

**AFFIDAVIT OF WENDY C. WILUSZ  
ON BEHALF OF BAYRING COMMUNICATIONS**

Wendy C. Wilusz, being duly sworn, deposes and states as follows:

1. My name is Wendy C. Wilusz. I am the Director of Operations at Freedom Ring Communications, LLC d/b/a BayRing Communications ("BayRing"). BayRing is located at 359 Corporate Drive, Portsmouth, NH.
2. BayRing provides local and long distance telecommunications services in New Hampshire through a combination of its own facilities and network elements, collocation and interconnection services purchased from FairPoint.
3. I am responsible for all BayRing network operations which include our provisioning, installation, maintenance and repair departments all of which interface with FairPoint systems and staff. I am also responsible for the review and approval of invoices related to these departments.
4. Prior to the purchase of assets between FairPoint and Verizon, BayRing was dependent on Verizon for non-discriminatory access to Verizon's Operational Support Systems ("OSS") for ordering, provisioning, maintenance and repair, and billing for network elements, collocation, and interconnection services.
5. FairPoint is now providing BayRing with access to these services by way of a Transition Services Agreement ("TSA") with Verizon.
6. Once FairPoint is permitted to cutover from Verizon's OSS to FairPoint's new OSS, BayRing will be entirely dependent on FairPoint for ordering, provisioning, maintenance and repair, and billing.
7. I have been the primary point of coordination between BayRing and FairPoint as related to the testing of FairPoint's systems for the purpose of connectivity between the companies for everything from order entry to billing, and for user training.
8. I have attended most Wholesale User forum meetings and am an active participant in the CLEC collaborative group organized to jointly address and understand the FairPoint cutover plan. I have read the Three-State FairPoint Cutover Monitoring Statement of Scope, the FairPoint Cutover Monitoring Status Report issued by the Liberty Consulting Group, dated November 12, 2008 ("Liberty's November Status Report"), the FairPoint Communications Provisional Notice of Cutover Readiness and Rebuttal issued on November 12, 2008, and the revised Wholesale Cutover Communications Plan issued by FairPoint Communications on November 13, 2008. Most of my comments will focus on Liberty's November 2008 Status Report.
9. Liberty's November 2008 Status Report states that "FairPoint has demonstrated satisfaction of the cutover readiness criteria in all areas except CLEC testing, business process documentation, and training." Liberty goes on to state that it "believes that the status of business process

development and training is sufficiently advanced to support a conclusion that the lack of complete satisfaction of these cutover readiness criteria does not constitute a significant impediment to FairPoints declaring cutover readiness.”

#### CLEC TESTING

10. In its November Report, The Liberty Group notes at page 3 that the testing environments for CLECs were “intentionally designed to restrict access to only a subset of the operations support systems applications and data” and that “some of the restrictions have hampered the effectiveness and efficiency of the testing.” I agree. The lack of parity between FairPoint’s internal testing environment and that for CLECs has created many problems that must be addressed prior to FairPoints irrevocable notice of cutover.
11. Liberty states that they have made live observations of test cases considered successfully passed by Capgemini, although producing incorrect results. Liberty considers one cause of these observed incorrect results to be the complexity of maintaining consistency in the various testing environments. I agree. Removing the limitations on CLEC testing so that it more closely matches FairPoints internal testing may provide more consistent test results and provide more time to test new scenarios instead of putting CLECs in the position of having to repeat failed or flawed tests. As I will explain below, time to test was at a premium and prevented BayRing from testing everything we would have liked to test.
12. Liberty states that “Wholesale users do not execute all test cases that are made available to them. Instead they choose the ones they will execute among those offered by Fairpoint based upon their individual needs.” This may be a true statement but needs some clarification. First, BayRing was limited to testing the wholesale interface and the back-end FairPoint systems used for initial order entry and for trouble tickets. BayRing was not permitted to test any of the subsequent processing to complete provisioning, initiate billing, update databases, or complete the processing of trouble tickets. Unlike FairPoints internal testing, end-to-end testing is simply not included in the CLEC test environment. In my opinion, CLECs ought to be permitted to test on an end-to-end basis.
13. Second, BayRing was not free to choose the transactions and scenarios they want to test, but was required to choose from a test-bed created by FairPoint. The Liberty Group’s Report acknowledges that “the source “test bed” data that can be used is highly restricted, and flexibility in running the scenarios is very limited.”
14. Third, BayRing’s decision to selectively test scenarios from FairPoints test-bed was largely determined by the restrictions imposed by FairPoint on time allotted to test. When we began testing, we were limited to a two-hour window. We took advantage of all the time that was made available. There was no way for BayRing to successfully navigate through all test scenarios in the given 2 hour allotments, regardless of how many additional time slots were added. The error rate was higher than we expected, whether they were processing errors,

access errors, or defects. This resulted in even less time to test. Recently, FairPoint expanded the test window for three hours and BayRing intends to keep testing.

