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November 26, 2003

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

**HAND DELIVERY**

RECEIVED FPSC  
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COMMISSION  
CLERK

Re: Docket Nos. 030851-TP and 030852-TP

Dear Ms. Bayo:

Enclosed for filing in the above-referenced dockets are the original and fifteen copies of US LEC of Florida Inc.'s ("US LEC") Objections to Staff's Information Request.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Martin P. McDonnell

RECEIVED & FILED

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FPSC-BUREAU OF RECORDS

MPM/rl

Enclosures

cc: All Parties of Record

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising )  
from Federal Communications Commission ) Docket Nos. 030851-TP and 030852-TP  
triennial UNE review: Local Circuit Switching )  
for Mass Market Customers. ) Filed: November 26, 2003  
\_\_\_\_\_)

**US LEC OF FLORIDA INC.'S OBJECTIONS TO  
STAFF'S INFORMATION REQUEST**

US LEC of Florida Inc. ("US LEC"), hereby objects to Public Service Commission ("PSC") Staff's Information Requests dated November 17, 2003, and says:

**INTRODUCTION**

This is a generic docket intended to ascertain whether impairment exists within the state and local markets pursuant to the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") released August 21, 2003. In the TRO, the FCC adopted new rules and reevaluated old rules regarding incumbent local exchange companies' ("ILECs") obligations to unbundle certain network elements, so that these elements are made available to the requesting competitive local exchange telecommunications companies ("CLECs") at a price based on the ILEC's total element long-run incremental costs ("TELRIC"). To determine whether impairment exists, the FCC specifically authorized the states to investigate whether certain network elements are being adequately provisioned. Staff's information requests inappropriately seek significant amounts of US LEC's company specific information which are well outside the scope of this generic docket.

**GENERAL OBJECTIONS**

1. US LEC objects to the information requests to the extent that they are intended to apply to matters other than whether impairment exists in the state and local market within the jurisdiction of the Florida Public Service Commission. US LEC objects to such information requests

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FPSC-COMMISSION CLERK

as being irrelevant, overbroad, unduly burdensome, and oppressive.

2. US LEC objects to each and every information request insofar as the information requests are not reasonably calculated to lead to the discovery of admissible evidence.

3. US LEC objects to every information requests to the extent that such information request calls for information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

4. US LEC objects to each and every information request insofar as any of them are overly broad, unduly burdensome, oppressive, or excessively time consuming as written.

5. US LEC objects to each and every information request to the extent that the information requested enjoys statutory "trade secrets" privilege pursuant to Section 90.506, Florida Statutes.

6. US LEC objects to each and every information request that would require the disclosure of customer specific information, the disclosure of which is prohibited by Section 364.24, Florida Statutes. Without waiving any general objections or specific objections stated herein, US LEC will fully respond to requests for "proprietary confidential business information" as defined by Section 364.183(3), Florida Statutes, that are requested in the interrogatories that are not subject to Section 364.24, Florida Statutes, in the event US LEC's general objections and/or specific obligations concerning the specific request are denied by the Prehearing Officer or the Commission.

7. US LEC objects to every information request insofar as the information requests are vague, ambiguous, overly broad, imprecise or utilize terms that are subject to multiple interpretations and not properly defined. Any answer provided by US LEC in response to these information requests will be provided subject to, and without waiver, of the foregoing objections.

8. US LEC objects to providing information to the extent that such information is already in the public domain or in the public record before the Commission.

### SPECIFIC OBJECTIONS

#### FPSC Staff High-Capacity Loop Questions FCC Rules, Sections 51-319(a)(4), (5) and (6)

Fill in the electronic spreadsheet “loop\_questions\_F.xls” with the following information **for each** Florida customer location to which your company has deployed high-capacity loop facilities. These facilities might be used either by your own end user retail customers, or by an unaffiliated carrier’s customer. Include facilities for both those customers served entirely by your own facilities and those customers served by attaching your own optronics to activate dark fiber transmission facilities provided by another carrier.

1. Street address of customer served by high-capacity loop (e.g., 123 Main St.). (Column A)
2. City of customer served by high-capacity loop (e.g., Tallahassee). (Column B)
3. Five-digit zip code address of customer served by high-capacity loop (e.g., 32301). (Column C)
4. Customer serving wire center eight-digit CLLI code (e.g., TLHSFLZZ). (Column D)
5. SELF-PROVIDER: Do you use this loop to provide service to end users? (Column E) If you answer yes, please answer the following questions:
  - a. High-capacity loop type (dark fiber, DS1, DS3). Check each applicable category with an “X.” (Column F-H)
  - b. The number of **provisioned** circuits serving the customer location (e.g., the number of dark fibers, the number of circuits at DS1 level and the number of circuits at DS3 level). (Columns L-N)
  - c. The number of **working** circuits serving the customer location (e.g., the number of dark fibers, the number of circuits at DS1 level and the number of circuits at DS3 level). (Columns L-N)
6. WHOLESALER: Do you lease this loop (in whole or in part) to another company? (Column O) If you answer yes, please answer the following questions:

a. High-capacity loop type (dark fiber, DS1, DS3). Check each applicable category with an "X." (Column P-R)

b. The number of **provisioned** circuits serving the customer location (e.g., the number of dark fibers, the number of circuits at DS1 level, and the number of circuits at DS3 level). (Columns S-U)

c. The number of **working** circuits serving the customer location (e.g., the number of dark fibers, the number of circuits at DS1 level and the number of circuits at DS3 level). (Columns V-X)

7. CONFIGURATION: Is this loop provided on a point-to-point ("P") or a ring configuration ("R") ( Column V)

8. ACCESSIBLE: Does your have access to the entire customer location, including each individual unit within that location? [Section 51.319(a)(5)(ii)(B)] (Column Z)

9. SOLE ACCESS: Is the customer location served solely by your company's facilities? (Column AA)

10. USING: Is the customer location served by attaching your company's optronics to activate dark fiber transmission facilities provided by another carrier? (Column AB)

11. GIVING: Indicate if the customer location is served via an unaffiliated carrier to which your company has provided dark fiber. (Column AC)

12. OWNER: Do you own this high-capacity loop? (Column AD)

a. If you answered no, then answer the following questions:

i. Please provide the FPSC code for the owner of the loop. If unknown, provide the full name of the company. (Column AE)

ii. If leasing from a company other than (i), please provide the entity wit which you entered into the lease or other such arrangement, by FPSC code or full name of the company. (Column AF)

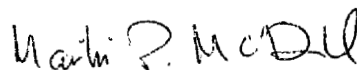
iii. Please provide the nature of the arrangement. (offered by tariff, standard or negotiated agreement) (Column AG)

**Objection:**

US LEC objects to the foregoing information requests regarding high-capacity loops. US LEC does not self provide or wholesale any of its loops to other companies. (See Information Requests Nos. 5 and 6). US LEC leases its loops from third parties. Therefore, such information is already in the possession of Staff or will be in the near future as the relevant CLECs and other parties respond to this information request. US LEC currently has over 100,000 loops in service in Florida. To require US LEC to respond to these information requests would be duplicative and place an oppressive and undue burden upon US LEC. Further, the loops that US LEC leases are not relevant to any issues in the docket.

US LEC has received requests from other state commissions for similar information pursuant to the TRO and US LEC is only compelled to supply responses in other states if US LEC self provisions its loops.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail to the following this 26<sup>th</sup> day of November, 2003:

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By: Martin P. McDonnell  
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