Haga, these questions are first addressed to you.

22 Are you now in charge of the DUF issues, so to speak,
23 on behalf of FairPoint?

24 A. (Haga) I am.

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[WITNESS PANEL: Nixon|Haga]

1 Q. And, can you indicate your experience in this field,
2 you know, EDI and mediation, and how it might relate to
3 the issues that have been raised in this docket with
4 respect to the daily usage feed issues?

5 A. (Haga) I've been performing billing functions with
6 several communications companies, whether directly for
7 a communications company or as an acting consultant on
8 their behalf. This has been over 15 years. So, the
9 understanding of the switch recording, which is
10 typically referred to as "AMA", the various recordings,
11 how translations will impact how a call record is
12 recorded and such, and that the translation effort to
13 take it from the raw AMA that the switch produces to
14 the actual EMI record that was referenced earlier.
15 Because of that experience, I've been asked to, in the
16 last couple weeks, to get more actively involved with
17 this. Which is why I was able to indicate that we'll
18 have this thing -- we'll have it addressed before we
19 get out of the end of December. I'm working directly
20 with the team that's responsible for setting up the
21 application, brought in individuals that I have worked
22 with in the past, as well as have set up similar
23 operating environments that we're setting up today, and
24 going through and performing that type of test.

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[WITNESS PANEL: Nixon|Haga]

1 So, that's the reason why I've been
2 asked to be involved with that. That I'm confident,
3 with the group that we've got now working on the
4 issues, I agree that, in the earlier time frames, some
5 of the efforts done by the team that was in place at
6 that time was not -- not as I would have done it. But,
7 now, the team is assembled, we've got the processes in
8 place to receive the files that we need in order to
9 test with. We've got good communication planned with
10 all carriers that we still need to produce files. So,
11 that's why I was confident in saying that we'll have
12 this thing taken care of before the end of December.

13 Q. One question as a follow-up to Attorney Paula Foley's
14 question to Mr. Kowolenko that I just want to ask. Do
15 you believe the EDI-based CLECs will have any benefit
16 over the GUI-based CLECs when it comes to intervals?

17 A. (Haga) They will not.

18 Q. Mr. Nixon, are you willing to provide this Commission
19 with assurances that, within five days -- I'm sorry,
20 within five business days, FairPoint will resolve any
21 additional wholesale user interface defects, whether
22 they're EDI or GUI-based, resulting from transaction
23 failures identified by the CLECs after cutover?

24 A. (Nixon) Yes, I am.

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[WITNESS PANEL: Nixon|Haga]

1 Q. And, I guess I just have one follow-up clarifying
2 question. Could you please explain when FairPoint
3 really would plan or would like to issue its Notice of
4 Cutover Readiness and when it needs to be delivered to
5 Verizon?

6 A. (Nixon) Certainly. Our current plan is that we would
7 submit that notice on Friday, the 28th -- Friday
8 morning, the 28th, we need to have that in the hands of
9 Verizon. So, again, being the last business day, the
10 current plans, and our desired plan, is that we do that
11 on Friday morning.

12 MR. MCHUGH: Mr. Chairman, I have no
13 further questions.

14 CHAIRMAN GETZ: Okay. Mr. Mandl, any
15 questions?

16 MR. MANDL: No questions.

17 CHAIRMAN GETZ: Mr. Sawyer?

18 MR. SAWYER: I have no questions.

19 CHAIRMAN GETZ: And, Ms. Foley?

20 MS. FOLEY: No questions.

21 CHAIRMAN GETZ: Mr. Moore?

22 MR. MOORE: No questions.

23 CHAIRMAN GETZ: Ms. Hatfield?

24 MS. HATFIELD: No questions.

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[WITNESS PANEL: Nixon|Haga]

1 CHAIRMAN GETZ: And, Ms. Ross?

2 MS. ROSS: No questions, your Honor.

3 CHAIRMAN GETZ: Nothing from the Bench.

4 So, I take it no need for redirect. So, you're excused.

5 Thank you, gentlemen.

6 WITNESS HAGA: Thank you.

7 WITNESS NIXON: Thank you.

8 CHAIRMAN GETZ: Is there --

9 MR. MCHUGH: Well, I was just going to
10 say, with that, Mr. Chairman, FairPoint has no further
11 witnesses.

12 CHAIRMAN GETZ: Is there any objection
13 to striking identifications and admitting the exhibits
14 into evidence?

15 (No verbal response)

16 CHAIRMAN GETZ: Hearing no objection, we
17 will admit the exhibits into evidence. Is there anything
18 we need to address before we provide the opportunity for
19 closing statements?

