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ORIGINAL

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SCANNED

January 30, 2004

Ms. Blanca Bayó, Director
Division of the Commission Clerk
and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 030852-TP

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FEB -2 AM 11:16
COMMISSION
CLERK

Dear Ms. Bayó:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Allegiance Telecom of Florida, Inc.'s Prehearing Statement and a CD-ROM containing a Word version of the Prehearing Statement.

Also enclosed is an extra copy of this letter. Please acknowledge receipt of this transmittal by date-stamping the extra copy and returning it to the undersigned in the enclosed self-addressed stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,

Charles V. Gerkin, Jr.

CVG/s
Enclosures
cc: Parties of Record

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DOCUMENT NUMBER-DATE

01468 FEB-2 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

<p>In re:</p> <p>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 DS 1, DS3 AND DARK FIBER TRANSPORT</p>	<p>Docket No. 030852-TP</p> <p>Filed: February 2, 2004</p>
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PREHEARING STATEMENT OF
ALLEGIANCE TELECOM OF FLORIDA, INC.

In compliance with the Order Establishing Procedure (Order No. PSC 03-1055-PCO-TP) issued in this docket on September 22, 2003 and the Second Order on Procedure (Order No. PSC 03-1265-PCO-TP) issued on November 7, 2003, Allegiance Telecom of Florida, Inc. ("Allegiance") respectfully submits its Prehearing Statement.

(1) Witnesses

Allegiance intends to present the testimony of Richard Anderson at the hearing in this matter. Mr. Anderson's testimony addresses Issues 1, 3, 7, 9, 11, 14, 16 and 20.

(2) Exhibits

Allegiance intends to introduce Exhibit RA-1 to Mr. Anderson's testimony, which is a graphical depiction of the typical design of Allegiance's distribution network. Allegiance reserves the right to introduce additional exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Evidence and the Rules of the Commission.

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FPSC-COMMISSION CLERK

(3) Basic Position

The Commission should find that the loop triggers have been met only in those locations where there is verifiable evidence that (a) at least two carriers not affiliated with each other or the ILEC have self-provisioned DS-3 or higher capacity loops of the relevant type that provide access to all end user customers at that location or (b) at least two entities not affiliated with each other or the ILEC actually have loop facilities in place that they make available on a wholesale basis at the relevant level of capacity and which they are operationally ready to provide. Similarly, the Commission should find that the transport triggers have been met only for those routes between ILEC wire centers or switches where there is verifiable evidence that (a) at least three carriers not affiliated with each other or the ILEC have actually self-provisioned operationally ready transport of the relevant type and capacity between the end points of the route or (b) at least two entities not affiliated with each other or the ILEC actually have operationally ready and available transport capacity that they make available on a wholesale basis at the relevant level of capacity. The ILECs' analysis of the loop and transport triggers is based upon unsupportable assumptions concerning CLECs' network configurations and the willingness, ability and operational readiness of potential non-ILEC transport providers to actually provide transport capacity over particular routes. Similarly, their analysis of potential deployment of transport capacity is based upon unsupportable assumptions concerning the economic feasibility of provisioning transport at different levels of capacity even where facilities are in place. The Commission should establish a verification process in order to make certain that it does not incorrectly determine that the loop or transport triggers are met in locations and for routes where they are not in fact met. In any

instance where the Commission finds that CLECs are not impaired without access to high capacity UNE loops or UNE dedicated transport, the Commission should mandate a transition period of at least (a) twelve months or (b) the duration of any existing longer-term contracts that are in place on the affected locations or routes during which the existing TELRIC prices remain effective in order to give CLECs adequate time to negotiate new prices with the ILECs or make arrangements with other providers.

(4) - (6) Questions of Fact, Law and Policy at Issue

Issue 1: To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-1 facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and offer DS-1 loops over their own facilities on a widely available basis to other carriers? For each such location, do the wholesale providers have access to the entire customer location, including each individual unit within the location?

Allegiance Position: The errors in the ILECs' identification of locations at which they contend that CLECs have self-provisioned high capacity loops or are wholesaling high capacity loops establish the need for a verification process before the Commission can find that the loop triggers have been satisfied at any customer locations.

Witness: Richard Anderson.

Issue 2: To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, either (1) deployed their own DS-3 facilities and actually serve customers via those facilities or (2) deployed DS-3 facilities by attaching their own optronics to activate dark fiber obtained under a long-term indefeasible right of use and actually serve customers via those facilities at that location?

Allegiance Position: The errors in the ILECs' identification of locations at which they contend that CLECs have self-provisioned high capacity loops or are wholesaling high

capacity loops establish the need for a verification process before the Commission can find that the loop triggers have been satisfied at any customer locations.

