

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 10-025

Request for Approvals in Connection with the
Reorganization Plan of FairPoint Communications, Inc., et al.

PREFILED REBUTTAL TESTIMONY OF
RICHARD T. MURTHA
ON BEHALF OF FAIRPOINT COMMUNICATIONS, INC.

MAY 7, 2010

1 **Q. State your name.**

2 A. My name is Richard T. Murtha.

3

4 **Q. Are you the same Richard T. Murtha who provided prefiled testimony on February**
5 **24, 2010?**

6 A. Yes.

7

8 **Q. What is the purpose of your rebuttal testimony?**

9 A. The purpose of my testimony is to correct or clarify the record as it relates to the pre-filed
10 testimony of certain witnesses in this proceeding.

11

12 **Q. On page 6 of his testimony, Mr. Winchester of CRC Communications asserted that**
13 **FairPoint has not returned to “business as usual” because FairPoint’s customer**
14 **support people are often not able to resolve CRC’s problems and that calls must be**
15 **redirected by the call centers to CRC’s SPOC (single point of contact). Do you**
16 **agree with this opinion?**

17 A. No. This statement leads me to conclude that CRC does not fully understand the
18 FairPoint problem resolution process. Calls are actually directed to SPOCs by design.
19 The current FairPoint process is to have a SPOC handle all of the issues for the assigned
20 wholesale customer. The general customer support call in line is intended to provide
21 order status information. It is not designed to handle the more complex issues which the
22 SPOC is trained to resolve or escalate. The purpose of the SPOC structure is to have a

1 person within FairPoint who is familiar with the particular wholesale customer and can
2 better maintain control and oversight over resolution of the problem. We will review that
3 process at the next Wholesale User Forum.
4

5 **Q. On page 6 of his testimony, Mr. Winchester also asserted that the average intervals**
6 **for processing local service requests (LSRs) have escalated from 3-5 business days**
7 **under Verizon to up 15 to 10 business days with FairPoint, and that the old 10-14**
8 **business day interval with Verizon for ASRs has been replaced with up to a 30**
9 **business day interval by FairPoint -- and that FairPoint does not meet the majority**
10 **of the time. Do you agree with these assertions?**

11 A. Mr. Winchester is not specific as to the time period that his analysis covers, but I do not
12 believe it reflects FairPoint's current operations. For example, for the three month period
13 ending April 30, 2010, our records indicate that out of 87,610 completed LSRs in the
14 three states, 74,176 of them (85%) were delivered by the Customer Desired Due Date
15 (CDDD). Of the 13,434 orders exceeding CDDD, 11,560 of those (86%) were completed
16 within 5 days of CDDD, meaning that 98% of all orders were completed within 5 days of
17 the CDDD.
18

19 For the same three month period, our records indicate that out of 3,852 completed ASRs
20 in the three states, 2,353 of them (61%) were delivered by CDDD. Of the 1,499 orders
21 exceeding CDDD, 920 of those (61%) were completed within 5 days of CDDD, meaning
22 that 85% of all orders were completed within 5 days of the CDDD.

1 **Q. On page 8 of her testimony, Ms. Mulholland implied that FairPoint discriminates**
2 **against CLECs in providing CSRs, stating that she has “evidence that the customer**
3 **service records provided to CLECs are not the 1 same customer service records**
4 **provided to FairPoint personnel.” Is this true?**

5 A. It is difficult to respond to this statement due to its vagueness as to time and place (e.g. “a
6 city”), but this problem was resolved in the middle of 2009. It is true that FairPoint and
7 the CLECs jointly face problems with the accuracy of CSR data, but there is no
8 difference in the data they all receive, since there is only one CSR, which originates on
9 the Siebel system. CSR issues that still exist are being addressed as part of the CDIP
10 process that was described in Ms. Weatherwax’s testimony.

11
12 **Q. On pages 11 through 12 of her testimony Ms. Mulholland discussed what she**
13 **implied was a new, manual, trouble ticketing procedure for a certain “type of**
14 **circuit” and charged that this procedure was designed to prioritize catching the**
15 **“remote chance” of a billable event over the importance of restoring service to**
16 **CLECs, ensure that audit-trails are removed and PAP reporting is avoided and to**
17 **discriminate between itself and CLECs in its restoration procedures. Do you agree**
18 **with Ms. Mulholland’s characterization of this change?**

19 A. No. Again, Ms. Mulholland is somewhat vague in her description of the problem, but I
20 believe that the “type of circuit” that she is referring to is actually a dark fiber strand and
21 that her concerns are exclusively related to such dark fiber. FairPoint’s experience was
22 that certain CLECs, particularly those that rely greatly on FairPoint dark fiber, were

1 submitting trouble tickets on dark fibers when there was really no “trouble” at all.

2 Trouble tickets might be submitted under the pretext of a service restoration, but would
3 really be for minor maintenance issues like light reading or connector cleaning. This
4 created a resource problem in which a technician would be dispatched to repair a facility
5 on which there was no actual trouble.

6
7 The revised procedure is designed to more efficiently manage this process. Now, if the
8 CLEC is only requesting a light reading, a jumper cleaning or, using Ms. Mulholland’s
9 example, a vendor meet, then that is what is scheduled. This change benefits all
10 wholesale customers because it creates more time for a technician to dispatch to an actual
11 trouble, while the maintenance or light reading is handled through the appropriate
12 channel. Furthermore, this helps address a frequent CLEC complaint that technicians
13 who were dispatched to the circuits are unprepared to perform the maintenance work that
14 is actually desired. By refining the process, FairPoint is able to arrange the specific work
15 that the CLEC requests, which makes the entire process more efficient for all customers.
16 As to Ms. Mulholland’s charge that this is discriminatory to CLECs, I should emphasize
17 that this is the way FairPoint maintains its fiber internally. Far from being
18 discriminatory, it is the essence of equal treatment.

19
20 I object to the Ms. Mulholland’s characterization that “FairPoint has prioritized catching
21 the remote chance of a billable event over the importance of restoring service to CLECs
22 during outages.” First, the threat of CLEC outages is greatly overstated. As I described

1 above, it has been FairPoint's experience that dark fiber trouble tickets do not generally
2 involve an outage. Furthermore, any problem not related to the CLEC's own electronics
3 will typically involve the entire cable, including FairPoint's own strands, and FairPoint
4 will rush to dispatch a technician on its own behalf as well as the CLEC's. Second,
5 FairPoint is well within its rights to expect to bill and receive payment for tariffed
6 services it provides. A customer should not expect to evade a tariffed maintenance
7 charge by submitting an erroneous trouble ticket and invoking a process that circumvents
8 the billing process.

9
10 Finally, I believe that there is no basis for the charge that this process avoids the PAP
11 reporting process. The purpose of the PAP is to ensure that FairPoint has incentive to
12 provide non-discriminatory service to CLECs. The process that we have established
13 results in greater efficiency for both FairPoint and the CLECs and will free up resources
14 to respond to the legitimate trouble tickets of all CLECs. Far from avoiding the PAP
15 process, FairPoint is attempting to operate in the letter and spirit of the PAP, while
16 defending against spurious trouble tickets that artificially skew PAP metrics and unfairly
17 generate penalties.

18
19 **Q. Does this conclude your testimony?**

20 **A. Yes.**