20 (No verbal response)

21 CHAIRMAN GETZ: Hearing nothing, then,
22 Mr. Susnock, you've been very patient all day. I'll give
23 you the opportunity to go first.

24 MR. SUSNOCK: Thank you, Mr. Chairman

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1 MR. SUSNOCK: Thank you, Mr. Chairman
2 and Commissioners, for this opportunity to give you some
3 of my experience in the transition thus far. My name is
4 Brian Susnock, and I'm the President of Destek. We're a
5 Nashua-based consulting company. We were founded in New
6 Hampshire, and for the last 14 years we've been leasing
7 circuits from NYNEX, Bell Atlantic, Verizon, and now
8 FairPoint. Destek is not a CLEC or an ISP. We're a
9 network consulting business and have always been a retail
10 customer. Destek specializes in building Wide Area
11 Networks, or WANs. Essentially, we connect schools with
12 other schools and district offices or remote business
13 offices with other offices and their headquarters. Destek
14 can install a single T1 internet access circuit or design
15 and build a full networking solution comprised of
16 circuits, routers, firewalls, servers, switches. We use
17 point-to-point circuits, Frame Relay, ATM, or dry copper
18 pairs to link customer sites in the most cost-effective
19 way possible, especially for New Hampshire's rural
20 schools.

21 For 14 years we have relied on the phone
22 company to provide reliable circuits and customer support.
23 As a retail customer, Destek pays retail prices. We have
24 been an Enterprise level customer with Verizon and

1 repaired for our customers.

2 Since FairPoint took over operations
3 about six months ago, Destek has suffered more and longer
4 circuit outages than at any point in the past 14 years.
5 For two and a half days, in September, 36 New Hampshire
6 schools were completely down; no internet, no e-mail, no
7 excuses. Billing issues and the lack of any customer
8 support have brought our business almost completely to a
9 standstill. I have no contact any longer. Four of the
10 last five circuits that we did manage to get installed
11 have substantial billing issues, and we have no one to
12 work with to clear them up.

13 On another front, we, and I mean me, as
14 a customer, Destek, and many people in businesses in New
15 Hampshire, Vermont, and Maine, are faced with the
16 possibility of losing access to Frame Relay circuits.
17 It's the type of circuit that Destek uses to reach rural
18 schools, and other businesses have been using for years to
19 connect their locations in New Hampshire. FairPoint has
20 inherited the FCC order for forbearance on Frame Relay and
21 ATM tariffs. Without the federal tariffs to control
22 access and costs, FairPoint could reduce the costs, but
23 they can also increase the costs, or end Frame Relay
24 entirely, which is not actually clear.

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1 To add to the confusion, FairPoint has
2 been marketing a new service called "MPLS", which could
3 displace Frame Relay and may increase circuit costs by 400
4 percent. After six months of pursuing answers from
5 FairPoint, FairPoint is unable to tell us what their plans
6 are in relation to Frame Relay or the types of technology
7 coming up.

8 As of yesterday, we still had to call
9 Verizon to open up a repair ticket and light up a circuit,
10 a Frame Relay circuit. No one at FairPoint has access or
11 experience with the Frame Relay switch in New Hampshire.
12 The Frame Relay switch is still under control of Verizon
13 in Massachusetts at this point in time.

14 In summary, Destek has been a retail
15 customer of the phone company for 14 years. During this
16 time, we have always been provided with the necessary
17 support to provide our customers with the advanced and
18 custom networking solutions they require. Over the past
19 six months, since FairPoint took over, Destek's business
20 has been hamstrung and come to a standstill, caused by
21 FairPoint's inability to provide even the basic customer
22 and technical support. The lack of the most basic
23 competencies, combined with the fact that FairPoint
24 doesn't seem to know where they are going with Frame

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1 Relay, or the impact of its demise on existing New
2 Hampshire networks, leads me to the obvious conclusion
3 that FairPoint is not prepared to cut over at this time.