15. Another example of the limitations placed on BayRing that do not appear to apply to FairPoint's internal testing occurred during the most recent round of testing. FairPoint provided a conference bridge for support. Our staff was directed not to submit anything in an "error status," but rather to identify the error for the FairPoint support on the conference bridge, which, in turn, resulted in instructions on how to force the system to accept the order so the error could be fixed. In addition to taking up additional time, this process raises some question about the accuracy of testing results.

16. In order to satisfy this criterion, the Liberty Group believes FairPoint must:

- Add and allow the CLECs to execute additional test cases that would provide coverage of the scenarios that are most important for EDI users; this could be accomplished through the addition of seven new test cases which some EDI users have recommended and indicated that would meet their business needs and which Liberty understands FairPoint intends to introduce;
- Internally test or provide a means for CLECs to test all forms of EDI response messages, including those that can originate in the back-end systems, such as rejects, jeopardy notices, provisioning completion notices, and design layout records;
- Provide evidence to Liberty that the CLEC testing scenarios sufficiently mirror the historical range of wholesale transactions in the northern New England States.

17. Although I certainly agree that more work needs to be done to satisfy this criterion, I do not believe the Liberty Group's action list is sufficient. The problems with the lack of end-to-end testing for CLECs, the restrictive test bed, the time limitations and error rates and constraints placed on BayRing for testing apply equally to carriers like BayRing that use the web GUI interface and not just with EDI users. BayRing needs proof that a CLEC order can originate in the web GUI and process through the system without errors needing to be "fixed" through the back end to billing and allow the CLEC to see the results.

18. According to the Liberty Group's Report, at page 14, as of November 9, there were eight open defects, none of which are severity 1 or 2 defects, and FairPoint reports that all of these defects have been fixed and are ready for retesting by the CLEC testers." The Liberty Group's November 2008 Report also exposed the existence of inconsistent test results and errors in tester reporting. This is of concern to me. Liberty relied heavily on Capgemini and FairPoint reported test results which were in direct conflict to the results that CLECs such as BayRing were

reporting. In any event, we have not had sufficient opportunity to retest the defects that FairPoint claims have been fixed.

19. BayRing's testing, as controlled and limited as it has been, has revealed a number of problems with FairPoint's OSS that I believe need to be resolved. For example, service responses do not list the features associated with installations of loops, hot cuts and disconnects. Nor do they come with pair, cable and telephone number information or circuit reference. Nor do they indicate where the loop is installed or the customer's name. Further, it was discussed in the training session that there won't be a separate way to pull the order. Currently, Verizon's systems permit us to print and look at the actual order to determine if what's confirmed is what we ordered. I understand that FairPoint is working on a solution for this however nothing has been provided to us to date. The lack of a resolution to this creates excessive manual work and documentation.
20. I am also very concerned about testing related to billing. The discussion in the Liberty Report in this area is brief. It states that additional rounds of testing have occasionally revealed "minor" billing errors. The ramification of ANY billing errors needs to be closely scrutinized because the impact on CLECs and end-users can be highly problematic and extremely time-consuming to resolve. Customers lose faith quickly when they receive inaccurate bills. The impact on CLECs of receiving inaccurate wholesale bills could be overwhelming, depending on the number of disputes that are generated.
21. The Liberty Report recommends that FairPoint modify its hot cut process to address the concerns raised by CLECs, providing an acceptable workaround by cutover and a more permanent solution after cutover. I agree, but the permanent solution must be resolved prior to cutover. Every time a UNE-loop provider, such as BayRing, wins a small business customer from the ILEC it requires a hot cut. If it is not done properly, it will result in a service disruption. Lengthy service disruptions are not acceptable.
22. We have had good results with Verizon's WPTS hot cut process and would like to be able to continue using it or a FairPoint process that mirrors it. Historically, we also have had the use of 877HOTCUTS, which was utilized during the 72 hours following the cut for these issues. Verizon eliminated this feature several months ago and apparently FairPoint won't be supporting it either, instead the issue goes to Verizon's RCCC. The unresolved issue is that if a customer is disconnected after the RCCC's typical business hours, there is no recourse or support until normal business hours. A repair ticket can't be generated because the order is usually still open within the RCCC's systems preventing a trouble ticket from being opened as that department sees the service as a pending order. This current process does not provide for an acceptable response or experience for the customer.
23. In its Supplemental Statement Concerning Notice of Cutover Readiness, dated November 18, FairPoint has described a hot cut process. I have briefly reviewed their proposal and it may have

