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October 22, 2003

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
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Re: Docket Nos.: 030851-TP

Dear Ms. Bayo:

On behalf of the Florida Competitive Carriers Association (FCCA), enclosed for filing and distribution are the original and 15 copies of the following:

- The Florida Competitive Carriers Association's Amended Proposed Issue List

Please acknowledge receipt of the above on the extra copy of and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Joseph A. McGlothlin

JAM/mls
Enclosure

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising From Federal Communications Commission Triennial UNE review: Local Circuit Switching For Mass Market Customers	Docket No. 030851-TP Filed: October 22, 2003

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FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S AMENDED PROPOSED ISSUES LIST

Pursuant to the Notice issued on October 17, 2003, the Florida Competitive Carriers Association ("FCCA") submits its Amended Proposed Issue List in the above docket.

The FCC's mammoth Triennial Review Order runs 485 pages, with 840 paragraphs and 2447 footnotes. Since the time of its release on August 21, 2003, the industry, together with those who regulate it, have been working tirelessly to analyze the document and understand its nuances and ramifications. At this juncture, however, it is safe to say that no interested participant can state with certainty that it has identified each and every issue and sub-issue raised by the TRO. It has simply not been possible for anyone completely to absorb and comprehend an order of this complexity in the relatively short time it has been available. Thus, while FCCA has attempted to be thorough in identifying the most obvious issues raised by the TRO, the list below is a preliminary document, and FCCA reserves the right to recommend adding, deleting, or modifying issues presented in this list, as circumstances warrant. Moreover, many of the issues identified below are stated as general items of inquiry and will give rise to a host of subsidiary issues.

FCCA proposes that this issues list should apply to any incumbent LEC that is challenging the national finding of impairment.

1. Are there three or more unaffiliated carriers serving mass market customers in a particular environment? ¶ 501.

A. If so, are they unaffiliated with the ILEC and with each other? ¶499.

B. If so, are they using or offering their own separate switches? ¶499.

C. If so, are they actively providing voice service to mass market customers in the market? ¶499.

D. In particular, are they actively providing voice service to "the mass market" or only to a niche market or a subset of customers that is not reasonably representative of the mass market as defined?

2. Does the data provided to the Commission in connection with the trigger aspect of the impairment analysis indicate that a defined geographic and customer market can support multiple, competitive local exchange service providers using their own switches, or using unbundled switching available on a wholesale basis from multiple carriers other than the ILEC, to offer voice service to the mass market as defined in the TRO and pursuant to the above analysis? ¶498, 501.

3. Are the carriers used to support the application of a trigger analysis likely to be able to continue to offer service to the defined market if unbundled local switching is not available? ¶499-500.

4. Are the carriers identified as potential candidates for use in a trigger analysis able to protect consumers by providing competitive pressures on pricing and terms of service? ¶505.

5. If there are a sufficient number of self-provisioning carriers apparently able to count toward the self-provisioning trigger, are there nonetheless significant barriers to entry by other carriers such that a finding of non-impairment would be inaccurate? ¶498, 503.

6. In what geographic areas, if any, have CLECs deployed switches that are actively being used to provide voice services to mass market customers, both business and residential, each at commercially significant volumes sufficient to demonstrate that the CLEC is technically and economically viable and has overcome all significant impairments? ¶501.

7. Is the competitive service being offered at a level of cost, quality and maturity comparable to an ILECs' voice service? Footnote 1549.

8. Are there factors present in the market, such as, but not limited to, lack of availability of additional collocation space, that would preclude additional CLECs from serving that market using self-deployed switches? ¶503.

9. Are there other factors the Commission should consider when conducting the self-provisioning trigger analysis?

10. If there are two or more wholesale carriers providing unbundled local switching then: ¶405-505.

A. Are they unaffiliated with the ILEC and with each other? ¶499.

B. Are they using or offering their own separate switches? ¶499.

C. Are they actively providing voice service used to serve mass market customers in the market? ¶499.

D. Are they operationally ready and willing to provide service to all competitive providers in the designated market? ¶499.

E. Are they actively providing voice service used to serve the mass market and providing it at a cost and quality and geographic scope that allows resellers to serve the entire market? ¶499.

F. Are the carriers used to support the application of a trigger analysis likely to be able to continue to offer service to the defined market if ULS is not available? ¶500.

11. Are customers served using non-ILEC switches served by loop facilities provided by the CLEC? ¶508-510.

12. Are there actual and/or potential operational barriers to prevent CLECs from serving the mass market with self-deployed switches? ¶511.

13. Are ILECs providing nondiscriminatory access to unbundled loops? ¶512.

14. Is there commercial performance data demonstrating the timeliness and accuracy with which the ILEC performs loop provisioning tasks and is there a penalty plan with respect to the applicable metrics? If yes, should the performance plan be modified to provide adequate incentives to provision loops at required performance levels? ¶512.

