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orig files
C 04-C-0882
copy:
AJ Caclin

January 28, 2005

BY Overnight Delivery and Electronic Mail

Hon. Robert R. Garlin
Administrative Law Judge
New York Public Service Commission
Three Empire State Plaza
Albany, NY 12223

Re: Case 04-C-0882, Complaint of A.R.C. Network, Inc, et al v. Verizon New York

Dear Judge Garlin:

On behalf of the Complainants, A.R.C. Networks, Inc. d/b/a InfoHighway Communications Corporation, BridgeCom International Inc., Broadview Networks, Inc., BullsEye Telecom, Inc., Choice One Communications of New York Inc., Covad Communications Company and Trinsic Communications Inc. (fka Z-Tel Communications, Inc.) and Intervenor Intelcom Solutions, Inc. (collectively the "CLECs"), the following issues and intended/requested witnesses are provided in response to the direction Your Honor gave at the December 15, 2004, procedural conference in this docket. We understand that this information will be used by the Commission staff and the parties in preparing for the technical conference designed to address the need for and nature of appropriate prospective relief in this proceeding. Depending upon the scheduling of the technical conference, and the personal schedules of the named proposed witnesses, the CLECs reserve the right to substitute their witnesses.

Where known, the CLECs have named certain Verizon personnel and request that they appear at the conference prepared to address any of the issues identified below on which they have knowledge or responsive and relevant information. The CLECs understand that Verizon may identify additional persons to address these issues at the technical conference as well.

ack/p

For the Backbilling, Inaccurate Billing, and Insufficient Bill Detail Issues identified in the table below, the following questions should be addressed by the CLECs and/or Verizon, as appropriate:

1. What is the nature of the billing problem? Is the problem interrelated with other problematic Verizon billing practices and procedures?
2. How frequently does the problem occur and over what period?
3. When the problem occurs, what additional costs or burdens are imposed upon the affected CLEC to address the problem?
4. What procedures or systems, if any, has the CLEC had to put in place to address or account for the problem?
5. What effect, if any, has the problem had on your business?
6. What effect, if any, has the problem had on the relationship between the CLEC and its customers?
7. What has Verizon done to remedy the problem?

The following questions should be addressed by Verizon witnesses:

1. When and how did Verizon first become aware of each of the problems identified in the table below?
2. If Verizon claimed to have corrected the problem, has the problem recurred after Verizon claimed that it has been fixed?
3. Why does the problem occur?
4. What processes does Verizon use to identify charges from previous billing periods that have not yet been billed? Does Verizon issue bills for such charges as soon as it becomes aware that the charges have not yet been billed? If not, why are there delays?
5. What documentation must be in place before Verizon will issue a backbill? What controls does Verizon have in place to ensure that the backbills are supportable with documentation? What controls are being developed and when will they be implemented?

6. What controls, if any, does Verizon have in place to ensure that it does not double bill? What controls are being developed and when will they be implemented?
7. What controls, if any, does Verizon have in place to ensure that bills are issued only for active services (*i.e.*, Verizon is not billing for lines that have been discontinued or transferred to another carrier and is not billing for lines the CLEC has not ordered)? What controls are being developed and when will they be implemented?
8. What controls, if any, does Verizon have in place to ensure that it correctly and timely posts payments and credits? What controls are being developed and when will they be implemented?
9. What controls, if any, does Verizon have in place to ensure that bills are issued using current and effective charges (*i.e.*, invoices do not reflect charges that have not yet become effective or that are no longer effective)? What controls are being developed and when will they be implemented?
10. What controls, if any, does Verizon have in place to ensure that invoices are complete, with sufficient descriptive information and detail? What controls are being developed and when will they be implemented?
11. What controls, if any, does Verizon have in place to ensure that trouble tickets related to billing are resolved in a timely and accurate manner? What controls are being developed and when will they be implemented?
12. What controls, if any, does Verizon have in place to ensure that late payment charges are not imposed on disputed amounts and amounts for which credits have been issued or payment has been received? What controls are being developed and when will they be implemented?
13. What controls, if any, does Verizon have in place to properly track billing disputes? What controls are being developed and when will they be implemented?
14. What resources and systems does Verizon have to handle the billing disputes it receives in a fair, reasonable, and timely manner?
15. What controls, if any, does Verizon have in place to ensure that it does not seek to collect disputed amounts? What controls are being developed and when will they be implemented?