Witness: Richard Anderson.

Issue 3: To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-3 facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and offer DS-3 loops over these facilities on a widely available wholesale basis to other carriers? For each such location, do the wholesale providers have access to the entire customer location, including each individual unit within the location?

Allegiance Position: The errors in the ILECs' identification of locations at which they contend that CLECs have self-provisioned high capacity loops or are wholesaling high capacity loops establish the need for a verification process before the Commission can find that the loop triggers have been satisfied at any customer locations.

Witness: Richard Anderson.

Issue 4: If neither the self-provisioning or the wholesale triggers for DS-3 loops is satisfied at a specific customer location, using the potential deployment criteria specified in §51.319(a)(5)(ii), what evidence of non-impairment for a DS-3 loop at a specific customer location exists? Is this evidence sufficient to conclude that there is no impairment at a specific customer location?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 5: To what specific customer locations have two or more competing providers deployed their own dark fiber facilities, including dark fiber owned by the carrier or obtained under a long-term indefeasible right of use (but excluding ILEC unbundled dark fiber)?

Allegiance Position: The errors in the ILECs' identification of locations at which they contend that CLECs have self-provisioned high capacity loops or are wholesaling high capacity loops establish the need for a verification process before the Commission can find that the loop triggers have been satisfied at any customer locations.

Witness: Richard Anderson.

Issue 6: If the self-provisioning trigger for dark-fiber loops is not satisfied at a specific customer location, using the potential deployment criteria specified in § 51.3 19(a)(6)(ii), what evidence of non-impairment for dark fiber loops at a specific customer location exists? Is this evidence sufficient to conclude that there is no impairment at a specific customer location?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 7: Along what particular routes have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-1 level dedicated transport facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and are willing to provide DS-1 level transport immediately over their own facilities on a widely available basis to other carriers?

Allegiance Position: The ILECs have incorrectly identified Allegiance as a wholesaler of DS-1 transport on a number of routes in Florida. Allegiance is not operationally ready to provide DS-1 level transport to other carriers over any routes in Florida.

Witness: Richard Anderson.

Issue 8: For any particular route where at least two competing providers will provide wholesale DS-1 dedicated transport, do both competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise? If so, can requesting carriers obtain

reasonable and nondiscriminatory access to those competing providers' termination points through a cross-connect to the providers' collocations either at the ILEC premise or similar arrangement if located at a non-ILEC premise?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 9: Along what particular routes have three or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-3 level dedicated transport facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and are operationally ready to use those transport facilities?

Allegiance Position: The ILECs have incorrectly identified Allegiance as a self-provisioner of DS-3 level dedicated transport facilities. Allegiance has not self-provisioned dedicated DS-3 transport facilities over any routes in Florida. The errors in the ILECs' identification of routes over which they contend that CLECs have self-provisioned dedicated transport or are wholesaling dedicated transport establish the need for a verification process before the Commission can find that the transport triggers have been satisfied for any routes.

Witness: Richard Anderson.

Issue 10: For any particular route where at least three competing providers have self-provisioned DS-3 level dedicated transport facilities, do the competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 11: Along what particular routes have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-3 level dedicated transport facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber), are operationally ready to use those transport facilities, and are willing to provide DS-3 level dedicated transport immediately over their facilities on a widely available wholesale basis to other carriers?

Allegiance Position: The ILECs have incorrectly identified Allegiance as a self-provisioner and wholesaler of dedicated DS-3 transport. Allegiance has not self-provisioned any DS-3 dedicated transport facilities in Florida and is not operationally ready to provide DS-3 level dedicated transport over its own facilities on a wholesale basis on any routes in Florida. The errors in the ILECs' identification of routes over which they contend that CLECs have self-provisioned dedicated transport or are wholesaling dedicated transport establish the need for a verification process before the Commission can find that the transport triggers have been satisfied for any routes.

Witness: Richard Anderson.

Issue 12: For any particular route where at least two competing providers will provide wholesale DS-3 level dedicated transport, do both competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise? If so, can requesting carriers' obtain reasonable and nondiscriminatory access to those competing providers' termination points through a cross-connect to the providers' collocations either at the ILEC premise or similar arrangement if located at a non-ILEC premise?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 13: If neither the self-provisioning nor the wholesale triggers for DS-3 level dedicated transport is satisfied along a route, using the potential deployment criteria specified in § 51.319(e)(2)(ii), what evidence of non-impairment for DS-3 level dedicated transport on a specific route exists? Is this evidence sufficient to conclude that there is no impairment along this route?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 14: Along what particular routes have three or more competing providers, not affiliated with each other or the ILEC, deployed their own dark fiber transport facilities?