4 Thank you, Mr. Chairman.

5 CHAIRMAN GETZ: Thank you. One
6 follow-up, though. Did I understand you to say that you
7 no longer have a contact at FairPoint?

8 MR. SUSNOCK: I've had actually six in
9 the last four or five months, but they have all gone away,
10 been transferred, moved onto another job. And,
11 communications virtually ended last Thursday, when I filed
12 to appear here. So, no one's called me, I haven't called
13 anybody. No one's returned my e-mails. I have circuits
14 in play. We ordered a T3. SAU 47, in Jaffrey, is the
15 first high school in New Hampshire, to my knowledge,
16 that's going to get a T3. We ordered it in March, it was
17 due on July 1, and we're lucky if we'll get it installed
18 in the next two weeks. So, this is the type of response
19 that I'm getting in trying to satisfy the school's
20 requirements. The outages are unexplainable and just
21 ridiculous. And, I have no one to help.

22 CHAIRMAN GETZ: Okay. Well, that's a
23 different issue from your position on cutover. But,
24 Mr. Nixon, will you make sure that somebody speaks to

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1 Mr. Susnock and sets up a contact person for him to
2 address his issues?

3 MR. NIXON: I will do that as soon as we
4 adjourn.

5 CHAIRMAN GETZ: Thank you. Thank you,
6 Mr. Susnock. Mr. Mandl.

7 MR. MANDL: Thank you, Mr. Chairman.
8 For the most part, Comcast Phone stands on its written
9 comments. We believe that the conditions requested are
10 appropriate in the event that a Notice of Readiness to
11 Cutover is permitted to go forward by November 30th. With
12 regard to various assurances and commitments that we've
13 heard today, we believe it will be preferable to have
14 those memorialized as conditions imposed by the
15 Commission. In that way, they're readily verifiable,
16 they're in an order, and no one will have to hunt through
17 transcripts to find them. I just think that would be a
18 clearer way to handle that.

19 You know, without belaboring the point,
20 one of the primary concerns of Comcast Phone is that the
21 lack of testing, you know, described by Mr. Kowolenko and
22 the comments, is a serious concern. Essentially, that's
23 testing that was done during the 271 process, on both EDI
24 systems and graphic user interface. Here we're dealing

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1 with brand-new systems that have not been vetted through
2 that type of process. And, it was extremely important,
3 and we had assumed, as Mr. Kowolenko said, that this type
4 of testing would be done.

5 We're in a situation now where, you
6 know, we don't want to delay cutover, but there are
7 important conditions we feel are necessary. Without those
8 conditions, an unacceptable level of risk is being
9 transferred from FairPoint to Comcast and other CLECs. It
10 had been fairly clear that, under the Liberty criteria,
11 100 percent of necessary testing would be done
12 successfully before the notice could be given. In our
13 opinion, that hasn't happened. But FairPoint is close to
14 the finish line, and with appropriate conditions to assure
15 that that testing gets done in a timely way, you know,
16 that would address our concerns.

17 I think that basically summarizes our
18 position. And, we again would just urge that the
19 Commission, should it allow FairPoint to go forward,
20 impose the conditions we've requested, and that Liberty
21 suggested as well.

22 CHAIRMAN GETZ: Okay. Thank you.

23 Mr. Sawyer.

24 MR. SAWYER: Thank you, Mr. Chairman.

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1 BayRing and segTEL also stand on their written comments.
2 But, briefly, we would urge the Commission to deny
3 FairPoint's request to issue its Irrevocable Notice of
4 Readiness, because FairPoint's CLEC OSS is not ready,
5 because FairPoint has intentionally limited and controlled
6 CLEC testing of the CLEC OSS, and because FairPoint has
7 not demonstrated that FairPoint's systems comply with the
8 Telecommunications Act.

9 SegTEL's and BayRing's testing
10 demonstrates that FairPoint's CLEC OSS and training are
11 not ready and are not at parity with FairPoint's OSS.
12 SegTEL tested FairPoint's OSS for the trouble
13 administration function and found it to be inadequate,
14 even though the seven tests that were taken were passed --
15 passed as designed.

16 SegTEL Witness Mullholand explained that
17 CLEC testing that is limited to putting in a request to
18 FairPoint and getting a response back is not adequate.
19 Ms. Mullholand also explained that there are outstanding
20 issues regarding functionality, stress testing, time
21 issues, and interoperability that must be addressed. For
22 example, on the issue of stress testing, Mr. Haga
23 testified that FairPoint simultaneously tested 50 webGUI
24 transactions. But the testimony also shows that there are

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1 18,000 webGUI transactions a week, the majority of which
2 are between 9:00 and 2:00.