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16. What are Verizon's billing practices and procedures for its wholesale and retail customers and how do they compare?

I. BACKBILLING ISSUES

Issue	Complainant Witness	Verizon Witness ¹
(a) Month-to-Month Backbilling (including failure to provide adequate supporting detail with backbills)	Theresita Lamb, Trinsic Valerie Cardwell/Michael Clancy, Covad James Lennon, Broadview Henry Fiorillo, Intelcom Michael Carey, InfoHighway Thad Pellino, BridgeCom	Jeff Noto, Billing Claims Lisa Boyle, Verizon
(b) Significant or Industry-Wide Backbilling (including failure to provide adequate supporting detail with backbills)	Valerie Cardwell/Michael Clancy, Covad James Lennon/Arthur Barone, Broadview Michael Carey, InfoHighway Thad Pellino, BridgeCom Henry Fiorillo, Intelcom	Jeff Noto, Billing Claims Lisa Boyle, Verizon
(c) Dispatch and "Customer Not Ready" (installation and maintenance) charges billed several years after date charge was incurred; includes failure to provide adequate supporting detail with backbills.	Theresita Lamb, Trinsic Michael Carey, InfoHighway Thad Pellino, BridgeCom Steve Mowers, ChoiceOne Joseph Klepp, BullsEye Henry Fiorillo, Intelcom James Lennon, Broadview	Jeff Noto, Billing Claims Lisa Boyle, Verizon Karen Parrillo, Billing Claims
(d) Verizon's failure to issue bills except upon carrier request	Joseph Klepp, BullsEye Michael Carey, InfoHighway Henry Fiorillo, Intelcom	
(e) Address reasons why specific		Jeff Noto, Billing

¹ Although the CLECs have identified Verizon witnesses to provide information on certain issues, the CLECs do not mean to imply that additional Verizon witnesses (including but not limited to those that are identified as having information on other issues) do not have information on the issues that would be relevant to the Commission, the ALJ, staff, and the parties. The CLECs expect that the Verizon witnesses will bring additional persons, as necessary, in addition to those identified in this table to address the questions listed above and the issues identified in the table.

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Issue	Complainant Witness	Verizon Witness¹
industry backbills identified in the Complaint and affidavits were required and wholesale billing in general cannot be timely		Claims; Steve Petito, Manager – Bill Processing Verizon Wholesale Billing Support

II. INACCURATE BILLING

Issue	Complainant Witness	Verizon Witness
(f) Continued billing of customers after disconnection	Theresita Lamb, Trinsic Wayne Alves, Broadview Henry Fiorillo, Intelcom Michael Carey, InfoHighway Thad Pellino, BridgeCom Steve Mowers, ChoiceOne	Lori Kalcic, Billing Claims; Lisa Boyle, Verizon Brian Weingarten, Billing Claims
(g) Verizon bills the same charges multiple times; double-billing (billing both end users and CLEC for the same charges, numbers assigned to another carrier, etc)	Valerie Cardwell/Michael Clancy, Covad Michael Carey, InfoHighway Thad Pellino, BridgeCom Wayne Alves, Broadview	Lori Kalcic, Billing Claims; Lisa Boyle, Verizon
(h) Verizon unable to post payments to correct BAN and invoice number	Valerie Cardwell/Michael Clancy, Covad James Lennon/Drew Kuruc, Broadview Steve Mowers, ChoiceOne	Dave Blackmore, Verizon Collections Ellen Horgan, Verizon Collections
(i) Verizon billing for unapproved charges	Valerie Cardwell/Michael Clancy, Covad Joseph Klepp, BullsEye James Lennon/Arthur Barone, Broadview	Lori Kalcic, Billing Claims
(j) Total Usage Charges on Verizon invoices often exceed the Detailed Usage Charges on invoices	Arthur Barone, Broadview	Rita LaBrutto, Billing Claims
(k) Verizon unable to accurately populate all required data on BDT or provide invoice information in BDT format.	Arthur Barone, Broadview	Steve Petito, Wholesale Billing Support; Rita LaBrutto, Billing Claims
(l) Verizon bills charges to incorrect platforms	Arthur Barone, Broadview	Rita LaBrutto, Billing Claims

