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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

July 28, 2009 - 10:08 a.m.
Concord, New Hampshire

RE: DT 07-011
VERIZON NEW ENGLAND, ET AL:
Transfer of Assets to FairPoint
Communications, Inc.
(Technical Session regarding
FairPoint's Stabilization Plan)

PRESENT FROM
PUC STAFF:

Robert Hunt, Esq.
Kathryn Bailey, Director, Telecom Division
David Goyette, Telecom Division
Michael Ladam, Telecom Division
Robert Falcone, Liberty Consulting
Charles King, Liberty Consulting

OTHER
APPEARANCES:

Reptg. FairPoint Communications:
Patrick C. McHugh, Esq. (Devine, Millimet...)
Frederick J. Coolbroth, Esq. (Devine...)
Michael Morrissey, Esq.

Reptg. One Communications:
Paula Foley, Esq.

Reptg. BayRing Communications:
Judy Brownell
Wendy Wilusz
Benjamin Thayer

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

1

2 OTHER

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

4

5 Reptg. Pinetree Networks:
6 Carol Grover7 Reptg. Otel Telekom:
8 Julia Chase

9

10 Reptg. Comcast:
11 James White12 Reptg. IBEW:
13 Glenn Brackett

14

15 Reptg. CWA:
16 Ralph Montefusco
17 Felicia Augevich

18

19

20 Reptg. Group of FairPoint Bondholders:
21 Jason Tanguay, Esq. (Rath, Young, Pignatelli)

22

23

24 Reptg. AARP-New Hampshire:
Doug McNutt

25

26 Reptg. Residential Ratepayers:
27 Meredith Hatfield, Esq., Consumer Advocate
28 Rorie E. P. Hollenberg, Esq.
29 Kenneth E. Traum, Asst. Consumer Advocate
30 Stephen R. Eckberg
31 Office of Consumer Advocate

32

33

34 ALSO PRESENT: Kimball Kenway, Esq.

35

36 Rep. Rick Ladd, N.H. House of Representatives

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

2 MR. HUNT: Good morning. My name is Rob
3 Hunt. I'm Staff attorney here, and I'll be conducting the
4 technical session today. I just want to read a statement
5 to kind of orient everyone, and then we'll get started.
6 This technical session is being held pursuant to the
7 Commission's secretarial letters of July 21st and July
8 24th, 2009. The goal today is to determine the facts. We
9 need to get beyond generalizations, anecdotes, and sound
10 bites. We need to identify, with specificity, the
11 problems New Hampshire customers are encountering with
12 FairPoint's service and to quantify the number of
13 customers affected by these problems. We need to locate
14 the source of the problems, determine the cure, and set
15 timeframes for eliminating the problems. We may not be
16 able to elicit everything we need today, but it is our
17 intent to keep at this task until we do so.

18 FairPoint witnesses will be sworn in and
19 will first provide a brief statement. They will then
20 answer questions from Staff, then OCA, then the parties,
21 first in a public session, and then in a non-public
22 session for questions related to confidential data. Other
23 members of the public are encouraged to speak with OCA
24 representatives during the break with any questions they

1 may wish to have presented. By now all exhibits should
2 have been marked and distributed.

3 Please remember that this is purely a
4 question and answer session, and that the stenographer
5 must take down each word. With must all therefore,
6 including myself, try to speak clearly and not interrupt
7 one another. For everyone's convenience, we will take a
8 lunch break at around noon or so, and another break
9 mid-afternoon.

10 Now, gentlemen, could you please state
11 your names and titles for the record. And, we can start
12 on the right, if you'd like.

13 MR. HAGA: Michael Haga, Vice President
14 of Information Technology.

15 MR. MURTHA: Rich Murtha, Vice President
16 of Business and Wholesale Customer Care.

17 MR. LAMPHERE: Bryan Lamphere,
18 Implementation Manager.

19 MR. ALLEN: Jeff Allen, Executive Vice
20 President, Northern New England.

21 MR. NIXON: Peter Nixon, President.

22 MR. HUNT: Okay. If you could, all of
23 you, just please raise your right hand. In the testimony
24 you're about to give, do you swear to tell the truth, the

1 whole truth, and nothing but the truth, so help you God?

2 MR. NIXON: I do.

3 MR. ALLEN: I do.

4 MR. LAMPHERE: I do.

5 MR. MURTHA: I do.

6 MR. HAGA: I do.

7 PETER NIXON, SWORN

8 JEFFREY ALLEN, SWORN

9 BRYAN LAMPHERE, SWORN

10 RICHARD MURTHA, SWORN

11 MICHAEL HAGA, SWORN

12 MR. HUNT: Thank you. FairPoint may now
13 provide its pre-questioning statement, if there is one.

14 MR. MCHUGH: A procedural issue, Atty.
15 Hunt?

16 MR. HUNT: Sure.

17 MR. MCHUGH: Pat McHugh, from Devine,
18 Millimet & Branch. As of right now, I know of no exhibits
19 that have been marked to be introduced. I did note
20 Mr. White, from Comcast, sent an e-mail yesterday, but I
21 do not have a copy.

22 MR. WHITE: I have them here, but I
23 didn't know exactly what to do with them. I can pass them
24 out.

1 same office.

2 MR. ECKBERG: Stephen Eckberg, also with
3 the Office of Consumer Advocate.

4 MR. KENWAY: Kim Kenway, from Maine.

5 MR. BRACKETT: I'm Glenn Brackett of the
6 IBEW.

7 MR. TANGUAY: Jay Tanguay, Rath, Young,
8 Pignatelli.

9 MR. MCHUGH: Representing?

10 MR. TANGUAY: We're local counsel to a
11 group of FairPoint bondholders.

12 MR. McNUTT: Doug McNutt, --

13 MS. BAILEY: I didn't -- I'm sorry?

14 MR. MCHUGH: Local counsel to a group of
15 FairPoint bondholders.

16 MR. McNUTT: Doug McNutt, AARP New
17 Hampshire.

18 MS. CHASE: Julia Chase, Otel Telekom.

19 MS. WURM: Jill Wurm, FairPoint.

20 MR. SHEA: Kevin Shea, FairPoint.

21 MS. SMITH: I'm not a party. I'm Ashley
22 Smith, from the Telegraph.

23 REP. LADD: Rick Ladd, I'm a New
24 Hampshire Representative.

1 MR. DARWIN: I've David Darman, with New
2 Hampshire Public Radio.

3 MS. FOLEY: Paula Foley, One
4 Communications.

5 MS. BRAGDON: Trina Bragdon, CRC
6 Communications.

7 MS. GROVER: Carol Grover, CRC
8 Communications.

9 MR. MCHUGH: Sorry, I didn't hear your
10 name. I apologize.

11 MS. GROVER: Carol Grover.

12 MR. MCHUGH: Thank you.

13 MS. WILUSZ: Wendy Wilusz, BayRing
14 Communications.

15 MS. BROWNELL: Judy Brownell, BayRing
16 Communications.

17 MR. GOYETTE: David Goyette, PUC Staff.

18 MR. LADAM: Michael Ladam, PUC Staff.

19 MR. HUNT: Is there anyone back here who
20 is going to be appearing?

21 MR. THAYER: Ben Thayer, BayRing
22 Communications.

23 MR. HUNT: Anyone else?

24 MR. MONTEFUSCO: I'm not sure. Ralph

1 Montefusco, of CWA.

2 MR. HUNT: Thank you.

3 MR. WHITE: James White, Comcast Phone
4 of New Hampshire.

5 MS. MULLHOLAND: Kath Mullholand,
6 segTEL.

7 MS. LOVE: Norma Love, Associated Press.

8 MS. CONWAY: Chelsea Conaboy, Concord
9 Monitor.

10 MR. MCHUGH: And, also with me today is
11 Michael Morrissey, of FairPoint Communications, and
12 Attorney Fred Coolbroth, from Devine, Millimet & Branch.

13 MS. BAILEY: And, I'm Kate Bailey, the
14 Director of Telecommunications at the PUC.

15 MR. FALCONE: Bob Falcone, Liberty
16 Consulting.

17 MR. KING: And, Chuck King, Liberty
18 Consulting.

19 MR. MCHUGH: Thank you.

20 MR. HUNT: Does FairPoint have a
21 statement?

22 MR. NIXON: Yes, please. For the
23 record, Peter Nixon. Good morning. Let me, if I could,
24 provide a brief update as to our belief where we are

1 relative to returning to pre-cutover levels of service.
2 In the past, we've spoken about five different areas that
3 we look at. One being the Call Centers; two being
4 billing; three would be the status of what's called "late
5 orders"; four would be the installation intervals; five
6 would be escalations. And, we have added a sixth, because
7 we do believe it's important, and that's performance of
8 our network. And, let me address these individually, if I
9 might.

10 With regard to the Call Centers, the
11 largest call center we have is the Consumer Call Center.
12 And, we believe that that Call Center has been at
13 pre-cutover levels now for -- the Consumer Call Center has
14 been at pre-cutover levels of performance for the last two
15 months. And, the way we look at that is two-fold. First,
16 it is a function of the number of calls that are
17 abandoned, the customer hangs up before it gets answered,
18 and two is the average speed of answer. And, in those
19 metrics, we are at and have been at pre-cutover levels for
20 the past two months. We do know it, and it's on the
21 record from the Liberty report, that there was about a
22 five-day period at the end of June and early July where we
23 had some system stability issues that I'm sure we'll
24 address that have since been resolved.

1 The second center that we look at is the
2 Repair Center. That center certainly responds to and has
3 to react to weather conditions. However, for roughly the
4 same period, the past two months, the customer's ability
5 to call into the center and receive a response time in
6 less than a minute has been fairly stable. And, as I look
7 at this, the context of my discussion is going to be from
8 the customer's perspective. Because we do acknowledge and
9 I'm sure we'll talk about the fact that there will be
10 areas of the systems, as well as the processes, that, from
11 the user perspective, that we need to continue to work on.

12 The third Call Center, the Business
13 Center, has not been at pre-cutover levels. However, for
14 the last two weeks it has been. The Call Center and the
15 information we provided, particularly this past week, has
16 been at pre-cutover levels, both in terms of the abandoned
17 rate being sub 5 percent and the average speed of answer
18 being sub one minute.

19 The second area that we looked at again,
20 from the customer's perspective, is that of billing. The
21 consumer retail billing, measured by the number of bills
22 affected by a known defect, have been at and have been
23 tracking at or below one percent. We believe that
24 reflects the fact that those bills predominantly are

1 accurate. There were some issues, and we'll talk about
2 that I'm sure today, where we had some long distance
3 billing issues that occurred over the last several weeks
4 that have -- that have caused us some spike in the billing
5 issues. But, again, those are not systemic, and those are
6 indeed one-of-a-kind.

7 The complex billing, predominantly the
8 business and the wholesale, are two areas that we do not
9 feel are back to pre-cutover levels. We are doing a lot
10 of work reconciling one-on-one with the business and the
11 wholesale community. And, indeed, we had two bills
12 yesterday, two customers that we were addressing and
13 reconciling on a bill issue that both -- one tracked back
14 to an issue that was dated back to 2005 and another one
15 2008. And, so, that -- those were not cutover-related,
16 they were customer-affecting. And, we identified and
17 corrected and adjusted those based upon our one-on-one
18 reconciliation communications with the customers. So
19 having said that, we do not feel that the wholesale or the
20 business billing is back to pre-cutover levels, but we
21 certainly have a plan to get us there.

22 The area of late orders, excuse me, I
23 know has received a lot of attention. Out of over 400,000
24 orders that we've processed since cutover, we have

1 approximately 3,000 today that are late. And, when I say
2 "3,000 are late", those are orders that either not held
3 for construction or not held by the customer. We were
4 able to go into a data extract for orders that were in a
5 similar state in September of 2008 on Verizon's systems.
6 And, those late orders totaled somewhere around, again,
7 sorry, I can get the complete, a conservative analysis,
8 somewhere between six and seven thousand orders. So, our
9 late orders today are roughly half the orders, half the
10 late orders that existed before cutover. We do believe
11 it's still too many. It's not what we aspire to. And,
12 we're working hard to reduce the number of late orders.

13 As it relates to the network, our
14 network has been at pre-cutover levels since the day of
15 cutover. And, it's been working in the normal operations
16 and with the normal support.

17 The fifth area that we talked about is
18 "installation intervals". What is the percent of our
19 orders that are completed in the standard interval? We do
20 not believe this is at the pre-cutover levels. Today, we
21 are installing roughly 77 percent of our orders within the
22 standard interval, 90 percent within ten days. It is a
23 significant improvement over the past, but it is not at
24 pre-cutover levels. And, we have work to do to bring

1 those back up to levels that we think would be appropriate
2 and to bring them back to pre-cutover levels.

3 The last area I'll address is the area
4 of escalations. This is an area that is not at
5 pre-cutover levels either. Today, we have approximately
6 450 escalations across all three states, of which 126 are
7 here in New Hampshire. What we have seen, though, is the
8 composite of those escalations has changed. And, if we go
9 back 90 days ago, the predominant escalations were dealing
10 with late orders, and the number two on the list was
11 billing --

12 [Court reporter interruption]

13 MR. NIXON: I'm sorry. Late orders,
14 service orders that were late. Today, 60 percent of the
15 escalations that we're getting in are dealing with
16 billing. And, you might say, "isn't that counterintuitive
17 to what I said earlier with regard to the billing
18 accuracy?" And, if we take a look at what the predominant
19 cause of those billing escalations are, it's caused by the
20 long distance issues that we had over the past couple
21 weeks, where we were rating international calls that
22 should have been domestic, and we were putting in
23 destination points that were, although rated correctly,
24 were the wrong destination points. Those two have been

1 corrected. And, we would encourage our customers to call
2 our Call Center. They can get in to the center quickly.
3 And, we have representatives standing by who can help them
4 with their questions. We would ask them to give us a
5 first chance to solve their types of issues.

6 The second largest cause of the
7 escalations is from what we call "seasonal restorals".
8 And, we acknowledge that this has been a challenge for us.
9 Where customers come in and would like to reactivate their
10 service, having been gone for the winter and come back in
11 the summer. We have had issues whereby the basic service
12 has been in the system and we have been able to activate
13 it, but a customer subsidiary or their alternate features
14 have not been. And, this was a challenge for us at
15 cutover, because the information that was not within the
16 system, Verizon's systems, which was a customer's service
17 that had been disconnected or suspended, didn't come
18 across. This is, therefore, a one-time problem. It will
19 be then put into our records. We'll have captured that
20 for succeeding years. And, we would expect that type of
21 seasonal restoral issue to be fully resolved.

22 We do have some lingering issues we're
23 working on. But, again, I think that the major message
24 here is that we believe most aspects of our business have

1 returned to normal operations from the customer
2 perspective. We're working very hard now to continue to
3 improve the systems and the performance of the systems for
4 our employees, for user interface. We've hired, we've
5 engaged companies to, and we've talked about one in
6 particular, Aricent, to work with us on finding ways to
7 improve navigation within the system and system
8 performance. We have over 300 different enhancements that
9 we're putting in between when they first started working
10 with us and the end of September. And, we expect to
11 continue to use consultants and other parties to help us
12 to improve the performance, particularly from the employee
13 and the user perspective.

14 So, with that, I know that we're hoping
15 to get into questions, spend more time there. So, that
16 concludes my remarks. Thank you.

17 MR. HUNT: Thank you. Just
18 procedurally, what I intend to do is ask questions to the
19 panel. And, I'll allow the FairPoint agents to decide who
20 would be best to answer that question?

21 MR. MCHUGH: Fair enough.

22 EXAMINATION BY MR. HUNT:

23 Q. Some preliminary questions first. Who prepared the
24 Status Report of July 8, 2009?

- 1 A. (Allen) I did. Jeff Allen.
- 2 Q. Just generally, how did you gather the information that
3 you used to prepare the Status Report?
- 4 A. (Allen) I used a variety of sources. Primarily, I used
5 the past Milestone Reports for many of the items. I
6 used the most current data that I could. So, in some
7 instances, depending on what, if it was a point in time
8 measurement, I used the last Daily Report. And, in
9 areas of past due orders, we have gone to a different
10 methodology internally to measure past due orders,
11 primarily to make sure we get -- put them into
12 different buckets to categorize the past due amounts.
13 And, for the past due orders, I used that report, so I
14 could break it out not only with how many were past due
15 and in what categories, but also the reasons they were
16 past due.
- 17 Q. Speaking of that Report, has each witness read the
18 Stabilization Plan and the Status Report?
- 19 A. (Allen) Yes.
- 20 A. (Murtha) Yes.
- 21 A. (Haga) Yes.
- 22 A. (Lamphere) Yes.
- 23 A. (Nixon) Yes.
- 24 Q. How confident are you of the accuracy of the data used

- 1 to prepare the Status Report?
- 2 A. (Allen) I am very confident that the data that I used
3 was accurate. And, in some instances, as I pointed
4 out, there are some information that would not tell the
5 entire story. Best example of that would be flow
6 through. It was accurate to that point in time. But
7 one of the comments I made in there was, from a
8 consistency basis, based on the way flow through was
9 being measured, you would have variances over the
10 course of the month.
- 11 Q. I'll ask you, do you all have a copy of the Status
12 Report in front of you, the July 8th document?
- 13 A. (Allen) Yes.
- 14 A. (Murtha) Yes.
- 15 A. (Haga) Yes.
- 16 A. (Lamphere) Yes.
- 17 Q. FairPoint has defined "business as usual" as "service
18 from the customers' perspective that equates to what
19 they were receiving from FairPoint prior to Cutover."
20 Is "business as usual" synonymous with "normalization"?
- 21 A. (Allen) For purposes of this report, yes. I used the
22 terms interchangeably.
- 23 Q. What has FairPoint done to establish this customer
24 perspective as to pre-cutover conditions?

1 A. (Allen) Where there was historical levels or
2 predetermined levels, we used those particular
3 measurements. Where there were not historical
4 measurements, what we did initially, when we set up the
5 statistic Stabilization Plan and the subsequent
6 Milestone Reports, we took our best estimate back in
7 March in what we thought those should be. And, then,
8 as we moved forward, and we had more information about
9 each of the different categories and each of the
10 different customers, we would adjust that.

11 Q. What dates of performance measurement does the Status
12 Report actually reflect?

13 A. (Allen) It would depend on what the specific
14 measurement was. As I mentioned earlier, if it was a
15 point-in-time measurement, I used the last available
16 piece of data that we had. So, for example, on some of
17 the items, if it was a point-in-time, I'd use the last
18 Daily Report that we had. And, in some instances, if
19 it was a cumulative report, as -- if I was reporting,
20 for example, for the month of June, I would take the
21 total results from the Milestone Reports for the month
22 of June and utilize that in its total.

23 Q. And, what was the last Daily Report date you referred
24 to?

1 A. (Allen) I don't recall specifically, but it was
2 somewhere in the area of July 2nd.

3 Q. How did FairPoint establish its benchmarks --
4 benchmarks for success in the Status Report?

5 A. (Allen) We used -- We used different measurements, as I
6 mentioned before. Where available, we used historical
7 results or standardized measurements in the industry or
8 within the state. In many instances, the measurements
9 that we were incorporating into the Milestone and the
10 Daily Reports were not measurements that had been
11 utilized before or that we had any data to support.
12 So, when we set up the Plan in March, what we used was
13 our best guesstimate on what we thought would be a
14 normalized process.

15 BY MS. BAILEY:

16 Q. So, the answer to the question about the objectives in
17 the Status Report and how you establish what the
18 customer perspective or the customer experience should
19 be is the same. So, you didn't do anything different
20 to find out what customers expected. You started with
21 the assumption that customers expected the same level
22 of service that they had before the cutover?

23 A. (Allen) Correct.

24 Q. Okay.

1 A. (Nixon) Can I add to that, if I could? I think what I
2 don't want to do is confuse what the customers may
3 expect. What our objective was here is we had to get
4 the Company back to pre-cutover levels before we then
5 begin the process to continue to improve. So, these
6 are not necessarily our aspirational goals. I don't
7 want to -- this is not where we think we need to be in
8 the long run. It was, if you will, a starting point
9 from which we could continue to improve.

10 MS. BAILEY: Okay.

11 BY MR. HUNT:

12 Q. So, would it be accurate to say that the Stabilization
13 Plan generally did not work?

14 A. (Allen) No, I don't think that would be accurate at
15 all. I think the objective of the Stabilization Plan
16 was to take us from a point in time that was
17 substantially off meeting the customers' expectations,
18 and to bring us back to a point that we substantially
19 and ultimately and completely met the customer
20 expectations. I think the results that we demonstrated
21 over the course of the second quarter show that we made
22 dramatic and significant progress. As the Status
23 Report points out, that, as of the date of that, there
24 were still deficiencies. And, as Mr. Nixon has

1 mentioned this morning, there are still items that we
2 need to continue to improve on to get to the point that
3 we want to reach.

4 A. (Nixon) And, let me, if I could -- I assume it's all
5 right if we interject?

6 Q. Yes.

7 A. (Nixon) If we take a look at where we were at the
8 beginning of the Stabilization Plan, and we were having
9 an abandoned rate of 60 percent in one of our centers,
10 and we're now down to less than two percent, what we
11 would say is the Stabilization Plan allowed us to
12 highlight and focus on those areas that we -- that we
13 needed bring into normal operations. We may not have
14 set the goals and objectives with the precision and the
15 historical reference that we would have liked to have
16 had, but we think that it properly focused us in the
17 right areas.

18 Q. In the Status Report, FairPoint states that "some of
19 the results of the action plan are the result of
20 workarounds." Could you explain what a "workaround" is
21 please?

22 A. (Allen) Yes. Several other people on the panel could
23 give more specific examples. But, as Mr. Nixon
24 mentioned, to accomplish some of the objectives of

1 providing service to the customers, in many instances
2 the automated portion of that that we expected to have
3 is not working at the level that it needs to. So, what
4 we did was we set up contingency plans with different
5 processes, where there is more manual work required to
6 accomplish the objectives for our customers.

7 So, one of the major continued
8 objectives, as Mr. Nixon mentioned in the opening
9 remarks, is to continue to improve the systems and the
10 processes that we have, so, at the end of the day, the
11 manual workarounds and the manual processes could be
12 completely automated or available.

13 Q. How many workarounds are in place at this time, do you
14 know?

15 A. (Allen) I do not know.

16 Q. Well, does anyone else on the panel know how many
17 workarounds are in place at this time?

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

19 Q. Can you provide that at some point? Are you able to
20 quantify that for us?

21 A. (Allen) I don't -- I don't know a good way to quantify
22 it specifically. We could probably estimate what they
23 are by area of functionality.

24 Q. Does FairPoint keep track of the workarounds and how

1 F-O-C, could you explain what that designation is please?

2 WITNESS MURTHA: The "FOC" is the "Firm
3 Order Confirmation".

4 MR. MCHUGH: Bryan.

5 BY THE WITNESS:

6 A. (Lamphere) Specific DSL workarounds, that we're
7 examining right now whether or not it even still
8 remains in place necessarily, checks the specific
9 bandwidth allocation on the circuit. That we put that
10 in as a manual step to validate that it's assigned
11 correctly. We're examining whether or not we can
12 remove that at this point. But that was a workaround
13 in place for retail and wholesale DSL.

14 A. (Allen) I'll add one more, since Mr. Nixon mentioned
15 before, is on seasonal restorals. The restoral comes
16 back based on what was in the system, which is all
17 these features and calling plans were stripped out.
18 And, it's a manual process to go back and add the
19 additional features that the customer wants after the
20 first order completes. And, ideally, you'd like to be
21 able to automate that process all the way through.

22 A. (Nixon) One of the areas that we anticipated prior to
23 cutover that required a manual workaround was in
24 high-cap engineering. And, we looked at the number of

1 amount of effort it would take to put in the system
2 improvements and efficiencies and automation to do
3 that. That is on the track to be done. It has not
4 been completed. High-cap engineering is done on a
5 manual basis. As it relates to the customer-affected
6 service at the other end, prior to Cutover we would
7 have somewhere in the neighborhood of 250 orders in
8 what we call the "OCO", the last stop before an order
9 goes out to the field for a complex installation, that
10 level is now 203. And, so, what -- even though there
11 is a manual workaround in place today, that certainly
12 is not the level of automating that we desire. And,
13 the customers facing the service, it is at or returned
14 to pre-cutover levels, but it will be automated.

15 BY MR. HUNT:

16 Q. Do you have any estimate as to when all of these
17 workarounds that are in place now will actually be
18 automated?

19 A. (Allen) There are different dates for different items.
20 There's a complete calendar of different productivity
21 or functional enhancements within IT, as far as where
22 they have been identified, what impact they're going to
23 have. As Mr. Nixon said, some have a much greater
24 impact than others. And, so, the dates vary, depending

1 on the particular workaround at hand, on hand.

2 A. (Nixon) If I might add to that, the Business units are
3 the ones that define the priority. They work with the
4 IT organization. And, based upon their needs and how
5 it's impacting the customer, how it's impacting the
6 business, they will arrive at the priority for those
7 enhancements. I don't know if Mr. Haga would like to
8 add to that. But the Business units set the -- set the
9 objectives and the priority, and the IT organization
10 then deploys.

11 A. (Haga) And, just to add to that, that Mr. Nixon is
12 correct. We work -- We work with each organization,
13 predominantly with Rich, with Mr. Murtha, Mr. Rush,
14 with the Call Center activities, as well as Karen Mead,
15 with regards to operations. We work with them. They
16 help to identify those items. You know, whether it is
17 a workaround that was automated previously, or, now
18 that we're working in a new environment with new
19 systems, you know, if other -- working on other
20 enhancements, you know, to improve automation, that the
21 automation didn't exist prior to. So, we're working at
22 it as, you know, now we're running the business, we're
23 running the business in the new systems, so how do we
24 improve operations by utilizing the capabilities that

1 they possess. Hence, you know, referring back to the
2 Aricent comments, Aricent gave us suggestions. We
3 satisfied the requirement of getting all the
4 information, allowing a Customer Service Rep to capture
5 all the information on an order, so the order can be
6 successful. However, the steps that they needed to go
7 through to capture all that information was time
8 consuming. The path from A to Z was not a straight
9 line. You had to go all over the place to navigate.
10 It was difficult. It was challenging. And, that's
11 where the suggestions for improvements came. And, as
12 Mr. Nixon indicated, there was 300 and some items.
13 Sounds like a significant amount of work. In some
14 cases, each individual item may have complexity. Some
15 were very simple changes that we've got on a road map
16 for correction. The biggest gain that we'll have is
17 within our -- what's referred to as our "product
18 configurator", which will greatly reduce the average
19 handle time, just because the system itself has to
20 navigate through so many commands in order to, you
21 know, provide the Customer Service Rep with the product
22 information.

23 BY MS. BAILEY:

24 Q. You mentioned "300". Is that the number of open

1 projects that you have going?

2 A. (Haga) Those are individual requests. And, some of
3 those requests will get lumped into a release or a
4 "project", if you want to reference it in that manner.
5 And, those are scheduled to -- those particular items
6 are scheduled through September. We were -- We go
7 every other week, as far as our deployments now into
8 the systems. Coming after cutover, it was daily. That
9 was too aggressive. It allowed for some testing, but
10 not enough. We went to three times a week. We still
11 had a lot of -- a majority of those items were
12 correcting data that came out of the conversion, which
13 was causing problems in the system. So, it would be
14 referred to as "the system's got a problem", but it was
15 the underlying data that was causing the system not to
16 behave in the manner that we'd expect.

17 We moved to weekly I believe it was six
18 weeks ago. But even weekly was still -- it's a
19 challenge for that many changes that we make to the
20 system for all users of the system to understand the
21 changes. There's -- Typically, there is a delay on
22 getting that information out. So, it was causing more
23 confusion, though, we were trying to help and fix a
24 problem, the people aren't aware of the change, they

1 show up to work on Monday morning, and all of a sudden
2 something is behaving differently. So, we ran into
3 that.

4 Now we're at biweekly. We're hoping we
5 can only stay there for about a month, and then we'd
6 like to get to the schedule that we had always planned
7 to, which was monthly releases, with two major releases
8 throughout the year.

9 Q. So, the 300 let's call them "projects" that you have on
10 your desk, does that include open defects that
11 Capgemini is fixing from the system perspective, as
12 well as the automation of some of the manual processes
13 that Mr. Murtha, Ms. Mead, and Mr. Rush have asked you
14 to implement?

15 A. (Haga) No. The 300 plus that we've referenced from the
16 Aricent exercise just includes those items.

17 Q. Oh.

18 A. (Haga) That does not include the defects that are
19 recognized, does not include additional data patches,
20 does not include Rich's items. His items are in
21 addition to that particular list.

22 Q. So, do you know how many items Rich and Karen and Steve
23 Rush have asked you to do?

24 A. (Haga) The overall list are well over 700.

1 Q. Just from the three operation organizations, not
2 including the defects and the Aricent recommendations?

3 A. (Haga) Correct. And, there are some that we're still
4 -- they're at various stages in a development life
5 cycle for an IT organization. Some are -- we're just
6 talking concepts, so those are on the list. Some we're
7 still at the -- finalizing the actual requirements for
8 the change. And, others are actually in process.
9 We're actually doing the development. And, some are
10 actually sitting with Rich's organization or Steve's
11 group, you know, before going through your means
12 receptance testing. So, there's been various items.
13 But, yes, we have meetings throughout the week, and
14 with each organization, and say "Okay, what's working?
15 What kind of issues are you seeing?" We discuss items
16 that could be considered a defect. We test those.
17 And, we work with them on prioritization. You know, if
18 there's something that has happened that is crippling
19 the business, you know, we lean to Mr. Murtha, we lean
20 to Mr. Rush, and we lean to Ms. Mead to, you know,
21 direct us as far as, you know, "what do you need us to
22 work on?"

23 Q. And, do you have any right now that are crippling the
24 business?

- 1 A. (Haga) The one that we're ready to go on is the product
2 configurator. And, the reason -- it doesn't stop the
3 business, but it is impacting our handle time.
- 4 Q. And, that has to do with the Customer Service Reps and
5 how they input customer records and request for
6 service?
- 7 A. (Haga) Yes. The product configurator allows, as the
8 customer is having a dialogue -- the Customer Service
9 Rep having a dialogue with the customer, the product
10 configurator helps them show -- it helps them to
11 identify the dependencies of the product. So, if you
12 order a product or if you order a bundle, it shows them
13 the other things that they need to also communicate
14 with a customer. So, for all the -- the challenges
15 that we've got with the product configurator is we
16 converted every product that Verizon ever had in their
17 product mix, which was a significant amount. There was
18 -- Though they were grandfathered, they were still
19 available in the system, so somebody could still order
20 them. The numbers are astounding. Many of these we do
21 not have customers, they order the service or so forth,
22 but they still show up in inventory. We still had to
23 convert.
- 24 Q. If it's grandfathered, they can't order it anymore.

1 It's just left in place for existing customers.

2 A. (Haga) Grandfathered not from a regulatory sense;
3 grandfathered from a business process sense, where it
4 hasn't been removed. That it could potentially be sold
5 or somebody could ask for the service.