Allegiance Position: The ILECs have incorrectly identified Allegiance as a self-provisioner of dark fiber transport facilities. Allegiance has not self-provisioned dark fiber transport facilities over any routes in Florida. The errors in the ILECs' identification of routes over which they contend that CLECs have self-provisioned dedicated transport or are wholesaling dedicated transport establish the need for a verification process before the Commission can find that the transport triggers have been satisfied for any routes.

Witness: Richard Anderson.

Issue 15: For any particular route where at least three competing providers have self-provisioned dark fiber dedicated transport facilities, do the competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 16: Along what particular routes have two or more competing providers, not affiliated with each other or the ILEC, deployed their own dark fiber transport facilities (including dark fiber obtained from an entity other than the ILEC), are operationally ready to lease or sell those transport facilities to provide transport along the route, and are willing to provide dark fiber immediately over their facilities on a widely available wholesale basis to other carriers?

Allegiance Position: The ILECs have incorrectly identified Allegiance as a self-provisioner and wholesaler of dark fiber transport facilities. Allegiance has not self-provisioned dark fiber transport facilities over any route in Florida and is not operationally ready to provide dark fiber over its own facilities on a wholesale basis to other carriers over any route in Florida. The errors in the ILECs' identification of routes over which they contend that CLECs have self-provisioned dedicated transport or are wholesaling dedicated transport establish the need for a verification process before the Commission can find that the transport triggers have been satisfied for any routes.

Witness: Richard Anderson.

Issue 17: For any particular route where at least two competing providers will provide wholesale dark fiber, do both competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise? If so, can requesting carriers obtain reasonable and nondiscriminatory access to those competing providers' termination points through a cross-connect to the providers' collocations either at the ILEC premise or similar arrangement if located at a non-ILEC premise?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 18: For any particular route where at least two competing providers will provide such wholesale dark fiber, do these providers have sufficient quantities of dark

fiber available to satisfy current demand along that route? If not, should the wholesale trigger for dark fiber be determined to be satisfied along that route?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 19: If neither the self-provisioning or the wholesale triggers for dark fiber transport is satisfied along a route, using the potential deployment criteria specified in §51.319(e)(3)(ii), what evidence of non-impairment for dark fiber on a specific route exists? Is this evidence sufficient to conclude that there is no impairment along this route?

Allegiance Position: Allegiance takes no position on this issue at this time. Allegiance reserves the right to take a position on this issue following the hearing, depending upon the evidence introduced at the hearing.

Witness: Richard Anderson.

Issue 20: If unbundling requirements for loops at customer-specific locations or dedicated transport along a specific route are eliminated, what are the appropriate transition period and requirements, if any, after which a CLEC no longer is entitled to these loops or transport under Section 251(c)(3)?

Allegiance Position: Allegiance believes that the Commission should order that the existing month-to-month TELRIC prices for any customer-specific locations or dedicated transport routes for which unbundling requirements are eliminated be maintained for at least twelve months to give CLECs adequate time to negotiate new prices with the ILECs or to make arrangements with other providers. In addition, the pricing in any existing longer-term contracts that are in place at the affected locations or over the affected routes should be maintained through the end of the contract period.

Witness: Richard Anderson.

(7) Stipulations

Allegiance is not aware of any issues that have been stipulated.

(8) Pending Motions

Allegiance does not have any pending motions at this time.

(9) Claims of Confidentiality

Allegiance has pending claims of confidentiality for (a) certain portions of Allegiance's Responses to the Staff's First Data Request; (b) certain portions of Allegiance's Responses to the Staff's First Set of Interrogatories and First Request for Production of Documents; and (c) certain portions of Allegiance's Responses to Verizon Florida Inc.'s First Set of Interrogatories and First Request for Production of Documents. Allegiance is in the process of preparing its Responses to BellSouth Telecommunications, Inc.'s First Request for Admissions, Second Set of Interrogatories and Third Request for Production of Documents. Allegiance anticipates filing a claim of confidentiality for some or all of the information in those Responses.

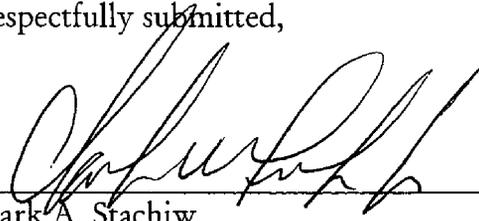
(10) Other Requirements

There are no requirements of the Order Establishing Procedure of which Allegiance is aware that cannot be complied with.

(11) Objections to Witness Qualifications

None.

Respectfully submitted,



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