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Issue	Complainant Witness	Verizon Witness
(m) Application of charges to a fictitious Circuit ID	Arthur Barone, Broadview	Rita LaBrutto, Billing Claims
(n) Inappropriate billing of taxes on wholesale bills	Michael Carey, InfoHighway. Thad Pellino, BridgeCom Steve Mowers, ChoiceOne James Lennon, Broadview	Lisa Boyle, Verizon Lori Kalcic, Billing Claims
(o) Billing at incorrect rates (such as failure to implement rate changes).	James Lennon, Broadview Arthur Barone, Broadview Joseph Klepp, BullsEye	Rita LaBrutto, Billing Claims; Hope Galunas, Billing Claims
(p) Incorrect application of charges	James Lennon, Broadview Arthur Barone, Broadview	Lori Kalcic, Billing Claims, Hope Galunas, Billing Claims Rita LaBrutto, Billing Claims
(q) Incorrect billing of maintenance charges	James Lennon, Broadview Valerie Cardwell/Michael Carey, Covad	
(r) Efforts required by CLECs to address inaccurate billing	Steve Mowers, ChoiceOne Theresita Lamb, Trinsic Valerie Cardwell/Michael Clancy, Covad James Lennon, Broadview Henry Fiorillo, Intelcom Michael Carey, InfoHighway Thad Pellino, BridgeCom Joseph Klepp, BullsEye	Lisa Boyle, Verizon

III. INSUFFICIENT BILL DETAIL

Issue	Complainant Witness	Verizon Witness
(aa) No description of product or service	Theresita Lamb, Trinsic	
(bb) Invalid rate zone for loops	Theresita Lamb, Trinsic	
(cc) No purchase order number (PON) associated with new install or change order	Theresita Lamb, Trinsic	
(dd) Inaccurate/incomplete DUF information	Wayne Alves, Broadview	
(ee) No identification of circuits on backbills	Valerie Cardwell/Michael Clancy, Covad Thad Pellino, BridgeCom James Lennon, Broadview	Lisa Boyle, Verizon
(ff) Verizon fails to provide supporting detail, <i>i.e.</i> , circuit ID data	Michael Carey, InfoHighway Joseph Klepp, BullsEye Arthur Barone, Broadview	
(gg) Adjustments made to carryover balance without prior notice or supporting detail ("Fluctuating Balances" or "Orphan Accounts")	Arthur Barone, Broadview	
(hh) Verizon fails to adhere to industry standard bill format (CABS BOS)	Arthur Barone, Broadview	Steve Petito, Wholesale Billing Support
(ii) Verizon fails to provide invoice level accounting detail for many BANs generated in its CRIS system.	James Lennon/Drew Kuruc	Dave Blackmore, Verizon Collections
(jj) Posting of charges to "Other credits and charges" section without detail	James Lennon, Broadview Steve Mowers, ChoiceOne	Lori Kalcic, Billing Claims
(kk) Verizon unable to timely resolve trouble tickets related to billing	Arthur Barone, Broadview Steve Mowers, ChoiceOne	Rita LaBrutto, Billing Claims

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Issue	Complainant Witness	Verizon Witness
(II) Efforts taken by the CLECs to address lack of sufficient billing detail	Theresita Lamb, Trinsic Valerie Cardwell/Michael Clancy, Covad James Lennon, Broadview Henry Fiorillo, Intelecom Michael Carey, InfoHighway Thad Pellino, BridgeCom Joseph Klepp, BullsEye Steve Mowers, ChoiceOne	Lisa Boyle, Verizon