6 Q. Well, --

7 A. (Haga) So, I'm using a term that's -- it's actually, if
8 somebody were to look in the tariff, they would see
9 that it's still offered. So, it's not grandfathered
10 from that regard.

11 Q. Okay. All right.

12 A. (Nixon) May I interject on two things? First, on the
13 Aricent enhancements, there were roughly 300 and some
14 at the beginning. How many have we already deployed?

15 A. (Haga) 170.

16 A. (Nixon) Okay. So, we're -- I think the point here is
17 that 300, in the total number, 170 have been deployed.
18 Many of those are fairly quick. It's not like a large
19 project for many of them. The product configurator is
20 a larger project in and of itself because of the
21 complexity.

22 The other point I would like to make is
23 that, even in the Verizon systems there are what might
24 be euphemistically called "workarounds". They even --

1 their systems did not 100 percent flow through. If you
2 have to go out and do an outside plant engineering job
3 and go out and see the site and do outside field work,
4 that requires somebody to go to a site and draw and
5 draft and engineer. We do not envision that we'll ever
6 be to the point where we'll have eliminated all manual
7 touch points that -- to allow orders, all orders to
8 always go through all the systems. We have a lot of
9 work to do, a lot of improvements we can make, a lot of
10 places we can automate. But even Verizon, after 35
11 years, wasn't at 100 percent.

12 BY MR. HUNT:

13 Q. Is there a process in place to validate that a manual
14 workaround is functioning properly?

15 A. (Allen) Yes. I think, if you look at each one of the
16 things that we used as an example, there's an ultimate
17 measure for that. For example, in some instances, we
18 would look at the interval times. Mr. Nixon mentioned
19 how many orders we're delivered in that time, which is
20 obviously one of the critical things we can look at.
21 If it was a reconciliation of the bill, we'd look at
22 what percentage of the bills are accurate. So, in each
23 of the different areas, there's an ultimate measure of
24 success. A lot of things in the Call Center is the

1 measurements that we put in the report as far as
2 abandonment rate and speed of answer. So, the intent
3 of the workaround and the result of that would be
4 measured based on the particular area that it's
5 designed to address.

6 BY MS. BAILEY:

7 Q. Mr. Murtha, can you tell me what your top three IT
8 requests are right now?

9 A. (Murtha) The number one IT request is the continued
10 enhancement of flow through for wholesale products.
11 The number two issue is around migration orders
12 affecting flow through, to make sure that the tabling
13 for the reuse of facilities is maintained. And, number
14 three is containing migration orders with hunting.

15 Q. And, Mr. Haga, when are those going to get fixed?

16 A. (Haga) I don't know the dates of the top of my head.

17 Q. So, they're not even at the top of the pile yet?

18 A. (Haga) No, they are at the top.

19 Q. Oh.

20 A. (Haga) I just don't know the -- each one of them
21 carries a different date, and I don't know off the top
22 of my head the dates for each.

23 Q. Where are they in the product development?

24 A. (Murtha) We work with Mike's team on a daily basis. We

1 have an 11:00 a.m. call every day with them. Flow
2 through is something that's a continuous process. As
3 you can see from the Stabilization Report where we are
4 with the different levels of flow through by product.
5 We continue to enhance the flow through for all of our
6 request types. So, that's going to be an ongoing.
7 It's not a -- There's not a date that you can say we're
8 going to be at the end of flow through, nor was that,
9 in Verizon, ever a date that we were at the end of flow
10 through.

11 The second one, which is a known IT
12 issue, we are packaging up. It's in tests right now.
13 It's in the Kittyhawk environment for the next relief.

14 Q. And, what is it?

15 A. (Murtha) It's -- That's the fix for the flow-through
16 orders for migration, to table for reuse of the
17 assigned facilities. And, then, the last one is in
18 development right now on the hunting issue. This was
19 an issue that has come back up that has affected some
20 out-of-services that we have put in place. So, we're
21 in development with that right now to get it into
22 Kittyhawk for testing so that we can bring it forward.

23 Q. So, by "development", it means Capgemini is working on
24 the software fixes, so it's not in testing yet, and

1 that's where your hunting for migration orders sits?

2 A. (Murtha) Correct. So, right now we have a manual
3 process in place, where the W -- the Wholesale Service
4 Center is working with the provisioning organization.
5 They identify each of those on a daily basis, so that
6 they can get those orders worked first thing in the
7 morning.

8 Q. Do you know what percentage of migration orders --

9 A. (Murtha) Have hunting?

10 Q. No. Well, no, who's caused the customer to lose
11 service?

12 A. (Murtha) I don't know the percentage number.

13 Q. Do you know any kind of quantitative data?

14 A. (Murtha) Yesterday it was eight.

15 Q. Eight?

16 A. (Murtha) Eight orders.

17 Q. Eight orders yesterday where the customers lost service
18 because they migrated?

19 A. (Murtha) It was eight that had out-of-service for a
20 period of time.

21 Q. In one day?

22 A. (Murtha) In one day.

23 Q. That doesn't sound too good.

24 A. (Murtha) It was eight orders, but the downtime was, you

- 1 know, was not significant on --
- 2 Q. Was it during the day?
- 3 A. (Murtha) Excuse me?
- 4 Q. Was it during the day, during business hours, that they
- 5 lost service?
- 6 A. (Murtha) It was, I believe yesterday, around 4:00 p.m.
- 7 Q. So, that's during business hours?
- 8 A. (Murtha) Yes.
- 9 Q. Okay. So, is this IT solution that's in product
- 10 development going to fix that?
- 11 A. (Murtha) It's not in product development, it's in IT
- 12 development, --
- 13 Q. Okay.
- 14 A. (Murtha) -- for them to have the solution for us that
- 15 will bring over the assigned facilities and keep them
- 16 in place.
- 17 Q. So, it's in -- the software is being developed to fix
- 18 that problem?
- 19 A. (Murtha) That's correct.
- 20 Q. So, how long does it take before it goes into testing,
- 21 and then how long does it take before it gets
- 22 implemented, because this problem has been identified
- 23 for quite some time?
- 24 A. (Murtha) This is a -- We have resolved a number of

1 these issues regarding migration orders since cutover.
2 This was a issue that just came up again over the last
3 week that we've been working on. So, the IT team is
4 working with my team right now to, you know, resolve
5 it. They're going through it. They have to get the
6 right solution. They have been very quick about
7 turning over solutions and enhancements. And, like
8 Mike said, we've tried to get to a point of we're going
9 every other week with a release, but, as soon as we get
10 an enhancement that effects a product like this, I have
11 a conversation with Mr. Haga, and we put that into an
12 off-cycle release to get that in place.

13 Q. Well, this sounds like a business-crippling problem?
14 Is that the word that you used? Those were the ones
15 that -- I forget what term it was.

16 MS. HOLLENBERG: Yes.

17 MS. BAILEY: Yes, "business-crippling"?

18 MS. HOLLENBERG: Yes.

19 BY MS. BAILEY:

20 Q. Why isn't that the top priority?

21 A. (Haga) You're looking at me where the priorities are
22 set by Mr. Murtha.

23 Q. Is that not a top priority?

24 A. (Murtha) When you're looking at the -- it is a

1 priority. I have to have a solution, and I have --
2 Mr. Haga's team is dedicated to getting me that
3 solution right now.

4 Q. But you have no idea when or how long it's going to
5 take, and it's a "business-crippling", and that's what
6 you said --

7 A. (Murtha) Well, I don't deem it as "business-crippling"
8 when I have a workaround process and I am working with
9 these customers to restore it. We put in the
10 workaround process as of today.

11 Q. But the workaround process causes end users to lose
12 service during business hours?

13 A. (Murtha) No. No, the workaround process went into
14 place today.

15 Q. Okay. So, what's that?

16 A. (Murtha) And, that is where we are providing to the
17 provisioning organizations every one of these
18 migrations with the hunting to the RCMAC organization.
19 They are conducting the migrations, they are
20 hand-holding them through the system. We should not be
21 taking anybody else out of process or out of service.

22 Q. So, as of today, for migration orders, we shouldn't
23 have any more loss of dialtone for customers during
24 business hours?

1 A. (Murtha) With hunting.

2 Q. Okay. What else causes loss of dialtone?

3 A. (Murtha) That's the only one being affected by that
4 right now.

5 Q. So, then, as of today, we shouldn't have any more loss
6 of dialtone when we migrate customers from one carrier
7 to the other?

8 A. (Murtha) We should not. You're right.

9 MS. BAILEY: Okay. Thank you.

10 BY MR. HUNT:

11 Q. Moving on, is FairPoint currently meeting the existing
12 retail quality of service standards?

13 A. (Allen) No.

14 Q. When does FairPoint expect to do that?

15 A. (Allen) I think what we'll see is the different results
16 will come into and exceed the service levels at
17 different points in time. I do not have a specific
18 schedule against the SQI measurements. The
19 measurements that we've been using, as we discussed
20 before, to get back to normalized business initially
21 were to get back to the levels that we had found.

22 Q. Is FairPoint meeting the existing wholesale
23 carrier-to-carrier guideline standards?

24 A. (Allen) The answer is "no".

1 Q. Is there any estimate as to when FairPoint might be
2 able to do that, from anyone?

3 A. (Nixon) Again, from the perspective of the approach
4 that we've been taking is, first and foremost,
5 customer-affecting. We talked about how we look at it.
6 I think we can go back to pre-cutover and I don't
7 believe, again, subject to check, we were meeting all
8 the SQIs at that time either. It is -- We aspire to do
9 it, it's our desire to do it. First item was to get
10 back to pre-cutover levels of operation.

11 Q. If you could please explain how FairPoint is now
12 conducting its search for a new CIO?

13 A. (Nixon) Certainly. Our Senior VP of HR is seeking and
14 is advertising for the position of the CIO. We have
15 several candidates who have already -- applications
16 have been received. And, they're in the process of
17 that search and that assessment.

18 Q. Who is in charge of that search process?

19 A. (Nixon) Gary Garvey.

20 Q. And, at what point is it expected that someone might be
21 hired for that position?

22 A. (Nixon) I don't know if there is a date. The first
23 order of business is to find a qualified candidate, and
24 then place that candidate. It is a very important

1 effort that's underway, and it is a very high priority,
2 and I know that he's acting on it accordingly.

3 Q. What will Vickie Weatherwax's role be, once the new CIO
4 is hired?

5 A. (Nixon) I think that's to be determined, with regard to
6 as to where she will be working with. She, in her
7 role, will be working very closely with the CIO. For
8 now, she's reporting to the CEO. And, again, I don't
9 think it's been determined whether or not her reporting
10 structure would change upon the hiring of the CIO or
11 not.

12 Q. What do you anticipate the role of the existing Vice
13 President of IT, Mr. Haga, to be at that point?

14 A. (Allen) I would expect him to stay in his existing role
15 and continue to contribute.

16 Q. Aside from the CIO replacement, are you anticipating
17 any other upper level management personnel changes?

18 A. (Nixon) There are none contemplated at this time.

19 Q. Has FairPoint asked --

20 A. (Nixon) Let me -- Let me, if I could for a second?

21 Q. Please.

22 A. (Nixon) As Mr. Allen is working with his team, he may
23 decide to make organizational changes as a normal
24 course. But, again, if you're speaking to the upper

1 management level, there is none contemplated that I'm
2 aware of at this time.

3 Q. Has FairPoint asked Verizon for assistance in resolving
4 the remaining operational issues?

5 A. (Haga) We have. From a -- We still uncover data
6 conditions, we still have conversations with them.
7 They still provide either corrected files or help to
8 explain the information that was provided. But that's
9 -- I'm only aware of a couple of dialogues that are
10 continuing.

11 Q. What specific areas right now?

12 A. (Haga) The specific area right now is with Directory
13 Relations.

14 Q. Any others?

15 A. (Haga) That's the only one I'm aware of.

16 RE: CONSUMER CALL CENTERS

17 BY MR. HUNT:

18 Q. Some questions about the Consumer Call Centers. Which
19 of Aricent's recommendations have actually been
20 implemented?

21 A. (Haga) There's 170 items. Some of them are as simple
22 as, you know, moving a button two inches to the right.
23 So, I don't know if I can go into the specifics on 170
24 items.

1 Q. Approximately how many of those 170 items have actually
2 been implemented?

3 A. (Haga) Oh, the 170 represents the 170 of 380 plus. So,
4 we're almost to the halfway point. The biggest item
5 will be the product configurator changes. That's one
6 item, but it's a very large item.

7 Q. Can you talk about, other than that item, some of the
8 others and what they've accomplished, the ones that
9 have been implemented?

10 A. (Haga) Yes. What they have accomplished actually
11 reflects in, you know, our numbers for the Call Center
12 itself. It has helped reduce the average handle time.
13 One you don't see in a statistic is the -- oh, the
14 demeanor of the Call Center reps themselves, because
15 it's not as painful to navigate now through the
16 applications. So, there has been an appreciation from
17 the Call Center floors regarding the improvements made
18 to the basic navigation in the system. And, there are
19 a lot of a little things that are gaining a lot of
20 improvement from a morale perspective, as well as just
21 the improving on the statistic of the average handle
22 time.

23 Q. How many additional Aricent recommendations are planned
24 to be implemented in the future?

1 A. (Haga) That would be the remaining --

2 [Court reporter interruption]

3 BY MR. HUNT:

4 Q. How many Aricent recommendations are planned to be
5 implemented in the future?

6 A. (Haga) The remainder of our list, it takes us all the
7 way through the 380 items. So, that's 210 that we have
8 left.

9 Q. Is that -- Does that go through September?

10 A. (Haga) Correct.

11 Q. Are you familiar with those additional recommendations?

12 A. (Haga) Yes. I've seen the list. I've worked with the
13 team, approved the schedule, worked with Mr. Rush to
14 identify when we can deploy them, prioritize the list,
15 so we know the -- the higher priority items are the
16 ones that have already been deployed, and we're just
17 working down the list until we get the entire list
18 completed.

19 Q. And, do you anticipate what impact those improvements
20 will have on customers, the particular new
21 implementations?

22 A. (Haga) I'm not the right person to answer that
23 question.

24 A. (Allen) Yes. There was --

1 [Court reporter interruption]

2 BY THE WITNESS:

3 A. (Allen) Initially, when Aricent made the
4 recommendations and we determined what we were going to
5 implement, they gave an estimate on what they felt the
6 productivity gains we would receive for the different
7 groupings. It's not per each one of the 380 changes,
8 but per area of change. So, we do have an expected
9 objective that we expect to hit by implementing these
10 changes, from a productivity standpoint.

11 BY MR. HUNT:

12 Q. In any particular areas with regard to impact on
13 customers?

14 A. (Allen) It would impact customers from the standpoint
15 that the service reps would be able to respond to more
16 customers much quicker, with more complete information.

17 Q. FairPoint reported that average wait times for
18 customers phoning the Consumer Call Center were over 15
19 minutes in March, and that it went down to 45 seconds
20 in June. How is the wait time measured and recorded?

21 A. (Allen) I believe -- well, I don't know for a fact. I
22 believe it's from when the call comes into the center
23 after it goes through and is delivered to a rep, or
24 from the time the call is answered in the center till

1 the time it is answered by a rep.

2 Q. But what mechanism is used to actually record that?

3 A. (Allen) Oh, we have a system, Genesis is the name of
4 the system that measures and manages the Call Center
5 results.

6 Q. Why was the average wait time so high in March?

7 A. (Allen) It was a combination of several reasons.
8 Primarily, you had extremely high volumes. The number
9 of calls that came into the Center were more than two
10 times the pre-cutover levels and more than two times
11 the current levels. We had over 350,000 calls in that
12 particular month. A typical month is about 150,000
13 calls. There were a lot of things driving those calls.
14 Primarily, we had the initial delay in billing, and
15 then the catch-up in the billing, where many customers
16 got two bills right on top of each other. So, the
17 highest percentage of calls coming into the Center at
18 that particular time were for billing reasons.

19 We also had substantial order delivery
20 problems at the time, which also generated a lot more
21 calls. And, you also have the impact that, if you're
22 not answering the call the first time, customers will
23 continue to call back. So, the same customer may call
24 multiple times. So, you had all of those factors

1 happening in March, and that's what caused the results.

2 Q. You talked about "order delivery problems". What order
3 delivery problems and why were they present?

4 A. (Allen) The ability to deliver products on time,
5 services on time. The systems were not -- the systems,
6 the proficiency in working the systems, the processes
7 that we had designed for the systems, and the data, and
8 any combination thereof, were not working as we had
9 anticipated. And, consequently, the average
10 installation times were not very good at all. I think
11 the average delivery time was about 20 -- 22 days back
12 at that point. And, from a relative perspective, today
13 it's 6 days, which is much more in line with what
14 customers would typically expect. Now, obviously,
15 different products have different delivery times. But
16 the delivery times were extended. The ability for our
17 employees to get into the system and provide real-time
18 updates to customers and information on what the status
19 of the order was was not very good. Our knowledge
20 level of where exactly some of the issues were and the
21 problems were at the time to quickly fix it in March
22 was not very good. And, so, consequently, as a result,
23 you had orders that were late, and not a very
24 consistent way that we could inform customers,

1 especially given the Call Center results, where they
2 could even get through and get an update on their
3 status. So, that's, if you look at the progress that I
4 discussed before, if you go from March till today, each
5 of those different aspects that I just described no
6 longer exist. And, that's where the Call Centers have
7 gotten back to a normalized level of volume, and the
8 ability to provide them updates is greatly enhanced
9 from where it was.

10 Q. The Status Report refers to "systems and updates" --
11 "system updates and improvements" that have been put in
12 place -- put into the production environment that have
13 affected call center performance since March. What
14 systems updates and improvements have been put in
15 place?

16 A. (Allen) Well, Mr. Murtha just described all the Aricent
17 improvements, that's all on our front-end system for
18 the Consumer Call Center. Other Centers use it,
19 utilize that as well. But, specific to your question,
20 all of those enhancements would impact the Consumer
21 Call Center. Additionally, going back to March, when
22 we were facing these challenges, the process also that
23 Mr. Haga described before, as far as meeting with the
24 business leads, there was a daily call at that

1 particular point, where there was a top 10, a top 25 of
2 things that were inhibiting our Customer Service Reps
3 from servicing our customers. And, in addition, and
4 before Aricent, there were also a lot of enhancements
5 that went in to impact or to improve the ability of the
6 reps to handle customer calls.

7 Q. Would you say that the wait time for customers has
8 stabilized?

9 A. (Allen) Yes.

10 Q. And, what assurances can FairPoint provide that that
11 has stabilized?

12 A. (Allen) Well, I think the best assurance is, outside of
13 this week one week that Mr. Nixon mentioned before, if
14 I go back to the beginning of June and look through
15 both the month of June and July, again, with the
16 exception of that one week, the wait times for our
17 consumer customers have been less than a minute.

18 Q. What happened during that week that you referred to?

19 A. (Allen) We had, and I'll let Mr. Haga give the details,
20 but, essentially, we had a system stability issue, and
21 the ability for the reps to get in and work the system
22 was compromised. And, once that occurs, if they can't
23 have access to the system, they can't respond to the
24 customer requests, calls back up, results deteriorate

1 rapidly. So, perhaps, Mr. Haga can tell you
2 specifically what occurred.

3 A. (Haga) I'll be specific, but try not to get too deep
4 into the technical weeds. On June 30th, which is the
5 first date that we had an issue, it did not create an
6 issue to where Customer Service Reps could not get into
7 the application. We had a database level problem for a
8 function of which occurs on every order. The database
9 issue, it was -- it's linked to the product
10 configurator, but, when they executed the command, the
11 system itself, instead of utilizing the indexes on the
12 tables themselves, the database was ignoring the
13 indexes and doing complete table scans. So, for those
14 with a technical background understand, that it was
15 searching every row on the table. That search takes
16 longer. So, what that was creating, from a Customer
17 Service Rep standpoint, what they would be viewing on
18 their screen is the application would appear, with a
19 clock indicating that the system is performing a
20 function. Eight hundred (800) individuals were signed
21 onto the system, and many of the individuals were
22 getting that condition. The condition snowballed,
23 starting more sessions in the application, a continuous
24 downward spiral.

1 In that particular case, it took us the
2 better part of a day to identify the offending query.
3 And, at that point, we did get some assistance with our
4 database provider, which happens to be in this case
5 it's a Siebel application, but it's the Oracle database
6 underneath it. And, we, on the 30th, we corrected that
7 particular issue over the course of the evening.

8 Then, the following day, on July 1st, we
9 had an issue where we had an expiration of our
10 interface to our company that we use for our credit
11 checks. From an appearance standpoint in the
12 application, it appeared to be the same problem as the
13 day before. So, we had to take some time just to get
14 to the root cause to determine there was no way that
15 the fix that went in the previous night did not correct
16 the problem, because we saw that it corrected the
17 problem the previous evening. So, the issue that we
18 had to get -- Experion is the company we use for our
19 credit checks, our automated credit checks. We've had
20 to reestablish our key to their system. We also
21 evaluated the process as to why that key was allowed to
22 expire. That process has since been corrected. And,
23 then, the effort to reestablish the key, took us about
24 an hour and a half longer than it should have to have

1 the system accept a new key and begin having that
2 communication with Experion. That particular activity
3 only impacts our new orders. That's the only time
4 where the credit check is a part of the service order
5 process. You know, nevertheless, it still appeared as
6 a service-impacting issue.

7 Two days later we had a database issue
8 with our GE Small World application. Again, it's in
9 the -- it's in the database, so there wasn't a
10 programming effort or configuration change that caused
11 it. It was just an underlying database issue. In this
12 particular case, and working with Oracle, they did
13 identify that, yes, it was a reported issue with the
14 database. It wasn't a public issue just yet, but they
15 provided us with a patch. GE Small World also, GE, the
16 company that provides us the software, also worked with
17 us to provide us a patch to protect us from the
18 database condition that created the problem with the
19 application. Because of the integration of the
20 applications, when we have something down at the GE
21 Small World level application, it trickles up, and you
22 see a slowdown in the performance within the Metasolv
23 application.

24 So, those were three, I believe

1 Mr. Rush, in a public setting, indicated there were
2 system performance issues that impacted his centers.
3 Those were the three activities, the three specific
4 problems that we had with the applications that
5 hampered his ability to hit his metrics.

6 BY MS. BAILEY:

7 Q. How does one morning, a system that's been working for
8 two months, decides to check the database a different
9 way?

10 A. (Haga) If you've worked with the Oracle database, you'd
11 ask that same question. It's just -- I don't have a
12 good answer for that.

13 Q. Was there an update to the version or --

14 A. (Haga) We checked version. We checked to see if
15 anybody changed any setting in the database itself or
16 changed any setting in the operating system. We went
17 through the whole gamut and --

18 Q. So, you don't know?

19 A. (Haga) Do not know.

20 Q. So, how are you going to be sure that the same thing
21 doesn't happen again?

22 A. (Haga) This -- We are on the latest version of the
23 database.

24 Q. Were you then?

- 1 A. (Haga) Yes. Well, we -- from that day on, we're still
2 on the latest version of the database.
- 3 Q. Well, so, did you change the version of the database to
4 fix the problem?
- 5 A. (Haga) No. We worked with Oracle to -- it was a known
6 problem that they understood with the database that
7 they worked with us. It's an anomaly.
- 8 Q. So, there's nothing you can do about anomalies. So,
9 you don't know that this might not happen again?
- 10 A. (Haga) Working with -- the stability for it, we won't
11 see this problem again.
- 12 Q. How do you know?
- 13 A. (Haga) I got faith in a company that's been around the
14 database, has been around. They're no different than
15 any other software vendor, when new releases of their
16 application comes out, there's always potential for
17 something not to work.
- 18 Q. This was a new release?
- 19 A. (Haga) We're on the latest release.
- 20 Q. But you just said the "new release", and you were on
21 the latest release before the problem happened.
- 22 A. (Haga) I was just -- how do you know?
- 23 Q. Yes.
- 24 A. (Haga) When the new releases come out, there's always a

1 certain level of faith that the new releases will be,
2 you know, error-free and bug-free and so forth.

3 BY MR. LADAM:

4 Q. Just so I understand, "version" sometimes has a
5 specific meaning in software. When was the most recent
6 download/update/change from Oracle installed?

7 A. (Haga) That was last week.

8 Q. That was last week.

9 A. (Haga) That was a patch. It was not a change in
10 version or a release.

11 Q. Right.

12 A. (Haga) It was just a patch to the current release that
13 we have installed.

14 Q. And, prior to the June 30th change in behavior, when
15 was the most recent change in software from Oracle of
16 any type?

17 A. (Haga) I'd have to check, but it was at least months
18 before that.

19 MR. LADAM: Thank you.

20 WITNESS HAGA: You're welcome.

21 BY MR. HUNT:

22 Q. I just want to clarify one thing. When the Status
23 Report talks about "programs aimed at improving the
24 systems of FairPoint's Customer Service

1 Representatives", is that talking specifically about
2 the Aricent recommendations and nothing else?

3 A. (Haga) Aricent is one program where we brought in
4 expertise. We still meet with subject matter experts
5 within Steve Rush's organization, as well as Rich's
6 organization, for improvements that we can make within
7 the application. The challenge that we have, and the
8 reason where Aricent became beneficial, is everyone
9 using Siebel is all brand new to Siebel. So, they
10 don't know the history of, you know, what it can do,
11 what its potential is. So, there was -- it was
12 difficult to have a conversation with, you know, "can
13 you provide us some suggestions?" And, that's what
14 Aricent brought to us is "yes." You know, we've seen
15 in other centers that "hey, here's how we've improved
16 navigation through the system." You know, so, we --
17 that experience, you know, helped us come up with a
18 better game plan for getting that improvements to the
19 average handle time and the navigation through the
20 application.

21 Q. Staff continues to hear complaints from customers who
22 are unable to get problems resolved when they reach the
23 Call Center. These problems include billing errors,
24 excessive delays in provisioning service, and

- 1 Q. So, I take it that's what you're saying FairPoint
2 learns in the process of doing these various other --
3 what you didn't mention was anybody who was in charge
4 of actually keeping track and measuring the successful
5 resolution of the customer issues. Is there someone?
- 6 A. (Allen) You say "customer issues". If you're referring
7 to "keeping track and measuring and monitoring the
8 success of successfully handling any escalations that
9 are in the organization?" The answer to that is "yes."
10 This organization is responsible for that. If you're
11 asking the question "for every customer that calls, do
12 we measure the response of that?" The answer to that
13 would be "no." Most customers that call aren't calling
14 with a problem. They typically are calling with a
15 question or a request.
- 16 Q. Staff continues to here complaints from customers about
17 other aspects of performance, such as excessive time on
18 hold when transferred to another representative, calls
19 being dropped, and unfulfilled promises of calls --
20 call backs to the customers. How do you measure the
21 Call Centers' performance on these tasks and what do
22 they show?
- 23 A. (Allen) Some of the statistics that we show would
24 measure both handle time, how long somebody is on with

1 a particular customer, we do have the ability to
2 measure dropped calls, which is not a very frequent
3 event at all. And, we have processes for when a call
4 gets transferred. When a call gets transferred, we do
5 not have a way of measuring how long the customer held
6 to wherever they were transferred to. But we have the
7 measurements for the other items that I described.

8 BY MS. BAILEY:

9 Q. On the -- when you measure a dropped call, is that
10 before a Customer Service Rep gets to the customer? Is
11 that when you measure it? Or do you -- because some of
12 the complaints that we've heard is the customer will be
13 in the middle of a conversation and the call gets
14 disconnected.

15 A. (Allen) Yes.

16 Q. Is there a way to measure that?

17 A. (Allen) Yes. Yes, that's the one that doesn't happen
18 very frequently. The first area which is -- we measure
19 is abandoned calls. So, those are calls that come into
20 the Center and never get to a Customer Service Rep, for
21 whatever reason, the customer chooses to hang up. The
22 second area is just from a system standpoint, a call is
23 engaged and then gets completed.

24 Now, when I say "dropped calls", we

1 measure the length of calls, and we have a way of
2 responding, from a supervisor standpoint, if there are
3 dropped calls. So, you hear from the Customer Service
4 Reps. There is not a way, just to be clear, because I
5 don't think I was, there's not a way to systematically
6 measure a dropped call versus a completed call, because
7 it's completed. You want to add to that?

8 A. (Nixon) Sure. There was, and I don't remember the
9 exact, excuse me, the exact timeframe, I think it was
10 in the April time, and maybe Mr. Haga could correct me,
11 where we did have a function that we use called a -- it
12 was called "CTI Tool Bar", that allowed the
13 representative to track and monitor and engage in a
14 dialogue with the customer. But it was causing
15 interference and actually caused calls to drop and
16 caused, in mid sentence, in mid conversation, calls to
17 disconnect. We had a large, my perspective, too many
18 calls that were disconnecting in the middle of a
19 conversation in that timeframe. We have since just
20 deactivated that functionality. And, again, I'll ask
21 Mr. Haga to confirm, it's now being -- it's now in
22 testing, so we can deploy it back again, because it has
23 some functionality that we would like to use. But it
24 was causing significant disruption. We have

1 disconnected it. And, to my knowledge, it's been, you
2 know, the frequency of that has been dramatically less.
3 And, that I think was in the April timeframe.

4 A. (Haga) Right.

5 A. (Allen) And, one other piece I would add to that. We
6 did have, with what was described, we had a what I
7 believe is a one-time event in the Burlington Call
8 Center also, where twice in one day, one was based on
9 an electrical outage and the other one was calls just
10 dropped, all calls that were engaged at that particular
11 point in time dropped.

12 Q. Do you know why?

13 A. (Allen) Well, one was an electrical outage.

14 Q. Yes.

15 A. (Allen) We just lost electricity, and there's a backup
16 system, but during that period of time calls that were
17 engaged dropped. And, then, shortly thereafter, I
18 assume it had something to do with power, it has never
19 happened before or after, and given that there were
20 power surges that were occurring at the time, I assume
21 it was for that reason. That was the only other time
22 I'm aware of.

23 Q. So, you really don't have a way to measure whether the
24 call got dropped or it was completed, but you think

1 there's a way that you have a handle on the number of
2 calls that get dropped inadvertently?

3 A. (Allen) The calls that we knew got dropped
4 inadvertently are the ones I just described. The ones
5 in the Burlington Call Center, as well as Mr. Nixon
6 mentioned, back when we had the CTI Toolbar, that was
7 dropping calls. I don't know that we knew the number,
8 but we knew anecdotally from the Customer Service Reps
9 that it was occurring, and it was occurring at a level
10 that was -- it wasn't frequent, but it wasn't
11 infrequent, it was not acceptable.

12 Q. And, now you think it's not occurring, just because --

13 A. (Allen) I do not believe that it is.

14 MS. BAILEY: Okay.

15 RE: BUSINESS CALL CENTER

16 BY MR. HUNT:

17 Q. As to the Business Call Centers, as of the Status
18 Report, why haven't the Business Call Center reached
19 "business as usual"?

20 A. (Allen) Specifically, it was primarily a staffing
21 issue. The activity that was in the Call Center versus
22 the number of Call Center reps that were there were
23 inadequate to handle the volume.

