

**THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Inquiry by the Department of)	
Telecommunications and Energy Pursuant to)	
Section 271 of the Telecommunications Act of)	
1996 into the Compliance Filing of New)	DTE 99-271
England Telephone and Telegraph Company)	
d/b/a Bell Atlantic-Massachusetts as Part of)	
its Application to the Federal Communications)	
Commission for Entry into the In-Region)	
InterLATA (Long Distance) Telephone Market)	

**STATEMENT OF MARGARET D. RUBINO
ON BEHALF OF
Z-TEL COMMUNICATIONS, INC.**

1. My name is Margaret D. Rubino. I am a Regional Vice President, Industry Policy for Z-Tel Communications, Inc. ("Z-Tel"). My business address is 601 South Harbour Island Boulevard, Suite 220, Tampa, Florida 33602. I joined Z-Tel in May of this year. Prior to that time I worked for the New York State Department of Public Service, most recently as a Telecommunications Policy Analyst. I have a B.S. in mechanical engineering from Tufts University.

I. PURPOSE OF THIS STATEMENT

2. The purpose of this statement is to provide the Department with additional information regarding Z-Tel's market experience in Massachusetts. I will update the record with respect to issues raised by Z-Tel in earlier phases of this proceeding, respond to the comments filed by Bell Atlantic – MA ("BA-MA") in its May 26, 2000 comments,¹ and inform the Department of problems that Z-Tel is currently experiencing.

¹ Please note that all references to Bell Atlantic in Z-Tel's previous testimony were to Bell Atlantic-New York, as Z-Tel was not yet operating in Massachusetts. In this

II. BACKGROUND

3. Z-Tel is a Tampa, Florida-based provider of local, long-distance, and enhanced services to residential customers. Z-Tel currently operates in New York, Texas, Pennsylvania, Massachusetts, and Georgia. Z-Tel executed an interconnection agreement with BA-MA in February, 2000, and began providing service to customers in Massachusetts in March, 2000. Z-Tel uses the unbundled network element platform (“UNE-P”), in conjunction with long distance and enhanced services, to provide a bundled service offering to residential customers. Z-Tel previously filed comments in this proceeding on November 30, 1999.

III. THE NETWORK DESIGN REQUEST PROCESS

4. Z-Tel has gone through the network design request (“NDR”) process with Bell Atlantic in New York, Pennsylvania, and Massachusetts, and is in the process of doing so in a fourth state. Z-Tel implemented custom line class codes in the New York Metropolitan LATA (*i.e.*, LATA 132), and has mirrored Bell Atlantic’s office dialing plans and line class codes in all other LATAs. In an earlier phase of this proceeding, Z-Tel commented that the Department should require BA-MA to establish a 60-day provisioning interval for custom NDRs.² Z-Tel also stated that Bell Atlantic had used the

document, I use the term Bell Atlantic to refer to the operating entities outside Massachusetts, and BA-MA for Massachusetts-specific issues.

² Comments of Donald C. Davis, Z-Tel, November 30, 1999, ¶ 8.

NDR process to “slow roll” Z-Tel’s deployment of service in areas of New York outside of LATA 132.³

5. Since the time the earlier comments were filed, Bell Atlantic has worked effectively with Z-Tel to implement standard NDRs in upstate New York, Massachusetts, and Pennsylvania. Bell Atlantic has generally adhered to a 30-to-45 business-day interval for statewide NDRs, and in some cases has expedited this schedule in response to specific requests from Z-Tel. Z-Tel continues to believe that a clear interval for the establishment of custom NDRs would assist competitive local exchange carriers (“CLECs”) in planning their market entry strategies, but the lack of such an interval has not impeded our service roll-out.

IV. OPERATIONS SUPPORT SYSTEMS

6. Z-Tel previously filed comments in the proceeding relating to a number of OSS-related issues. BA-MA has made progress on many of these issues. However, Z-Tel continues to experience graphical user interface (“GUI”) outages, and inconsistent levels of support from the system support help desk.