3 SegTEL's testing of FairPoint's OSS for
4 trouble administration demonstrates, for example, why it
5 is critical that FairPoint be required to demonstrate that
6 it provides trouble administration assistance and support
7 CLECs at parity with the trouble administration it
8 provides itself.

9 BayRing and segTEL are not insisting
10 that the system work perfectly. But they do believe that
11 FairPoint's webGUI must enable the CLECs to perform the
12 same functions that FairPoint's retail operations perform
13 in a similar amount of time and with similar feedback
14 provided to the user. This would ensure that FairPoint's
15 trouble administration interface systems process trouble
16 inquiries from CLECs in substantially the same time and
17 manner as FairPoint. BOCs, like FairPoint, also have an
18 obligation to assist CLECs to ensure that they understand
19 the OSS functions that are available to them. Ms. Wilusz
20 testified that she encountered substantial difficulties
21 with FairPoint's training. The Liberty Group has not
22 reviewed FairPoint's training materials to CLECs.

23 Further, regardless of when the cutover
24 happens, the extension of intervals that FairPoint has

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1 proposed in connection with the dark period are a cause
2 for concern. BayRing and segTEL urge the Commission to
3 closely scrutinize any extension of intervals or the
4 notion of extending a ten day interval for a T1 to 28
5 business days is unreasonable.

6 There was also discussion about
7 FairPoint's interim and permanent hot cut processes.
8 FairPoint's hot cut processes must give CLECs an
9 opportunity to compete. We have no idea whether those
10 processes are going to work. Perhaps this is something
11 that the Liberty Group could monitor and make sure that
12 those processes work. And, if they're not working, to get
13 back to the Commission as soon as possible.

14 And, those are all of the comments that
15 I have at this time.

16 CHAIRMAN GETZ: Thank you. Ms. Foley.

17 MS. FOLEY: Yes. Thank you. As we've
18 heard today, there are still outstanding CLEC issues
19 related to cutover. Therefore, it seems clear to One Comm
20 that extra assurances are needed in order to incent a
21 smooth cutover. We agree with Comcast that these
22 assurances should be in the form of mandatory enforceable
23 conditions. One Comm provided six specific
24 recommendations to the Commission in its November 20th

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1 comments. And, we request that the Commission take a look
2 at those and consider those recommendations during its
3 deliberations. Thank you.

4 CHAIRMAN GETZ: Thank you. And,
5 Mr. Moore.

6 MR. MOORE: Verizon Business is
7 concerned that FairPoint won't have the resources and the
8 time and attention that are necessary to address
9 everything that needs to be addressed between now and
10 cutover, if they give the notice on the 30th. Mr. Nixon
11 testified very clearly that it is absolutely essential
12 that FairPoint be able to focus on all the work it needs
13 to do to prepare for cutover. Yet, like it or not, there
14 are outstanding open issues with respect to the CLECs,
15 you've heard a number of them, that will need to be
16 addressed. For Verizon Business, the number one issue
17 clearly the DUF files. We don't think that it's
18 sufficient, as Liberty proposed, simply to say the answer
19 to that is that, if the CLEC is harmed after cutover, it
20 can bring a claim of some kind against FairPoint. I
21 believe a CLEC can do that now without any particular
22 condition, if they actually suffer damages as a result of
23 FairPoint being unable to meet its obligations.

24 So, we would ask the Commission to

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1 seriously consider imposing a hard and fast deadline on
2 FairPoint to resolve that issue before cutover, so that
3 you don't get to the point where, at the end of January,
4 CLECs are saying "We still don't have DUF files. We won't
5 be able to bill our customers after cutover." Thank you.

6 CHAIRMAN GETZ: Thank you. Ms.
7 Hatfield.

8 MS. HATFIELD: Thank you, Mr. Chairman.
9 The OCA appreciates the ability to participate in this
10 hearing today and in the tech session that occurred last
11 week. We commend the work of Liberty Consulting and the
12 Commission Staff in all that they have done in working
13 with FairPoint to assure that they are ready for cutover.