24 Q. So, I take it that the -- your answer to my next

1 question, as to why there was an increase in the
2 workload that the Business Call Center handles, what
3 exactly was causing that?

4 A. (Allen) There were several reasons. The primary reason
5 was we pretty substantially expanded the sales
6 organization. We added 100 account managers in the
7 business, selling to our business customers throughout
8 the three states. We expanded the sales organization
9 down to the middle and small end of the market. And,
10 we did not adequately add personnel to the Business
11 Centers to support that effort.

12 Q. Why not?

13 A. (Allen) It was a mistake.

14 Q. Whose mistake was it?

15 A. (Allen) I don't know that it was a specific person's
16 mistake. It was a mistake that we made.

17 Q. Well, was someone in charge of --

18 A. (Nixon) Yes. I was responsible at the time. And, so,
19 if you're looking for a person, that would be me.

20 Q. And, do you have a reason why you didn't take action to
21 --

22 A. (Nixon) Sure. Yes, we --

23 Q. -- to address the account management -- account manager
24 increase?

- 1 A. (Nixon) Right. We were looking at many different
2 variables within a Call Center, both from in terms of
3 call volume, billing reconciliation, and the amount of
4 overtime that was being utilized, and made a
5 determination that, at that point, the number of orders
6 that were coming in were coming in mainly at a faster
7 rate than we had planned for. And, we have since
8 structured that differently, both in terms of the
9 number of reps handling it and supplementing the staff.
- 10 Q. So, presently, how many account managers currently work
11 for FairPoint serving business customers?
- 12 A. (Nixon) I'm not sure that we've made that public.
- 13 Q. Well, what was the ratio of account managers to
14 Customer Service Representatives in the Business Center
15 prior to cutover?
- 16 A. (Nixon) I can do the calculus and we can let you know
17 later, if you'd like?
- 18 Q. I would like.
- 19 A. (Nixon) Okay.
- 20 Q. Thanks. And, I'd also like, if you could, do the
21 calculus for what is the ratio of account managers to
22 Customer Service Representatives in the Call Business
23 Center today.
- 24 A. (Nixon) Certainly.

1 MR. MCHUGH: Attorney Hunt, what was the
2 first timeframe you wanted?

3 MR. HUNT: Pre-cutover.

4 WITNESS NIXON: Right.

5 BY MR. HUNT:

6 Q. Even though you can't cite the ratio, is the current
7 ratio adequate to insure acceptable Business Center
8 performance?

9 A. (Allen) You said "current", in the center today?

10 Q. Yes.

11 A. (Allen) Not on a sustained basis. We are currently
12 hiring for that particular center.

13 Q. Do you know how many you're planning to hire for that
14 center to make it --

15 A. (Allen) Twenty.

16 Q. And, how was that decision made? That number?

17 A. (Allen) It was based on the sizing and the current
18 workload that's coming in, from both an order
19 processing standpoint, as well as a Call Center
20 standpoint. One point I would make, and, if you look
21 at the results I think you'll see, within the past
22 week, week and a half, the results in the Business
23 Center have been very good from a call answering
24 standpoint. And, we have not yet brought on the 20

1 reps that I just described. So, the center production
2 over the recent past has been outstanding. That's
3 really been a function of the people that are in the
4 center putting in some over time, and focusing on
5 getting the calls answered as we go through the
6 staffing process.

7 Q. So, has the Business Call Center reached "business as
8 usual"?

9 A. (Allen) If you look at the results over the past eight
10 to ten days, the answer to that would be "yes". But,
11 to do it on a sustainable basis, we need to add the
12 reps that we described both in the plan and that we
13 just discussed.

14 Q. When will the extra 20 be added and trained and on the
15 floor?

16 A. (Allen) The training piece of it is about six weeks.
17 Our intent is to hire them as quickly as we possibly
18 can. As soon as we have qualified candidates that pass
19 the test and can assume that position, we will bring
20 them on. As I said, the recruiting process has already
21 begun. Rich, you may have something additional to add?

22 A. (Murtha) Yes. There was, you know, the announcement
23 was posted in the papers. We've received in excess of
24 100 applications that we're reviewing with HR at this

1 time. Scheduling the applicants for the test, as
2 Mr. Allen said. As soon as we get the list of
3 candidates that have passed the test, we'll be doing a
4 face-to-face interview with them, and then scheduling
5 them for training as quickly as possible.

6 Q. So, who's in charge of this process?

7 A. (Murtha) HR is in charge of the process of getting us
8 the applicants. My team is in charge of working with
9 HR to select the applicants. And, we've already got
10 the trainers identified and ready to come on board and
11 provide the training as soon as we can put the classes
12 together.

13 Q. And, once all of that's done, who is responsible for
14 getting to "business as usual" for the Business Call
15 Center?

16 A. (Murtha) For the Business Call Center, that would be
17 me.

18 Q. Okay. So, you're responsible for that?

19 A. (Murtha) Yes.

20 Q. And, so, you're overseeing this entire process?

21 A. (Murtha) Yes.

22 MR. HUNT: Thank you.

23 BY MS. BAILEY:

24 Q. So, Mr. Murtha, can you tell me what your

1 responsibilities include, because I thought that that

2 -- all that would be under Mr. Rush?

3 A. (Murtha) I work for Mr. Rush.

4 Q. So, what do you -- what does your job consist of?

5 A. (Murtha) I have the Business Call Center. I have the
6 Wholesale Call Center and operations. I have the Large
7 Business ESG Group, and Operator Services, and
8 Directory Assistance.

9 Q. Business Call Center, Wholesale Call Center, Operator,
10 Directory Assistance. Did you say "operations"?

11 A. (Murtha) ESG.

12 Q. What's that?

13 A. (Murtha) The Enterprise Service Group for Large
14 Business.

15 Q. And, anything to do with CLECs, other than the
16 Wholesale Call Center?

17 A. (Murtha) The Wholesale Call Center and operations.

18 Q. Wholesale --

19 A. (Murtha) The order processing of the LSRs and ASRs, and
20 collocation. I own all the pole sets.

21 [Court reporter interruption]

22 BY THE WITNESS:

23 A. (Murtha) The LSR and ASR, the Local Service Request and
24 Access Service Request, and collocation.

1 A. (Allen) And, maybe as a point of clarification, when we
2 talk about -- when Mr. Murtha talked about the
3 "Wholesale Call Center" and the "Business Call Center",
4 those centers really are responsible for all of
5 customer operations. So, there's an awful lot of
6 things that they do besides answering the phones. So,
7 all order processing, I'll say customer service dispute
8 resolution that goes on with them, as well as answering
9 the phones.

10 MS. BAILEY: Okay. Thank you.

11 RE: REPAIR CALL CENTER

12 BY MR. HUNT:

13 Q. Some questions regarding the Repair Call Center.

14 MR. HUNT: Excuse me a moment.

15 (Short pause.)

16 BY MR. HUNT:

17 Q. Who's responsible or I guess the word is who "owns"
18 responsibility for the Repair Call Center?

19 A. (Allen) At a vice presidential level, that would be
20 Karen Mead.

21 Q. How many customers place more than one call to the
22 Repair Center within 30 days?

23 A. (Allen) I don't know.

24 Q. Please, if you could, --

1 A. (Allen) Yes.

2 Q. -- get that information to us.

3 MR. McHUGH: What is the specific
4 request, Attorney Hunt?

5 MR. HUNT: The question is "How many
6 customers placed more than one call to the Repair Center
7 within 30 days?" And, I'm told that you could do this
8 report by phone number.

9 BY MR. HUNT:

10 Q. How many repeat troubles were reported by customers in
11 March and June?

12 A. (Allen) I don't know.

13 Q. Again, can you follow up and provide that data?

14 A. (Nixon) I'm sorry, for clarity, "number of repeat
15 troubles", is that what the question was?

16 Q. The question was "How many repeat troubles were
17 reported by customers in March and June?"

18 A. (Nixon) All right.

19 Q. Late in June and well into July, the performance of the
20 Repair Call Center deteriorated, deteriorated
21 significantly. What happened and what is the current
22 status of the Repair Call Center performance?

23 A. (Allen) There were two primary items that occurred.

24 One was the system problem that we detailed before, at

1 the end of June, going into the beginning of July. The
2 same systems that the -- the Repair uses some of the
3 same systems that the Consumer Center does. So, the
4 same issues affected them.

5 The other issue that we point out in the
6 Status Report is, with the age of the plant that we
7 currently have, when there is an excessive amount of
8 rain, which we certainly have had in the month of June
9 going into July, that causes far more problems, more
10 troubles, more calls come in, and that impacts the
11 results in the Center.

12 Q. If that deterioration in performance resulted from the
13 weather, what has FairPoint changed or improved to
14 insure acceptable Repair Center performance due to bad
15 weather in the future?

16 A. (Allen) One of the things that we do do is we look at
17 how we can augment the force or rather use different
18 overtime, based on the volume, to provide service to
19 the customers. The results that we've traditionally
20 had, and will likely always have to some level, is when
21 there are weather events, the results in the Repair
22 Center for a specific period of time will not be as
23 good as they are when you don't have those weather
24 events. And, that could be a function of, you know,

1 things we've had recently in New Hampshire, a tornado,
2 it could be an ice storm, or it could be unprecedented
3 -- an unprecedented amount of rain.

4 RE: ORDER FLOW

5 BY MR. HUNT:

6 Q. I'll go onto the section of the Status Report regarding
7 order flow. First, could you please define some of the
8 terms having to do with order flow. And, the first one
9 is the definition of the term "flow through".

10 A. (Allen) When we were measuring flow through, what we
11 were measuring is flow through to the defined -- system
12 flow through to where it was supposed to flow through
13 to. And, let me -- that didn't sound clear at all, so
14 let me try and explain. When an order is first put
15 into the system, till when it is either completed or
16 it's designed to be handled manually. So, on a
17 installation, for example, if the order flowed all the
18 way through the system, and then at the end had a
19 manual dispatch to complete the order, that order would
20 have counted as having flowed through, because it did
21 what it was supposed to do. Anything that fell out or
22 did not flow through, either to completion or to a end
23 point that was defined, that would obviously be not
24 flowed through or fallen out order or an order that

1 fell out.

2 BY MR. FALCONE:

3 Q. This may be a question for Mr. Murtha. Based on what
4 Mr. Allen just described, if an LSR is issued for a hot
5 cut, what is known as a "BD order" I believe, and that
6 order flows through to the point where the technicians
7 get the hot cut order to perform the manual work that
8 they have to do, but all system-wise everything flowed
9 through as it should, would that count as a flow
10 through order?

11 A. (Murtha) In that example that you just gave, that would
12 count as a flow through order, yes.

13 Q. Okay. So, the fact that there's manual work that needs
14 to be done to provision the service doesn't preclude it
15 flowing through?

16 A. (Murtha) That's correct. Because, as the example
17 Mr. Allen gave, is that is where the anticipation of
18 the order is to move to before a manual task had to be
19 performed.

20 Q (By Mr. Falcone:)

21 MR. FALCONE: Thank you for that
22 clarification.

23 BY MR. KING:

24 Q. But what about if you have a task, a order type that is

1 designed to what's usually called "fall out" for manual
2 handling, in order to get to the provisioning step, is
3 that considered "flow through"?

4 A. (Allen) That is not. And, that's why, if we go through
5 each of the individual provisioning types, if that's
6 desired, you'll see that certain products have
7 different flow-through expectations, because some
8 products are designed not to flow through, more complex
9 products that need either manual handling or
10 engineering work to complete.

11 BY MR. HUNT:

12 Q. And, could you define the term "pre-order"?

13 A. (Allen) In the -- For the purposes of the Status
14 Report, what we described as "pre-order" was
15 specifically -- I believe it was specifically, just
16 give me a second please. The "pre-order" that I
17 believe I was describing was pre-order for wholesale
18 customers, and a requirement to pull account
19 information before they would be in a position to
20 accurately place an order.

21 Q. And, the term "provisioning", is that synonymous with
22 "order completion"?

23 A. (Allen) "Order completion" I would view as the result,
24 and "provisioning" would be the process to get that

- 1 result.
- 2 Q. When FairPoint refers to an order having "flown
3 through", does that include late orders?
- 4 A. (Allen) Yes.
- 5 Q. What was the process -- What was the process used --
- 6 A. (Nixon) Excuse me, if I could.
- 7 Q. Sure.
- 8 A. (Nixon) I'm sure it caused a little bit of "how can
9 that be?" There are instances where a customer will
10 call in, place an order that requires us to do -- to do
11 a credit check, to do an address verification. Goes
12 into what we call an "unsubmitted" stage. And, they
13 can sometimes, after that is done, then enter the
14 system late, from the perspective of the standard
15 installation interval, but that order could flow
16 through, but end up being late.
- 17 Q. What was the process used to track the orders and
18 obtain the percentages for flow through in the Status
19 Report?
- 20 A. (Allen) Mr. Lamphere may be able to better describe
21 internally what actually gets done in this system or
22 Mr. Murtha or Mr. Haga. So, let me, I guess, turn it
23 over to you.
- 24 A. (Haga) Well, let me start, just from a system

1 standpoint. Order manage -- Order management, the
2 function itself is supported by an application, which
3 is Metasolv, particularly the one -- Metasolv is
4 several applications. The "M6" is what we referred to,
5 that actually performs the provisioning plan, which is
6 the steps that need to take place in order for service
7 to be provisioned and activated.

8 The measurement, from a system
9 standpoint, is purely done from a -- there's work
10 queues. A work queue could either be a system queue,
11 which a system will do the function, which will fall
12 into the category of flow through, or there's queues
13 where that actually drives work into a center, where
14 somebody does a manual task. So, the measurement of
15 the flow through is purely looking at "did this
16 particular product, product line, so we look at voice,
17 POTS, or we look at DSL, that at any point in the order
18 process did it fall outside of a system queue?" If it
19 did so, it's a ding. We can't count that order as a
20 flow through order.

21 Mr. Lamphere made reference earlier to,
22 you know, there are some steps in the DSL order flow
23 right now that we purposely put in for quality checks.
24 Well, unfortunately, the means that we have to report

1 our flow through, that counts against us. You know, we
2 are forcing it to go into a manual step, just because
3 we want -- we've had some issues with the order flowing
4 through before, put in a manual step, verified that the
5 work is performed correctly in the application, and let
6 it go on and continue on its path.

7 You know, so that, from a reporting
8 standpoint, it's difficult to, if we wanted to not have
9 that report against us, then the reporting effort gets
10 a little more complex than it needs to be. So, we've
11 kept it really simple. If it stays in the queue that
12 is a system queue, we count that for us for our
13 flow-through purposes. But, if at any point on the
14 order itself falls into a manual queue, which we all
15 know the difference between our manual queues and our,
16 you know, internally, the difference between the two,
17 if it falls into the manual queue, then we don't get to
18 take credit for that order flowing through. And, I
19 hope that helps.

20 Q. How is the accuracy of this data verified by FairPoint?

21 A. (Haga) From a technical perspective, we have just
22 validated it from just going through normal processes
23 of validating the report. And, it's actually pretty
24 simple, because it's, you know, the report shows the

1 queues, and we know the designation between manual or
2 automated. It gives us 100 percent of the activities
3 that go through the system. So that, from an accuracy
4 of the report, I'm pretty confident that the report is
5 100 percent accurate.

6 Q. What, specifically, is FairPoint doing to improve flow
7 through percentages for DSL and Wholesale orders?

8 A. (Murtha) I'm currently working with Mr. Haga's team to
9 identify flow through enhancements for each of the
10 product types. As we can show through the plans that
11 Mr. Allen has put in place, one of the first ones that
12 we were able to hit initially was, on the Wholesale
13 side, contained the directory listings. We had a task
14 that was in our provisioning plan that was causing all
15 of the directory listings to fall into the Center for a
16 verification. When we remove the verification and a
17 couple other tasks in the provisioning plan, we took
18 that product from a flow through of 39 percent in
19 March, up to 95 percent on straight line listings. So,
20 we continue to go after the high volume products, the
21 port activity, the CBs, where the next product we went
22 after to increase the flow-through capability. We're
23 also working on the UNE loops, the Wholesale Advantage,
24 and the resale. But, as Mr. Allen stated, there are

1 products within resale that will never flow through,
2 such as PRIs and BRIs, we would not anticipate that
3 those would flow through. So, where there are POTS
4 products in resale, those we will work to get the flow
5 through, the same thing with the Wholesale Advantage.

6 MR. MCHUGH: Mr. Murtha, what's a "PRI"
7 and --

8 WITNESS MURTHA: A "Primary Rate ISDN"
9 and "Basic Rate ISDN".

10 MR. MCHUGH: Thank you.

11 BY THE WITNESS:

12 A. (Allen) Let me respond to the second portion of your
13 question, which was the DSL. We've touched on several
14 of the system enhancements and processes that are going
15 on. And, there's two ways that we expect the DSL flow
16 through to improve. One is just through the system
17 enhancements. The second way is I believe what was
18 described just a few seconds ago by Mr. Haga, that we
19 currently have a step in the provisioning plan that
20 forces a number of orders to fall out. What we're
21 identifying, much like we did with the directory
22 listings on the Wholesale, is we're not any longer
23 getting any advantage out of that, and having them flow
24 through would be beneficial. So, by modifying the

1 provisioning plans, the intent is to get the order
2 completed quicker; the result is you will get higher
3 flow through to get that done.

4 BY MR. FALCONE:

5 Q. This is a question for Mr. Murtha, I believe. Rich,
6 without going to the mud of specifics, but, recently,
7 and I say "recently", within the last month or so,
8 there's been some problems on the CB orders, where they
9 might have gone through the process, but they didn't
10 exactly work. You know, things -- people were getting
11 disconnected before the order should have went, there
12 were a few issues. Would those orders be counted as
13 flow through orders, even though the ultimate outcome
14 was "things didn't work as they should have worked"?

15 A. (Murtha) No, they were not.

16 Q. Oh, they're not.

17 A. (Murtha) And, that's why the volume was down as low as
18 it was. The one issue was the CBs, port orders, with
19 DSL, that we set up a process to leave the DSL in as a
20 dry loop, and the second was the CBs that actually did
21 not get taken on the port date, that left, and we then
22 had to recreate the manual orders to put the customer
23 back into FairPoint retail.

24 MR. FALCONE: Thank you.

1 BY MR. HUNT:

2 Q. When do you expect flow through to reach "business as
3 usual" for DSL and Wholesale orders?

4 A. (Murtha) We're continuing to work on flow through. If
5 you look at the overall volume of flow through in
6 Wholesale today, as a combination of the total order
7 volume, we have increased it substantially since
8 cutover. We continue to work to increase the flow
9 through capability of the JB's, CB's, the req types.
10 And, we'll continue to derive enhancements to reach the
11 flow-through levels that Verizon was at, and then we
12 look to maintain our flow-through levels as we go
13 forward.

14 Q. Right. But my question was "when do you expect to
15 reach "business as usual"?" Do you have a time?

16 A. (Murtha) I believe we're getting close to "business as
17 usual" with the flow through capabilities. I don't
18 have an exact date as to when we'll reach that.

19 Q. Any estimate whatsoever?

20 A. (Haga) The difficulty in coming up with a specific date
21 is, where we're at now, we've got inventory issues that
22 cause an order to fall out, and, specifically, it's on
23 the logical path. You know, so, if we have a logical
24 path that has, you know, PVCs aren't aligned correctly,

1 and there's no resources available for assignment, they
2 fall out. So, for us to, you know, now we're at the
3 stage to get it to where the percentages we're at,
4 we'll get one, two, maybe three percent to removing
5 these manual steps that we have in there, that will
6 give us that initial bump. But what we have remaining
7 now is just the, you know, continued review of the
8 inventory at which the system goes in to, you know, the
9 automate function to go in, grab what's in inventory,
10 utilize it, and provision and activate the service.
11 You know, so that's where we're at now. We've gotten
12 groups of people that continue to look at this. We've
13 completed an effort to review 100 percent of the
14 physical inventory. And, now, we've gone through,
15 where we've recognized a problem, the first step that
16 we always do is, "is it a single problem, with a single
17 order, on a single device?" Then, we -- You know, so
18 we expand it to see "okay, is there, you know, can we
19 get more clean up as, you know, if we fix this one
20 problem, is there something similar to it in this
21 particular area?" So, we do that with every issue that
22 we go through to see "why did that order fall out?"
23 You know, so now, post cutover, we were able to fix --
24 fix one problem, identify the root cause for one

1 problem, but it would fix, you know, thousands of
2 issues. But we've got -- we've cleaned those up. Now,
3 we're finding things that, when we get to the root
4 cause, it will fix 5, 10, 20. You know, so that's what
5 we're doing. So, the increments that we're going to
6 see on flow through percentages are just we're now --
7 we've got the -- fix one problem, get a large result.
8 Now, we're at fix one problem and it doesn't get the
9 same impact on the numbers, if that makes sense.

10 BY MS. BAILEY:

11 Q. So, you said that you completed 100 percent review of
12 your inventory?

13 A. (Haga) Physical inventory.

14 Q. Physical inventory. So, does that mean that the data
15 in the systems, it has now been updated to be
16 100 percent accurate with the 100 physical inventory?

17 A. (Haga) Correct.

18 Q. So, the flow through problems aren't being caused by
19 inaccurate inventory data?

20 A. (Haga) Physical.

21 Q. Physical. So, you keep emphasizing "physical", what
22 are you not saying?

23 A. (Haga) When we say -- When I reference "physical
24 inventory", I'm talking about the actual hardware, the

- 1 devices that are in the network, from the central
2 office, all the way out to customer prem.
- 3 Q. The ports, the D-slams?
- 4 A. (Haga) Correct.
- 5 Q. The poles and wires?
- 6 A. (Haga) Go to the pole level, not the pole level, pole,
7 no, and even down to each pair, no. We're talking
8 about the physical equipment. We did go through 100
9 percent inventory of every wire that we have out there.
- 10 Q. Okay. So, --
- 11 A. (Haga) When we talk --
- 12 Q. So, wire isn't physical?
- 13 A. (Haga) Well, it's --
- 14 Q. I'm just trying to understanding your terminology.
- 15 A. (Haga) Okay. Physical hardware inventory.
- 16 Q. Okay.
- 17 A. (Haga) Less wires, less poles.
- 18 Q. Okay.
- 19 A. (Haga) To be clear.
- 20 Q. Okay. So, something that could be affecting flow
21 through is inaccurate data about cable pairs?
- 22 A. (Haga) Correct.
- 23 Q. And, is that on your plan to be fixed?
- 24 A. (Haga) Yes. And, when you go into cable pairs, that's

1 when I'll refer to as the "logical path" going through
2 the network, which you do have to assign the logical
3 path to a pair.

4 Q. Uh-huh.

5 A. (Haga) So, that route going through the network, we
6 have not got to every logical path that's built into
7 the network. We have not.

8 Q. And, is there a plan to do a physical inventory of the
9 cable pairs?

10 A. (Haga) No.

11 Q. So, how will you ever correct that?

12 A. (Haga) As issues come up, as I described, we'll
13 evaluate if it's, you know, if we can -- if it's
14 widespread in a particular location, then we do --
15 perform an inventory. This would be no different than
16 processes pre-cutover. If we discover an issue, then
17 you assign a group to go and evaluate where the issue
18 resides.

19 Q. So, if you notice that orders aren't flowing through
20 that are going to a particular neighborhood in
21 Manchester, then you look at the inventory records for
22 that neighborhood in Manchester and you correct them at
23 that time?

24 A. (Haga) Correct.

1 BY MR. KING:

2 Q. How about the status of the customer-specific
3 inventory, things like the customer service records,
4 addresses, and things like that? What's the status of
5 that data?

6 A. (Haga) I'm not sure --

7 Q. In terms of its accuracy?

8 A. (Haga) It's accurate as far as how we receive it and
9 how we've loaded it. So, if there is an issue, for
10 instance, the example that Mr. Nixon provided in his
11 opening remarks, where the customer is being billed for
12 a service back to 2005, it was accurate in our system,
13 but, from a customer standpoint, it was inaccurate.
14 So, that's why I'm challenged with answering your
15 question, because "accurate", I can only go to the
16 source of the information that I receive. And, I'm
17 confident we've, since cutover, gone several times back
18 to the source data and just confirmed, you know, that
19 we loaded it correctly. Still questioned, you know,
20 "did we apply the appropriate business logic?" Because
21 how it worked and how it resided in Verizon's systems,
22 in some cases, not all, but some cases, we utilize it
23 slightly differently, so we had to apply some business
24 rules. So, we've done that.

1 There's still work to do. But it's not
2 just standing up and saying "Hey, this particular
3 customer, we've got a problem with it." And, only
4 because we're at a stage now where it's difficult to
5 differentiate between "was that problem there before
6 cutover or is that a problem that we introduced with
7 the conversion or is that a problem that we introduced
8 from service order activities?" You know, so that's
9 where we've got to move into normal business activities
10 for quality assurance, for, you know, bill review
11 processes and so forth, of which, you know, are
12 implemented and continue to progress. The service
13 order steps we mentioned, that Mr. Lamphere and
14 Mr. Murtha have inserted into the process, just to make
15 sure, hey, if we see a problem, and we get instances
16 where it's eight, nine, starts to creep up, we've got
17 the ability to insert that, you know, insert a step in
18 there and say "Before you let the system fire this off,
19 go in and just double check, make sure everything's
20 okay." So, we've got those capabilities. But, to
21 answer your question, Chuck, 100 percent confidence
22 that every record for every customer is accurate? I
23 couldn't do that.

24 A. (Nixon) On a related note, maybe not precisely on that

1 topic, we have initiated a switch-to-bill audit, that
2 will look at what information is in the switch, what
3 information is the customer being billed, and that will
4 gain us at least the validation and accuracy to ensure
5 that either the customer is being under-billed or
6 over-billed. We've already initiated that effort so --
7 to track that type of accuracy.

8 BY MR. LADAM:

9 Q. So, if I'm following correctly, you have physical
10 inventory of devices and ports and so on, and you
11 validated that. You're confident of that. You have
12 some other forms of data in inventory, logical
13 inventory that you haven't validated, but believe is
14 generally reliable. Are there any parts of your
15 database or inventory that you believe are missing,
16 important fields, or are unreliable, and you have to
17 start from scratch when you need to use that data?

18 A. (Haga) I do not. And, the reason why I answer that way
19 is, you know, we processed 409,000 orders. And, in
20 order to do that, if we were missing significant data,
21 we wouldn't have been able to do that. The order
22 fallout, even the flow-through percentages that we've
23 got, you've got to -- for an order to go, you know,
24 even to flow through, you know, we had to be successful

1 on the service addresses that came over. Then, also
2 your physical network that we've been discussing, the
3 logical network that we've discussed, all the various
4 look-up tables. So, for an order to go all the way
5 through, all of that had to be aligned when it came
6 over from conversion. Yes, we expected or anticipated
7 that our success rate on flow through would have been
8 higher. It has not been. We are getting to the level,
9 but we're not missing any significant information or
10 large pockets of information.

11 Q. So, you were saying earlier that you were still relying
12 on manual processes, for example, for static IP
13 assignment. But you now believe that the system data
14 on available static IP is sufficiently reliable that
15 you'll be able to move off that?

16 A. (Haga) Well, that particular issue wasn't a concern of
17 -- we didn't know how we wanted to manage our IPPs.

18 Q. Okay.

19 A. (Haga) Now, was -- do we want to manage them from a
20 central pool for all three states? Did we want to
21 manage them at a state level? Also, so there is -- we
22 didn't have, you know, how we wanted to manage it, even
23 if we took systems out, we didn't figure that out. So,
24 now that we know how we want to do it, now it's a

1 matter of, "okay, now, let's put that in the system, so
2 we can quit having to do the manual touches."

3 MR. LADAM: Thank you.

4 MR. HUNT: Just a couple more questions
5 before we break for lunch.

6 BY MR. HUNT:

7 Q. Who is in charge of or who owns bringing DSL and
8 Wholesale orders back to "business as usual"?

9 A. (Allen) I would guess I would say I do. There's
10 different organizations or groups that we currently
11 have that are involved in that. For the DSL, to make
12 the incremental additional improvements that we need to
13 make, it's on the front end, when the orders come into
14 the system. That area is run by Mr. Rush, who we
15 referred to before. Then, there's a -- one of the
16 things we have done is we've consolidated down a lot of
17 the individual tasks into a service delivery team, so
18 there's less hand-offs in that organization, as well as
19 the outside delivery piece is run by Karen Mead.

20 Q. Well, you heard Mr. Murtha and Mr. Haga testify that
21 they could not estimate the timeframe to bring this to
22 "business as usual". Do you, as the person in charge
23 or the person owning this responsibility, believe that
24 there's something more FairPoint should be doing or

1 12:04 p.m. and the technical session
2 resumed at 1:15 p.m.)

3 MR. HUNT: Before we get started
4 questioning again, a couple of just procedural points.
5 One is, if people are interested in seeing a transcript of
6 this proceeding, that will be available online probably by
7 Monday, if we don't have another day of testimony this
8 week. Excuse me?

9 MS. BAILEY: It will probably be online
10 Tuesday.

11 MR. HUNT: Tuesday, sorry. But that's
12 an estimate. And, as far as today goes, it doesn't look
13 like Staff is going to finish asking questions today. So,
14 it will go into another day most likely. So, we'll need
15 to talk now, before we get started again, about when to
16 schedule that next session for.

17 MS. HATFIELD: Rob, can I ask a question
18 before we do that?

19 MR. HUNT: Sure. Go ahead, Meredith.

20 MS. HATFIELD: I think that, I
21 understand why one party is going at a time, and I know
22 it's easiest for Steve, but there have been times when I
23 know, I can't speak for the CLECs, but when I could have
24 asked a very discrete question as a follow-up to you or to

1 expand. And, I'm keeping track, but it will be very
2 repetitive. And, I'm just wondering, if we committed to
3 speaking very slowly for Steve, if people would be open to
4 that? That way we can kind of finish out a topic,
5 hopefully, and not have the transcript be, you know, you
6 asking about a certain topic, and then I ask about it, and
7 then the CLECs ask about it again. And, I just wondered
8 if you're -- if you thought that's at all workable?

9 [Court reporter interjection]

10 MR. HUNT: The thought that we have,
11 apparently, it's doable, but I'd need to get your thoughts
12 on this. I'm thinking it's okay to do that, as long as
13 somebody -- I have to have you raise your hand, so I can
14 see that you have a follow-up. And, it would have to be a
15 discrete couple of questions, not a long series of
16 questions that goes on and on. Are you comfortable with
17 that procedure or do you feel that we need to stick to the
18 procedure of having Staff go first?

19 MR. MCHUGH: I'm willing to try it to
20 see if it is manageable, with the reservation of rights
21 that I may ask that we go back to the original format
22 that's in the last secretarial letter and have Staff
23 continue on with the questioning until we either end the
24 day or until you're done.

1 MR. HUNT: Okay.

2 MS. HATFIELD: Okay.

3 MR. HUNT: We'll try it then.

4 MS. HATFIELD: Thank you.

5 MS. BRAGDON: Thank you.

6 MR. HUNT: Okay. And, it's even more
7 likely then we'll go into another day. Do you have days
8 that are available for your entire panel?

