

STATE OF FLORIDA

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Public Service Commission

November 7, 2003

Charles (Gene) Watkins, Senior Counsel
Covad Communications Company
1230 Peachtree Street, NE, 19th Floor
Atlanta, Georgia 30309

STAFF DATA REQUEST

**VIA FACSIMILE
AND U.S. MAIL**

Vicki Gordon-Kaufman, Esquire
McWhirter, Reeves, McGlothlin, et al.
117 South Gadsden Street
Tallahassee, Florida 32301

RE: Docket No. 030945-TP - Complaint of DIECA Communications Inc. d/b/a Covad Communications Company against BellSouth Telecommunications, Inc. for breach of parties' interconnection agreement and Sections 271 and 251 of the Telecommunications Act of 1996, request for maintenance of status quo, and request for expedited relief.

Dear Mr. Watkins and Ms. Gordon-Kaufman:

By this letter, the Commission staff requests that DIECA Communications, Inc. d/b/a Covad Communications Company (Covad) provide responses to the following data requests.

1. What is the Florida Public Service Commission's (FPSC) legal authority to prohibit BellSouth Telecommunications, Inc. (BellSouth) from taking any action to discontinue service to Covad or its customers during the pendency of Covad's Complaint filed September 26, 2003? Is this not a request for injunctive relief? Please explain your response.
2. What is the FPSC's legal authority to require BellSouth not to discontinue existing service to Covad or to its customers as a result of BellSouth's completion of necessary network upgrades? Is this not a request for injunctive relief? Please explain your response.

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

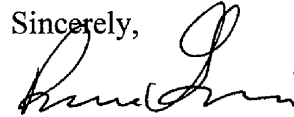
3. In its Complaint, Covad cites to various federal and state actions and orders and seeks relief from the FPSC for enforcement of the Parties' Interconnection Agreement. (See generally, pp. 3-9 of Complaint) Please explain why you believe the FPSC is the appropriate forum for this Complaint to be resolved. Please include in your response specific analysis regarding which authority, action, or order prevails for the purposes of resolving this case, and why.
4. Are there any disputed issues of material fact involved in the resolution of this Complaint, or is Covad amenable to having the Complaint addressed in an informal hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, after the filing of briefs by the parties?
5. Page 1, paragraph 1, of Covad's Complaint states that BellSouth's network modifications will result in "... customers' permanent loss of service from Covad."
 - a. Are there other means by which these customers could be served by Covad if the network modifications are completed? Please explain your response.
 - b. If the network modifications proceed as currently scheduled, will Covad abandon these customers or will it find alternative means to provision service? Please explain your response.
6. Please explain how BellSouth's replacement of copper facilities would impair Covad in its offering of telecommunications service.
7. During the November 4, 2003, conference call between Covad, BellSouth and staff members, BellSouth's counsel noted that if BellSouth were to go forward with its network modifications, it would be amenable to a "true-up" provision after the Commission reaches a decision on the merits of the Complaint.
 - a. Has a "true up" proposal been presented to Covad? If so, did Covad accept or reject the proposal? Please explain your response.
 - b. If a "true-up" proposal were presented, would Covad consider such a proposal? If not, why not?

8. If network upgrades or modifications are necessary due to storm damage or cable deterioration, should BellSouth be prohibited from making such upgrades? Please explain your response.
9. Do you believe network upgrades are in the public interest? Please explain your response.
10. Do you believe line sharing is currently a UNE? Please explain your response.
11. Please refer to page 1, footnote 1, of BellSouth's October 16, 2003, Answer to Covad's Complaint. In footnote 1, it is stated that "The two circuits BellSouth could research are being migrated from copper to fiber due to a DOT road move, but neither appears to be a circuit whose performance capabilities will be affected by the change from copper to fiber."
 - a. Is BellSouth's statement from the footnote correct regarding the performance capabilities of two of the circuits identified in Covad's complaint will not be affected by a change from copper to fiber?
 - b. Other than the circuits specifically referenced in the footnote, are there any others identified in Covad's complaint that would be affected by a change from copper to fiber?
12. Please refer to page 3 of BellSouth's Answer to Covad's Complaint. On page 3, BellSouth identifies nine methods which may be used by Covad to provision service to its customers. Of the nine methods identified, do you believe any are viable provisioning options for Covad? Please address each of the nine methods in explaining your response.

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Please file the original and five copies of the requested information by Tuesday, November 25, 2003, with Ms. Blanca Bayó, Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850. Please feel free to call me at (850) 413-6224 if you have any questions.

Sincerely,



Rosanne Gervasi
Senior Attorney

RG/dm

cc: Division of the Commission Clerk and Administrative Services
Nancy B. White, Esquire
James Meza III, Esquire
Lisa Spooner Foshee, Esquire