14 We do not have a position on whether or
15 not they are ready. We certainly hope that they are.
16 And, with respect to the retail communications plan, we
17 will take Mr. Nixon up on his offer to meet with the
18 Company and with Staff to review what the Company's plans
19 are to communicate all of the things that will be
20 happening during their cutover period to retail consumers.
21 Thank you.

22 CHAIRMAN GETZ: Thank you. Ms. Ross.

23 MS. ROSS: Thank you. And, thank you,
24 Commissioners and parties, for listening to a lot of

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1 technical testimony today. We have talked a lot about
2 testing today. The test we face now is whether the
3 Commission sees fit to interpose itself into the cutover
4 process already contemplated by its order approving this
5 transaction. You have heard concerns today about CLEC
6 lack of confidence arising from limits on what they have
7 individually done or seen. The Commission's test is not
8 what the CLECs have seen, but whether the right things
9 have been done. You have heard concerns about what
10 hypothetically may happen.

11 The test is not whether all risks have
12 been eliminated entirely. That will -- never will or can
13 happen in the real world. The Commission's test is
14 whether enough has been done to give us a reasonable level
15 of confidence that cutover will happen without major
16 problems.

17 You have heard concerns about whether
18 performance will be optimum from day one. The test is not
19 whether there will be no problems at all, but whether the
20 problems are reasonably likely to be at acceptable levels
21 initially, with adequate measures in place to address them
22 promptly and effectively after cutover. You have heard
23 concerns about dark periods and temporary interval
24 extensions. The test is not about issues whose occurrence

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1 will take place whenever cutover occurs. The Commission's
2 test is whether cutover now versus later is appropriate.

3 Liberty has addressed all of these
4 concerns. In fact, it has been doing so in reports that
5 now span nearly a year. Liberty has addressed these
6 concerns, not as a party that stands to gain or lose from
7 the complex business relationships that have characterized
8 CLEC/ILEC relationships for more than a decade. Liberty
9 has done so as an independent experienced monitor, who has
10 brought a seasoned team of professionals working with the
11 staff of three separate Commissions vitally interested in
12 the welfare of northern New England's residential and
13 business customers, by whomever served.

14 Liberty has told you the following:
15 Liberty has said that they have seen the testing that
16 CLECs wished they had seen. Liberty has told you that
17 testing was properly designed, soundly executed, closely
18 monitored, and reflective of CLEC needs. Liberty has told
19 you that CLECs have participated in testing to the extent
20 they needed to. Liberty has told you that testing results
21 give confidence that the risk associated with cutover have
22 been sufficiently mitigated. Liberty has told you that
23 performance is sufficiently likely to be acceptable
24 immediately after cutover. And, finally, Liberty has told

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1 you that there are measures that have been taken and that
2 can be taken to address known concerns.

3 Liberty has been candid in telling you
4 that there are not now, nor can there be in the future,
5 guarantees. Liberty has nevertheless said that its hard
6 work with the three Commission staffs make it willing to
7 state that FairPoint's declaration of readiness is timely.
8 Liberty has also told you what assurances it thinks are
9 appropriate to address the concerns that it has or that
10 the CLECs have raised.

11 We urge you to accept the well informed,
12 objectively executed, patiently developed, and impartially
13 expressed conclusions and recommendations of Liberty, and
14 that you seek from FairPoint the assurances that Liberty
15 has offered. Thank you.

16 CHAIRMAN GETZ: Thank you. Mr. McHugh.

17 MR. MCHUGH: Attorney Coolbroth.

18 CHAIRMAN GETZ: Mr. Coolbroth.

19 MR. COOLBROTH: Thank you, Mr. Chairman.

20 Once again, I get to appear before the Commission and say
21 that "this has been a long process", and once again it
22 has. This has been a tremendous effort to get us to this
23 point. A tremendous effort by the FairPoint team and
24 Capgemini. Verizon has been an important player in that

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1 process. There's been ongoing discussion and interaction
2 with wholesale customers. And, the process has also
3 included the intensive, professional, and thorough
4 monitoring and review by the Liberty Consulting Group.
5 Liberty has been the eyes and ears of the Commissions'
6 staffs in the three states. The process has included
7 rigorous criteria for evaluating readiness for cutover.
8 And, the considered analysis of the independent monitor is
9 that FairPoint is ready to issue the Irrevocable Notice of
10 Cutover. And, we assert that the record evidence
11 presented today strongly supports that conclusion.