9 MR. MCHUGH: Well, first, let me ask,
10 just for Mr. Nixon's planning purposes. He has a flight
11 to catch at 7:00ish, 7:15. So, can we agree on an end
12 time for today of some reasonable point in time?

13 MR. HUNT: We were planning to end at
14 5:00.

15 MR. MCHUGH: Okay. Fine.

16 WITNESS NIXON: My Plan B was tomorrow
17 morning.

18 MS. BAILEY: How about tomorrow night?

19 MR. MCHUGH: No.

20 MR. HUNT: Off the record.

21 (Whereupon an off-the-record discussion
22 ensued.)

23 MR. HUNT: Are we ready --

24 MR. MCHUGH: Yes.

1 MR. HUNT: -- to proceed with questions?

2 Okay.

3 MR. McHUGH: If I could, I'd like to
4 start with just a couple of questions. One is a
5 clarification for Rich, and then we have -- we were able
6 to get some data for one of the oral requests --

7 [Court reporter interruption]

8 MR. McHUGH: So, I have two things. One
9 is a clarification for Mr. Murtha, a question. And, the
10 second is a question for Mr. Nixon related to some
11 information that Attorney Hunt requested this morning in
12 the form of oral data requests.

13 BY MR. McHUGH:

14 Q. Mr. Murtha, starting with you. Can you tell me if
15 there is some information you'd like to clarify with
16 respect to the issues of customers going out of service
17 that you mentioned this morning?

18 A. (Murtha) Yes, there is. I'd like to put a
19 clarification in to the question that you asked, Kate,
20 about "are any additional customers going out of
21 service?" While we resolved the issue for the orders
22 that are due dated today and going forward, this
23 morning some customers that had late orders or past due
24 orders did continue to go out of service with the

1 issue. The outages have lasted anywhere from 15
2 minutes, the maximum was a couple hours, where the
3 average was taking about an hour to an hour and 15
4 minutes. The solution has been put in place for the
5 due dated current and going forward, and we have a
6 solution that we're working on with Mr. Haga's team
7 right now to get rolled into the system to take care of
8 this issue.

9 Q. When you say "going forward", so does that mean that
10 the situation is applying to customers with past due
11 orders?

12 A. (Murtha) With the past due orders, we're looking to how
13 can we identify the past due orders to ensure that this
14 doesn't -- that they do not go out as well with the
15 manual plan that we've put in place today, working with
16 the provisioning organization, to ensure that these
17 customers experience no downtime.

18 BY MS. BAILEY:

19 Q. How many customers went out of service today?

20 A. (Murtha) I don't have the number as of yet. It was a
21 number of customers this morning, and just starting to
22 get the numbers around it right now. I was made aware
23 of that at lunch and I just wanted to give you that as
24 an update, because I told you this morning that "there

- 1 will be no more".
- 2 Q. Right.
- 3 A. (Murtha) There is no more with the due dated today
4 going forward, but there was some with late date due
5 dates or the due dates that are in the past.
- 6 Q. And, do you have any idea how many orders are in the
7 system that have late due dates that may be impacted by
8 this?
- 9 A. (Murtha) This is only affecting the DBs and EBs, which
10 are resale and the Wholesale Advantage, it's migration
11 orders, and the majority of late orders that are in
12 there are actually the CB or port type. So, it's not a
13 majority of orders that are in there. It's not a large
14 number.
- 15 Q. The majority doesn't matter.
- 16 A. (Murtha) Right. It's not a large number.
- 17 Q. If a customer is out of service is what is the problem.
- 18 A. (Murtha) Absolutely agree.
- 19 Q. So, can you track that down for me and let me know?
- 20 A. (Murtha) Yes, I can.
- 21 Q. Thank you. And, also, can you let me know what the
22 plan is to prevent it from happening for these past due
23 orders?
- 24 A. (Murtha) Yes, I can.

1 Q. Because you said you're working on a plan for that now,
2 right?

3 A. (Murtha) We're work on getting a -- we have a manual
4 plan in place. We're working on a systemic plan right
5 now with Mr. Haga's team.

6 Q. For late orders?

7 A. (Murtha) For all of the orders that are impacted by
8 this.

9 MS. BAILEY: Okay.

10 BY MR. MCHUGH:

11 Q. And, then, Mr. Nixon, do you have information on repeat
12 troubles for March and June, as requested by Attorney
13 Hunt this morning?

14 A. (Nixon) I do. The question was asked with regard to
15 the repeat troubles for March versus June, and I'm
16 going to give the information from two perspectives,
17 March and June 2008, and then as well March and
18 June 2009. So, we've got a comparison.

19 For the year 2008, in March there are
20 789; in June there are 879. For 2009, in March,
21 there's 347; and, June, there's 516. So, two
22 observations. One is, there's an uptick in June, as
23 you expect in the summer months with more storms. But,
24 also, the number went down from 2008 to 2009. We still

1 have your other open data requests that we are actively
2 tracking and pursuing.

3 MR. McHUGH: With that, I have no
4 further questions at this time.

5 MR. HUNT: Thank you. I will allow for
6 a follow-up for people who had their hands raised. But I
7 ask, for the stenographer's sake, that you identify
8 yourself.

9 MR. PATNAUDE: And use the microphone.

10 MR. HUNT: And use the microphone,
11 please.

12 MS. BRAGDON: Sure. Trina Bragdon.

13 MS. BAILEY: You have to pull the
14 microphone really close.

15 MS. BRAGDON: Trina Bragdon.

16 BY MS. BRAGDON:

17 Q. The numbers you just gave were for retail, is that
18 correct?

19 A. (Nixon) Those were into the Repair Center. And, I'll
20 confirm, I believe those are retail, to your point.

21 BY MS. BAILEY:

22 Q. Do you track the numbers for Wholesale for repeat
23 troubles?

24 A. (Nixon) Rich would probably do that through his Call

1 Center. But, for clarification, this was retail.

2 Rich, do you track that in your --

3 A. (Murtha) We actually track that through the ROC, the
4 Regional Operation Center. So, I'd have to pull those
5 numbers. I don't have those numbers with me right now.

6 Q. Okay. Will you pull those please?

7 A. (Murtha) Yes.

8 MS. BAILEY: Thank you.

9 BY MS. WILUSZ:

10 Q. Were those numbers indeed pulled off from the telephone
11 number?

12 MR. PATNAUDE: I'm sorry. You're name
13 please?

14 MS. WILUSZ: I'm sorry. Wendy Wilusz.

15 MR. MCHUGH: Could you identify the
16 Company as well. And, Ms. Bragdon, if you could just for
17 the record?

18 MS. BRAGDON: Sure. CRC.

19 MR. MCHUGH: Thank you.

20 MS. WILUSZ: And, Wendy Wilusz, from
21 BayRing Communications.

22 BY MS. WILUSZ:

23 Q. Were those numbers pulled off from the telephone number
24 or off the cause codes on the close with the trouble

1 tickets to get repeat?

2 A. (Nixon) I'll need to find that out. I don't know if
3 it's from the TN or from a customer perspective. So,
4 I'm not sure where that routed up to, but I'll
5 certainly find out.

6 BY MR. HUNT:

7 Q. Back on flow through issues. If the Status Report
8 numbers on flow through are correct and representative
9 of current flow through experience, we would expect to
10 see a decline in order backlogs. Has such decline
11 occurred since July 30th?

12 A. (Allen) yes.

13 Q. Does the report indicate that the Company has nearly
14 achieved "business as usual"?

15 A. (Allen) For which? What category are you referring to?

16 MR. HUNT: For the moment, I'm going to
17 just withdraw that question. We have some follow-up on
18 the question that I previously asked. So, go ahead.

19 BY MR. FALCONE:

20 Q. Mr. Allen, to the previous question you indicated that
21 the backlog has diminished since June 30th. And, maybe
22 it's a definitional thing or, when we talk about
23 "backlog", there's -- it's broken down into different
24 types of orders. It's broken down in the report by

- 1 retail POTS and DSL and other, LSRs and ASRs. Was that
2 "yes" a general answer across all order types or was
3 that specific to a particular order type?
- 4 A. (Allen) That "yes" was for the totality of all order
5 types combined.
- 6 Q. Okay. Without revealing confidential information,
7 that's not in concert with the Daily Reports we're
8 receiving. The Daily Reports we're receiving is
9 showing, with some exceptions, for some particular
10 types, that the numbers of backlogs have gone up in the
11 month of July. So, --
- 12 A. (Lamphere) The numbers, at the least week of June and
13 the beginning of July, did climb significantly, based
14 on the systems as we've discussed previously. But,
15 since then, they have continued to trend down. And,
16 actually, right now we're at the lowest point since
17 cutover.
- 18 Q. Bryan, is that true for all order types, including LSRs
19 and ASRs?
- 20 A. (Lamphere) Like Mr. Allen mentioned, in totality of the
21 backlog.
- 22 Q. Okay.
- 23 A. (Lamphere) To break that up by product category and
24 define which group has gone down more --

1 Q. Okay. I understand.

2 A. (Lamphere) Sure.

3 Q. All right. But you will agree that some have gone down
4 significantly more than others, as far as --

5 A. (Lamphere) Without looking at the report from close of
6 business last night that I do not have in front of me,
7 I can't say for sure.

8 Q. Okay. We have it here, if you'd like to look at it.

9 A. (Lamphere) That's the Friday's --

10 MS. BAILEY: July 27th.

11 MR. FALCONE: Yes. That's the July 27th
12 report, which would be Friday's data.

13 WITNESS LAMPHERE: Okay.

14 MR. MCHUGH: Sorry. Steve, could you
15 repeat the pending question please? Is there one?

16 MR. FALCONE: The question is that --
17 there was a general statement that the number of backlog
18 orders has gone down, and that was the total, that was the
19 whole bucket of backlog orders. And, the question that I
20 asked Bryan was that -- is that, if you look at specific
21 categories as they're reported, is that -- that's not
22 true, would he agree that that's not true for all
23 categories?

24 BY THE WITNESS:

1 A. (Lamphere) Okay. Yes, just to clarify. To your point,
2 the totality of the orders, the backlog is at its
3 lowest point ever. However, there are specific product
4 types, ASRs, in general, that have not, that have
5 leveled off on High-cap access products, so ASR, Access
6 Service Request, I should follow Rich's cue. But those
7 are more complex products. And, we actually are
8 performing construction on many of those. They're not
9 just orders that are sitting in the system late.
10 They're sitting late for a particular reason, be it
11 facilities or construction. So, yes, you're right. In
12 totality, they have definitely declined substantially.
13 But, across all product types, with the exception of
14 ASRs, which have remained relatively flat.

15 BY MR. FALCONE:

16 Q. Okay. And, Bryan, not to put you on the spot, but
17 would you agree with LSRs, up until yesterday,
18 yesterday, whatever happened, and I don't know, I
19 haven't done the analysis, but up until yesterday's
20 data, that that was not the trend for LSRs as well?

21 A. (Lamphere) I would say it was not the trend for LSRs.
22 But it didn't mean that LSRs weren't moving out and
23 being replaced by new late LSRs.

24 Q. Okay.

1 A. (Lamphere) We just happened to catch up.

2 MR. FALCONE: Thank you.

3 BY MR. HUNT:

4 Q. For the next question and for a few others, you'll need
5 to probably look at Staff Exhibit 2, the FairPoint
6 Milestone Results Week Ending June 26th. On the June
7 -- although it's labeled "Week Ending June 26, 2009",
8 we're referring to it by its filing date, which is
9 June 30th. So, on that Milestone -- on that June 30th
10 Milestone Results Report for the week ending June 26,
11 how many of the 29 objectives established in the
12 Stabilization Plan of April 1st did you meet?

13 A. (Allen) Five.

14 Q. Which -- Is it accurate to say "5 out of 29"?

15 A. (Allen) I didn't count, but I assume you have, and I
16 would not dispute that.

17 Q. At the bottom of -- The chart on the bottom of Page 4
18 of the Status Report identifies improvements in flow
19 through processing. In the June 30th Milestone Report,
20 the Company reported retail POTS flow through was
21 "68.15 percent" for the week ending June 26th. In the
22 July Status Report, FairPoint reported the current flow
23 through rate for retail POTS was "97 percent". When
24 was the 97 percent achieved? On what date?

1 A. (Allen) As I said, I don't recall if it was July 2nd or
2 3rd, but it was the -- whatever the report I pulled,
3 early July, the most current result when I did the
4 report. Keep in mind, those measure two distinctly
5 different events. It's really comparing an apple and
6 an orange.

7 BY MR. KING:

8 Q. Which specific two events are you talking about?

9 A. (Allen) The flow through in the Milestone Report
10 measures orders that completed that day, what flowed
11 through for orders completed that day. So,
12 consequently, it was as much a function of timing, and
13 if you did current orders or old orders, it would be
14 reflective of what percentage of flow through you would
15 get.

16 BY MS. BAILEY:

17 Q. So, does the percentage of flow through look better on
18 the first day of the month that you measure, compared
19 to the last day of the month?

20 A. (Allen) On the Milestone Reports, the day you measure
21 doesn't matter, because it's a function of what you did
22 that particular day. So, if it was the first day of
23 the month or the 30th of the month, if you did
24 predominantly old orders cleaning up the backlog, you

1 would have very low flow through. If you did current
2 orders, you would have a much better result. So, the
3 measure really is more about timing than what the
4 actual current results are.

5 Q. And, the Daily Report would reflect the current results
6 for just that day?

7 A. (Allen) The Daily Report shows the results for that
8 day. Now, that ties in with your second question,
9 which was "does that number change as the course of the
10 month go on?" And, the answer to that is "yes." It is
11 also, in my assessment, not a very good measure to
12 assess what our real current flow through is. So,
13 using, I don't remember the example, if it was DSL or
14 POTS, but either one was -- I think it was POTS, was
15 97 percent for that day. The way that that measurement
16 was working, and the way it works on the Daily Report,
17 is it takes all orders that were created in that month,
18 and it looks at what, for orders that were completed
19 that day that originated in that month, what percent
20 flowed through. Using that particular measurement,
21 what you're going to get is a much higher percentage of
22 flow through early in the month than you will later in
23 the month.

24 Q. And, that's the number you use to report where you

1 were?

2 A. (Allen) That's correct. That's why I made a note in
3 the report that a level of stability, because the
4 number does fluctuate during the month, needed to be
5 attained for us to feel a comfort level of where we
6 were in flow through.

7 Q. And, the note, did you make that note in the Status
8 Report?

9 A. (Allen) I believe I did.

10 BY MR. KING:

11 Q. But isn't it sort of obvious that, if you are recording
12 on the second day of the month, you're going to have a
13 huge percentage of orders that were originated in that
14 month that would complete and flow through in that
15 month?

16 A. (Allen) Correct. Yes. I would suggest to you that
17 neither one of the two flow through numbers that we
18 reported on are an accurate reflection of the current
19 flow through. I think the second one is more accurate,
20 because it's more about, especially as you go into the
21 month, what the more current results are. But neither
22 one of them are an accurate assessment of flow-through.

23 MS. BRAGDON: Trina Bragdon, CRC.

24 BY MS. BRAGDON:

1 Q. What is an accurate -- Have you done averages over a
2 week period? A two-week period? A month? I mean, how
3 can we get at what really is an accurate --

4 MR. MCHUGH: I'm sorry. One question at
5 a time please, because there were two or three questions.

6 BY THE WITNESS:

7 A. (Allen) The way that we are currently going about
8 measuring flow through is looking at orders, all total
9 orders that were put in on a particular day, and then
10 looking over a period of time well beyond what the
11 normal interval would be for that order, and measuring
12 the flow through of all of those orders that were put
13 in on that day. That way you've got the totality of
14 each order that was entered that day, and you've got
15 the total result, whether or not you were to complete
16 it or not, if it, in fact, flowed through. So, if you
17 pick a point in time, for example, July 6th, and you
18 look at all orders that were entered, and you were to
19 look at that today, you're going to get a much more
20 accurate assessment of flow through with that
21 measurement than you will with either of these two.
22 That's what we use internally.

23 BY MS. BRAGDON:

24 Q. Are you saying that, on the 6th, if you identified 100

1 orders that were put in that day, and that today you
2 would look at those same specific 100 orders and say 75
3 of them flowed through and 25 didn't? Or, I just want
4 to --

5 A. (Allen) Yes.

6 Q. -- you're following the same orders from time to time?

7 A. (Allen) Yes.

8 BY MS. BAILEY:

9 Q. And, so, do you know what the flow through rate for
10 retail POTS is when you look at it in those terms?

11 A. (Allen) It still would vary a little bit by day, but
12 it's in the 80 -- low 80 percent range.

13 Q. Okay. Then, how about retail DSL?

14 A. (Allen) Retail DSL is in the high 60s, low 70 percent
15 range.

16 Q. And, how about Wholesale CB for number porting?

17 A. (Murtha) Yes. The CBs looked at over the period of
18 time is about 60 percent.

19 Q. That's lower than the June 30th report?

20 A. (Murtha) The overall, for what's in the CB right now is
21 about -- it was about 60 percent because of a couple of
22 the issues that we had that affected the DSL, etcetera,
23 that we did not count as flow through that Mr. Falcone
24 asked me about earlier, that was in that period of

1 time.

2 Q. Because they were orders that were combining number
3 portability and DSL?

4 A. (Murtha) Correct. It affected about 800 orders.

5 A. (Allen) And, if could make a clarification, I wouldn't
6 necessarily say that the flow through is less than what
7 it was for June, because the measurement that we're
8 utilizing now is a more accurate measurement. For that
9 particular day in June, whether it was in the Milestone
10 Report or the Daily Report, it may have shown a better
11 result because of timing, what we did that particular
12 day. Where these results are more indicative of what
13 is occurring in the current environment counting all
14 orders.

15 Q. How about Wholesale AB for loops?

16 A. (Murtha) The AB loops, we're still in the high 50s, low
17 60s, about 58 to 60 percent.

18 Q. Retail orders?

19 A. (Allen) I don't recall what that is. It's typically a
20 low number, because that typically has a lot of
21 products that are not designed to flow through. It's a
22 lower volume, higher complexity order.

23 Q. Well, why did you set the objective in the
24 Stabilization Report or the Stabilization Plan at

1 90 percent?

2 A. (Allen) There were a lot of objectives that I set in
3 the Stabilization Plan based on my best guess in March.
4 That I think, as time has gone on and we have a better
5 understanding of what's in the system, what's involved
6 with each of the different processes, how we're going
7 to measure them, as we suggested, some of those numbers
8 are not accurate.

9 Q. Wholesale DB?

10 A. (Murtha) Wholesale DB is currently around 35 to
11 40 percent.

12 MR. HUNT: Did someone have -- do you
13 have a follow-up?

14 MS. HOLLENBERG: Yes. Rorie Hollenberg,
15 Office of Consumer Advocate.

16 BY MS. HOLLENBERG:

17 Q. It sounds like we're hearing some numbers that are not
18 on either of these reports, what you were just talking
19 about. Do you agree with that?

20 A. (Allen) Yes.

21 Q. Okay. I guess it would be helpful, and we don't
22 necessarily have to do it at this time, but it would be
23 helpful to go through the reports and actually find out
24 where this data is coming from, firstly, and not

1 necessarily having to do that at this time. But where
2 is the number -- where is the data you're giving to us
3 now coming from? Where are these percentages that
4 you're giving to us now, that aren't on either of these
5 pieces of paper, that we've reviewed to get ready for
6 this status conference, where are those numbers coming
7 from?

8 A. (Allen) There is an awful lot of information and
9 reports in the way that we use to manage the business
10 internally, that we have a variety of different
11 reports, for example, as I used flow through as an
12 example, using either of these metrics today to measure
13 flow through can give you a skewed result, because
14 there are variables associated with it. So, as I
15 mentioned internally, we use a different process to
16 measure flow through. So, there are internal
17 operational metrics that we use to manage the business.

18 Q. Okay. And, I understand that. I guess I wanted to
19 know where the numbers you're saying or you're citing
20 right now are coming from? And, I guess, to the extent
21 that we don't have them down anywhere, we need to get
22 those numbers from you at some point and where that
23 data -- that actual data to confirm what you're saying
24 right now.

1 A. (Allen) That will be fine.

2 MS. HOLLENBERG: Okay. Thank you.

3 MS. BAILEY: Is that a follow-up?

4 MS. HOLLENBERG: Yes, please.

5 MS. BAILEY: So, can you give them to
6 me?

7 MS. HOLLENBERG: I guess all of the
8 numbers that you're asking them to go through, Kate, that
9 they have just given to you verbally, I would ask for some
10 sort of written confirmation of that, and an
11 identification of the source of that data.

12 MS. BAILEY: Okay. So, provide flow
13 data, by product type, and an explanation of how you
14 calculate it, --

15 WITNESS ALLEN: Yes.

16 MS. BAILEY: -- and where you get the --
17 where the source data comes from.

18 MS. HATFIELD: And, Meredith Hatfield,
19 for the OCA. I guess, I don't want to complicate that
20 request, but that's what this piece of paper says. It
21 says "July 8th Current Flow Through".

22 MR. HUNT: What's this "piece of paper"?

23 MS. HATFIELD: I'm sorry. The July 8TH
24 "FairPoint Stabilization Plan Status Report", Staff

1 Exhibit 1. On Page 4, says "Retail POTS", "Current Flow
2 Through 97 percent". So, when FairPoint provides the new
3 information, it would be helpful to understand why it's
4 different from this.

5 WITNESS ALLEN: Sure.

6 MS. HATFIELD: You know, just it's not
7 helpful for us to have four different flow through
8 numbers, with different dates, and not have any
9 explanation.

10 WITNESS ALLEN: I would agree. Yes.

11 MS. WILUSZ: Wendy Wilusz, from BayRing
12 Communications. Can you request that those same numbers
13 be provided, like Retail and Wholesale next to each other,
14 so that we can also see where Wholesale falls in
15 comparison with Retail in all of these numbers?

16 MS. BAILEY: Well, if they do it by
17 product type, it goes through retail POTS, retail DSL, AB,
18 CB, EB you know, all those different type of "B" orders,
19 is that good enough or --

20 MS. WILUSZ: That is, as long as it also
21 shows where wholesale falls with those percentages as
22 well. A lot of those were just talking about retail
23 percentages.

24 MS. BAILEY: All the --

1 (Court reporter interruption - multiple
2 parties talking at the same time.)

3 MR. HUNT: Off the record please, just
4 for a moment.

5 (Brief off-the-record discussion
6 ensued.)

7 MS. WILUSZ: I was on the wrong form.
8 I'm sorry.

9 MS. BAILEY: Okay. Can you just say you
10 withdraw the request?

11 MS. WILUSZ: I withdraw the request.

12 BY MR. HUNT:

13 Q. Does FairPoint intend to modify this reporting
14 convention that's used now on the Daily Report?

15 A. (Nixon) We are looking at the Daily Report right now
16 for what it shows and the information. Knowing that we
17 use different information internally that we think is
18 more appropriate, we're evaluating whether or not that
19 information will be more useful and more helpful. And,
20 we right now are intending to continue to provide the
21 daily update. But we are considering and evaluating
22 whether or not we need to change some of the
23 information, particularly the flow through discussion
24 we were just having to make it more relevant and

1 consistent with what we're using internally. And,
2 we've not made that determination.

3 MR. HUNT: Meredith.

4 MS. HATFIELD: Thanks, Rob. Meredith
5 Hatfield, for the OCA.

6 BY MS. HATFIELD:

7 Q. The last Milestone Report that you provided was on
8 June 26, is that correct?

9 A. (Allen) That's correct.

10 Q. So, at this time, the only report that you're providing
11 to Staff and I think the Consumer Advocate only is the
12 Daily Report?

13 A. (Nixon) That's correct.

14 Q. Is the Company willing to provide some other type of
15 weekly or, you know, some other time interval report
16 that would be public? Because the challenge is that
17 the -- because you assert that the dailies are
18 confidential, there isn't any public information after
19 June 26 that's available.

20 A. (Nixon) We are looking at that probably on a biweekly
21 basis that we'd be able to provide something. And, we
22 would do so the information could be made public and
23 such that would represent the business.

24 MS. HATFIELD: Can I do a follow-up?

1 BY MS. HATFIELD:

2 Q. Is it the Company's position that the dailies remain
3 confidential forever or is there some kind of a time
4 period after which the Company wouldn't object to them
5 being provided publicly?

6 A. (Nixon) I don't think we've ever envisioned a sunset.
7 I think we said "confidential". I'd be happy to
8 consider it, but I think we just -- we asked that they
9 be and remain confidential.

10 Q. So, the answer is "yes", that they're always
11 confidential?

12 A. (Nixon) At this time.

13 MS. HATFIELD: Thank you.

14 MS. FOLEY: Paula Foley, One
15 Communications.

16 BY MS. FOLEY:

17 Q. CLECs do not receive copies of the Daily Reports, is
18 that correct?

19 A. (Allen) That's correct.

20 Q. So, currently, CLECs are receiving no information at
21 all from FairPoint?

22 A. (Allen) That's not correct.

23 Q. What information are they receiving?

24 A. (Allen) Mr. Murtha could probably more specifically

1 describe the information that goes out weekly, as well
2 as the accessible letters.

3 A. (Murtha) We continue to have the Wholesale User Forum
4 with the CLECs to identify all the issues that are
5 pertaining to each of our Wholesale customers. We'll
6 continue to update the Wholesale customers with
7 accessible letters on -- whenever there's an issue
8 that's addressed or updated. We'll continue to have
9 the Thursday afternoon call that is split between the
10 operational issues and the systemic issues. And, then,
11 we have all the updates with the -- with each of the
12 carriers on their individual reports that are provided
13 with their orders, which is provided multiple times per
14 week. So, I believe that we are providing a lot of
15 data.

16 We're not providing the confidential
17 Daily Report that goes to the Commissions, but we are
18 providing, you know, the data that is corresponding to
19 each of the individual customers.

20 MS. FOLEY: May I follow up? CLECs have
21 found the information presented in this format to be
22 helpful, and we would request that it continue.

23 MS. BAILEY: You're talking about the
24 weekly Milestone Reports?

1 MS. FOLEY: Yes.

2 BY MS. BAILEY:

3 Q. So, from what I understand what you just said, the
4 CLECs don't get any information on what you're telling
5 us about flow through percentages, for instance?

6 A. (Murtha) I can make sure that we update the CLECs on
7 the weekly flow through measurements.

8 Q. Well, I think Mr. Nixon just said that you're looking
9 at a biweekly public report. Are you willing to commit
10 to that here or do we need to make that a
11 recommendation?

12 A. (Nixon) No. I'm willing to commit to a biweekly public
13 report. I think, if Mr. Murtha is offering to make
14 some additional information available to CLECs on a
15 frequency that will also help them, I think that's
16 fine. Our objective is to provide whatever information
17 we can on a timely basis, as long as it's information
18 that we currently track and we can provide. So, I'll
19 commit to the biweekly. And, I've not pulled that
20 together with what it's going to look like, but I will
21 commit to a biweekly that will be public.

22 Q. Can we work together maybe in a smaller group to figure
23 out what should be on that report?

24 A. (Nixon) Be happy to.

1 MS. BAILEY: Okay. Thank you.

2 BY MR. HUNT:

3 Q. What is the relationship between flow-through and
4 on-time provisioning?

5 A. (Allen) I would -- I would say there's somewhat of a
6 correlation between the two. You don't need flow
7 through all the time, depending on the product or
8 service or the request, the transaction that's being
9 requested be done, to meet on-time delivery. But, to
10 do it consistently, you do. And, if your provisioning
11 plans are set up right, and you don't have some of the
12 items that Mr. Nixon mentioned earlier, such as a
13 credit check or something that initially delays the
14 order, if an order flows through, then it should be
15 delivered on time. So, there's a correlation between
16 the two. It is not exactly one-for-one, because you
17 can meet an interval without flow-through. And, you
18 might not meet an interval without, but by and large
19 they tie together.

20 Q. I have to ask another question. You may have attempted
21 to already answer this, but I'm not sure I understood.
22 So, if an order flows through, can we expect that it
23 will be provisioned on time within standard
24 provisioning intervals?

1 A. (Allen) Most of the time. There would be examples,
2 again, the simple one that was mentioned earlier is if
3 there was a credit check. So that the order was put in
4 on the original order date, but didn't start into the
5 system right away because we need to do a credit check,
6 it might, in fact, miss a date. You could have third
7 party verification that would fall into the same
8 category. So, if there's some reason it's delayed,
9 even it flows through, it might miss the date. By and
10 large, if it flows through, the majority of the orders
11 will meet the day -- meet the date.

12 Q. What steps are you taking to assure on-time
13 provisioning for orders that aren't designed to flow
14 through?

15 A. (Allen) We track the orders that are designed not to
16 flow through the same way we -- well, we track them as
17 completely as we do orders that do flow through. There
18 are specific intervals within the different tests. The
19 difference between a flow through and a non-flow
20 through is one goes through a system and one has manual
21 handling. However, there are steps in the provisioning
22 process and timelines around how quickly each of those
23 tasks need to be completed. So, those are managed and
24 measured the same way they would whether they're

- 1 automated or whether they're handled by a specific
2 group.
- 3 A. (Lamphere) Can I add to that?
- 4 A. (Allen) Yes. Please.
- 5 A. (Lamphere) One other important point to remember is, on
6 orders that are not designed to flow through on several
7 product types, there is no standard interval in many
8 cases. There are negotiated intervals. So, you can't
9 really measure that to an on-time delivery of a
10 standard interval.
- 11 Q. What percent of orders that aren't designed to flow
12 through are currently provisioned on time?
- 13 A. (Allen) I don't know the answer to that.
- 14 Q. Is that a number that you can get?
- 15 A. (Allen) I think so.
- 16 Q. Please do.
- 17 MR. HUNT: And, is there a follow-up in
18 the back?
- 19 MS. CHASE: Yes. I'm Julia Chase, from
20 Otel Telekom.
- 21 BY MS. CHASE:
- 22 Q. In reference to stating that the flow through orders
23 and the orders that fall out that need manual
24 processing, you stated that they flow the same. I

1 disagree with that. I have a question as to -- we have
2 recently had orders that have fallen out, needed manual
3 intervention, and we do not get -- we get a
4 confirmation, a reject, and then it gets lost on our
5 side. The tech goes out to install it, we don't know
6 when the due date is, and it's -- and they install it
7 early. We call in to have our SPOC look at the order,
8 and there are bombs all over the order. It missed
9 certain steps and that a tech should not have been
10 dispatched. How is that happening or why is that
11 happening?

12 A. (Allen) I'm not sure I understood the question.

13 Q. We have -- You stated that orders that flow through and
14 orders that fall out and need manual intervention are
15 treated the same and are tracked the same way. I have
16 had orders that fall out of the system. I get a --
17 we've been having the interoffice facility general
18 error message. They get pushed through. Or, we won't
19 even get a -- we get a confirmation, and then it falls
20 out, and then we do not get a confirmation that that
21 order is flowing through. Then, I get a phone call
22 from the FairPoint rep saying "I need to install this
23 circuit", and my customer doesn't even know they're
24 coming. So, I call my SPOC, and they said that there's

1 bombs all over my order and shouldn't even have gotten
2 to dispatch yet. How is that happening if they're
3 being tracked and the order is flowing through or it's
4 being treated just like a flow through order? How can
5 that happen?