IV. FLAWED DISPUTE RESOLUTION PROCEDURES

Issue	Complainant Witness	Verizon Witness
(mm) Disputes closed out as "Valid as Billed" - no elaboration or detail provided	Michael Carey, InfoHighway Brian Crotty, BridgeCom Steve Mowers, ChoiceOne Henry Fiorillo, Intelcom James Lennon, Broadview	Lisa Boyle, Verizon
(nn) Claims denied as duplicates due to Verizon assignment of duplicate claim numbers	Theresita Lamb, Trinsic James Lennon, Broadview	
(oo) Failure to accurately and/or timely post credits and payments or identify them on subsequent bills	Theresita Lamb, Trinsic Michael Carey, InfoHighway Brian Crotty, BridgeCom Steve Mowers, ChoiceOne Henry Fiorillo, Intelcom James Lennon/Drew Kuruc, Broadview	Dave Blackmore, Verizon Collections; Lisa Boyle, Verizon; Jeff Noto, Rita LaBrutto Hope Galunas, and Lori Kalcic, Billing Claims Ellen Horgan, Verizon Collections
(pp) Verizon's dispute resolution procedures are inadequate to handle the number of disputes filed.	Valerie Cardwell/Michael Clancy, Covad James Lennon, Broadview	
(qq) Late payment charges imposed on disputed amounts and on amounts for which credits have been issued	Michael Carey, InfoHighway Brian Crotty, BridgeCom Valerie Cardwell/Michael Clancy, Covad James Lennon, Broadview	Lisa Boyle, Verizon
(rr) Inconsistent review and resolution of identical claims	Michael Carey, InfoHighway Brian Crotty, BridgeCom James Lennon, Broadview	Lisa Boyle, Verizon
(ss) Lapse in "Pending Credit" status creates "Undisputed Past Due" status which in turn initiates another dispute	Steve Mowers, ChoiceOne James Lennon, Broadview	Ellen Horgan, Verizon Collections

Issue	Complainant Witness	Verizon Witness
(tt) Verizon unable to accurately track open disputes	James Lennon, Broadview	Steve Petito, Wholesale Billing Support
(uu) Verizon attempts to collect disputed amounts	Theresita Lamb, Trinsic James Lennon/Drew Kuruc, Broadview Henry Fiorillo, Intelcom	Dave Blackmore, Verizon Collections
(vv) Verizon unable to correct/fix prospective billing even after acknowledging charge billed incorrectly	James Lennon, Broadview Arthur Barone, Broadview Steve Mowers, ChoiceOne	Rita LaBrutto, Hope Galunas, Lori Kalcic, Billing Claims
(ww) Dispute resolution process is arduous, lengthy, and largely unproductive unless disputes are escalated to a certain level.	James Lennon, Broadview	Jeff Noto, Rita LaBrutto, Hope Galunas, Billing Claims
(xx) Nature of unnecessary burdens imposed on CLECs due to flawed dispute resolution process	Theresita Lamb, Trinsic Valerie Cardwell/Michael Clancy, Covad James Lennon, Broadview Henry Fiorillo, Intelcom Michael Carey, InfoHighway Brian Crotty, BridgeCom Joseph Klepp, BullsEye Steve Mowers, ChoiceOne	

V. IMPACT OF VERIZON'S BILLING PRACTICES ON COMPETITORS

(yy) Effect of Verizon's backbilling and bad billing practices on the CLECs' business, operations, costs, and ability to compete.	Brian Crotty, BridgeCom Michael Hou, Broadview Valerie Cardwell, Covad Michael Carey, InfoHighway Steve Mowers, ChoiceOne Joseph Klepp, BullsEye Theresita Lamb, Trinsic Henry Fiorillo, Intelcom	
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The CLECs look forward to the upcoming technical conference and believe that the information they can provide regarding the issues identified herein will be of invaluable assistance to the Commission in conducting this proceeding and formulating appropriate relief in this docket. By making prospective changes to Verizon's defective billing practices and procedures, and providing means by which Verizon's compliance can be effectively and efficiently enforced, the Commission will help set right an important element for the continued development of a competitive market in the State of New York.

Please do not hesitate to contact the undersigned if there are any questions.

Respectfully submitted,



Edward A. Yorkgitis, Jr.
Harry M. Davidow

*Counsel for Complainants A.R.C. Networks Inc.
d/b/a InfoHighway Communications Corporation,
BridgeCom International Inc., Broadview
Networks, Inc., BullsEye Telecom, Inc., Choice One
Communications of New York Inc., Covad
Communications Company and Trinsic
Communications Inc. (fka Z-Tel Communications,
Inc.) and Intervenor Intelcom Solutions, Inc.*

cc: Jaclyn Brilling, Secretary, New York Public Service Commission
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