

ORIGINAL



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October 21, 2003

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

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Re: Docket No. 030851-TP  
Implementation of requirements arising from Federal Communications  
Commission's triennial UNE Review: Local Circuit Switching for Mass Market  
Customers

Docket No. 030852-TP  
Implementation of requirements arising from Federal Communications  
Commission's triennial UNE Review: Location-Specific Review for DS1, DS3,  
and Dark Fiber Loops and Route-Specific Review for DS1, DS3 and Dark Fiber  
Transport

Dear Ms. Bayo:

Please find enclosed for filing an original and 15 copies of Verizon Florida Inc.'s  
Tentative Issues List in the above matters. Service has been made as indicated on the  
Certificate of Service. If there are any questions regarding this filing, please contact me  
at 813-483-1256.

Sincerely,

Richard A. Chapkis

RAC:tas

Enclosures

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of Verizon Florida Inc.'s Tentative Issues List in Docket Nos. 030851-TP and 030852-TP were sent via electronic mail and overnight delivery on October 21, 2003 to:

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Richard A. Chapkis

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
from Federal Communications Commission's )  
triennial UNE Review: Local Circuit Switching )  
for Mass Market Customers )  
\_\_\_\_\_ )

Docket No. 030851-TP  
Filed: October 21, 2003

In re: Implementation of requirements arising )  
from Federal Communications Commission's )  
triennial UNE Review: Location-Specific )  
Review for DS1, DS3, and Dark Fiber Loops )  
and Route-Specific Review for DS1, DS3 and )  
Dark Fiber Transport )  
\_\_\_\_\_ )

Docket No. 030852-TP

**VERIZON FLORIDA INC.'S TENTATIVE ISSUES LIST**

Pursuant to the Notice, issued by the Florida Public Service Commission ("Commission") on October 17, 2003, Verizon Florida Inc. ("Verizon") submits the following list of issues that are relevant to the portion of the Commission's proceedings in which Verizon intends to participate.

Verizon has previously informed the Commission that it intends during this nine-month proceeding to rely solely on the "first step" of the Federal Communications Commission's ("FCC") "two-step" impairment review process. *Triennial Review Order* ¶ 494 ("We expect state commissions to follow a two-step process in determining whether to find 'no impairment' in a particular market."). This first step is to apply the objective triggers set forth by the FCC. These triggers, which are the "principal mechanism" for determining impairment, are "keyed to objective data" and "provide bright-line rules" for determining impairment. *Triennial Review Order* ¶ 498. The triggers are based on the simple idea that the Commission should not have to determine non-impairment based on *theory* if the CLECs are themselves demonstrating non-impairment by their behavior

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in *fact*. *Triennial Review Process* ¶ 461 (“Our triggers are based on our conclusion that actual deployment is the best indicator of whether there is impairment . . .”). If the FCC’s objective triggers are met, then a finding of no impairment is required and the impairment case need not go any further. AT&T is therefore correct in its recent letter to the Commission that these triggers have the potential to “short-circuit[]” the proceedings.<sup>1</sup> That is precisely the point; they are a summary device provided by the FCC so that state commissions “can avoid delays caused by protracted proceedings and can minimize administrative burdens.” *Triennial Review Order* ¶ 403.

The list of proposed issues set forth by Verizon below does not include all of the issues that might be relevant for a more extensive second-step “potential impairment” analysis; instead, this list consists only of those issues relevant for a nine-month case based on the FCC’s objective triggers. That is the case Verizon intends to bring the Commission.

### **Switching for mass market customers**

**Issue 1:** Does any carrier intend to challenge the FCC’s presumption that CLECs are impaired without access to unbundled switching for mass market customers?

**Issue 2: Triggers:** If the answer to Issue 1 is “yes,” is either of the FCC’s two objective triggers, which the state commission must apply first in determining whether there is impairment in a given market, and which are based on actual deployment of switches, satisfied? *Triennial Review Order* ¶ 498.

(a) **The Self-Provisioning Trigger:** Are there three or more carriers, unaffiliated with the ILEC or each other (including intermodal alternatives), serving mass market

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<sup>1</sup> October 16, 2003 Letter from AT&T to the Commission Clerk and Administrative Services, Florida Public Service Commission at 1.

customers in a particular market using their own switches? If so, the Commission must make a finding of no impairment. *Triennial Review Order* ¶ 501.

(b) **Competitive Wholesale Facilities Trigger:** Are there two or more competitive wholesale suppliers of unbundled local circuit switching, unaffiliated with the ILEC or each other, in a given market? If so, the Commission must make a finding of no impairment. *Triennial Review Order* ¶ 504.