6 A. (Lamphere) I can speak to that a bit. The discussion
7 we were having wasn't about orders --

8 [Court reporter interruption]

9 BY THE WITNESS:

10 A. (Lamphere) So, the discussion we were just having
11 wasn't pertaining to orders that fall out that should
12 have flown through. It was a discussion regarding
13 orders designed to flow through and orders designed not
14 to flow through. So, specific to your cases, I will
15 need, you know, I'll need some information from you to
16 research that. It's not really relevant to the
17 conversation we were just having though. But I'm happy
18 to help identify the potential issues, if you can give
19 me some specific order examples.

20 MR. HUNT: It sounds like that can be
21 addressed outside of this session.

22 BY MR. HUNT:

23 Q. Wholesale unbundled loops (AB) orders, number port --
24 number ports (CB) orders, and UNE Platform replacement

1 service (DB) orders, are significantly below the
2 objective established in the Milestone Report. What is
3 FairPoint doing to resolve these problems?

4 A. (Murtha) It's something I'm working on with Mr. Haga's
5 team. We're working through each of those order types
6 to increase the flow through capability of each of
7 those req types. We put a lot of focus initially on
8 the JB and CB type activities, and we're still working
9 on the AB, DB, and EB, the resale, Wholesale Advantage,
10 and UNE. We're working through the provisioning plans
11 to see what steps can be mechanized or systemically
12 handled without a representative having to touch it, so
13 we can continue to try to increase the flow through.

14 BY MS. BAILEY:

15 Q. Does that apply to all three?

16 A. (Murtha) Yes.

17 BY MR. HUNT:

18 Q. How can FairPoint be providing comparable service to
19 wholesale and retail customers with such low wholesale
20 flow through rates?

21 A. (Allen) The percentage of orders completed on time in
22 wholesale and retail are very similar to one another.
23 And, if you look at the total percentage of orders that
24 come in through Wholesale, obviously, most of those

1 being listings and CBs, which have a much higher flow
2 through percentage. And, compare that comparably to
3 retail, you will not see much of a difference.

4 MR. HUNT: Do you have a follow-up?

5 MS. BRAGDON: Yes.

6 MR. HUNT: Go ahead.

7 MS. BRAGDON: Trina Bragdon, from CRC.

8 BY MS. BRAGDON:

9 Q. How are you -- How are you tracking meeting the
10 standard interval, because in the report you say that
11 you're meeting them for most?

12 [Court reporter interruption]

13 BY MS. BRAGDON:

14 Q. Meeting the standard interval for most order types.
15 And, just can you explain how you're tracking, meaning
16 the interval? Is it from date submitted to --

17 A. (Murtha) It's the application date of your order. We
18 have a standard interval guide that is put in place for
19 all product types. And, it's a parity metric between
20 both wholesale and retail. For instance, a POTS order
21 on retail gets the same number of days on wholesale.
22 And, that's what we track. From the application date
23 of your order, through the provisioning, completion of
24 your order, and then through the billing completion of

1 the order.

2 Q. How do you deal with what I call "false", which has
3 been an issue, false BCNs or false PCNs? If I have an
4 order that we get a BCN on, and we send out our tech
5 thinking that you have provisioned, and we get there,
6 turns out there was an issue with the provisioning plan
7 and never flowed correctly, how is that order counted?

8 A. (Murtha) We imagine that we did have some issues since
9 cutover where we had false BCNs and some false PCNs,
10 that's "Billing Completion Notice" and "Provisioning
11 Completion Notice", those are not counted in our flow
12 through. If we had to go back and, for instance, a lot
13 of these you did a test and tag and we had to rework,
14 that was counted as a late order.

15 MS. BRAGDON: Okay. Counted as late.

16 BY MR. HUNT:

17 Q. How can FairPoint be providing comparable service to
18 wholesale and retail customers when they have different
19 objectives for flow-through rates?

20 A. (Allen) Again, I would look at it as the measurement,
21 the ultimate measurement is the percentage of times
22 that you're meeting the intervals for both wholesale
23 and retail. The flow-through rate becomes a vehicle to
24 get there, especially with high transaction orders.

1 There's a number of orders that are low transaction
2 orders that meeting the interval date and the amount of
3 tasks that need to be done manually, it's less a
4 function of flow through than it is meeting the
5 provisioning date. So, I think the best measurement
6 there is the end result for each, either wholesale and
7 retail customers, which is meeting the interval.

8 BY MS. BAILEY:

9 Q. What percent of the time are retail orders completed
10 within the standard interval?

11 A. (Lamphere) Yes, retail, we have that broken down by
12 category, but retail POTS, for example, I believe was
13 77 percent as of yesterday. Seventy-seven (77) percent
14 of retail POTS orders were completed on time yesterday.

15 Q. Okay. And, what about wholesale AB? What percent of
16 the time are wholesale AB orders completed on time?

17 A. (Murtha) I don't have that number in front of me right
18 now.

19 Q. So, how does everybody knows that it's comparable?

20 A. (Lamphere) Comparable percent on-time completion?

21 Q. Yes.

22 A. (Lamphere) Or, comparable percent on-time completion
23 per volume of orders --

24 Q. Not --

1 [Court reporter interruption]

2 BY THE WITNESS:

3 A. (Allen) I can speak to what -- what I've looked at is
4 we get a regular report, and it shows, in broader
5 categories than what you have here, more in plain
6 English, it will show for internal orders, retail
7 orders, and wholesale orders, its POTS, DSL, and I'll
8 say "retail - other". And it will have the same
9 categories for wholesale, and then internal, which is
10 just our internal network. And, the percentages,
11 although they vary by report modestly, the percentages
12 are similar for wholesale and retail. So, that's my
13 point of reference to look at the validity that there's
14 parity between the delivery within intervals.

15 BY MS. BAILEY:

16 Q. Can you provide -- Can you provide that report?

17 A. (Allen) Sure.

18 Q. Okay. And, then, also I -- is the report broken down
19 by product type for wholesale?

20 A. (Allen) The one I look at is not, but I'm not sure
21 what's behind that report to put that together. So, if
22 it is -- I don't know. I'd have to look at that.

23 Q. Okay. If it is, will you provide it?

24 A. (Allen) Yes.

1 MS. BAILEY: Okay.

2 BY MR. KING:

3 Q. Doesn't the fact that an order flowed through, rather
4 than is subject to manual handling, also affect the
5 accuracy with which the provisioning is done?

6 A. (Allen) I would say that, I don't know what their
7 percentage is, but, logically, yes. Absolutely.

8 Q. So, therefore, if you've got a lower percentage of
9 orders that are flowing through for wholesale, versus
10 retail, it may be true that the accuracy is less for
11 wholesale, is that correct?

12 A. (Allen) I don't know the answer to that. I don't know
13 if the accuracy is different. As I mentioned before,
14 if I look at the total number of wholesale orders that
15 flowed through and the total number of retail orders
16 that flowed through, I think the original assumption
17 that a higher percentage of retail orders flow through
18 is incorrect.

19 MS. FOLEY: Paula Foley, One

20 Communications.

21 BY MS. FOLEY:

22 Q. Regarding the 6/26 Milestone Report, for both wholesale
23 AB orders and wholesale DB orders you indicate an
24 objective of 90 percent for 6/26. Are you with me on

1 that?

2 A. (Allen) Yes.

3 Q. But I notice on your Status Report your objective is
4 now 75 percent for both of those order types. Have
5 you, in fact, changed your objective?

6 A. (Allen) Yes.

7 Q. And, why is that?

8 A. (Allen) When I did the original objective, if you look,
9 what I put down for order flow percentage is 90 percent
10 for everything. And, that was somewhat based on --
11 these were not items that we had historical information
12 about. So, this was a best estimate of what I was
13 thinking we might be able to attain. As you look at
14 what kind of orders are in those particular categories,
15 and what percentage of those kind of orders are in
16 those particular categories, there is more than
17 10 percent that are designed not to flow through.
18 Consequently, to have a 90 percent number would not be
19 ever achievable in any circumstance.

20 So, what we looked at is, as we got
21 further down the road and can better identify those
22 particular orders and what a reasonable time interval
23 would be, the objectives changed.

24 Q. So, 75 percent is now a reasonable objective or

1 reasonable "business as usual" percentage, in your
2 view?

3 A. (Allen) Yes.

4 MS. FOLEY: Thank you.

5 MS. BRAGDON: Trina Bragdon, CRC.

6 BY MS. BRAGDON:

7 Q. Does your system have any ability to count the number
8 of times an order is touched from beginning to end?

9 A. (Murtha) Yes.

10 Q. Okay.

11 A. (Murtha) The task assignment within the M6 or Metasolv
12 bucket will show how many were systemic tasks and how
13 many were manual tasks that were assigned that had to
14 be touched by a representative.

15 Q. Have you done any analysis or reports?

16 A. (Murtha) That's part of the analysis we're doing for
17 the flow through study, is looking at what order types
18 are having to be manually touched, what are the manual
19 touches, what can we do in the provisioning plan to
20 remove that manual touch, so that we can allow that
21 order to go systematically through the system.

22 Q. Do you have an average touch for order types?

23 A. (Murtha) I don't have an average touch for order types
24 yet. But, you know, it goes to one of the questions

1 that Mr. Allen just answered. You know, for instance,
2 you take a DB, there are multiple types of DBs, right?
3 It could be just a straight POTS, it could be, you
4 know, with multiple features, it could be -- so,
5 there's no one order type to say "is there a number of
6 touches for that order type?" So, we're trying to take
7 each of the scenarios by product type and say "how do
8 we get this one to flow through?" If it's just a
9 straight POTS, you know, then obviously we'd like to
10 get the straight POTS to be 90 percent flow through,
11 just like to match retail. But, then, you take the
12 next flavor of DB, and you say "what is the level of
13 flow through to get to on that flavor? How many manual
14 touches are required? Or, when does the first manual
15 touch come into play?" So, we are looking at that.

16 Q. And, you were using those stats to prioritize your
17 efforts to improve wholesale?

18 A. (Murtha) To improve wholesale flow through, yes.

19 BY MR. HUNT:

20 Q. In the Status Report, your discussion of flow through
21 only highlights the highest volume order types.
22 However, many wholesale and retail customers depend on
23 order types you have not discussed. What is the
24 flow-through rate of these lower volume orders, such as

1 resold POTS service?

2 A. (Murtha) Currently, on the resale POTS, the
3 flow-through is about 19 percent.

4 Q. Why is it 19 percent?

5 A. (Murtha) There's, on the resale product, there are
6 more, as I was just explaining to Ms. Bragdon, there
7 are more individual products under resale than any
8 other product in wholesale and different flavors. So,
9 we're working through that to increase that. It's not
10 one of the largest ordered products, but it has the
11 same emphasis from us trying to get it through, and we
12 continue to work on it. It has gone up from -- it was
13 at about zero, then we got it up to 10, now we're at
14 20. We're going to continue to climb with resale as we
15 go forward. But, if you look at the flow through of
16 where Verizon was, the majority of Verizon's flow
17 through as well was made up of the JB's and the CB's.
18 And, then, the other products were not at the same
19 level of the 90-94 percent where Verizon was. So,
20 we're continuing to track and work along, with the
21 objectives that Mr. Allen put in here, we will still
22 hit that number when we hit these objective numbers.

23 Q. And, what is FairPoint doing about improving the
24 flow-through rate to wholesale customers dependent on

- 1 the lower volume order types?
- 2 A. (Murtha) A lot of the lower volume order types were
3 designed to never flow through. Those are, when you
4 get into the NBs and PBs, and then you get into the
5 complex products on the ASR side, you know, T1, T3 and
6 above, they're not designed to flow through. They were
7 designed to be manually handled. The ISDN lines, the
8 port and trunk activities were all designed to be
9 manually worked. So, obviously, it's in FairPoint's
10 interest to make sure that we can mechanize all the
11 order types we can. And, we'll continue to go after
12 these, for instance, like you suggested, the resold
13 POTS, to increase that flow through. But other
14 products were not on the drawing board today to be put
15 through flow through, just because of the complexity.
- 16 Q. But there are -- there are those that do flow through?
- 17 A. (Murtha) Yes.
- 18 Q. That are meant to flow through?
- 19 A. (Murtha) Yes, sir.
- 20 Q. And, one of them is resold POTS services is at
21 19 percent?
- 22 A. (Murtha) Yes, sir.
- 23 Q. Are there other lower volume orders that are intended
24 to flow through and are at a very low percentage like

1 that?

2 A. (Murtha) Well, for instance, on the DBs, on here we
3 showed are currently in the 40 percent range; our goal
4 is to get that to 75 percent. So, we're continuing to
5 work on those to get them up to the 75 percent level.

6 Q. Right. So, my question is specifically, what is
7 FairPoint doing specifically?

8 A. (Murtha) My team and I are working with Mr. Haga's team
9 to go through the provisioning plans of each of those
10 order types, looking at the examples that are sent in
11 by the CLEC community. Studying the product guide to
12 understand which products are being ordered the most,
13 and then working to create a provisioning plan that
14 will allow flow through.

15 MR. HUNT: Did I see a follow-up over
16 here?

17 MS. WILUSZ: I have two. A resale POTS
18 -- I'm sorry. Wendy Wilusz, BayRing Communications.

19 BY MS. WILUSZ:

20 Q. A resale POTS conversion should be a "billing only"
21 change, is that correct?

22 A. (Murtha) No. It's not a billing conversion, because
23 it's going from FairPoint to BayRing, in your case.
24 And, in order for us to do that conversion and update

1 the maintenance and repair records as well, we have to
2 change the entire order to show that the -- that you
3 have now become the customer or the owner of that
4 customer.

5 Q. Is that the same process that Verizon used prior to --

6 A. (Murtha) Yes. Used an in-and-out, and we use a D&N.
7 We've always used a two-step process, both in Verizon
8 and in FairPoint.

9 Q. So, is there an understanding as to why, with Verizon,
10 it did not result in an out-of-service condition to the
11 customer, but it does with FairPoint?

12 A. (Murtha) That was because of the related or the related
13 orders being kept for the same assignment. That was
14 the issue that we had. That was in the table that was
15 disassociating the orders together. Instead of it
16 working as a two-order step, that just basically took
17 your order, maintained the same assignment, what
18 happened was it was treating it as a true disconnect
19 and a new connect at that facility. That was a problem
20 that we did have. But it's the same process that was
21 done in Verizon with a two-step order. And, the whole
22 purpose for that two-step order is to update the
23 maintenance and repair records in all the downstream
24 systems. Otherwise, you'd be correct. You'd sit there

1 and think that all you could do is a billing change.

2 Q. You also just said or you referenced Verizon
3 flow-through statistics on their orders.

4 A. (Murtha) Yes.

5 Q. As we speak to "business as usual", would it be
6 possible to look at flow-through rates that Verizon
7 used to have, as to what you have for flow-through
8 rates? Because, to me, "business as usual" would be
9 when you're meeting the flow-through rates that we had
10 prior to taking over Verizon.

11 A. (Nixon) Before we, let me interject a note of -- I
12 don't know if "caution" is the right word. I'm not
13 sure that we have from Verizon their definition of what
14 "flow through" is. And, that is something that we're
15 trying to make sure that, when we come up with the
16 definition, that it does suit our needs. I'm not sure
17 we can ever say "Verizon's 90 percent is the same as
18 our 90 percent." We have tried to set objectives that,
19 using our definition, we think will allow us to get
20 back to achieving and completing installations in the
21 standard interval, installation intervals.

22 MS. WILUSZ: Thank you.

23 BY MR. LADAM:

24 Q. But do I understand that you actually have data on

1 Verizon's numbers for order completion time, putting
2 aside flow through?

3 A. (Nixon) What we were able to -- not on their completion
4 time. We have a snapshot point in time.

5 Q. Okay.

6 A. (Nixon) It did not -- It was not two points in time, it
7 was a point in time. We could take a look at -- in our
8 case, we looked at late orders, if that's what you're
9 referring to, we used a September 2008 extract, to
10 identify the orders that were in the system that were
11 late at that moment in time. It would not give us flow
12 through, because we don't know what the final
13 determination was of those orders.

14 Q. Perhaps I could ask you, Mr. Allen, why the Verizon
15 numbers, whichever ones you have, didn't make sense to
16 be the metrics you set as your own targets?

17 A. (Allen) I did not have any Verizon numbers to use.

18 MR. LADAM: Okay.

19 RE: PRE-ORDER

20 BY MR. HUNT:

21 Q. Moving onto issues related to pre-order. FairPoint
22 reported that it had systems issues that prevented the
23 CLECs from pulling CSR/CSI information automatically.
24 Referring to the paragraph in the Status Report with

1 the heading "Manual CSR/CSI Process", is FairPoint
2 reporting that those systems issues have been fully
3 corrected?

4 A. (Murtha) What we've reported is that the CSR/CSI
5 Process has been updated. All known defects at the
6 time have been handled. There still continues to be
7 issues around CSR/CSI for data. And, we continue to
8 work with the individual CLECs when they uncover a
9 issue where they don't retrieve all the data that they
10 -- that they believe they should or that they believe
11 that the data is wrong. We have a process for a manual
12 CSR, if they're unable to pull one, and we also have
13 the Wholesale Help Desk, which is available to help
14 with the retrieval of data or we'll open up a ticket
15 with the IT organization if we find a data condition
16 that's a issue.

17 MS. BRAGDON: Trina Bragdon, CRC.

18 BY MS. BRAGDON:

19 Q. So, the numbers that are in the Stabilization Report,
20 do those reflect a situation where the CLEC put in an
21 electronic request for a CSR, it came back, but there
22 was a problem, and they're working it, versus putting
23 in from the beginning a manual request?

24 A. (Murtha) The number in the Stabilization Report were

1 the manual requests that were put into the manual
2 CSR/CSI request mailbox.

3 Q. Do you have any way to quantify the number of CSI/CSR
4 issues that you're working on that come from that
5 second group, which is we requested one, but it came
6 back with a problem, and we've got to chase it?

7 A. (Murtha) There's a Remedy Ticket database that's held
8 by the WHD, the Wholesale Help Desk, which they would
9 have a list of the tickets that they have opened that
10 could be referenced to CSR/CSI.

11 Q. So, do you have a -- do you know right now how many of
12 those type of tickets are open sitting in your system?

13 A. (Murtha) I know that, since cutover, we opened up I
14 believe it's 3,500 tickets, and currently we have 200
15 and some odd open.

16 Q. On this subject or in general?

17 A. (Murtha) On general -- In general, not on this subject.

18 Q. Do you know today what the average time for getting
19 final correct information back to a CLEC is, when you
20 have this type of situation where they have to follow
21 up?

22 A. (Murtha) Depending upon the situation, whether it
23 requires a build or it's a simple data update, will
24 depend on the timeframe for the tickets. But the goal

1 is to turn around the tickets as quickly as possible,
2 within a day or two.

3 Q. And, are you aware that that's not the actual
4 occurrence?

5 A. (Murtha) I'm aware -- I'm aware that a lot of tickets
6 have extended beyond that timeframe.

7 Q. And, do have statistics on what the average time is?

8 A. (Murtha) I don't have that with me.

9 Q. But do you have it?

10 A. (Murtha) I can pull it out of the system.

11 MS. BRAGDON: Then, I'm not sure what
12 the process is, could we request that that number be
13 provided?

14 MR. HUNT: Yes, we'll formally request
15 that that information be provided subsequent to this
16 session.

17 MS. BRAGDON: Thank you.

18 MS. BAILEY: Can you give me the words?

19 MS. BRAGDON: Please provide a -- the
20 average time for resolving CSR/CSI requests. And, this is
21 separate from the ones where in the beginning you asked
22 for the manual.

23 MR. HUNT: Thanks.

24 BY MR. HUNT:

- 1 Q. On that point, has FairPoint received complaints or
2 communications from CLECs with regard to that timeframe
3 that you were just discussing?
- 4 A. (Murtha) We've received escalations on the need for
5 pulling a CSR/CSI, you know, so that an order can be
6 submitted, and have worked with each of our wholesale
7 customers to try to provide that information so that
8 the order can be issued.
- 9 Q. So, is an escalation from a CLEC a complaint, is that
10 what you're saying?
- 11 A. (Murtha) Would be an escalation of getting the
12 information that they needed, yes.
- 13 Q. And, how many of those have you received?
- 14 A. (Murtha) I'm not aware.
- 15 Q. Do you believe that the CLECs that you deal with would
16 agree with your assessment of the status of those
17 systems issues you identified?
- 18 A. (Murtha) I believe that they would agree that the
19 ability to pull a CSR/CSI has been greatly enhanced
20 since cutover. And, I would believe that they would
21 also state that there are still data issues that exist.
- 22 Q. Now, you said you didn't know how many complaints or
23 escalations you received on this point from CLECs. Is
24 it in the dozens?

- 1 A. (Murtha) Each of the CLECs also work with their
2 individual SPOCs, with their service managers, with
3 their account teams. So, I'm not aware of what the
4 total number is that have been escalated through. So,
5 I'd be guessing.
- 6 Q. What work remains to be completed and when will it be
7 finished, before the CSR/CSI process is back to what
8 you'd consider to be "business as usual"?
- 9 A. (Murtha) Every time a issue is uncovered, we put all
10 forces towards resolution of it. We have, with the
11 help of Mr. Haga's team, we have added additional data.
12 As Mr. Haga stated before, if we had issues with the
13 data that was put into the database, we've gone back,
14 we've looked at the way it was loaded, to make sure
15 that everything we had was appropriately loaded. We
16 continue to request data, if we find that something is
17 missing. We continue to look in the database. And, as
18 we recover any issue, we will continue to work. We
19 have no open defects currently on CSR/CSI, but we do
20 continue to have individual data defects where there's
21 some missing data on a CSR/CSI.
- 22 Q. What needs to be done to get the data corrected?
- 23 A. (Murtha) Right now, there's not a mass problem with all
24 data for a town or for a individual. We're pulling

1 good CSRs and CSIs every day. You know, as far as
2 there is no one issue out there for the data integrity
3 or to clean up the remainder of the data. If there
4 was, obviously, we would look to do it. Our goal is to
5 provide a complete and accurate CSR/CSI to each of our
6 customers.

7 BY MS. BAILEY:

8 Q. So, it sounds like what you're saying is you're not
9 back to "business as usual", but you really don't know
10 what you have to do to get back to "business as usual",
11 because there's nothing big enough to fix.

12 A. (Murtha) I didn't say that.

13 Q. Okay. So, what do you need to do to get back to
14 "business as usual"?

15 A. (Murtha) I believe we are back to "business as usual"
16 with the CSR/CSI, when you look at the percentage of
17 CSRs and CSIs that are being pulled every day and
18 what's coming into us as a defect. When I ran the
19 Wholesale operation for Verizon, I still got this same
20 issue every day, and requests for manual CSRs and CSIs
21 every day. So, it's not to say that the data is ever
22 going to be 100 percent complete. There's going to be
23 issues that happen. So, we continue to work with the
24 customers. We have the tool out there. If we identify

1 an issue, then we'll go after it and fix it.

2 BY MR. KING:

3 Q. So, are you saying then that the ability of CLECs to
4 retrieve CSRs-CSIs is equivalent to date to what they
5 experienced in the Verizon systems currently?

6 A. (Murtha) It's equivalent. Obviously, it's a different
7 functionality the way they pull it versus the way they
8 used to pull it, utilizing the Synchronous tool instead
9 of the Verizon Upfront tool. But, based on the data
10 that we received, it is the equivalent.

11 BY MR. FALCONE:

12 Q. We heard earlier, I think it was Mr. Nixon, said that
13 there's a switch-to-bill kind of validation that's
14 going on. Is there any other proactive efforts going
15 on to try to find some of these data integrity issues
16 on features? You know, you could do switch account
17 features to what's in the inventory to try to fix
18 things before they're discovered by bad CSRs?

19 A. (Haga) The switch-to-bill does go down to that level.
20 So, you know, we're going to circuit level, we're going
21 to feature level and so forth. That's a utility that
22 we purchased, we're in the process of installing. So,
23 we'll go down to each line, every customer. We'll also
24 incorporate it into, you know, prior to going into a

1 bill cycle. So, if a customer is in a particular bill
2 cycle, we'll both exercise the confirmation that what
3 we have in Siebel compares to what we have in --

4 [Court reporter interruption]

5 BY THE WITNESS:

6 A. (Haga) Siebel, yes. Siebel, M6 and Kenan, you know, do
7 the charge back through to make sure that all three of
8 those systems are in synch. All customer information,
9 whether wholesale or retail, is in Siebel, so that will
10 give us that same audit capability. Just the wholesale
11 bills outside of the resale, which you're aware of, is
12 billed out of the CDG application. And, so, it does
13 not include that step. For confirmation today, right
14 know we're just trying to get those three applications
15 in synch, and then we'll incorporate that into the CDG
16 process.

17 BY MR. FALCONE:

18 Q. Any idea, Mike, as to when that whole audit will be
19 complete?

20 A. (Haga) It was completed for the four primary COs in
21 Vermont. So, we've gone through that exercise, gone
22 through that audit. Now, we just have to move it onto
23 New Hampshire and Maine. Datewise, we're still going
24 through the approval process for funding for the

1 effort. Once we have that, then we'll go through the
2 schedule.

3 MR. FALCONE: Thank you.

4 BY MS. BAILEY:

5 Q. So, you don't have funding for it, so it may not be
6 done?

7 A. (Haga) I believe we got the approval for it.

8 Q. Okay.

9 A. (Haga) No, it will get done.

10 A. (Nixon) I think it's been approved and it will be done.

11 Q. Okay.

12 A. (Haga) We have no choice.

13 MS. BRAGDON: Trina Bragdon, CRC.

14 BY MS. BRAGDON:

15 Q. Back to the CSR/CSI, what priority within your
16 Wholesale organization are those requests given when
17 there's a problem that needs to be fixed? Because you
18 agree -- well, what's the priority?

19 A. (Murtha) Well, it depends on if it's a -- you know, as
20 far as level of prioritization from a Company level or
21 from a Wholesale level or --

22 Q. Within wholesale.

23 A. (Murtha) Within wholesale. Obviously, we're working
24 with you, it's an individual customer to you. You

1 know, a rep has been assigned to it and their goal is
2 to turn that around to get it back out to you as
3 quickly as possible. If it's a data issue, we open a
4 ticket with Mr. Haga's group. We assign it to them.
5 They're supposed to research it, assign it to their
6 workforce, and bring that data back to us so that we
7 can get the issue back to you. If it's something that
8 we identify that you as a CLEC community have, and it's
9 precluding you from being able to run business, you
10 know, then we go into our severity levels. Is this a
11 system level? Is this a Severity 1, which is
12 precluding you from being able to do business? So,
13 it's going to be dependent upon what the issue is, how
14 we label it for a 1 through 10.

15 Q. But would you agree that the inability to get a valid
16 CSR precludes me from putting my order in to you?

17 A. (Murtha) Yes.

18 Q. Okay. So, it's business-affecting?

19 A. (Murtha) Yes.

20 Q. Do you, since you've been --

21 A. (Murtha) It precludes you from being able to do the
22 verification you need to put the order in. You could
23 still put the order in, but you don't know if it would
24 pass the business rules, because you didn't have the

1 information to check.

2 Q. You've mentioned your Verizon experience. Can you tell
3 us how long it took under Verizon to get an updated CSR
4 if a problem was noticed?

5 A. (Murtha) The objective I had in Verizon also was 24 to
6 48 hours to provide.

7 Q. And, what are we seeing here?

8 A. (Murtha) Probably about 48 to 72 hours right now.

9 MS. BRAGDON: Okay.

10 MS. WILUSZ: Wendy Wilusz, BayRing
11 Communications.

12 BY MS. WILUSZ:

13 Q. How long did it take in Verizon for a CSR to update
14 after a change had been made to the account?

15 A. (Murtha) After the PCN was completed, it would take up
16 to 48 hours to update the CSR. And, then, after the
17 BCN was complete, 72 hours.

18 Q. So, do you consider it "business as usual" that it's
19 taking currently up to a month to get a CSR updated
20 after a change?

21 A. (Murtha) Depending -- It depends. I need to see the
22 order and the CSR that was involved, you know, to make
23 sure, to see when the PCN and BCN completed to be able
24 to say that.

1 Q. So, provided that a BCN and a PCN had completed, how
2 quickly should a CSR be updated?

3 A. (Murtha) 48 hours after the PCN and 72 hours after the
4 BCN.

5 Q. How long do you think it will be before we see that
6 considered "business as usual" and corrected so those
7 are the timeframes that we're seeing?

8 A. (Murtha) Well, we are measured on that with two of the
9 measurements, for the PCN and the BCN. You should be
10 seeing that already. If you're not, then that's the
11 examples I need.

12 BY MS. BAILEY:

13 Q. What measurement?

14 A. (Murtha) The timeliness of the PCN and the BCN.

15 BY MR. KING:

16 Q. But that doesn't affect your updating of the CSR-CSIs?

17 A. (Murtha) No, you're correct, Chuck.

18 BY MS. BAILEY:

19 Q. So, do you have any measurement that shows how long it
20 takes, after PCN and BCN, to update the CSRs?

21 A. (Murtha) No, I don't.

22 Q. So, you will never know whether you can get back to
23 "business as usual"?

24 A. (Murtha) Well, the question was "how long should it

1 take?" And, that was the answer. But I didn't have a
2 report either in Verizon as well.

3 Q. Well, I understand that your answer is "it should take
4 48 hours after a PCN and 72 hours after a BCN", but
5 it's really taking a month, and you don't know, then
6 you may have a problem that you don't even know about.
7 So, can you look into that maybe and report back to us?

8 A. (Murtha) Absolutely. And, I'd be glad to take Wendy's
9 examples.

10 Q. Well, and I'm not looking for one specific example.
11 I'd really like to know how long it takes to update
12 CSRs, in general, on average, after a PCN and a BCN?

13 MS. WILUSZ: I think a request to John
14 Berard would give you several CLECs' examples.

15 WITNESS MURTHA: Okay.

16 MS. WILUSZ: Because this is not a new
17 issue that has been raised.

18 WITNESS MURTHA: I will work with
19 Mr. Haga's team to come up with that.

20 MS. BAILEY: Okay. Can I -- I'm sorry,
21 Julia, I know you're next.

22 BY MS. BAILEY:

23 Q. How long can -- well, I guess you're not going to be
24 able to give us any timeframe on how long it will take

1 to do that. But, when you give the answers that are
2 outstanding for the follow-ups today, can you provide
3 how long you think it will take to get that
4 accomplished?

