CONFIDENTIAL

DECLASSIFIED 3.15.06

ATTACHMENT C

BellSouth Telecommunications, Inc.
FPSC Docket No. 020507-TL
Request for Confidential Classification
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12/17/02

REQUEST FOR CONFIDENTIAL CLASSIFICATION OF THE DIRECT TESTIMONY OF JOHN A RUSCILLI, PAGES 13 AND 14 FILED NOVEMBER 26, 2002, IN FLORIDA DOCKET NO. 020507-TL

ONE HIGHLIGHTED COPY

declas 3-15-06

This confidentiality request was filed by or for a "telco" for DN 13752-02. No ruling is required unless the material is subject to a request per 119.07, FS, or is admitted in the record per Rule 25-22.006(8)(b), FAC.
(x-ref. 13015-02)

SERVICE TO END USERS WHO DESIRE TO RECEIVE VOICE SERVICE FROM A CARRIER OTHER THAN BELLSOUTH." IS FCCA CORRECT?

A. No. While it is true that BellSouth does not provide FastAccess over a UNE loop or UNE-P, BellSouth will provide its FastAccess service over a line on which an ALEC is reselling BellSouth's voice service. As explained above, a resold line is a BellSouth provided exchange access line facility that would allow a customer to receive voice service from an ALEC reseller and BellSouth-provided DSL service over the same line.

If an ALEC were serious about serving a residential customer that wished to retain BellSouth's DSL service, the ALEC could provide local voice service to that customer over a resold line. By utilizing the resale alternative, the ALEC could further expand its local customer base. If, at some later point, the ALEC served a significant number of voice customers over resold lines out of a particular central office or remote terminal, the ALEC could elect to collocate a small DSLAM at that central office or remote terminal, convert the resold lines to UNE-P arrangements, and use the collocated DSLAM to provide DSL service to those customers.

Q. HAVE ALECS BEEN SUCCESSFUL IN FLORIDA IN PROVIDING VOICE SERVICE ON A RESALE BASIS, WITH BELLSOUTH CONTINUING TO PROVIDE ITS DSL SERVICE ON THE SAME LINES?

A. Yes. As of the end of October 2002, ALECs were providing voice service to ***PROPRIETARY 10,901 PROPRIETARY*** of their end user customers over resold lines within the state of Florida that were also carrying BellSouth's wholesale DSL

1 transport service. Included in that total were ***PROPRIETARY** 4,977
2 **PROPRIETARY*** resold lines also carrying BellSouth FastAccess.
3
4 ***Issue 3: Do any of the practices identified in Issue 2 violate state or federal law?***
5
6 Q. WHAT IS BELLSOUTH'S POSITION ON THIS ISSUE?
7
8 A. None of the practices identified in Issue 2 violates state or federal law. As discussed
9 under Issue 2, the FCC has found that BellSouth's DSL practices are not discriminatory
10 or anticompetitive. Further, the Florida statutes do not confer upon the Commission the
11 authority to regulate BellSouth's nonregulated, nontelecommunications services, which
12 includes BellSouth's FastAccess DSL service. However, in addition to asking this
13 Commission to unduly expand its jurisdiction by requiring that BellSouth change the
14 terms and conditions of its FCC tariff or by regulating the terms and conditions of an
15 unregulated service, the FCCA does not stop there. For the Commission to make a
16 determination of the competitive or anticompetitive nature of BellSouth's DSL policy, it
17 would have to address whether BellSouth has a monopoly in the provision of its DSL
18 service. As we will discuss below, since BellSouth does not have such a monopoly, such
19 a determination would amount to extending the Commission's jurisdiction to regulation
20 of the provision of all broadband services, including cable modem service.
21
22 Q. ON PAGE 3, AND PAGES 6-9 OF ITS PETITION, THE FCCA ALLEGES THAT
23 BELLSOUTH'S DSL PRACTICE "IS A BARRIER TO COMPETITION AND
24 INTERFERES WITH CONSUMERS' ABILITY TO SELECT THE PROVIDER OF
25 CHOICE." DO YOU AGREE?