

Exhibit No:
Issues:
Witness: Roman A. Smith
Type of Exhibit: Direct Testimony
Sponsoring Party: Southwestern Bell
Telephone, L.P., d/b/a/
SBC Missouri
Case No: TO-2005-0336

SOUTHWESTERN BELL TELEPHONE, L.P.,
d/b/a SBC MISSOURI

CASE NO. TO-2005-0336

DIRECT TESTIMONY

OF

ROMAN A. SMITH

Dallas, Texas
May 9, 2005

1 refuse to complete any pending orders for additional space or service. If the breach
2 continues for 60 days following the receipt of SBC Missouri's notice, SBC Missouri has
3 the right to repossess the Dedicated Space and expel the Collocator. WilTel's
4 unreasonable proposal would allow it to continue to submit new applications for service
5 once the notice has been sent by SBC Missouri, leaving SBC with no remedy for the
6 breach. This should be rejected by the Commission.

7 **WilTel Issue 13:** *When should WilTel pay SBC for Custom Work Charges?*

8 **Q. PLEASE EXPLAIN THE ISSUE AND SBC MISSOURI'S POSITION ON THIS**
9 **ISSUE.**

10 **A.** This issue is premised on WilTel's unreasonable position to dispute that when 50% of
11 Custom Work is completed, WilTel should be responsible at that time (rather than later,
12 e.g., at completion) to pay 50% of the Customer Work Charges. Custom Work is
13 considered outside the normal work that is done to prepare collocation space. Such work
14 is only undertaken at the request of the CLEC and would not ever be constructed for
15 another CLEC, for example, painting a collocation cage green. SBC Missouri reasonably
16 seeks to recover half of its already incurred expenses for such customer-requested work
17 at the half way point of construction. SBC Missouri provides a quote with intervals to
18 WilTel prior to commencement of construction. Therefore, WilTel will know when 50%
19 of the Custom Work is completed and 50% of Custom Charges are due to SBC Missouri.
20 The remaining 50 percent is due upon completion.

21 **V. RESALE ISSUES**

22 **CLEC Coalition Resale Issue 1**

23 **Issue Statement:** *Should the agreement contain a separate pricing list for the*
24 *items available for resale?*

25 **CLEC Coalition Pricing Issue 4**