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January 14, 2004

VIA FEDERAL EXPRESS

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

Pat Lee
Division of Competitive Markets and Enforcement
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: 2003 TRO Data Request in Docket Nos. 030851-TP and 030852-TP

Dear Ms. Bayo and Ms. Lee:

On behalf of Level Communications, LLC ("Level 3"), enclosed for filing are Level 3's Confidential Responses to the Commission's data requests. You will find enclosed a hard copy of each spreadsheet and an electronic version of each spreadsheet has been saved on the enclosed 3.5-inch diskette.

Level 3 requests that its Responses be exempt from FS 119.07(1), General State Policy on Public Records. Pursuant to FPSC Rule 25-22.006, Florida Administrative Code, Level 3 is providing proprietary confidential business information.

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

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential Docket 00619-04. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must obtain written EXD/Tech permission before you can access it.

Sincerely,

Rogelio E. Peña

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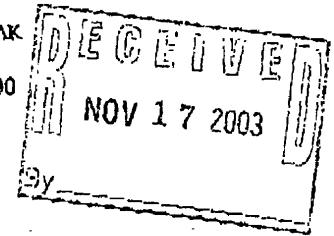
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STATE OF FLORIDA

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DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600



Public Service Commission

November 12, 2003

RESPONSE IS REQUIRED

At the outset, please note that if you are NOT providing telecommunications services in Florida, you may simply check the following box and fax this letter to (850) 413-6454.

TX238
Mike Romano
Director, State Regulatory Affairs
Level 3 Communications, LLC
1025 Eldorado Blvd.
Broomfield, CO 80021-8869

Re: Data Request Regarding Implementation of Requirements Arising From Federal Communication Commission's Triennial Unbundled Network Element Review - Local Circuit Switching for Mass Market Customers (Docket No. 030851-TP) and High-Capacity Loops and Transport (Docket No. 030852-TP) (Responses due by December 3, 2003)

On February 20, 2003, the Federal Communications Commission (FCC) adopted new rules concerning an incumbent telecommunications exchange carrier's (ILEC) obligations to make unbundled network elements (UNEs) available to competing carriers. The *Triennial Review Order*¹¹¹ adopts rules which establish a new standard for determining the existence of impairment under section 251(d)(2) of the 1996 Telecommunications Act and sets forth a new list of UNEs. Additionally, the FCC requires state commissions to conduct a granular analysis within 9 months of the effective date of the order (i.e., July 2, 2004) to determine whether ILECs in that state must continue to provide access to certain network elements. To this end, the Florida Public Service Commission must determine whether ILECs in Florida must continue to provide competing carriers in all markets with access to: (1) high-capacity loops; (2) mass market switching; and (3) dedicated transport.

On August 22, 2003, the Commission opened two dockets to address the implementation of the *Triennial Review Order*. The attached data request addresses targeted trigger-related information, pursuant to the unbundling requirements specified in 47 CFR §51.319. Providing the

¹¹¹ *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, Report and Order (rel. Aug. 21, 2003)(FCC 03-36), as corrected by errata, FCC 03-227 issued on September 17, 2003 (*Triennial Review Order* or *TRO*).

requested data is essential to ensure that each carrier's facilities are considered in conclusions reached regarding UNE obligations. Company responses are due to the Commission by **December 3, 2003**. The data request is similar to the October 3, 2003, data request of the New York Department of Public Service in Case 03-C-0821, modified by a few additional questions.

The trigger-related information is to be provided on electronic spreadsheets: (1) `general_questions_FL.xls`, (2) `switching_questions_FL.xls`, (3) `transport_questions_FL.xls`, and (4) `loop_questions_FL.xls`. Hard copies of the spreadsheets are attached to the data request and spreadsheet files can also be downloaded from the Commission's website to use in providing responses (<http://www.floridapsc.com>). The number of spreadsheet rows to which each CLEC will be required to respond depends upon the number of switches, transport routes, or customer locations for which each company has provisioned facilities. Detailed instructions are included in the data request as well as attached to the spreadsheets.

If your company holds a certificate but is not currently active in the marketplace, you may simply check the box at the top of this page and return it.

To the extent you are a party to either Docket No. 030851-TP or Docket No. 030852-TP and information requested has already been provided through responses to interrogatories or document requests, there is no need to provide a full response again. Simply respond by identifying the particular interrogatory or document request (serving party, item number, filing date) where the information can be found.

Once the spreadsheets are completed, they should be saved electronically using the company name in the saved file name; i.e., `general_Company Name_FL.xls`. A cover letter along with a hard copy of each spreadsheet and an electronic version of each spreadsheet saved on a 3.5-inch diskette or compact disk (CD) should be mailed to:

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

and

Pat Lee
Division of Competitive Markets & Enforcement
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

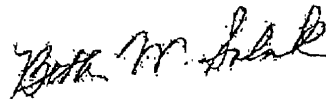
For proper identification of the data request responses, your cover letter should reference "2003 TRO Data Request in Docket Nos. 030851-TP and 030852-TP". Additionally, your response should include a notarized statement signed by the responding individual and attesting to the accuracy of the information.

Once the completed data request is received by the Commission, the information will be public record. If you believe your response contains confidential information, you can request that your response be exempt from FS 119.07(1), General State Policy on Public Records. If you are claiming confidential classification, a written request for the specific material to which the confidentiality relates should be filed with the Division of the Commission Clerk and Administrative Services with a copy to Pat Lee, Division of Competitive Markets & Enforcement. Enclosed is a copy of Florida Public Service Commission Rule 25-22.006, Florida Administrative Code, which provides the necessary information for submitting confidential information to be exempt from FS 119.07(1). Please note that a claim of confidentiality does not alleviate the obligation to respond to the data request in a timely manner. In addition, claims of confidentiality should not be made for information that is publicly available from other sources (switch locations, for example, are available from the Local Exchange Routing Guide).

In order to meet the 9-month federal requirements, it is essential that we obtain this information in a timely manner, as required by Florida Public Service Commission Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. Failure to comply with this rule can result in the Commission assessing penalties of up to \$25,000 per offense, with each day of non-compliance constituting a separate offense per FS 364.285(1). We encourage you to retain a record confirming delivery of your company's response to the data request, such as a certified mail receipt, a fax log, or a copy of an e-mail.

Responses to the enclosed data request are due no later than **December 3, 2003**. If you have any questions, please contact Pat Lee at (850) 413-6453 (plee@psc.state.fl.us).

Sincerely,



Beth W. Salak
Director, Division of Competitive Markets
& Enforcement

cc: Sally Simmons, Division of Competitive Markets & Enforcement
David Dowds, Division of Competitive Markets & Enforcement
Adam Teitzman, Office of General Counsel