5 A. (Murtha) yes.

6 MS. BAILEY: Thank you.

7 MS. CHASE: Julia, from Otel.

8 BY MS. CHASE:

9 Q. What is an acceptable percentage of inaccurate CSRs
10 that you state is "business as usual"?

11 A. (Allen) Let me tell me you what we put in the report,
12 because that seems to be what we've come back to. Back
13 in the March/April timeframe, there was a significant
14 problem in that CLECs were not successful really in
15 pulling CSRs at all. So, we had set up a manual
16 process, and there were a significant number of manual
17 requests at that particular time. One of the things
18 that we thought would be a good way to measure this was
19 to look at how many manual requests we continue to get,
20 thinking that, if that number went down to a normal
21 level, kind of four or five a day, that that would be
22 -- that would indicate that the CSRs and CSIs were
23 being pulled automatically, and that was a good way to
24 measure the success. That's what we continue to

1 measure in the report.

2 As Rich has pointed out, there are other
3 factors and things that go into this. But, for the
4 report itself, it was "how many manual requests are we
5 getting per week?" And, you can break that down per
6 day. So, to answer the question as far as "what's
7 "business as usual"?", for the reporting process, it
8 was really looking at how many manual requests we were
9 getting. And, those numbers have been down to a much
10 lower number really for several months. So, it didn't
11 look at the other questions I think that have come up,
12 as far as all the accuracy. It was really looking at
13 the ability to pull. It doesn't diminish the necessity
14 to make sure they're accurate, but that's where there's
15 -- the way the report was run.

16 BY MS. WILUSZ:

17 Q. Mr. Allen, does Mr. Murtha's organization report up to
18 you the complaints or the defects that we report on our
19 CLEC weekly call?

20 A. (Allen) I certainly hear about a lot of them, yes.

21 Q. Okay. So, if you heard about a lot of them, is it fair
22 to assume that CSRs have been discussed?

23 A. (Allen) Yes.

24 Q. Okay. So, they have been discussed. Has nobody

1 brought to your attention that the error rate on these
2 CSRs is still extremely high and that the CLEC
3 community is extremely concerned about this?

4 A. (Allen) I am aware of that, yes.

5 Q. Okay. So, knowing that we are concerned about it, and
6 that the issue has changed from being a manual pull
7 issue to an error rate issue, would it not be prudent
8 to change the measurement that you're measuring and
9 reporting on to what the issue is currently, in order
10 to show improvement that one issue has been resolved,
11 but yet another one still exists?

12 A. (Allen) Yes. I would agree that many -- I wouldn't go
13 as far as "most", but many of the measurements in the
14 plan were really not the most valid measurements as we
15 worked our way through the plan, that's what I was
16 describing before, whether it was flow through or late
17 orders or, in this case, whether we're measuring
18 pre-order functionality. So, yes, I would agree with
19 that. And, those are not necessarily the measurements
20 we use internally to get better.

21 Q. So, why would the measurements not change, so that
22 we're measuring what they're measuring internally to
23 get better?

24 MS. BAILEY: Well, I think that they

1 agreed to provide new biweekly reports that we're going to
2 create a smaller subgroup to discuss what should be on
3 them.

4 MR. MCHUGH: And, for the record, these
5 were put together, I think across the three states. And,
6 there were certain requests for information that were, you
7 know, that the folks at FairPoint received, in terms of
8 what other members of other state regulatory staffs wanted
9 to see.

10 BY THE WITNESS:

11 A. (Allen) And, the other thing I would add to that is
12 that many of the clarifications, as far as a better way
13 to measure, either the ability to do so or better
14 definition of a -- of what we needed to do internally
15 and therefore would be a better measurement, really
16 came out over time, most of which came out in June.
17 And, in the report, which we were sending out weekly,
18 to change then the measurements and the definitions at
19 that point, there were some -- some push back
20 associated with that that were valid. So, we decided
21 to keep this going through the end of June. And, then,
22 as was discussed, Mr. Nixon would come up with a
23 different mechanism to provide a public report that's
24 more consistent with our internal measurements.

1 BY MR. GOYETTE:

2 Q. For the sake of consistency and for transparency for
3 the public, wouldn't it make sense to have -- continue
4 having weekly reports, rather than -- rather than the
5 biweekly reports that you're suggesting now, so that we
6 can track on a timely basis, so that the public can
7 track on a timely basis, and measure back to, you know,
8 a baseline in June, and then maybe you can still do the
9 July report and then August, so we can actually see if
10 there's progress being made? I'm suggesting that maybe
11 FairPoint should reconsider and produce publicly
12 available weekly reports, rather than biweekly reports.

13 A. (Nixon) I will take your request under advisement. I
14 understand the need. We are looking at changing what
15 we're measuring. And, I understand your point with
16 regard to frequency.

17 BY MR. HUNT:

18 Q. On to other pre-order issues. Are there pre-order
19 types not discussed in the Status Report?

20 A. (Allen) There was one other one that I reported on,
21 typically, if I recall, on the weekly milestones, which
22 were loop qualifications. Those had also gotten down
23 to, again, a normalized level, as compared to the
24 manual loop qualification process that we put up. That

1 was the only other one that I'm aware of. It's the
2 only one I can think of that we looked at from a
3 pre-order standpoint.

4 Q. Well, are pre-order transactions, such as telephone
5 number reservations and address validations, performing
6 at "business as usual" as well?

7 A. (Murtha) TN reservations and address validation are
8 performing. Again, there are some issues surrounded
9 the address validation with some of the data that we
10 had, and we've had to put in a request to what we call
11 the "ARG", the ARG, the Address Resolution Groups, to
12 build in some of the addresses that did not come over
13 from Verizon. Any order that was disconnected, the
14 address didn't come over, and we had to build those in.
15 But the TNs, TN reservation is working. The address
16 issue is the one that's there.

17 BY MS. BAILEY:

18 Q. The answer to the question you were -- the question you
19 were asked is "are they performing at "business as
20 usual"?" And, you said they were "performing".

21 A. (Murtha) They are performing as "business as usual"
22 with the data that's in the systems.

23 Q. So, if the data in the system isn't correct, there's
24 errors in the data --

1 A. (Murtha) It's not that the data is wrong, it's that
2 we're having to add addresses in that are not in the
3 data system.

4 MS. BAILEY: Julia.

5 BY MS. CHASE:

6 Q. We have found a percentage of loop quals that were
7 pulled pre-embargo, and then after the embargo, about
8 35 percent of the information is not matching. Either
9 it's 12,000 feet longer than the previous loop qual or
10 the address isn't found, yet it was in the Verizon
11 system. There's also a pre-order function that we
12 didn't -- that had just recently come to us. It's on
13 collocation facility assignment. We have found some
14 circuits that we are being billed for that we didn't
15 order. So, we requested more information. We got a
16 pair. I went to that pre-order function. And, we've
17 never ordered anything against it, but FairPoint is
18 saying that it's not available it's a busy pair. And,
19 it's not giving us a circuit ID to be able to identify
20 that it's a made circuit. So, I don't believe that
21 that functionality is working either. Have you had any
22 other issues with any other CLECs with facilities for
23 the collocation facility assignment tasks?

24 A. (Murtha) I have not heard that one before, Julia, with

1 the collocation.

2 Q. It just recently came up.

3 A. (Murtha) Rich Sweeney is my Service Manager for
4 Collocation, so I will research that one with him, and
5 have him give you a call on that.

6 MS. CHASE: Thank you.

7 MS. WILUSZ: Returning -- Wendy Wilusz,
8 from BayRing Communications.

9 BY MS. WILUSZ:

10 Q. Returning to the adding of addresses into the system,
11 it used to take less than 24 hours to add an address
12 into the Verizon system and see it populated so we can
13 place an order against it. Today, we're experiencing a
14 five day interval for that to occur. Is that what will
15 be considered "business as usual" under FairPoint?

16 A. (Murtha) Right now we do have a five day interval in
17 building in the addresses on both the retail and the
18 wholesale side. The guide, of course, will be to
19 continually improve upon that.

20 Q. Can you outline for me what the process is to get an
21 address added today on your side of things?

22 A. (Murtha) Sure. We take the address from you. We look
23 to make sure that it meets the MSAG, the USPS
24 qualifications. We get it updated into the system. We

1 have to get it updated into Intrado for 9-1-1. We get
2 it put into GE Small World and M6, and then get it
3 updated into the system so you can get the address
4 information that you require so that you can then place
5 an order against it.

6 Q. So, is the reason for the five day interval that you
7 have so many of these issues it takes an exceptional
8 amount of time? Is it a backlog issue that takes five
9 days or just that that process you just stated takes
10 five days?

11 A. (Murtha) It's a process, and it takes time through the
12 process to go through and verify both the MSAG and the
13 USPS, and it also takes time to update all the systems
14 that are downstream that have to be updated. And,
15 there are a number of addresses that we are building
16 in.

17 Q. I'd like it just to be known that the CLEC community
18 would consider less than 24 hours as "business as
19 usual" on address corrections and additions.

20 A. (Murtha) I appreciate that.

21 BY MS. BAILEY:

22 Q. Is there a plan to get it down to 24 hours?

23 A. (Murtha) Well, the plan is to continually improve upon
24 that interval. Right now, it's at five days for both

1 retail and wholesale. We'll continue to drive that
2 down as we can.

3 Q. What are you doing to drive that down?

4 A. (Murtha) Trying to work within our systems to make sure
5 that we can get these addresses updated as quickly as
6 possible.

7 Q. Well, give me some specifics. What are you doing
8 "working within your systems"?

9 A. (Haga) From a system standpoint, they're still going
10 into -- the source record is in our GE Small World
11 application, which pushes it out to M6 and all the
12 other applications that Rich had mentioned. The number
13 of addresses that do need to be corrected, now this is
14 not my area of expertise, so I'm just providing some
15 insight of what other individual is responsible for.
16 And, some of the -- the 24-hour timeline, I have some
17 concerns over that, because some of the address
18 verifications we have to take -- we have to take it
19 back to local PSAPs. And, so, we're dependent upon
20 their response, you know, to our inquiries as far as
21 the validation of the address.

22 Q. Can I stop you there?

23 A. (Haga) Uh-huh.

24 Q. Why do you take it to the PSAP? Don't you have the

1 MSAG?

2 A. (Haga) Again, this is not my process.

3 Q. Okay.

4 A. (Haga) So, I'd probably be better served if I left this
5 one alone.

6 Q. No. It's my understanding that the 9-1-1 database gets
7 updated after a customer --

8 [Court reporter interruption]

9 BY MS. BAILEY:

10 Q. It's my understanding that the 9-1-1 database gets
11 updated after the customer places an order, and they're
12 trying to get the address validated and updated in your
13 system so they can place a customer order. So, I don't
14 understand why you go to the PSAP to get this done?

15 A. (Murtha) We're working -- the ARG group works
16 specifically in GE Small World. They do have the MSAG
17 available. They do look at Intrado, which houses the
18 9-1-1 addresses, to make sure that the address is valid
19 within that community. Then, they go in and they build
20 it in. It has to get updated in GE Small World, then
21 it comes across to Metasolv. And, then, we're able to
22 provide the address back to the customer.

23 Q. Okay.

24 A. (Murtha) But there is a timeframe that it takes to

1 update all these systems.

2 A. (Allen) Maybe the best way to answer this is we don't
3 currently have a plan, a defined plan to get it down
4 from five days, below that.

5 Q. Okay. Thank you.

6 A. (Allen) And, we will look at what we need to do to get
7 there.

8 MS. BAILEY: Thank you.

9 BY MR. HUNT:

10 Q. Back to the pre-order transactions that I was asking
11 about before, the telephone number reservations, the
12 loop qualifications and the address validations, why
13 weren't those pre-order transactions addressed in your
14 Status Report?

15 A. (Allen) Well, essentially, because those were not items
16 that we had identified on the front-end of the
17 Stabilization Report. They were not items that we
18 reported on or had any issues with, and consequently
19 they were not -- I mean, there's a lot of things that
20 go on in the business that we didn't report on in the
21 update, Mr. Nixon mentioned the network operations is
22 probably the biggest. So, those were just items that
23 were not put in the plan initially and, therefore, they
24 were not reported on.

1 RE: UNSUBMITTED ORDERS

2 BY MR. HUNT:

3 Q. Some questions now about unsubmitted orders. FairPoint
4 states that an "unsubmitted order" is one that has not
5 yet moved into the provisioning system. How is an
6 order moved into the provisioning system?

7 A. (Lamphere) So, an unsubmitted order -- and, again, this
8 is really not my area of expertise, on the Siebel front
9 end that would be Mr. Rush. But an unsubmitted Order
10 can take many shapes. It can be waiting on, Mr. Allen
11 mentioned earlier, a third party verification for HSI,
12 or High Speed Internet, orders in Maine, could be
13 waiting on third party verification. That order cannot
14 yet be processed into Metasolv for provisioning until
15 its outstanding issues are resolved. That contributes
16 to the "unsubmitted order" bucket, as we commonly call
17 it.

18 There are other, the lack of order
19 stacking capability or processing another order,
20 subsequent order from Siebel into M6, Metasolv. Also
21 comes into play when we talked earlier about seasonal
22 restorals and the addition of vertical services to an
23 existing account. So, you have to wait until that
24 initial order completes before you can submit a

1 subsequent order. You can pre-build that order, and
2 then it's sitting in the "unsubmitted order" stack
3 waiting to be submitted into the provisioning system.

4 A. (Allen) So, was your question "how does it go from the
5 unsubmitted to the provisioning system?"

6 Q. Yes.

7 A. (Lamphere) It is submitted by a CSR, a Customer Service
8 Rep.

9 Q. And, why were some many orders going into the
10 "unsubmitted" queue incorrectly in March?

11 A. (Lamphere) I do not know the answer to that.

12 Q. Does anyone?

13 A. (Allen) I just know that there were far too many going
14 into there in March. That's why it became -- it's one
15 queue of many in the order processing, and it was the
16 first one at that particular point that we recognized
17 as having a significant problem.

18 Q. Well, does that --

19 [Court reporter interruption]

20 BY THE WITNESS:

21 A. (Allen) All right. I guess the answer, which doesn't
22 specifically answer your question, is I'm not sure why
23 the number was so large. What we did notice was, it
24 was the first area where we noticed order processing

1 issues, because it was on the front end of the system.
2 We knew that the number of orders that were in there
3 that we couldn't move out for valid reasons, some of
4 which Mr. Lamphere mentioned, was -- there were many of
5 them, and it was a number that was growing. And, we
6 knew we could not complete an order if we couldn't get
7 it into the system. So, that is one queue of many in
8 the order processing. It was one that we culled out at
9 that particular point because of the problems that we
10 recognized with it. And, that's where you saw the
11 number going from roughly 8,000, down to the 2,000 to
12 2,500 it's been at since.

13 A. (Nixon) If I might, there's -- just add maybe some
14 clarifications. My understanding is that the primary
15 drivers of that large amount that accumulated in the
16 March timeframe were addresses that were not identified
17 at that time, the majority of which have since been
18 resolved. DSL, both in terms of speed and
19 availability, and if we remember back where we were in
20 March, there were instances where we had, for instance,
21 100 Main Street loop qualified, but Apartment 1 at 100
22 Main Street would not qualify. Those types of business
23 rules have since been resolved. They now go through.
24 We had a significant number that were in there for

1 win-back, and those have been predominantly resolved.
2 There will always be orders in the unsubmitted queue,
3 predominantly for things like addresses waiting for
4 verification, for credit checks. And, we think we're
5 probably pretty close to that normal business level
6 today.

7 MS. BRAGDON: I have a couple
8 follow-ups.

9 BY MS. BRAGDON:

10 Q. Just to make sure we're talking about the same thing,
11 an "unsubmitted order", does that equal in the
12 wholesale world an order not in Order Management?

13 A. (Allen) There are no unsubmitted orders in wholesale.
14 So, the category we're discussing is retail only.

15 Q. Oh, that's an interesting distinction. Okay. How do
16 you -- do you have a similar analysis as to orders not
17 in Order Management on the wholesale side?

18 A. (Murtha) Yes. On the report that's provided to each of
19 the CLECs, there is a listing of orders not in OM. The
20 reasons that they're not in OM, or Order Management, is
21 one of three reasons. It's either received a sup to
22 cancel, and that order will never go into OM. It's
23 received a reject that's prevented it from going into
24 OM, and so something needs to be done with the order.

1 That's a non-fatal reject. Or, it's received a fatal
2 reject, which is a Tier 1 business rule error that will
3 not allow it to come out of Synchronous into OM.

4 A. (Haga) Didn't want to jump in there and cause any
5 confusion. The other item that is also in there is the
6 customer just had it confirmed. So, it will stick in
7 the same unsubmitted bucket. They will give us all the
8 order information, "Is that okay? And, I know the
9 pricing. You've got me all set up. But I want to have
10 a conversation at home and so forth." And, so, that
11 will sit there, sit in there as well. So, for us, we
12 wouldn't see those types of activities that you would
13 have, especially if it was from a CLEC that was
14 entering those types of orders in their own system and
15 using the EDI mechanism, the Electric Debonding
16 communication, we wouldn't even see that. We would
17 have no ability to even report on that.

18 Q. That's the difference, though. I have plenty of
19 orders, half of them can order [inaudible], half of
20 them not, that have a reject --

21 [Court reporter interjection]

22 BY MS. BRAGDON:

23 Q. -- that have a reject message?

24 A. (Murtha) Well, some reject messages are from the

1 upfront business rules.

2 Q. Okay.

3 A. (Murtha) And, that comes from Synchronous.

4 Q. And, that's going to pop it out --

5 A. (Murtha) And, that's going to --

6 Q. -- and say "I'm not in Order Management"?

7 A. (Murtha) That's right. The other reject messages will
8 come from Metasolv, from the back end, where it's
9 looking at your inventory or it's looking at your
10 combination of your business codes versus the product
11 work book, and those will be back-end rejects. So,
12 those ones will make it into the Order Management
13 system, where the ones that hit the --

14 MR. HUNT: I'm going to interrupt you
15 for a moment. And, we'll probably address this issue
16 later. But, right now, we're going to take a break so
17 that the stenographer can have a break. And, we'll come
18 back in.

19 WITNESS MURTHA: I was just about to
20 make a great point, though.

21 MR. MCHUGH: Fifteen minutes, Rob?

22 MR. HUNT: Fifteen minutes.

23 MR. MCHUGH: Thank you.

24 (Whereupon a recess was taken at 3:02

1 p.m. and the technical session resumed
2 at 3:24 p.m.)

3 MR. HUNT: Okay. We're back on the
4 record. Mr. Murtha, if you'd like to finish your answer,
5 feel free to do that, and then we'll resume questions.

6 BY THE WITNESS:

7 A. (Murtha) Just on the issue that we were talking about
8 with the unsubmitted within the wholesale. It's just a
9 matter of where in the business rule edits that the
10 reject took place. If it's a Tier 1 reject, which
11 takes place within the Synchronous tool itself, that
12 order will not make it over into the Order Management
13 system. If it's a reject that takes place at the back
14 of the Order Management system, from either the
15 inventory tool or assignment tool or facility issue,
16 etcetera, that will make it to the Order Management
17 system, and then the reject will come back through that
18 mechanism and provide the reject message to the
19 wholesale customer.

20 MS. BRAGDON: Just one quick follow-up.

21 BY MS. BRAGDON:

22 Q. When you're counting late orders, as we were talking
23 about earlier, do orders that are not in OM count
24 towards those late numbers, since you don't consider it

1 in Order Management?

2 A. (Murtha) The orders that are counted in late in the
3 wholesale bucket today are the ones that are in Order
4 Management. They are in M6. The ones that are not in
5 OM yet, because they -- they're, obviously, if it's a
6 sup one to cancel, they will never be there and we will
7 never count them. But the rejects, we need to work
8 with, we need to make sure that we get those in,
9 replayed, retried or supped, so that we can get them
10 into the Order Management system.

11 Q. But they're not counted in your late orders?

12 A. (Murtha) No, they are not.

13 Q. Even though they're probably late?

14 A. (Murtha) They have to be supped, before they can become
15 a viable order to be provisioned.

16 Q. And, sometimes that sup could be an issue on our side
17 or your side?

18 A. (Murtha) That's correct.

19 MS. CHASE: Julia, from Otel.

20 BY MS. CHASE:

21 Q. There was an issue on orders not making it into OM
22 because of "address not found". But if was not
23 rejecting it back, it was just sitting in
24 acknowledgment. Has that issue been fixed?

1 A. (Murtha) That issue has been fixed, and we have team in
2 the IT organization that looks at all the orders
3 between Synchronous and Metasolv, to make sure that, if
4 anything falls out and is caught in between, that that
5 is taken care of. Those do not sit there anymore.

6 BY MR. HUNT:

7 Q. FairPoint had 7,906 orders in the "unsubmitted" queue
8 on March 2nd, 2009. It estimated that 1,500 to 2,000
9 orders in the "unsubmitted" queue would be "business as
10 usual". What was the basis of that estimate being
11 "business as usual", the last, excuse me, 1,500 to
12 2,000 orders?

13 A. (Allen) Yes, I'll answer that. At the time we put the
14 report together, we were starting to get what was in
15 the different categories in "unsubmitted". So, if you
16 look at "unsubmitted", it's one queue. There were
17 probably somewhere around 20 different buckets that
18 unsubmitted orders would be in that or reasons why they
19 would be an "unsubmitted". So, we looked at the ones
20 at that time that were ones that we thought we could
21 impact by system improvements. And, what was left over
22 was somewhere between 1,500 and 2,000. And, that's
23 where we came up with that number.

24 Q. Now, FairPoint now estimates that between 1,500 and

1 2,500 orders in the "unsubmitted" queue is "business as
2 usual". Why did the upper end of that estimate
3 increase?

4 A. (Allen) The total number is dependent on the level of
5 activity and the kinds of orders that are being placed
6 at any given point in time. This would also, I think,
7 fall into the category of "there are better ways to
8 measure unsubmitted orders". Keeping in mind this is
9 one queue, I'm not really sure that it's relevant to
10 measure unsubmitted orders to start with. But, if you
11 did measure unsubmitted orders, and it is part of what
12 we do manage on a daily basis, we look at primarily two
13 things. We look at unsubmitted orders that we can
14 directly impact. So, each of those different buckets
15 that I just described, if it's in there for a credit
16 hold, it went to the right place. If it went in there
17 because there was an address problem, it went there for
18 the wrong reason, and we need to fix the address
19 problem. And, that's a number that's a part of -- it's
20 a bucket within that queue that should continue to
21 decrease as you fix your address problems.

22 So, what we look at is, the items that
23 are in there for reasons that they shouldn't be in
24 there, and, most importantly, we look at how long the

1 orders are in there, so we age each of the different
2 orders in each of the different buckets. A more
3 relevant measurement is how quickly we can get them in
4 and out. Because, even if it goes in there for the
5 right reason, credit check, third party verification,
6 whatever, if it sits there longer than it should,
7 you're then going to miss your intervals, you're going
8 to miss the customer -- you're not going to meet the
9 customer expectation. So, if you were to look at the
10 -- primarily, this is in Mr. Rush's organization,
11 exclusively it's in Mr. Rush's organization. Part of
12 his team measures each of those buckets and measures
13 the aging in those buckets. My suggestion would be, as
14 we come up with some revised reporting, it would be
15 more appropriate to measure the time orders are in the
16 buckets, and specific buckets, as opposed to just a
17 total number. Total number could be dependent on, if
18 you have a lot of good activity and a lot of new
19 orders, that number legitimately might go up.
20 Conversely, if you had less orders for a period of
21 time, that number could go down. And, one does not
22 necessarily indicate better performance.

23 Q. What other mean and median length of time orders are in
24 the "unsubmitted" queue?

- 1 A. (Allen) I don't know that off the top. That is a
2 number we could get for you.
- 3 Q. Please do that.
- 4 A. (Allen) Yes.
- 5 Q. To paraphrase the Status Report, FairPoint now believes
6 it is more important to insure the orders move out of
7 the "unsubmitted" queue efficiently, than the actual
8 number of unsubmitted orders in the queue at any given
9 time, is that correct?
- 10 A. (Allen) That's not the only thing, but, yes, that is
11 correct. Your statement is correct.
- 12 Q. If the number of unsubmitted orders in the queue isn't
13 important, how does FairPoint identify whether an order
14 sat in the "unsubmitted" queue longer than it should
15 have and caused a delay in provisioning?
- 16 A. (Allen) When an order goes into the "unsubmitted"
17 queue, the order date has already been established.
18 So, if that order sits there any length of time, it
19 would end up going into M6 into the Order Management
20 section as potentially already late. So, it would add
21 to the number of late orders that you would have. So,
22 again, it's -- the primary measurement is how quickly
23 you get them out. But the other thing that is also
24 very important is to look at what are the different

1 buckets, to make sure orders that are in there are
2 going in there for the right reasons, the proper
3 reasons that would have been set up for the
4 provisioning point.

5 Q. And, how does FairPoint measure the ability of the
6 Customer Service team to move orders through the queue
7 as planned?

8 A. (Allen) They have a -- They have a report that has all
9 the -- basically all the information that you're asking
10 about, which shows the time that orders are in the
11 unsubmitted, so the speed by which they're getting them
12 out of there, as well as a specific report by bucket
13 that shows how many are in each of those buckets at any
14 given point in time.

15 A. (Haga) There's one additional means that we have that
16 we just recently -- another application that we finally
17 were able to get the last piece of it corrected. The
18 application is "Witness", which we're actually able to
19 record the navigation, not only what they're doing in
20 the application, but record the voice conversation as
21 well. So, we can also not only see the average handle
22 time, but we can also see, "well, are we following the
23 flow of the order as we were trained and so forth?"
24 So, not only -- the numbers will help us in one way,

1 but to get very detailed and specific one-on-one type
2 help, we've also got the ability to go back and
3 reference that. That's helping us to -- that was
4 utilized with the Aricent exercise, to also see what
5 people were actually doing, versus what they should be
6 doing.

7 Q. One block of "unsubmitted orders", from a CLEC
8 perspective, consists of CLEC orders that FairPoint
9 considers valid rejections. How does the number of
10 valid rejects as of June 30 compared to the number
11 prior to cutover, and what steps are you taking to
12 reduce the number of rejects?

13 A. (Murtha) We continue to work on the reject messages, to
14 make sure that they are clear and concise, so that
15 there's an understanding between our wholesale partners
16 and ourself as to what is the information that is being
17 requested in order to process the order. We continue
18 to add updates to the reject message list. We identify
19 issues with the rejected orders. We continue to work
20 with the partners to reflow or reattempt orders if we
21 find a solution to the issue with the rejected orders.
22 But, as far as what the total numbers were prior to
23 cutover, that I don't have, because that was done by
24 Verizon during the TSA.

1 BY MR. FALCONE:

2 Q. Rich, is it the case that the bucket of the orders that
3 you call "valid rejects", and many times, even though
4 the reject messages are clearer now for the CLECs, is
5 it true that a lot of times they're really not valid
6 rejects? It's nothing that the CLEC did wrong, it just
7 rejected because something is not in your inventory
8 that should be in your inventory, for example.

9 A. (Murtha) There is a percentage of that. I wouldn't say
10 that it's the majority. But there are -- there is a
11 percentage of that. And, that's why we created some
12 new reports that just went out to the CLECs to show
13 them which ones have actually received sups, and to
14 also give the error code messages on each one of them,
15 so we can work with the customers to clarify and to get
16 rid of those. The goal is to eliminate those rejects.
17 That, previously, when Verizon had a order and a error
18 message like that, they didn't look at it differently.
19 It just sat out there. We're going through, we're
20 looking at them. We want to get these cleared up. We
21 want to get their orders in the system, and through,
22 and provide the service.

23 Q. Okay. Do you have any sense, though, of what percent
24 of the daily or the bucket of rejects that CLECs are

1 receiving today are truly valid rejects, something that
2 the CLEC did wrong, business rule, error or something,
3 versus a reject that the CLEC did everything right, but
4 it's being rejected because FairPoint's back-end
5 systems are missing something that it needs to process
6 that order?

7 A. (Murtha) I don't have an exact number on that, Bob.
8 It's a -- There is a percentage number on that. And,
9 that's why every day I pull an Error Code Report, to
10 look at what were the error codes for the day, because
11 it's dependent upon what type of orders were ordered on
12 that day and what the error messages are. There's a
13 number of, you know, for instance, I see on JBs a lot
14 -- directory orders, a lot that say "the main line
15 listing already exists", because it was requested on
16 the CB when they did the port. However, then a JB
17 followed it up. You know, so, I go through and, you
18 know, we want to get rid of those. Because, if it was
19 established on the CB, then the JB shouldn't have come
20 in. But we look at all of those types, and I try to
21 identify "is there a specific block of error code
22 messages that came in for that day? Is it a system
23 issue? Is it" -- and, then I look at the total number
24 of CLECs that were impacted by the issue.

1 Q. Okay. And, if it's a system issue, you make the CLECs
2 aware of that?

3 A. (Murtha) We make them aware of it, and we open up an
4 item with Mike's team. And, we look to resolve that
5 and get those replayed for the CLECs.

6 MR. FALCONE: Thank you.

7 MS. BRAGDON: Trina Bragdon, just a
8 quick follow-up on that.

9 BY MS. BRAGDON:

10 Q. In determining which ones you think are systems issues,
11 are you basing that on what you -- solely what you're
12 seeing from your side, and then see like a high number
13 for a particular type? Or, are you using any input
14 from the CLECs?

15 A. (Murtha) I am using input from the CLECs as well,
16 because you guys are very aware of who your customers
17 are that you've done business with in the past,
18 etcetera, and the research that you've done. So, I
19 take that into consideration.

20 BY MR. GOYETTE:

21 Q. When you're determining the priority for which you'll
22 fix certain issues, it sounds like -- I think I heard
23 you say you'd "see how many CLECs were affected",
24 right?

- 1 A. (Murtha) Right.
- 2 Q. What other criteria do you use when you're determining
3 priority for fixes? For instance, do you look at the
4 profitability of a certain group that were affected,
5 and if it's a group that is more profitable, they may
6 rise more, to a higher level of priority?
- 7 A. (Murtha) I'm not looking at the revenue target of the
8 specific order to determine what the level of severity
9 of an issue is. It's "what is the impact to the CLEC
10 community?" Is it precluding them from being able to
11 submit their orders and being able to continue to do
12 business? Is it something where we have to put in a
13 manual workaround? Is it something that we can
14 continue to do process, but it's going to add a couple
15 of hours to the timeframe? It's all a matter of "what
16 is the impact of the issue as where we label it with a
17 severity?"
- 18 Q. You were saying you don't look at the specific order,
19 but, from the discussions that have been going on, it
20 sounds as though some issues are specific to specific
21 CLECs and are community-wide?
- 22 A. (Murtha) Uh-huh.
- 23 Q. If it was a specific CLEC for which this issue applied,
24 or even for a retail customer, maybe a large business

1 customer, would you look at the profitability of that
2 customer as a part of your criteria for determining
3 where in the level they should be in priority?