merit but I believe that it would be helpful if BayRing and FairPoint could test it to see if it works. FairPoints hot cut proposal does not address the afterhours issue described above.

### **TRAINING**

24. It is my understanding that the Liberty Group did not review the training provided by FairPoint to CLECs or consider the time that CLECs would need to be able to review and digest the training materials prior to cutover.
25. As will be described below, BayRing has encountered substantial deficiencies with FairPoints training. Training thus far has been limited to Resale and LNP orders. We have not had the opportunity to explore the T-1 process. The Pre-order transaction training only covered Address Validations and reserving Telephone Numbers. Training on the extrapolation and reading of Customer Service Records to date has been neglected as has the instruction on how to read Loop Qualifications, and pull Directory Listing information using the FairPoint GUI. These skills are the foundation required in order to place an order with FairPoint. The lack of comprehensive training in the area of Directory Listings carries a yearlong hardship for customers if the result is misprinted or omitted information.
26. FairPoints train-the-trainer sessions attended by our staff to address these areas demonstrated how to pull an address validation, however the result of following the training instruction yielded a system failure due to the sample being populated with MD (Maryland) instead of ME (Maine). This demonstrates a lack of attention to detail that has been consistent with what has been delivered to BayRing.
27. FairPoints training does not appear to be well thought out and organized. The information used to populate the data fields (provided by FairPoint) is inaccurate or incomplete causing their examples to "error out." This, in turn, requires manual intervention of FairPoint staff to push through the order to avoid the order from erroring out. My staff is not benefiting from training that provides them a process and clear understanding of functionality. As noted above in connection with testing, BayRing participants were required to activate a conference bridge with FairPoint and were instructed not to submit any order sample in an error status. Instead, we were instructed to notify the support staff on the bridge so further instruction would be provided on the data to be entered, forcing the system to accept it so FairPoint could fix the error.

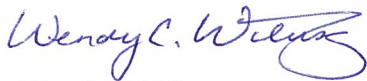
### **THE DARK PERIOD**

28. BayRing is concerned about the embargo of orders that FairPoint is proposing in connection with the so called dark period--that period of time during which Verizon's systems have been shut off and FairPoints systems are not yet up and running.
29. As noted in the Liberty Group's November Report, FairPoint has proposed a voluntary embargo of orders that would be due to complete during the dark period, which is currently scheduled to

be from January 23 through January 30. FairPoint has also proposed extending the intervals for installations and has indicated in its Wholesale Cutover Communications Plan, dated November 13, 2008, that it plans to request relief from the Maine, New Hampshire and Vermont regulatory agencies from any absolute interval requirements for the month in which the Cutover begins, the month in which the Cutover is completed, and the month following cutover completion.

30. BayRing opposes FairPoints proposals in connection with the dark period because it tends to impede and delay the choice that customers have made to leave FairPoint in favor of BayRing. It also attempts to modify the PAP.
31. This affidavit has been prepared by me or under my direct supervision. To the best of my knowledge, it is true, accurate and complete.

Respectfully submitted;



Wendy C. Wilusz

Director of Operations

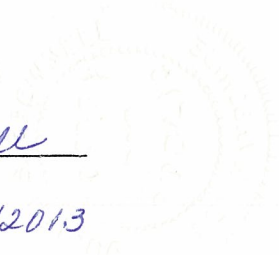
BayRing Communications

November 18, 2008

STATE OF NEW HAMPSHIRE

COUNTY OF ROCKINGHAM

Personally appeared before me on November 20, 2008, the above named Wendy C. Wilusz, as Director of Operations at Freedom Ring Communications, LLC d/b/a BayRing Communications, and made out that the foregoing statements are true, accurate and complete to the best of his knowledge and belief.

  
Maith J. Brownell  
Notary Public  
My Commission Expires: 4/19/2013