12 With regard to CLEC testing, we think
13 that the Staff has really said it all, in terms of the
14 testing process, the amount of effort that's gone through
15 it, gone into it, and the validity of the testing process.

16 I do want to point out, with respect to
17 segTEL, their presentation appears to go further than
18 looking at the testing process itself. It appears to be
19 that they are saying not to use the WISOR interface. They
20 seem to be saying that, unless we can demonstrate that the
21 interface that a wholesale customer is the same or
22 substantially the same interface that the FairPoint
23 customer service rep has, then it's unlawful. And, we say
24 there is no such requirement. There is no such

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1 requirement under the Telecom Act, there is no such
2 require under New Hampshire law, there is no such
3 requirement in this Commission's order approving the
4 transfer.

5 With regard to order entering, trouble
6 administration, and those sorts of interactions, it's the
7 PAP, the Performance Assurance Plan, that provides the
8 parity. And, we think that that should govern. And, that
9 was a bargained-for provision that we had with segTEL that
10 we've entered into the CLEC settlement. We agreed to be
11 bound by the PAP. And, they agreed to a term regarding a
12 modest suspension of the PAP during cutover. That was all
13 part of the CLEC settlement. It's resolved. It's a part
14 of the order in this case.

15 The legal framework that we have today
16 is on Page 77 of the Commission's order. And, basically,
17 the Commission recites that it has "approved an
18 independent third party monitor to oversee FairPoint's
19 readiness for cutover. In the event we believe cutover
20 may jeopardize the provision of safe and adequate service
21 in New Hampshire, we will intervene."

22 So, that's the legal standard for today.
23 And, we believe that the overwhelming evidence is that
24 there is no basis for such intervention. And, we urge the

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1 Commission not to take any action that would prevent or
2 delay FairPoint from proceeding with the cutover process
3 as proposed. Thank you.

4 CHAIRMAN GETZ: Thank you. Okay.
5 Before we close the hearing, let me address a couple of
6 items. First, obviously, we haven't had the time to
7 digest all the arguments that we've heard today and reach
8 a decision. And, we have a short time to reach a
9 decision. But let me -- I'm hoping I'll be clarifying
10 things, rather than confusing things, but address some of
11 the procedural options I think that we have available to
12 us.

13 If we conclude that FairPoint should not
14 proceed with cutover, then we will issue an order tomorrow
15 to that effect. If we believe that conditions should be
16 attached, then we would most likely issue an order to that
17 effect tomorrow as well. There's also a couple of other
18 variations. If we do not think that we need to take
19 action, and that the Irrevocable Notice should be issued,
20 then we will take no action tomorrow, and FairPoint will
21 be prepared and able to proceed with issuing its
22 Irrevocable Notice.

23 There's also a possibility, we've heard
24 some discussion today about whether conditions need to be

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1 part of an order or whether conditions or assurances have
2 a separate life that can be pursued independently of an
3 order or even this docket. So, we'll take all of that in
4 consideration. And, if we think there are assurances that
5 need to be followed up on, of course, there are things
6 like extending the Liberty monitoring, certainly do not
7 think that that needs to be something that needs to be
8 part of an order, that we believe we have the authority to
9 do things like that independently.

10 So, I think, probably most important for
11 everyone's understanding in this room is, if we conclude
12 that cutover should not proceed, then we will be issuing
13 an order to that effect tomorrow. In the absence of such
14 an order, then cutover can proceed. And, we'll address
15 assurances and conditions in whatever way we determine is
16 most appropriate.

17 Have I clarified things?

18 CMSR. MORRISON: I think so.

19 CHAIRMAN GETZ: Okay. All right. Then,
20 we will close this hearing and we'll take the matter under
21 advisement. One other, I'm sorry, one other procedural
22 thing. There is a Commission meeting scheduled for
23 tomorrow. People should not read anything into that.
24 That's been scheduled for other purposes. Though, it is

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1 -- there is a possibility that we could address this issue
2 under "new business", but that is not our plan at the
3 moment.

4 So, with that, thank you, everyone.

5 MR. MCHUGH: Thank you, Mr. Chairman.

6 (Whereupon the hearing ended at 4:21
7 p.m.)

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