4 A. (Murtha) I do look at the specific order. You know,
5 because we need to understand, "is it that order type
6 that's causing the issue?" You know, "is it a req type
7 that's causing the issue that's precluding us from
8 being able to provide the service?" But, you know, at
9 the end of the day, if it's an issue that affects CRC
10 and BayRing and segTEL and Otel, then, obviously, we're
11 going to look at that and say "Okay, this is impacting
12 multiple customers. We need a resolution, systemic
13 resolution quick." If it's an issue that's only
14 affecting CRC, the first thing we're going to do is
15 work with CRC to see "is this an issue with the way
16 their system is set up and talking to ours, if it's not
17 impacting anybody else?" "Is it just a couple of
18 people within that company that's having this as an
19 issue or is it everybody?" So, there's different steps
20 that we take to get to the bottom of the solution.

21 A. (Allen) And, David, just a point of clarification. The
22 reject process that Rich is going through would not
23 affect retail customers. They trade in the unsubmitted
24 or other disabilities specific to wholesale.

1 MR. GOYETTE: I recognize that.

2 BY MR. HUNT:

3 Q. Who is in charge of the "diligent follow-up" for this
4 queue? And, "diligent follow-up" was just the phrase
5 used in the "Unsubmitted Orders" section of your
6 July 8th report.

7 A. (Allen) That would be Steve Rush's organization.

8 Q. Is there somebody specifically in charge of this
9 particular queue within Steve Rush's organization?

10 A. (Allen) I would say the person most responsible would
11 be Matt Stacy.

12 Q. Does FairPoint know what percent of the orders in its
13 "unsubmitted" queue are there because of system or data
14 problems and not because of a legitimate business
15 condition?

16 A. (Allen) Yes.

17 Q. What percent?

18 A. (Allen) Yes, I don't have those numbers with me. They
19 change daily. But, yes, we have that every day.

20 Q. They change daily, so can you provide those to us?

21 A. (Allen) Yes.

22 RE: RETAIL BILLING

23 BY MR. HUNT:

24 Q. On retail billing, let's start by, if you could, please

1 explain the phrase "known billing error".
2 A. (Allen) Yes. "Known billing error" was the bill -- let
3 me step back. I'm going to try to make this as clear
4 as I can. Any bills that have gone out, where we
5 recognized or identified a error in either over or
6 under billing a customer, and there are several ways
7 that those errors are identified. There's a proforma
8 process that we go through before each billing cycle,
9 where different bills are pulled out and reviewed by a
10 team that's up in Littleton, New Hampshire. And, they
11 look proactively for any billing issues or errors that
12 exist. That's, obviously, the preferred way to
13 identify and find them.

14 Additionally, there's a daily call with
15 the Customer Service teams. The Customer Service teams
16 -- the Customer Service Reps being the group that gets
17 the calls from the customer, and, from a reactive
18 perspective, would be the first point where they would
19 be able to identify where calls are coming in, where
20 there's any kind of billing error. And, those -- And,
21 as those are identified, any particular error is then
22 researched, is looked across all of the bills that have
23 that particular USOC or characteristic, certain
24 products. And, typically, if there's a billing problem

1 that is affecting a customer with a particular USOC,
2 it's affecting everybody with that product type.
3 That's quantified and that's what we had reported on.
4 A. (Haga) And, part of the reason for having to get that
5 particular definition, I think everybody would agree
6 that, prior to cutover, 100 percent of the bills were
7 probably not accurate. For instance, we already
8 provided the example that there is a customer bill that
9 went back to 2005 that had an issue in it for, you
10 know, billing for a service that was not in service.
11 But that was the data that we had. And, we didn't
12 know, you know, where there could be underlying issues
13 with just the information on the customer's account
14 that came over from conversion, couldn't qualify or
15 quantify issues that we introduced. But, when we did
16 -- when issues were reported or issues that we
17 discovered, then it shows up on "unknown". So, that's
18 why we had to -- we weren't trying to -- we're just
19 trying to stay away from items of which we just weren't
20 aware of just yet that could be inaccuracies on the
21 customer's account.

22 BY MR. KING:

23 Q. In cases where customers are being billed by FairPoint,
24 even though they have migrated to another carrier, are

1 those known billing errors?

2 A. (Haga) Yes. They would be considered that, yes.

3 Q. And, you've included those in the numbers that you
4 report?

5 A. (Allen) Where they have been identified, yes.

6 Typically, at this point, they have not.

7 MR. KING: Thank you.

8 MR. LADAM: Could I ask a follow-up?

9 BY MR. LADAM:

10 Q. Is there an issue or a point of confusion when you
11 discover the problem on Friday, and it reveals that, on
12 Wednesday, there were a whole bunch of bills that went
13 out that were in error. You didn't know it on
14 Wednesday, so it didn't appear. How does that show up
15 as a percentage billing error?

16 A. (Allen) When we identify an error, we look at all the
17 errors that occur regardless of the bill cycle. So,
18 it's not specific to that particular bill cycle, even
19 though that's where we may have identified it. So, we
20 identified it on Friday for bills that went out
21 Wednesday. Those, the number of customers that were
22 impacted would be added to that or would be -- would be
23 identified on that list. So, the day it gets
24 identified really doesn't matter, as far as when the

1 bill cycle goes out. But, what does matter is when it
2 can get corrected.

3 Q. I'm confused about the numerator and the denominator.

4 A. (Allen) The denominator is the total number of bills
5 that go out in all.

6 Q. Okay.

7 A. (Allen) Okay? And, then, the numerator would be the
8 total number of billing errors, known billing errors as
9 we defined it that we identify, regardless of when in
10 the month they would go out. So, if we identified it
11 on Friday, if it was in the bill cycle the previous
12 Wednesday or the next Wednesday, wouldn't matter. It
13 would be counted, the next Wednesday it would be fixed.
14 But anything in the past we count as a "known billing
15 error".

16 Q. What would be some examples of things that a retail
17 customer might consider an error that wouldn't show up
18 in that definition?

19 A. (Allen) There's one primary one that I can think of
20 recently. Most all of the errors that we would
21 identify I think would show up as an error, because
22 there would be an incorrect amount on their bill. We
23 had a situation, couldn't tell you exactly, not too
24 long ago, where we rated a number of customers' bills

1 correctly, but we had -- it was either the originating
2 -- or, the terminating city of the call was incorrect.
3 I think we showed "Massachusetts", instead of wherever
4 they called. So, the total amount of the bill was
5 accurate, however, the information on the bill was not.
6 Now, from a Customer Service standpoint, that has the
7 same impact of billing somebody incorrectly. People
8 are going to call into the Service Center, they're not
9 going to be happy with their bill, it's not accurate.
10 So, I don't want to minimize that particular error, but
11 that's one of the few examples. There's one other one
12 which, in the call detail, we had a big number in
13 there, about a month or so ago. And, those would be a
14 couple of examples that the bill itself was accurate,
15 the amount was accurate, the information was not
16 accurate.

17 MR. LADAM: Thank you.

18 MS. HATFIELD: Thank you. Meredith
19 Hatfield, for the OCA. Staff, did you mark the Liberty's
20 Assessment of the FairPoint Report as an exhibit?

21 MR. HUNT: No. The only things that
22 we've marked are Exhibit 1, which is the July 8th
23 "Stabilization Plan Status Report", and Exhibit 2 is the
24 "FairPoint Milestone Results".

1 MS. HATFIELD: Okay. I'm going to
2 reference --

3 MR. HUNT: But that's part of the
4 record.

5 MS. HATFIELD: Okay. So, we don't need
6 to make it an exhibit, but I'll just reference it, if
7 that's okay?

8 MR. HUNT: It's your choice.

9 MS. HATFIELD: I think I would like to
10 make it an exhibit, but I don't have copies. So, I'll
11 plan to bring those on Thursday, if that's okay?

12 MR. HUNT: That's fine.

13 MS. HATFIELD: Okay.

14 BY MS. HATFIELD:

15 Q. In the Liberty Assessment that's dated July 13th, on
16 Page 6, Liberty says that "FairPoint has told the Staff
17 that it does not count cases where customers have
18 ported their service to a FairPoint competitor, but
19 continue to receive bills from FairPoint, if that
20 problem does not result from a known systems error", as
21 a known error. I think you just testified to the
22 opposite of that. So, can you just clarify?

23 A. (Allen) Yes. If we are unaware of an error, then,
24 obviously, it would not be a "known error". The

1 specific question that was asked about was on ported
2 numbers that did not disconnect or did not complete, if
3 you will, through the process, consequently, they did
4 not disconnect from FairPoint. The customer got doubly
5 billed. There is also a situation, which is the
6 opposite of that, which is a CLEC at the end did not
7 accept the number, in which case they're still provided
8 service by FairPoint, but they're not receiving a bill
9 from FairPoint. In each of those instances where
10 there's been any volume associated with it, at this
11 point we've been able to identify the number of
12 accounts that are affected. As long as we can identify
13 the number of accounts affected, we would count it as a
14 known bill. If there was a particular singular
15 customer out there, for example, where that occurred,
16 and we didn't -- we're not aware of it, then we would
17 not count it.

18 MS. BAILEY: Can I ask a follow-up?

19 MS. HATFIELD: Yes.

20 BY MS. BAILEY:

21 Q. Can you quantify how many customers were impacted?

22 A. (Allen) Which --

23 Q. In both categories.

24 A. (Allen) The second group was approximately, the last

1 number I heard, which was the numbers that CLECs did
2 not accept the number, was 804.

3 Q. And, so, the result of that was?

4 A. (Allen) The result of that was that the -- everything
5 was complete to turn the customer over. So, the
6 billing was stopped. But, since they didn't accept the
7 number, it didn't port over or transfer over, the
8 service stayed with FairPoint. We fixed that, this
9 goes back about just shy of a month ago, we fixed it
10 going forward. We had 804, I believe was the number,
11 of orders that were identified that this had occurred
12 with. And, it's a manual process to go back in for the
13 older orders and reestablish them through the billing
14 -- reestablish their billing with FairPoint. So, from
15 a service standpoint, the customer was not affected;
16 from a billing standpoint, they were.

17 The other group, I don't have the number
18 off the top. Rich may. This would be the number
19 affecting --

20 A. (Murtha) I don't have the number off the top of my
21 head. However, when we complete the order, it's issued
22 with a EBD, an Effective Bill Date, and that goes back
23 and ends their billing at that time. So, if it was
24 supposed to be disconnected on June 20th, and the

1 disconnect order missed the cycle, it will go back and
2 effectively end their bill date on that date.

3 Q. But we're talking about customers who continue to
4 receive bills after they had switched to another
5 provider.

6 A. (Witness Murtha nodding affirmatively).

7 Q. So, how many customers were impacted in that way?

8 A. (Murtha) This was the ones where we did not provide --
9 have the BCN. When we had the issue, I think it's four
10 -- I think it was 452 that we had altogether. And,
11 then, we parsed it out and worked with the CLECs to get
12 that updated that was involved.

13 Q. (Allen) Let me maybe intervene. Allow me to get back
14 to you with the number, because I think there were a
15 couple of categories that caused that problem to exist.
16 The 452 was a portion of that. I think that there was
17 another category as well. So, we'll get that.

18 MS. HATFIELD: Thanks. That was
19 helpful.

20 BY MS. HATFIELD:

21 Q. Also on Page six of the Liberty Report, Liberty states
22 that, based on your data, you've met your objective of
23 1 percent or less of bills with known errors. And,
24 then they say "However, this result may be somewhat

1 misleading based on how FairPoint determines what it
2 considers a "known error"." Would you agree with that
3 statement?

4 A. (Allen) I believe what they were referring to was the
5 item I just described, where we had incorrect
6 information for terminating calls. It was right after
7 or right -- that problem existed right before the
8 report was written. I don't want to speak certainly
9 for Liberty. And, as I mentioned before, the way we
10 were calculating the known billing errors was based on
11 anything that had a over or under billing. But, as I
12 also mentioned, we didn't -- we recognize that having
13 the wrong information where a call terminated is
14 damaging and needs to be fixed, and has the same
15 customer impact.

16 Q. So, would you agree that it's somewhat misleading if
17 what you're reporting as known errors doesn't include
18 what people see as an error on their bill?

19 A. (Allen) If that was a normal and widespread occurrence,
20 I would agree with you. That was a very isolated case
21 that's been fixed. And, outside of that, and that one
22 issue that in the call detail it was a big number that
23 happened several months, I'm not aware of anything else
24 that would fall into that category.

- 1 Q. Well, the other example that Liberty points to that we
2 just discussed is this whole issue of customers leaving
3 FairPoint and continuing to get a bill. And, my
4 understanding is you don't consider that as being a
5 "known error"?
- 6 A. (Allen) I think the information that they were probably
7 going with was in the past we knew that that was
8 occurring, but we couldn't quantify what group of
9 customers would fit into that, which customers that it
10 impacted. So, that would have been a true statement.
11 At this point, I believe we do know which customers it
12 affects, when we don't -- we know what customers it
13 affects with a total number, we include it in that
14 number.
- 15 Q. I have one other. On Page 5 of your July 8th Status
16 Report, which is Exhibit 1, in the "Retail Billing"
17 section, which is the last paragraph on that page, you
18 state "As errors are identified they are corrected in
19 the customer's account, and the customer will typically
20 see that adjustment on their next bill." Do you see
21 that?
- 22 A. (Allen) Yes.
- 23 Q. And, I'm sure you're aware that there have been a lot
24 of complaints from customers that they are quite away

1 right now. Thank you very much.

2 BY MR. HUNT:

3 Q. FairPoint reported that from Cutover until March 9th
4 there were a variety of delays in retail billing that
5 caused inconvenience to customers and high levels of
6 dissatisfaction. What was the cause of those
7 particular delays?

8 A. (Nixon) We, as you know, stopped processing orders for
9 approximately from a period of January 31st through
10 February 9th. Brought the systems back up on
11 February 9th. We had anticipated that it would take us
12 several weeks before we could then bring the bill
13 system -- billing systems up and generate a bill. And,
14 what we -- we were able to, by the third week in
15 February, generate our first bill. But it wasn't until
16 the end of the first week, around March 9th or 10th,
17 that we were able to bring our bill cycles back into a
18 current cycle. What that caused is that there were
19 many cases where customers were receiving two bills
20 very close together, and it caused both of the issues,
21 from payment applications to the payments to the bills
22 being received, a myriad of issues. What we were able
23 to track, and I think what's demonstrated, once we went
24 through a -- completed the second bill cycle and into

- 1 the third, there was a direct correlation between the
2 calls into the Call Center and getting those bills back
3 into our normal levels.
- 4 Q. During that period, what was the average period of
5 delay in retail billing?
- 6 A. (Nixon) Would have been -- it would have been probably
7 two weeks.
- 8 Q. How did FairPoint correct that problem?
- 9 A. (Nixon) By bringing the bill cycles back on schedule --
- 10 Q. That was the only thing --
- 11 A. (Nixon) -- by the middle of March.
- 12 Q. That was the only thing that was needed to correct that
13 billing issue?
- 14 A. (Nixon) That's correct.
- 15 Q. And, who at FairPoint was in charge of retail billing
16 from cutover to March 9th?
- 17 A. (Nixon) That would have been -- the person is David
18 Bergeron, who reports to Jane Valik, that would be for
19 retail billing.
- 20 Q. Does that person remain in charge of retail billing?
- 21 A. (Nixon) He does.
- 22 Q. Is FairPoint confident that, as of March 9th, FairPoint
23 began consistently sending bills to customers on time?
- 24 A. (Nixon) We are. I'm not sure about March 9th. It was

1 in that period of time, I'm not sure precisely on that
2 day, but it was in that time.

3 Q. And, how have you verified that that's the case, it
4 would be done?

5 A. (Nixon) We can tell by the schedule of when the bills
6 are on the -- scheduled to go out and when they
7 actually go out. I see, essentially, every three days
8 there's a bill cycle that goes out. So, we can track
9 when they're scheduled to go out and when they actually
10 did go out.

11 Q. And, you mentioned "under billing", "over billing", and
12 a couple of other errors. Can you give us some more
13 examples of what errors FairPoint customers were
14 experiencing on their bills?

15 A. (Allen) There were toll issues, where either the wrong
16 toll amount was put in for a specific product, there
17 were instances where the product make-up, if you will,
18 or the amount charged for a particular product was
19 incorrect. There were -- There were other issues that
20 we discussed before that really were not billing errors
21 with the billing system, but, from the customer
22 perspective they were certainly billing errors. That
23 would be instances of the example that we used before
24 that had a large credit that we had to issue going back

1 to 2005, actually, it was December 2004. There were
2 also issues, if an order was entered incorrectly, or,
3 as we described before, a order from a CLEC was not
4 completed properly. Those caused a billing error. The
5 billing system did what it was supposed to do, but the
6 end result to the customer was a billing error. So,
7 those are some examples.

8 Q. And, do you know how many customers, excuse me, have
9 received incorrect bills since cutover versus retail?

10 A. (Allen) Yes. And, if we took the total from all the
11 Daily Reports, actually, going back before that, I
12 would -- let me put a caveat on that that I don't know,
13 before we started doing the Daily Reports, if we kept
14 track of it that way. But, certainly, since that
15 point, I can tell you how many errors in bills were in
16 there.

17 BY MS. BAILEY:

18 Q. I think the Daily Report shows the percent of billing
19 errors, and we want to know how many customers were
20 impacted. Can you tell us that?

21 A. (Allen) Yes.

22 A. (Nixon) I think we can. One of the surrogates that we
23 use to look at the accuracy of the bill number of
24 customers affected, Vermont, as you know, has a fee

1 that's charged, a credit that we're required to give if
2 there's an inaccurate bill to a customer. And, so,
3 we've been -- I think that started in May. So, as a
4 surrogate or a proxy, for that, you know, I know that
5 that was roughly 2,200 customers through the last two
6 bill cycles in July.

7 Q. Just 2,200 in Vermont?

8 A. (Nixon) In Vermont. Thank you. Again, just as a proxy
9 that we look at, as a indicator of the quality of the
10 bill. And, we can go back and do what you asked.

11 Q. Okay.

12 A. (Nixon) But, again, I use that just as a guide for
13 consumer quality.

14 Q. But Vermont has about half the access lines that New
15 Hampshire has. So, would you expect New Hampshire to
16 have about 4,400 customers?

17 A. (Nixon) Well, on a percent basis, --

18 Q. Yes.

19 A. (Nixon) -- it comes up to be, you know, a little bit
20 less than one percent, which is right about the number
21 that it comes out on for bills with known defects.
22 It's one of the ways to try to tie that back.

23 A. (Allen) And, the percentage that we give is really the
24 math that's associated with Michael described as the

1 numerator and denominator. So, it says "Here's the
2 total number of bills that went out. Here's the ones
3 with known billing errors." So, it would, at least
4 from when we started doing the Daily Reports, it would
5 not be difficult to translate that percentage into
6 numbers of customers.

7 Q. All right. Would you do that please.

8 A. (Allen) Yes.

9 BY MS. BAILEY:

10 Q. So, you're going to figure out the number of customers
11 who have received errors with bills?

12 A. (Allen) Yes.

13 Q. Retail is what Rob started with, and then the next
14 question was going to be wholesale. Can you do that
15 too?

16 A. (Allen) There's a different level of complexity with
17 doing that, in that we -- the billing errors with
18 Wholesale customers are tracked differently. There's
19 obviously, not as many bills and they're larger in
20 size. There's a dispute process. We could certainly
21 go back and identify, out of closed disputes, where the
22 CLECs were ruled successful, if you will, which would
23 -- the reason that that would have existed is we made a
24 mistake on the bill, and let you know what that is. I

1 don't know if the total number of bills would be very
2 indicative of what you were looking for, though.

3 Q. And, also, if there's a lot of open disputes that
4 haven't been determined yet, we really aren't going to
5 get a handle on that. So, how about the number of
6 closed disputes with billing errors and the number of
7 remaining open disputes with CLECs?

8 A. (Allen) We can provide that.

9 MR. MCHUGH: And the number of open --

10 MS. BAILEY: The number of open CLEC
11 disputes. And, maybe we should know the percentage of
12 disputes that are closed that had billing errors.

13 WITNESS MURTHA: The only caveat I'd
14 want to put on that is a lot of disputes that we take in
15 today still are dated prior to cutover. So, I mean, if
16 you're looking for what are in effect, it would have to be
17 that were affected by the bills since cutover, not any of
18 the BANS or issues that were billed for prior to cutover.

19 MS. BAILEY: Okay. So, number of closed
20 disputes with billing errors since cutover, number of open
21 CLEC disputes since cutover --

22 WITNESS MURTHA: But, again, there will
23 be closed disputes since cutover that were in the previous
24 billing system. So, --

1 WITNESS NIXON: You're looking for open
2 and closed.

3 MR. HUNT: We need to have one person
4 speak at a time.

5 WITNESS NIXON: Sorry.

6 WITNESS ALLEN: I believe, and see if
7 this is clear, you're looking for disputes that originated
8 after cutover?

9 MS. BAILEY: Yes.

10 WITNESS ALLEN: That are both open and
11 closed?

12 MS. BAILEY: Yes, except closed that had
13 billing errors.

14 WITNESS ALLEN: Correct.

15 MS. BAILEY: So, you know that the
16 dispute went in favor of the CLEC.

17 WITNESS ALLEN: Right.

18 MS. BAILEY: And, then the percentage of
19 the ones --

20 WITNESS ALLEN: I think what we can
21 provide is we can provide, for disputes that's originated
22 after cutover, which would take out of play what Rich had
23 talked about, and look at both the open and closed
24 disputes that involve billing errors, and maybe that's a

1 good place to start. If there's some follow-up with that,
2 we can look at it. But we can provide that.

3 MS. BAILEY: Okay.

4 MS. BROWNELL: Judy Brownell, BayRing
5 Communications.

6 [Court reporter interruption]

7 MR. HUNT: Just speak loudly please.

8 MS. BROWNELL: Okay.

9 BY MS. BROWNELL:

10 Q. I guess I need to know how you're tracking known issues
11 with respect to CLECs or wholesale billing, because we
12 have -- we have disputes prior to cutover and after
13 cutover, but we also have known billing issues that are
14 separate than disputes.

15 A. (Allen) Okay.

16 Q. Those would be -- we have ACH payments not posted, PAP
17 credits not posted, and, currently, to date, that's
18 nearly a million dollars on our billing alone.
19 Misapplied payments, you know, not posted correctly.
20 Those aren't disputes, I think those are known billing
21 issues. We receive paper bills, electronic bills, they
22 don't match in some instances. And, what happens is,
23 you get a paper bill and then electronic, the paper
24 bill is mainly a summary bill, but the electronic

1 version gives you all the detail of that billing. And,
2 so, sometimes we don't receive an electronic billing,
3 so we can't prove out the bill. So, those are known
4 billing --

5 MS. BAILEY: What is the question?

6 BY MS. BROWNELL:

7 Q. So, the question is, you know, how do you track? What
8 is the difference between a "dispute" and an "incorrect
9 bill"?

10 A. (Murtha) I'd be glad to take that. A "dispute" is
11 where you're coming up and you're disputing an item on
12 your bill, whether it's a USOC or a billing charge.
13 And, we get into that process and we go back and forth,
14 and we agree to disagree or whatnot, and we issue a
15 credit or we rule and say that we disagree with your --
16 with your charge here. The billing issues that you
17 talk of, obviously, we are tracking those as well,
18 which is whether it's regarding a resale BDT file out
19 of Kenan, and, you know, I know we've done, for
20 instance, with BayRing, we've done some reformatting of
21 some BDT files. We've done the access invoices and
22 usage. We've done directory bills. And, there are a
23 list of wholesale billing issues that we do have open,
24 and we do have the number of wholesale billing issues

1 BY MS. BRAGDON:

2 Q. I'm trying to think of another way to get at this. Do
3 you have some measure where you have an amount of
4 dollars that are at issue? Like, is there another way
5 that you're getting at total amount of money that's in
6 -- that either is a known billing dispute or is an
7 issue that you know about that relates to billing that
8 needs to be fixed? Do you quantify that?

9 A. (Allen) Well, certainly, any of the disputes, both the
10 open disputes for the total amount, as well as the
11 resolved disputes and what the total amount of that is,
12 we have that dollar amount. I'm not sure what the rest
13 of the question is.

14 Q. Well, it's that other piece that we're talking about.
15 The issue BayRing was speaking about, in that you know
16 that a certain bill -- well, you've drawn this
17 distinction between "known billing errors" and "issues
18 with bills". It doesn't really work for me, but I'm
19 going with it here. What I'm trying to figure out is
20 whether you can put a dollar amount to both buckets or
21 only one bucket? Because I'm just trying to get at,
22 for the purposes of everybody understanding how much of
23 a problem billing is, is if we can have one number and
24 compare it to a total, we'd have an idea.

1 A. (Lamphere) The total of the discrepancy or the total of
2 the entire bills represented --

3 Q. The total related to known billing issues and other
4 issues that you know about that relate to billing and
5 have dollar amounts associated with them.

6 A. (Allen) I don't believe we have a total total like
7 you're describing.

8 Q. Right.

9 A. (Allen) We have a total for each of the disputes, and
10 then the cumulative of that. We have the total for --
11 by a particular CLEC where there's a discrepancy.
12 Because, again, they're so individualized. And, in
13 many instances, the totals go both ways. There's an
14 awful lot where we have identified something that is
15 yet to be billed for. So, it's not a question of
16 "there's a lot of money going only one way or the
17 other?" It's a question of trying to quantify what
18 that is. So, we know by the CLEC, but there are many
19 CLECs that don't have a billing issue. And, so, that's
20 where it becomes difficult. There's not a universe --
21 on the retail side, you could look at it and say "that
22 product has a problem. It affects everybody that has
23 that product."

24 In the wholesale environment, that is

1 not necessarily -- not "necessarily", it has not been
2 the case. So, some CLECs have bills that are fine.
3 Some use different kinds of services from us. And,
4 consequently, some of those bills are fine and others
5 are not. So, by CLEC, I could tell you what I think,
6 either we have a bill that's in dispute or, well, it
7 would be more or less those categories. But I don't
8 have a quantified total number outside of the dispute
9 number.

10 MS. BAILEY: Do you want to go before
11 your boss or after?

12 MS. BROWNELL: Oh, I'm sorry.

13 [Laughter]

14 FROM THE FLOOR: She didn't know Ben had
15 a question.

16 BY MS. BROWNELL:

17 Q. I do know that 90 percent of our bills are incorrect
18 that we get. And, as we have identified the issues, we
19 have sent e-mails and explained those issues. We met
20 in May, and, here at the Commission, and we went over
21 some of those issues, and I was given contact people.
22 And, today, we still have the same issues. We also
23 asked for a daily report --

24 MR. MCHUGH: Is there going to be a

1 question? Because at some point I was going to say, let
2 us get you the information that we said we could get and
3 let's go from there.

4 BY MS. BROWNELL:

5 Q. Well, the question is, when are the issues going to be
6 addressed and resolved, because they haven't been since
7 really April?

8 A. (Murtha) I'll take it. I know that people from Pat
9 Block's team have been working with you.

10 [Court reporter interruption]

11 BY THE WITNESS:

12 A. (Murtha) From Pat Block's team, the gentleman named
13 Mike Tartagleone has -- I talked to Mike yesterday, and
14 he gave some updated information on the resale BDT
15 information, and continuing to go through. So, Pat
16 Block owns wholesale billing. And, so, it's his team
17 that's working with yours, along with some of the folks
18 from Mike's team, to make sure that we're delivering
19 everything for you. And, they will continue to work
20 with you to resolve those billing issues. I will go
21 back and work with that team again to make sure you're
22 getting what you need, Judy.

23 MR. THAYER: I'm Ben Thayer of BayRing.

24 I just had a question, Jeff, for clarification.

1 BY MR. THAYER:

2 Q. So, as an example, when we make ACH payment after ACH
3 payment after ACH payment, and we don't get it applied
4 to our bills, do you consider that a billing error,
5 because we obviously have to dispute that they're
6 applied? Is that a billing error or is that a dispute?

7 A. (Allen) Well, in the wholesale environment, we don't
8 list out billing errors. So, I don't --

9 Q. So, that's all you can say, you don't have any known
10 billing errors, because you don't list out billing
11 errors?

12 A. (Allen) No, I'm not trying --

13 [Court reporter interruption]

14 BY THE WITNESS:

15 A. (Allen) I try not to use the same measurement category
16 as retail because it doesn't fit, and it would
17 potentially lead to the wrong impression. We don't use
18 that terminology in the wholesale environment. And, as
19 far as, if payments are misapplied, that's an error
20 that we have that I know people are working to fix, I
21 don't know what the current status is.

22 BY MR. THAYER:

23 Q. So, just -- So, there's no such thing as a "known
24 billing error" in the wholesale environment?

1 A. (Allen) We have not used that terminology in describing
2 the wholesale billing because we couldn't find a good
3 way to make it fit.

4 MR. THAYER: Okay.

5 MS. MULLHOLAND: Kath Mullholand, from
6 segTEL.

7 BY MS. MULLHOLAND:

8 Q. Are retail payments and wholesale payments applied by
9 the same group to bills, so that the same group that's
10 responsible for taking in payments and making sure that
11 they get to the right bills?

12 A. (Murtha) They have separate lock boxes for the receipt
13 of the payments. So, they're done by separate people.

14 Q. Okay. Is there a measurement or -- well, is there a
15 goal for how long, from the time you receive a payment,
16 to the time that that would be applied to a bill?

17 A. (Murtha) I'm not sure what the timeframe is, but it's,
18 you know, upon receipt, whether it's electronic or via
19 check or whatnot into the lock box, they're supposed to
20 apply it to your account, to the invoice that you
21 designated. And, if you did not designate an invoice
22 for it to be applied to, they will apply it to the
23 oldest invoice on your account.

24 Q. Okay. And, so, is that something that can be measured,

1 MS. MULLHOLAND: It's been since
2 multiple billing cycles.

3 WITNESS NIXON: Okay. Is it current?
4 Is it a current issue or is it a past issue?

5 MS. MULLHOLAND: It's still a current
6 issue.

7 WITNESS NIXON: Okay. I'll be with them
8 tomorrow.

9 MS. MULLHOLAND: Thank you.

10 WITNESS NIXON: And, will you be here
11 Thursday?

12 MS. MULLHOLAND: Yes.

13 WITNESS NIXON: Okay. Let me see if we
14 can chase that one down, also for BayRing.

15 MS. MULLHOLAND: Thank you.

16 BY MR. LADAM:

17 Q. Jeff, I'd like to get some clarification. You were, if
18 I heard you correctly, you were saying that you don't
19 categorize things as "wholesale billing errors"?

20 A. (Allen) I said that we don't use the same measurement
21 of "known billing errors". I couldn't -- I personally
22 could not figure out a good way to do that.

23 Q. But, if you look at Exhibit 1, I think it is, the
24 report on "Wholesale Billing", it says "We currently

1 don't have any wholesale bill errors" -- "wholesale
2 bills with known billing errors", so you did use that
3 terminology and reported that you had none of them. Is
4 it more accurate to say "we do not categorize wholesale
5 bills in terms of "known billing errors"?"

6 A. (Allen) That would be a better characterization, yes.

7 MR. LADAM: Thank you.

8 BY MS. BRAGDON:

9 Q. Are any of these issues, this specific issue of not
10 applying payments, have any of those been referred to
11 IT? Is there a possibility this is a system issue?