15. Has the ILEC had consistently reliable performance in the following three areas:

(1) Timeliness: percentage of missed installation appointments and order completion interval;

(2) Quality: outages and percent of provisioning troubles; and

(3) Maintenance and Repair: customer trouble report rate, percentage of missed repair appointments, and percentage of repeat troubles? Fn. 1574.

16. If UNE-P were not available, will the ILECs be able to provide maintenance and repair in a manner that allows CLECs a meaningful opportunity to compete in an environment where CLECs are serving mass market customers using self-deployed switches? ¶512.

17. How will the ILECs minimize the increased risks of service disruption? ¶503, 513.

18. Are the ILECs' facilities, human resources, and processes sufficient to handle adequately:

(a) the demand for loops;

(b) the demand for collocation;

(c) the demand for cross-connects,

(d) the demand for other services required by competitors in order to support commercially viable and meaningful facilities-based entry into the voice market? ¶512.

19. Have projected volumes for scalability adequately accounted for all factors including transition of embedded base of UNE-P customers and ongoing churn between the ILECs and the CLECs, and between multiple CLECs? ¶511.

20. Do the ILECs have procedures in place that enable customer loops to be transferred from the ILECs' main distribution frame to a competitive LEC collocation *as promptly, accurately and efficiently* as the ILECs can provision a competing provider's request to migrate an ILEC retail customer to UNE-P? ¶512.

21. For each market where there is a finding of no impairment, will UNE-P continue to be available until the ILECs implement a viable, cost-effective, real-world-tested hot cut process (including OSS that facilitate CLEC ordering, performance measurements that gauge the ILECs' hot cut performance, and remedies that compensate CLECs when an ILEC does not meet its performance obligations) that is able to: ¶512.

A. Migrate the entire universe of existing UNE-P customers to the ILEC switches? ¶512.

B. Handle reasonably expected commercial CLEC UNE-L volumes going forward? ¶512.

C. Handle all variants of CLEC-CLEC and CLEC-ILEC loop migrations? ¶512.

22. What limitations exist on the number of UNE-L orders the ILECs can provision, per location, per hour, for a single CLEC, and for all CLECs? ¶512.

23. With regard to "batch hot cuts":

(i) What is the appropriate volume of loops to be included in a "batch"?

(ii) Does that number vary depending on the size of the wire center, the type

of equipment deployed in an office, and/or other factors?

(iii) Is the size of a "batch" determined "per-CLEC"?

(iv) Should there be any limit to the time a customer can be served via UNE-P while the CLEC attains an adequate number of customers in an office to comprise a "batch"? ¶512.

24. What other components of a batch hot cut process should be examined to improve operational impairment? ¶ 465; 466; 489. Specifically, how should the following be resolved:

A. Customer impact

B. Out-of-hours availability

C. Electronic Order Processing capability (¶491)

D. Provisioning constraints, e.g., line splitting, IDLC, etc.

E. Provisioning process changes, including automated communications tools

F. CLEC to CLEC migration issues (¶476; 478; 514)

G. Service restoration (See ¶ 466)

H. Capacity of bulk migration increments and overall capacity (¶ 468)

I. Timeliness of process (n. 1574)

25. Would a batch hot cut process eliminate all operational and economic impairment?

26. What process or mechanism should the FPSC use to ensure that the batch hot cut process approved is implemented and working as designed?

27. What is the appropriate TELRIC rate for batch hot cuts? ¶489

28. What conditions must exist for the FPSC to decline to approve and implement a batch hot cut process? ¶460. Specifically with regard to:

A. Expected volume of UNE migrations in the absence of unbundled local switching (¶468)

B. Ability of ILEC to meet that demand using existing hot cut process (See ¶

473)

C. Non-recurring costs associated with hot cut process (¶470)

D. Quality (¶473)

36. How will the ILECs unbundle loops served over IDLC in a nondiscriminatory manner in an environment where CLECs are serving mass market customers using self-deployed switches?

29. If the use of IDLC prevents a CLEC from providing an UNE-L service at the same level of cost and quality provided to the end user on an IDLC loop, will the ILECs make UNE-P at TELRIC rates available to serve such customers? ¶512.

30. Will the ILECs be able to inventory the equipment used to serve a competitor's customers when service shifts from UNE-P to UNE-L? ¶512.

31. What system capabilities have the ILECs put in place to transition from billing processes and systems supporting UNE-P to those serving UNE-L billing? ¶512.

32. Can electronic loop provisioning obviate the need for a hot cut process? ¶512. If so, should the ILECs be required to implement electronic loop provisioning?