7. In its November 1999 filing, Z-Tel commented on the inefficiency of Bell Atlantic’s requirement that each CLEC service representative have a unique secure ID for the web GUI.⁴ Bell Atlantic has corrected this deficiency with its implementation of the Phase III GUI, and no longer requires secure ID cards for each CLEC representative processing orders.

³ *Id.*, ¶ 9.

⁴ *Id.*, ¶ 18.

8. Z-Tel has encountered ongoing problems with the accuracy of the line loss report provided by Bell Atlantic. This report notifies a CLEC that they have lost a customer, so that the CLEC can terminate its billing of that customer. Z-Tel has discovered, generally because of a customer complaint, that the reports provided by Bell Atlantic are not complete. We have been able to resolve individual cases of missing customers by filing trouble tickets with Bell Atlantic, and Bell Atlantic is implementing system changes to prevent future problems. However, according to the most recent status update provided by Bell Atlantic (on July 7, 2000), there are still outstanding problems with this report.

9. As Z-Tel indicated in its initial filing, Z-Tel submits transactions to BA-MA via the Web GUI. At the time of that filing, Z-Tel noted that it had experienced numerous GUI outages as it attempted to process orders for New York.⁵ Unfortunately, since the time of its initial comments, Z-Tel has continued to be affected by GUI outages. These outages are exacerbated by the fact that the system support help desk may have incomplete information about what the problem is or when it will be fixed. In one recent example, Bell Atlantic put out a notice stating that the GUI problems were due to a hardware failure, which would be replaced during the “next maintenance window”. The individuals at the help desk had no idea when the next maintenance window would be, and Z-Tel was unable to make an informed decision on whether to keep its provisioning staff in the office or send them home. Z-Tel recognizes that hardware and software failures are inevitable, but Z-Tel depends upon the help desk to mitigate the impact of such failures on our day-to-day operations.

⁵ *Id.*, ¶ 27.

10. According to BA-MA's comments, "for non-dispatch orders, Bell Atlantic makes available the same set of standard intervals for CLECs and its retail representatives."⁶ This has not been Z-Tel's experience. For some time, Z-Tel has been receiving complaints from its customers about the length of time it takes to provision new service or move existing service to a new location. In several instances, the SMARTs clock produced a due date of a week or more from the date of the query, but the same customers then called Bell Atlantic and were given a due date of the next business day.

11. To correct this problem, Bell Atlantic advised Z-Tel to make use of the "cut-through" feature of LiveWire. When a CLEC performs an address validation, this feature indicates whether there are facilities in place at that location, or whether a technician will have to be dispatched to install service. Z-Tel made several attempts to use this feature by ordering next-day due dates for locations where facilities were in place. However, all of the orders were rejected by Bell Atlantic's systems for an invalid due date. Bell Atlantic then researched the orders and informed Z-Tel that this feature was available only to resale providers and its own retail representatives.

12. According to Bell Atlantic, there is a request pending in change management to offer this functionality to UNE-P CLECs, but this change is not yet scheduled for implementation. In the interim, to approximate parity with BA's retail capability, Z-Tel has been advised to request an expedite on each order that has cut-through facilities in place. This causes the order to fall out to the TISOC for manual processing, clearly not a viable long-term solution to the disparity in systems. Z-Tel continues to work with Bell Atlantic to devise a viable mechanism to address this problem.

⁶ BA-MA Comments, p. 145.

V. CONCLUSION

13. Z-Tel is encouraged by the steps BA-MA has taken recently to improve the business relationship between our companies and assist Z-Tel's market entry. In implementing our business plan in Massachusetts, we have encountered and worked through a number of problems with Bell Atlantic. Such problems are a natural outgrowth of a rapidly changing and expanding marketplace, and will continue to arise as new CLECs enter the Massachusetts market and order volumes increase. Z-Tel urges the Department carefully to (1) quantify the performance that it ultimately decides is sufficient for the Department to support BA-MA's 271 application, (2) continue to monitor that performance, and (3) ensure that BA-MA has the proper incentives to maintain that level of service after its entry into the long distance market.

14. This concludes my statement.

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