12 A. (Allen) It is not a system issue. It was a -- I think
13 the update that Mr. Nixon mentioned he needs to get is
14 the current status. My understanding is the payments
15 were misapplied. So, it wasn't a question that it was
16 taking months to apply, they were applied to the wrong
17 account. And, it was a process and people issue that
18 has been changed.

19 Q. Okay. So, you're saying that, for example, if I made a
20 payment in February, and I was showing that it wasn't
21 applied to my account, that you've now discovered that
22 perhaps it was applied to BayRing's account, and we're
23 going to fix that? Is that how we're going to account
24 for those missing --

1 A. (Allen) My understanding is it was recognized that
2 there were, and this is what I tried to put in the
3 report, that it was recognized that there were accounts
4 that monies that came in, there were two different
5 issues, in some instances it was applied to the wrong
6 BAN in the same account, there were other issues where
7 it was applied to the wrong CLEC account. And, the
8 process and the people that were associated with doing
9 that in that timeframe have been changed. What I don't
10 know and can't speak to, but I think Mr. Nixon
11 mentioned he would update, is "Is there a current issue
12 and is there a current process of what's going on?" I
13 don't know the answer to that.

14 MS. BRAGDON: Thank you.

15 BY MS. BAILEY:

16 Q. Did you just say that in some cases you received a
17 payment from one CLEC and applied it to the account of
18 another CLEC?

19 A. (Allen) That's my understanding, yes.

20 Q. How did that happen?

21 A. (Allen) It was human error.

22 Q. And, what was done to make sure that doesn't happen
23 again?

24 A. (Allen) The whole -- and, again, I think we're better

1 off waiting till Thursday to get the detail. My
2 understanding was the process of how the payments were
3 applied and the people that were associated with
4 applying them have been changed.

5 Q. And, you're going to tell us the details of that on
6 Thursday?

7 A. (Allen) And, more importantly, what's happening today.

8 Q. Okay. Well, I mean, I really think it's important to
9 understand exactly what FairPoint did to make sure that
10 that doesn't happen again.

11 A. (Allen) I agree. Yes.

12 MS. BAILEY: Okay.

13 MR. HUNT: Do you have a question?

14 MS. BROWNELL: Yes, on that same note.

15 BY MS. BROWNELL:

16 Q. Our most current bills still, I guess, are not seeing
17 those payments that were not applied posted. So, I'm
18 not sure that it is correct. And, that's, I guess,
19 what you need to come back with on Thursday, because
20 I'm still seeing it not applied.

21 A. (Allen) Right. That's what we'll have on Thursday.

22 MS. HATFIELD: Meredith Hatfield, for
23 the OCA.

24 BY MS. HATFIELD:

1 Q. Has that happened on the retail side as well that you
2 are aware of?

3 A. (Allen) Where payments have been misapplied?

4 Q. (Atty. Hatfield nodding affirmatively).

5 A. (Allen) Not that I'm aware of.

6 MR. HUNT: Go ahead.

7 BY MR. GOYETTE:

8 Q. Regarding to applying payments, are you saying that
9 there's two different Accounts Receivable groups that
10 are administering the application of payments, whether
11 it, you know, depending on which lock box it goes to
12 and then it -- can you explain that a little bit more?

13 A. (Allen) I don't know. Again, that's a function in
14 Treasury. I can tell you what I've been told, which is
15 what I put in the report, that some payments were
16 misapplied, and that the processes and people that were
17 associated with doing that have been changed. But
18 exactly how it works and what the flow is and what
19 groups do what, I am not familiar with that.

20 Q. But you'll be able to tell us on Thursday whether there
21 are two different Receivable groups or not? And, if
22 there are that one group, who does what?

23 A. (Nixon) Yes, I think I'm the one who said I'd get you
24 that answer on Thursday, and I'll try to be as

1 comprehensive as I can.

2 MS. CHASE: Julia, from Otel.

3 BY MS. CHASE:

4 Q. Was the CLEC community made aware of this billing issue
5 via an accessible letter or anything? I don't remember
6 any mention of this on the conference calls weekly.

7 A. (Murtha) No.

8 BY MS. BAILEY:

9 Q. Was there a reason why they weren't informed?

10 A. (Murtha) I think we were under the understanding that
11 the misapplied that -- where one CLEC's was applied to
12 another CLEC's account only impacted one customer. It
13 was not something that was across-the-board. There
14 were some other misapplications, but that was internal
15 to the same CLEC, and it went for invoices. So, it was
16 only the one, one issue for where one CLEC's payment
17 was misapplied to another CLEC's account.

18 BY MR. MCHUGH:

19 Q. Has that been fixed, Mr. Murtha?

20 A. (Murtha) To my understanding, yes.

21 MS. CHASE: Just a follow-up on that.

22 BY MS. CHASE:

23 Q. I'm not in the Billing, I'm in the Provisioning
24 Department, but it was made aware to me that we have

1 payments where the check was cashed, but was not
2 applied to our account. Had we known this information,
3 we might have delved a little deeper to make sure that
4 that didn't happen to us.

5 MR. HUNT: Any other follow-ups?

6 (No verbal response)

7 BY MR. HUNT:

8 Q. Again, to retail billing. One day last week FairPoint
9 reported a very large billing adjustment amount that it
10 had to do to correct a billing error. Can you tell us
11 what led to that occurring.

12 A. (Haga) I got it. We had 32 accounts that represented
13 1.3 million of that. These were large business
14 accounts, and it had to deal with minimum spend levels.
15 So, they were accounts, large business accounts, with a
16 parent/child relationship between the master corporate
17 account and all the children accounts. The minimum
18 spend level was associated with usage, and that minimum
19 spend level was supposed to be applied as a total
20 across all of the child accounts. For these 32
21 accounts, that minimum spend level applied to each of
22 the child accounts. So, we had billed the minimum,
23 since, for each child did not hit that minimum spend
24 level, we had billed for that minimum spend level. So,

1 that's why it's a significant amount, because typically
2 you'll find that the account has one particular office
3 or two offices that accounts for the majority of the
4 long distance usage. The other accounts are just used
5 to level things out.

6 Hence, 32 corporate accounts that
7 represented several different business locations of
8 which we over billed, which represented the
9 \$1.3 million credits that went out. The other credits
10 were just normal course of business, which I didn't
11 investigate each individual item for, \$20 here, \$200
12 here, and so forth.

13 Q. How did it happen?

14 A. (Haga) It was a -- one was a misunderstanding of how
15 the MSLs, the Minimum Spend Level Program worked. When
16 we recognized mid March that we were not doing it
17 correct, that's where we corrected how the -- we have
18 not had the -- we corrected the issue in mid March. It
19 has taken us a while to actually calculate the actual
20 adjustments, because you have to look at each
21 individual account, the number of usage spent on each
22 individual accounts, sum it across all the subaccounts,
23 compare it to the minimum spend level, and then go back
24 to the subaccount and get the actual correct adjustment

1 on them. So, it took us a while to actually come up
2 with the actual adjustment to bring the account -- to
3 bring the account whole. But the correction in the
4 systems was done mid March.

5 BY MS. BAILEY:

6 Q. And that billing error --

7 MS. BAILEY: Never mind.

8 BY MR. HUNT:

9 Q. My question is, with both aspects of that, has it been
10 corrected?

11 A. (Haga) Yes.

12 Q. There are no problems that exist associated with that
13 particular error?

14 A. (Haga) That particular product? Correct.

15 Q. And, who was responsible for that occurring?

16 A. (Haga) For it occurring?

17 Q. Yes. How is it that that could happen and who is in
18 charge of that particular item?

19 A. (Haga) We got several -- We've got several groups to
20 come together. We've got our products organization to
21 understand those products, provide the requirements,
22 ensure that we bill the product correctly in the
23 application. Then, you've got Dave Bergeron we
24 mentioned, which is our Director of Billing. He's got

1 responsibility to make sure that, once we have that
2 understanding of how the product works, to make sure
3 the billing works appropriately. And, then, from a
4 system configuration standpoint, that falls into the IT
5 organization. So, it's several people working together
6 that actually work to set it up.

7 And, then, once it was recognized that
8 those accounts were incorrect, that was brought to
9 Mr. Bergeron's attention, and we worked with Dave to
10 figure out total impacts, worked with the -- to
11 calculate the adjustments, and then work with him to
12 apply the adjustments, because it impacted so many
13 accounts.

14 BY MR. GOYETTE:

15 Q. How long -- What was the timeframe between you being
16 notified by, I imagine, the enterprises that had the
17 issue, the companies, notifying you that their bills
18 were incorrect, and the time that it took to correct
19 the problem?

20 MR. MCHUGH: The systems problem, David,
21 or the money application?

22 MR. GOYETTE: Well, the money problem
23 first.

24 BY MR. GOYETTE:

- 1 Q. To put the customer at ease, I guess is what I mean?
- 2 A. (Haga) There was a lot of conversations that took place
3 prior to it being presented to my organization, so I
4 can't give you the duration, because I don't know when
5 it was first reported to somebody in the organization
6 and when we started to actually work the issue and try
7 to determine the dollar amount. So, I don't know the
8 timeline on that.
- 9 Q. But the issue was fixed in mid March or so?
- 10 A. (Haga) Correct.
- 11 Q. And, when did the -- when were you first aware, not
12 maybe you, but any of you aware that the issue was an
13 issue?
- 14 A. (Haga) I'd have to go back when it was reported. We
15 logged all of the issues that were reported to us,
16 reported to Billing, which, you know, Mr. Bergeron was
17 the keeper of that issues list, and he worked with us,
18 if we needed some help from IT resources to calculate a
19 mass adjustment or perform mass adjustments.
- 20 Q. But the cutover happened at the end of -- the beginning
21 of February, right?
- 22 A. (Haga) Correct.
- 23 Q. So, was it an issue with the new system or was it
24 something from the old system?

1 A. (Haga) It was an issue of how we configured the system
2 to apply the charges for the product.

3 Q. In the new system?

4 A. (Haga) Correct.

5 Q. So, it was no greater than six weeks?

6 A. (Nixon) Let me just interject for a second, almost by
7 definition, because we didn't get back to a normal bill
8 cycle and the cycle of the bills didn't start going out
9 really until the very last week in February and early
10 in March, we can confirm that it would, if Mr. Haga is
11 right that this was discovered and fixed by mid March,
12 it sounds to me like it was probably caught in the
13 first bill cycle, but we can check that out, almost by
14 definition of when we started getting those cycles back
15 in order.

16 BY MS. BAILEY:

17 Q. Can you confirm this affected "32 large business
18 customers"? Is that what you said?

19 A. (Haga) Yes, I can send you the list of accounts, the
20 dollar amount per account. We've done all that
21 calculation.

22 Q. Well, I just want to know how many customers it
23 impacted?

24 A. (Haga) Yes, we can send that to you.

1 MS. BAILEY: Okay.

2 MR. GOYETTE: I do have one follow-up on
3 this.

4 BY MR. GOYETTE:

5 Q. The fix that was made in the system, was it more
6 difficult than some of the CLEC fixes that are hand, at
7 issue right now?

8 A. (Haga) That's an opinion that it's more difficult. It
9 is a challenging product. The product doesn't fit real
10 well in our system. It is -- So, to solve for
11 providing -- providing the product inside of our Kenan
12 VP application, which is our retail billing
13 application, that was a challenge. But was it --
14 comparing it to other issues, I don't know how to even
15 start to do that comparison.

16 BY MS. BAILEY:

17 Q. Can you tell me why, if you fixed the system, the
18 billing error, basically, in March, why it took until
19 July to figure out the credit and get the money back to
20 the customers?

21 A. (Haga) I thought I attempted to answer that. It's that
22 we have to go to every subaccount.

23 Q. Okay.

24 A. (Haga) We've got to look at the usage that that

1 subaccount generated in that particular bill cycle.
2 Add those amounts for all the subaccounts, total it up,
3 compare it to the MSL, and then go back to the
4 subaccounts and provide the credit for each of those
5 subaccounts. So, it was a lengthy exercise to do all
6 those, and to confirm and verify.

7 A. (Allen) One other point, and I could verify this, but I
8 think it is highly likely that the customers in this
9 instance would have service managers and account
10 managers dealt with us right when they got their first
11 bill and recognized the error. I would feel pretty
12 certain that there were no monies exchanged at that
13 point. That they just put that -- that bill aside
14 until we could reconcile it, and then the
15 reconciliation. So, I think, and especially if after
16 that the bill was fixed on the next bill cycle, the
17 customer could get back to a normal operation, it was
18 really just a question of reconciling the one billing
19 error.

20 MS. BAILEY: Thank you.

21 MR. THAYER: Ben Thayer, BayRing. I
22 just had one follow up, follow-up question, Jeff.

23 BY MR. THAYER:

24 Q. When did you find out that you had misapplied --

1 [Court reporter interruption]

2 BY MR. THAYER:

3 Q. When did FairPoint determine they had misapplied our
4 ACH payments?

5 A. (Allen) I don't know specifically that we misapplied
6 your payments.

7 Q. You said "only one CLEC", and ours haven't been
8 applied.

9 A. (Allen) I didn't say that.

10 Q. Or Rich.

11 A. (Allen) What I was told by Treasury was, when I asked
12 about some items that I had heard anecdotally, from
13 Liberty and from others, that there may be some other
14 billing errors before I put this together, I checked,
15 this is one I had heard of, I checked with some folks
16 at Treasury, they said "Yes, there have been some
17 misapplied payments." There was a process change and a
18 people change since then, and that's what I represented
19 here. That's why I say I really don't know much more
20 detail on that.

21 Q. But, if there was only one CLEC --

22 A. (Allen) I don't know that that --

23 Q. Well, Rich, can you answer? Can you say that again?
24 You said there was "only one CLEC"?

1 A. (Murtha) What I told was that it applied to, well, it's
2 two CLECs, because, obviously, if one CLEC received the
3 other CLEC's --

4 Q. Are we one of them?

5 A. (Allen) I don't know.

6 Q. Rich, do you know?

7 A. (Murtha) You were one of them.

8 Q. Is there any reason you didn't tell us?

9 A. (Murtha) You know, I was under -- I thought that you
10 were being talked to about it, that that's where it
11 came from. That's how I was brought into it. But I
12 will dig back into the issue and provide an update on
13 Thursday.

14 MR. THAYER: Thank you.

15 MR. HUNT: Okay.

16 RE: WHOLESALE BILLING

17 BY MR. HUNT:

18 Q. FairPoint reports that some resale bills were delayed
19 in their delivery for several months, and that is in
20 the first section of the "Wholesale Billing" section of
21 the report. What was the cause of that several month
22 delay? You may have already answered this, but I
23 didn't hear you.

24 A. (Allen) The cause of it, I don't know.

- 1 A. (Nixon) Mike, was that the BDT?
- 2 A. (Haga) I'm not sure. Can you repeat the question?
- 3 Q. Yes. FairPoint reports, in the "Wholesale Billing"
- 4 section of the report, that some resale bills were
- 5 delayed in their delivery for several months. And, I
- 6 was just trying to find out what would have caused
- 7 that?
- 8 A. (Haga) Yes. It was a combination of the electronic
- 9 version of the statement. There were also bills that
- 10 we were having trouble actually with actually billing,
- 11 building or compiling the bill itself. And, we also
- 12 had a number of bills, from a conversion standpoint, we
- 13 converted them with a setting we refer to as the "bill
- 14 disposition method" that actually said "Do not print."
- 15 So, as we were processing the bill cycle, it would go
- 16 to "Do not print", it wouldn't generate a statement and
- 17 no bill was being sent. So, it was a combination of
- 18 three that caused the delays.
- 19 Q. How many of those resale bills were delayed for several
- 20 months?
- 21 A. (Haga) I don't know the counts of that. I would have
- 22 to go back to Mr. Bergeron to get those counts.
- 23 Q. Could you provide that?
- 24 A. (Witness Haga nodding affirmatively).

- 1 Q. And, what was done to correct that problem?
- 2 A. (Haga) I would have to do the same.
- 3 Q. Please do. Thank you. Do you know whether the CLECs
4 agree that the problems with these particular bills,
5 these bills that were several months late, has been
6 resolved?
- 7 A. (Murtha) I would say that there are still some issues
8 on the resale BDTs, and that we're working with each of
9 the individual CLECs on their resale BDT issues,
10 because, as Mr. Allen said before, some of them are
11 receiving bills in and they're fine. Some of them have
12 some formatting issues with the format of the BDT.
13 And, then, as Mr. Haga just said, we had some that were
14 not being -- not being mailed that we are -- that we
15 have begun mailing. So, there are some issues that are
16 still outstanding.
- 17 Q. And, referring to, again, to the "Wholesale Billing"
18 section of the report, Status Report, what was the
19 cause of the delay in access billing?
- 20 A. (Murtha) On the CDG side, you know, I'd have to talk
21 with Mr. Block on that.
- 22 Q. And, would you also have to find out if I wanted to
23 know what was done to correct that problem?
- 24 A. (Murtha) Yes.

1 Q. Could you do that?

2 A. (Murtha) Yes.

3 MR. MCHUGH: Rob, what was -- could I
4 get that again, just so I can --

5 MR. HUNT: The first question was "what
6 was the cause of the delay in access billing? And, "what
7 was done to correct that problem?"

8 MR. MCHUGH: Got it. Thank you.

9 MR. HUNT: You're welcome.

10 WITNESS HAGA: Can I get -- Where in the
11 report does it indicate that the access billing was late?

12 MR. MCHUGH: It's on the top of the
13 page, under "Wholesale Billing".

14 MR. HUNT: It didn't use the phrase
15 "late", "delay". And, that's what I was asking about.

16 WITNESS LAMPHERE: Oh, I'm thinking
17 ASRs.

18 MR. MCHUGH: It says "and a few CLECs
19 experienced a delay in receiving their access bills."

20 (Multiple parties speaking at the same
21 time.)

22 MR. HUNT: One person at a time please.

23 Do we need to go off the record to figure this out?

24 MR. MCHUGH: No, we've got the request.

1 MS. HOLLENBERG: "Inaudible".

2 MR. McHUGH: We're all right.

3 BY MR. HUNT:

4 Q. From FairPoint's perspective, are CLECs still receiving
5 inaccurate, incomplete or late bills from FairPoint?

6 A. (Allen) In some instances, yes.

7 Q. How many?

8 A. (Allen) I don't know.

9 Q. Why?

10 A. (Allen) I think it's a combination of the things that
11 we're looking to try to find out right now. You've
12 asked if the -- all of the resale bills are currently
13 being delivered, if they're accurate, you asked the
14 same thing about the access bills. And, until we can
15 validate and verify what the status of those are, I
16 wouldn't feel comfortable saying that we're delivering
17 all bills accurately to CLECs.

18 BY MS. BAILEY:

19 Q. Do you think it might be helpful to have Mr. Block here
20 on Thursday?

21 A. (Allen) Perhaps.

22 Q. If he's available, can you --

23 A. (Allen) Let me see --

24 (Multiple parties speaking at the same

1 time.)

2 MS. BAILEY: Okay.

3 BY MR. HUNT:

4 Q. Did FairPoint's wholesale billing experts admit to
5 known billing errors in last week's Wholesale User
6 Forum?

7 A. (Murtha) They talked about and itemized the wholesale
8 billing issues and provided me a log and an update from
9 the Users Forum last Wednesday. They also worked with
10 the CLEC community on a number of items that they
11 believe were closed out as well.

12 BY MS. BAILEY:

13 Q. In addition to the information that you're going to
14 provide about the number of open CLEC disputes
15 originated after cutover and the number closed by
16 disputes originated after cutover with billing errors,
17 can you tell us how that compares with the number of
18 open billing disputes prior to cutover? Not today, but
19 --

20 A. (Allen) I can't -- well, when I looked at it before to
21 try to come up with something, and this goes back
22 several, well, it goes back I think a month or so ago,
23 the problem was there was virtually no clean-up of
24 billing disputes or disputes with Verizon when they had

1 them. So, I couldn't come up with an accurate
2 assessment of how many valid open billing disputes
3 there were at a given point in time and compare them.

4 And, I don't know if, Rich, if you have
5 anything you could --

6 A. (Murtha) No, I absolutely agree with Mr. Allen. The
7 database that we assumed from Verizon was never parsed
8 of the disputes that were in there and the open
9 disputes that remained that dated back and continued
10 that were still being faced with were challenges from
11 2005, 2006, etcetera, it's not accurate. It would be a
12 skewed number at best.

13 BY MR. HUNT:

14 Q. Has FairPoint performed an inventory with each of its
15 wholesale customers to determine whether they have
16 received all of the bills, including access bills, that
17 they expected to receive?

18 A. (Murtha) I know that at this time Mr. Block is
19 researching and doing a, you know, a compare to ensure,
20 and working with the wholesale providers, to what we
21 have identified or what are missing bills, and he's
22 working with BANS, etcetera, with the CLECs to ensure
23 that they're receiving all of their bills.

24 Q. Who's actually in charge of Wholesale Billing?

1 A. (Murtha) Pat Block, who reports to Jane Valik.

2 Q. How long has Pat Block been in charge?

3 A. (Murtha) Pat's been here just under two years.

4 A. (Allen) Prior to cutover.

5 Q. On to "late pending orders".

6 MS. BROWNELL: I do have one --

7 MR. HUNT: Excuse me. Do you have a
8 question or a comment?

9 MS. BROWNELL: Both.

10 MR. HUNT: Okay. Let's move it along
11 though, okay?

12 MS. BROWNELL: Sure. Quick.

13 BY MS. BROWNELL:

14 Q. Back to the Verizon dispute that --

15 [Court reporter interruption]

16 BY MS. BROWNELL:

17 Q. Yes. With regards to the FairPoint -- the Verizon
18 disputes that were brought over after conversion, what
19 we're experiencing is the PON numbers are being
20 changed, and all of our disputes are being denied
21 because we only have the original PON number from
22 Verizon. And, we're told that we need to provide paper
23 copies of those PONs, the original PONs, in order for
24 you to re-entertain the dispute. Is that going to be

1 the case going forward?

2 A. (Allen) I don't know.

3 A. (Murtha) I'll have to get you an update on that. I'll
4 meet with and find out about that, because the PON
5 number was a purchase order number between you all and
6 Verizon at the time, and the PONs did not come over to
7 us. The customer information is in the system. We
8 could work on the customer accounts that you want to
9 dispute, but we would not have access to the PON
10 number.

11 BY MS. BAILEY:

12 Q. Aren't you supposed to get all of those records from
13 Verizon?

14 A. (Murtha) But the PON was something that's -- the
15 account is intact. We have the account. We have the
16 customer's information. We have the billing. But, as
17 far as the piece of paper that ordered that order, we
18 don't have that.

19 Q. And, you need that, because that's the way that the
20 billing disputes are tracked?

21 A. (Murtha) The bill is set up by the telephone number or
22 by a BAN. It's not set up by the PON number.

23 MS. BAILEY: Go ahead.

24 BY MS. BROWNELL:

1 Q. Excuse me. But the dispute references the PON number.

2 A. (Murtha) But it should also -- it should have the
3 telephone number associated with it.

4 Q. The PON number is what is the driving force, and all of
5 those disputes are being denied because you don't have
6 their numbers.

7 A. (Murtha) I will have Erin Irish, who owns the Dispute
8 team, reach out and work with BayRing on this issue,
9 and we'll see if we can't get it resolved.

10 BY MS. BAILEY:

11 Q. Well, I want to hear about this on Thursday.

12 A. (Murtha) Okay.

13 Q. Because this seems like a big deal to me. And, it
14 wouldn't be just BayRing.

15 A. (Murtha) No.

16 RE: LATE PENDING ORDERS

17 BY MR. HUNT:

18 Q. FairPoint stated that a significant problem it has had
19 since cutover has been the ability to deliver service
20 on time. Have you heard from and could you please
21 describe the impact that your -- FairPoint's inability
22 to deliver service on time has had on customers?

23 A. (Allen) I think, in general, it is the best of worlds,
24 where we haven't delivered on time, it's inconvenienced

1 customers in some instances. It's hurt them in more
2 ways than that. The customers have given us
3 transactions to complete, whether that's adding
4 service, changing service, or deleting service. And,
5 in some instances, where that's not done on time, it
6 has a negative impact on the customer. So, it's
7 something that, obviously, is unacceptable and is a
8 very negative customer service result.

9 Q. Well, has the number of late orders, for example, been
10 increasing for retail and wholesale service since the
11 end of June?

12 A. (Allen) No. It did increase during the end of June and
13 beginning of July, and has decreased since then. And,
14 currently, it is at the lowest level since cutover.

15 Q. And, what level is that? Can you please describe or
16 quantify that?

17 A. (Allen) I'm going to give this to Mr. Lamphere.

18 Q. Sure.

19 A. (Lamphere) So, right now, our total late pending
20 orders, this is close of business numbers yesterday,
21 were 4,780. I don't have that broken down like we did
22 in the Status Report for "held in the system", "held
23 for customer reasons", etcetera. Those numbers have
24 changed since this report, obviously. The number of

1 orders that are available for FairPoint action has
2 changed since then. But the backlog has dropped now to
3 a total of 4,780.

4 Q. Now, backing up to April 14th, which is referred to in
5 the Status Report, of the 13,999 orders that were past
6 due at that time, do you know how many of those were
7 small business retail customers?

8 A. (Lamphere) I do not.

9 Q. Do you have that data?

10 A. (Lamphere) I'm not sure we do have that data, actually.
11 I mean, we can categorize it just like we always have
12 by retail POTS, retail DSL, or residential, whatever
13 service type, but not product set.

14 Q. So, if you don't have that data, is it fair to say that
15 FairPoint isn't really doing anything to address the
16 adverse impact that these past due orders are having
17 on, for example, small business customers?

18 A. (Lamphere) No that's not fair to say at all, actually.

19 Q. Why not?

20 A. (Lamphere) Because we're not categorizing the late
21 orders by product. We're doing it by customer type.
22 So, your first question wasn't by customer, it was by
23 product. We've categorized them by residential,
24 business, internal, and wholesale. And, we can

1 certainly tell you, of the 13,999 in April, how many of
2 those were residential, how many of those were
3 business, and how many were wholesale. But a better
4 gauge of that is to look at the Daily Report, and that
5 breaks it down by product category. And, that tells
6 you exactly, just like Bob mentioned earlier, that the
7 number of ASRs has appeared to -- have kind of leveled
8 off, and we have noticed the decrease there that we
9 have in residential, or LSRs, let's say. So, that's a
10 more accurate gauge of where the past due order totals
11 are either increasing or decreasing daily.

12 A. (Allen) And, if I could add to that. Each customer
13 transaction, again, keep in mind, when it says "order",
14 it's a request to do something. It may be a record
15 change, it may be adding a service, it may be
16 disconnecting service. The way we prioritize them is
17 not by if it comes from a business customer or a
18 residential customer or a wholesale customer, it's
19 based on when it comes in and the request is there.
20 So, I think you would run a pretty high risk if you
21 were to forgo trying to service residential customers
22 for the sake of servicing business customers. So, the
23 focus is to handle the first -- the latest orders
24 first, get the current orders in on time, and

1 ultimately totally reduce the backlog.

2 MR. HUNT: Go ahead.

3 MS. FOLEY: I'm sorry. I'll defer to
4 Staff.

5 MR. HUNT: Go ahead.

6 MS. FOLEY: Paula Foley, One
7 Communications.

8 BY MS. FOLEY:

9 Q. Of the 4,780 orders you said are late pending as of
10 close of business yesterday, could you break that down
11 into residential, business, and wholesale?

12 A. (Lamphere) Yes. Not right here, I can't. But I'll
13 have to bring that back. But, yes, I can.

14 BY MR. GOYETTE:

15 Q. Earlier, in the discussion about the 32 accounts, --

16 [Court reporter interruption]

17 MR. GOYETTE: Sorry.

18 BY MR. GOYETTE:

19 Q. Earlier, Rich, you had discussed the 32 large accounts
20 that were -- for which billing issues were because of
21 the, you know, the child/parent issue. And, it was a
22 -- I don't know if it was a Customer Service Rep that
23 works specifically with each enterprise? Was that the
24 case?

- 1 A. (Murtha) Mike brought that up.
- 2 Q. Oh. Sorry. Was it a Customer Service Rep that worked
3 with each of the -- I'm going to something, but was it
4 a Customer Service Rep that handled that issue for each
5 of the enterprises?
- 6 A. (Haga) Again, I wasn't aware of how the issue was
7 brought into our organization. I was brought into it
8 by Dave Bergeron. So, he had the dialogue with
9 Customer Service. He brought it to our attention and
10 said "Hey, we're not writing this right." And, we've
11 got to go through and figure out the credit that needed
12 to be applied, as well as correct how the system was
13 configured in the first place.
- 14 A. (Allen) Typically, large customers have account teams.
- 15 Q. Right.
- 16 A. (Allen) Which would encompass a account manager and, in
17 some instances, a service manager.
- 18 Q. So, when a large enterprise has an order that they're,
19 I guess, submitting, does that go into a -- does that
20 come directly from the enterprise or does that go to an
21 account team?
- 22 A. (Allen) All right. Let me clarify, the account team
23 would be involved in identifying what the needs of the
24 customer are, and helping them define what services

1 they may want to have. The actual order
2 processing/order writing of that order is done by a
3 Customer Service Rep, the same way it would be done in
4 any of the channels of business that we have.

5 Q. So, does the large enterprise's team then interact with
6 the Customer Service Rep when that takes place or does
7 the enterprise themselves speak directly to the CSR?

8 A. (Allen) It's -- well, Rich could add to it, but
9 typically it's done by e-mail. The orders that come
10 into the Large Business Center would typically come in
11 through that vehicle. Typically, in the Consumer,
12 obviously, it's by a phone call is the more common way
13 that those folks order. And, in the wholesale
14 environment, it's either through an EDI or a Synchronous
15 gateway.

16 Q. So, regarding the large enterprise, do they send the
17 e-mail to the CSR or to their team?

18 A. (Murtha) I'll take that. I have a team of specialists
19 and service managers in the Large Business or
20 Enterprise arena that work directly with the large
21 enterprise customer and the account management team.
22 The specialist works with the account manager to
23 understand what it is that the customer is looking for.
24 My specialist then works directly with a CSR to get the

1 MR. GOYETTE: Thank you.

2 MR. HUNT: Okay. It's approaching 5:00.
3 We're going to call it a day for today, and resume on
4 Thursday, at 9:00.

5 (Technical session adjourned at 5:00
6 p.m., to resume on July 30, 2009.)

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10 C E R T I F I C A T E

11

12 I, Steven E. Patnaude, a Licensed Court
13 Reporter and Notary Public for the State of New
14 Hampshire, do hereby certify that the foregoing is
15 a true and accurate transcript of the technical
16 session regarding DT 07-011, taken at the place
and on the date hereinbefore set forth, to the
best of my skill and ability under the
conditions present at the time.

16

17 I further certify that I am neither attorney
18 or counsel for, nor related to or employed by any
19 of the parties to the action in which this
deposition was taken; and further, that I am not
a relative or employee of any attorney or counsel
employed in this case, nor am I financially
interested in this action.

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Steven E. Patnaude, LCR
(N.H. LCR No. 52; RSA 331-B)

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