33. Are there, or will there be in the foreseeable future, physical constraints associated with collocation in a particular market that inhibit, or are likely to inhibit, competitive entry if UNE-P were not available? What is the availability of space in each local service offices for additional collocations? Are there any offices at or close to a point of exhaustion? ¶513.

34. If collocation space is not available at a location where there has been a finding of no impairment should the ILECs be required to offer UNE-P at TELRIC rates? ¶513.

35. How will intervals for responding to collocation requests and completing construction and delivery be impacted by a migration of existing UNE-P customers to UNE-L customers and the attendant surge in collocation requests? Are there any other limits on the ILECs' ability to respond to higher volumes of collocation requests? Are there other limitations that can be expected to arise with regard to the ILECs' ability to provision or augment collocation space in an environment where CLECs are no longer able to use UNE-P? ¶513.

36. Are there any limitations on the ILECs' ability to provide cross-connects in a manner that would allow CLECs to enter the market using self-provided switching? ¶514.

37. Will the ILECs' practices and procedures regarding CLEC-to-CLEC cross-connects impede CLECs' ability to serve customers in an environment where UNE-P is not available? ¶514.

38. What provisions are in place to ensure that the ILECs provides cross-connects in a nondiscriminatory manner at cost-based rates and at the commercial volumes that could be expected in an environment where unbundled switches were no longer available? ¶514.

39. Do CLECs experience difficulties in obtaining cross-connects in an ILEC's wire center? If so, do delays increase requesting carriers costs to such a degree that entry into the market is rendered uneconomic in the absence of unbundled switching? ¶513.

40. Will the ILECs' pre-ordering, ordering and billing OSS function at commercial volumes in an environment where CLECs serve mass market customers using self-deployed switching? ¶563, 564.

41. Will the ILECs be able to accept and manage service requests electronically (*i.e.*, without any significant manual fallout) and in a nondiscriminatory manner in an environment where CLECs serve mass market customers using self-deployed switching? *Id.*

42. Will the ILECs be able to preserve their databases and ensure they retain their integrity (including, but not limited to, those associated with E911 records and directory listings) in an environment where there is a large-scale shift toward CLECs serving mass market customers using self-deployed switching? *Id.*

43. What electronic scheduling capability exists and will the availability of a confirmed day and time slot be immediately available? When a customer is migrated to a UNE-L based service, what visibility will the ILECs and other competitive providers have to an accurate Customer Service Record in the event the customer wishes to change providers? What system exists to allow the ILECs or a competitive provider to determine which carrier maintains the Customer Service Record? *Id.*

44. How will provisioning intervals be impacted for service requests that reach or exceed "project" level thresholds? What automated status mechanisms exist to coordinate the provisioning? *Id.*

45. What is the demonstrated capability of the ILECs' electronic repair/maintenance systems, ranging from the availability of real-time record updates to associate a customer with its current local service provider, to the ability to respond quickly to service disruptions on a scale anticipated in an environment where local circuit switching is not available? Is the availability of mechanized loop testing and other electronic remote diagnostic tools impacted when service is migrated to UNE-L? *Id.*

46. Have the ILECs developed and implemented a batch process to migrate CLEC records that need to be moved from one the ILECs' databases to another when CLECs migrate from UNE-P to UNE-L? What volumes of transactions can the process accommodate? Has the process been subject to commercial use or robust testing adequate to ensure that CLECs records are accurate and that its UNE bills reflect appropriate charges? *Id.*

47. How will the ILECs develop and implement performance measures for batch cuts that assure the same level of service as for UNE-P or that create a seamless and transparent migration from UNE-P to UNE-L with virtually zero service disruption? *Id.*

48. What standards should be modified to ensure that CLECs are able to provision service in a seamless and nondiscriminatory manner? *Id.*

A) Should intervals for Firm Order Confirmations (FOCs) be reduced?

B) Should provisioning intervals be reduced?

49. Will line loss notifications be sent when customers are transitioned from UNE-P to UNE-L? What Customer Account Record Exchange (CARE) transactions will be generated due to these activities? *Id.*

50. Will the ILECs' current interconnection and tandem switching resources be sufficient to handle a shift to a competitive environment that relies solely on the use of UNE-L? ¶ 365-66 (recognizing that the incumbent LEC has an explicit requirement to provide sufficient

interconnection trunk under the Act.)

51. What processes, if any, do the ILECs have in place to support CLEC-to-CLEC migrations in an environment in which CLECs serve mass market customers using self-deployed switching rather than UNE-P, and will those processes work at commercial volumes?

52. What processes, if any, have the ILECs put in place to support line splitting in an environment in which CLECs serve mass market customers using self-deployed switching, and will those processes work at commercial volumes? ¶251, 252.