**Issue 3: Relevant Market:** Is the ILEC's proposed definition of the relevant geographic market(s) for a particular trigger acceptable? In determining this issue, the Commission must consider the locations of customers being served by competitors, the variation in factors affecting competitors' ability to serve each group of customers, and competitors' ability to target and serve specific markets economically and efficiently using current available technologies. *Triennial Review Order* ¶ 495.

**Issue 4: The "Cross Over" Point:** For purposes of the Commission's impairment analysis, is there a specific "cross over" point at which it makes economic sense for a multi-line DS0 loop customer to be served by a DS1 loop? *Triennial Review Order* ¶ 497.

**Issue 5: Batch Hot Cut Process:** For each market in Verizon's territory where the Commission has been asked to determine whether there is impairment, is Verizon's current hot cut process sufficient to process "batches" of unbundled loops? If the answer to this question is "yes," the Commission must make this an explicit finding; if the answer to this question is "no," what is an adequate batch cut process for the Verizon territories in which it has asked the Commission to determine impairment. *Triennial Review Order* ¶¶ 488-90.

## **Dedicated Transport**

**Issue 1:** Does any carrier intend to challenge the FCC's finding of impairment for DS1 transport? If so, is the FCC's trigger for this network element, which the Commission must apply, met? Are there two or more CLECs along a route that are willing to provide dedicated DS1 transport on a wholesale basis? If so, the Commission must make a finding of no impairment. *Triennial Review Order* ¶¶ 412 & 409.

**Issue 2:** Does any carrier intend to challenge the FCC's finding of impairment for DS3 transport? If so, is the FCC's trigger for this network element, which the Commission must apply, met? Specifically, are there two or more CLECs along a route that are willing to provide dedicated DS3 transport on a wholesale basis *or* are there three or more CLECs who have deployed their own facilities and are operationally ready to use such facilities (or a combination of wholesale providers and self providers)? If so, the Commission must make a finding of no impairment. *Triennial Review Order* ¶¶ 405-16.

**Issue 3:** Does any carrier intend to challenge the FCC's finding of impairment for dark fiber? If so, is the FCC's trigger for this network element, which the Commission must apply, met? Specifically, are there two or more CLECs along a route that are willing to provide dark fiber on a wholesale basis *or* three or more CLECs that have deployed their own dark fiber facilities? If so, the Commission must make a finding of no impairment. *Triennial Review Order* ¶¶ 405-16.

## **High capacity loops**

**Issue 1:** Does any carrier intend to challenge the FCC's presumption that CLECs are impaired without access to dark fiber loops? If so, is one of the FCC's two triggers for this network element, which the Commission must apply, met? Is the specific customer

location at issue served by two or more unaffiliated CLECs with their own loop transmission facilities (including intermodal or intramodal facilities) at the relevant loop capacity level *or* are there two or more unaffiliated competitive providers (apart from the ILEC's network, but including intermodal alternatives) that have deployed transmission facilities to CLECs on a wholesale basis at the same capacity level? *Triennial Review Order* ¶¶ 328-38.

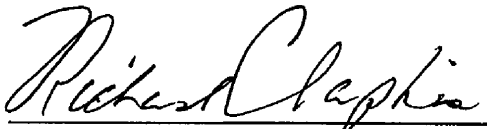
**Issue 2:** Does any carrier intend to challenge the FCC's presumption that CLECs are impaired without access to DS3 loops? If so, is one of the FCC's two triggers for this network element, which the Commission must apply, met? Is the specific customer location at issue served by two or more unaffiliated CLECs with their own loop transmission facilities (including intermodal or intramodal facilities) at the relevant loop capacity level *or* are there two or more unaffiliated competitive providers (apart from the ILEC's network, but including intermodal alternatives) that have deployed transmission facilities to CLECs on a wholesale basis at the same capacity level? *Triennial Review Order* ¶¶ 328-38.

**Issue 3:** Does any carrier intend to challenge the FCC's presumption that CLECs are impaired without access to DS1 loops? If so, is one of the FCC's two triggers for this network element, which the Commission must apply, met? Is the specific customer location at issue served by two or more unaffiliated CLECs with their own loop transmission facilities (including intermodal or intramodal facilities) at the relevant loop capacity level *or* are there two or more unaffiliated competitive providers (apart from the ILEC's network, but including intermodal alternatives) that have deployed transmission



facilities to CLECs on a wholesale basis at the same capacity level? *Triennial Review*  
Order ¶¶ 328-38.

Respectfully submitted on October 21, 2003.

By:   
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