53. Does a business case analysis for an efficient CLEC demonstrate that entry is economic? Fn. 1579.

54. What is the full range of revenues that are likely to be obtained by an efficient entrant providing voice and related services, and the costs likely to be incurred providing those services? More specifically: ¶517, 519.

A) What are the revenues an efficient CLEC is likely to obtain from provision of local services, vertical features, access charges, long distance, toll, subscriber charges and any other services the CLEC is likely to offer in the particular market? ¶519.

B) What are the future prices, or revenues the Commission should consider?

C) What are all of the costs associated with the provision of such services in that particular market, including, but not limited to:

(1) all of the operations costs of the CLEC to run its entire network, including UNEs used, such as loops, all CLEC-provided network elements, including switching, signaling, databases, interconnection trunks and reciprocal compensation payments;

(2) all of the additional operational costs unique to the CLEC in the provision of its services, including, but not limited to, the costs of collocation arrangements, equipment and facilities necessary to backhaul traffic from the collocation to the CLEC switch, and the cost of hot cuts including batch hot cuts;

(3) all of the marketing and customer acquisition and care costs;

(4) reasonable administrative expenses;

(5) a return on invested capital commensurate with the risks of a small market entrant;

(6) costs associated with transferring the customer to the CLEC switch;

(7) impact of churn on the cost of customer acquisitions;

(8) cost of maintenance and operations activities;

(9) capital costs for CLECs, including the capital carrying costs for the period it takes a competitor to set up operations and achieve profitability? (Fn 1596);

(10) costs of interconnection; (fn 1498);

(11) transport costs (separate from backhaul costs) Fn 1498; ¶520.

D) What, if any additional costs are incurred since UNE-L carrier are denied access to the signaling networks and call databases as UNEs?

55. How, if at all, does the cost of the ILEC's provision of CLEC-CLEC cross-connects impair a CLEC's ability to provide voice services to mass market customers? ¶520.

56. How do sunk costs affect the likelihood of CLEC entry?

57. How do competitive risks affect the likelihood of CLEC entry?

58. What is the impact of universal service payments and implicit support flows on a CLEC's ability to serve a specific market?

59. Can a facilities-based CLEC can economically serve all customers in the market?

60. Can the use of a rolling access process that uses UNE-P as a customer acquisition mechanism combined with a batch cut process eliminate all operational and economic impairment for an efficient CLEC? ¶ 521-524.

61. In markets where there is a finding of no impairment for ULS, what transitional mechanisms should be put in place to ensure there is no significant disruption to the existing

customer base served using existing ULS? What mechanisms will the Commission need to establish to monitor the operational aspects of the migration from UNE-P to UNE-L in such markets? How can the Commission be assured that the ILECs have implemented and tested all necessary processes to manage the cutover process? For BellSouth, in any circumstance in which unbundled local switching is not required to be unbundled under Section 251 of the Act, what is the new just and reasonable rate under Section 271 of the Act? ¶531.

62. What procedures and standards should the Commission adopt regarding the timing, scope and content of future ILEC requests to review the status of ULS, high capacity loops and/or transport in a given market? What threshold changes in technology, in customer demand, and/or in the market generally must the ILECs' be able to prove before the Commission will address a renewed request to review impairment issues for that market? ¶526.

63. Does the evidence support a finding that, notwithstanding the FCC's national finding of impairment with respect to Unbundled Local Switching ("ULS"), CLECs are not impaired in their ability to serve mass market customers without access to ULS in particular defined markets within the state? ¶ 424, 425

64. What are the appropriate geographic markets the Commission should use to perform its impairment analyses for ULS for mass market customers? ¶ 495-497

A. What are the locations of customers actually being served (if any) by competitors? ¶ 495

B. Where are facilities based CLECs physically serving massmarket customers?

C. Are those same CLECs holding themselves out to serve a broader geographic market?

D. Are there firms (CLECs or otherwise) that are making wholesale

switching available that CLECs in turn can use or are using to meet the needs of mass market customers?

65. What is the variation in factors affecting competitors' ability to serve each group of customers, in particular any variation in revenue opportunities and UNE loop rates across the state? ¶495.

66. Are there variations in line densities and other factors that may affect the scale and scope economies associated with switch deployment? ¶495-496.

67. Are the ILEC wire centers capable of providing adequate collocation space and handling large numbers of hot cuts? ¶495-496

68. What is the ability of competitors to target and serve specific markets economically and efficiently using currently available technologies? ¶495.

69. What is the number of analog lines that should be used to define the "crossover" between the mass market and the enterprise market? ¶ 497.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Competitive Carriers Association's Amended Proposed Issue List has been provided by (*) hand delivery, (**)email and U.S. Mail this 22nd day of October 2003, to the following:

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