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February 2, 2004

VIA HAND DELIVERY

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

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Re: Docket No. 030852-TP

Dear Ms. Bayo:

On behalf of the Joint CLECs enclosed for filing and distribution is the original and one copy of the following:

- ▶ **Joint Prehearing Statement of FCCA, AT&T, NewSouth, Xspedius, KMC, ITC^DeltaCom, MCI, Covad and Nuvox.**

Also enclosed is s disk with the Prehearing Statement on it in word format. Please acknowledge receipt of the above on the extra copy and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Vicki Gordon Kaufman
Vicki Gordon Kaufman

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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A. 01495 FEB-23

FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

In re: 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 DS1, DS3 and Dark Fiber Transport.	DOCKET NO. 030852-TP FILED: February 2, 2004
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**JOINT PREHEARING STATEMENT OF
THE FCCA, AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC,
NEWSOUTH, XSPEDIUS COMMUNICATIONS, LLC, KMC, ITC^DeltaCom, MCI,
COVAD, AND NUVOX**

The Florida Competitive Carriers Association ("FCCA"), AT&T Communications of the Southern States, LLC (hereinafter "AT&T"), NewSouth Communications Corp. ("NewSouth"), Xspedius Communications, LLC ("Xspedius"), KMC Telecom III, LLC ("KMC"), ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom ("ITC^DeltaCom"), MCI metro Access Transmission Services, LLC and MCI WorldCom Communications, Inc. ("MCI"), DIECA Communications Inc., d/b/a Covad Communications Company ("Covad"), and Nuvox Communications, Inc. ("Nuvox"), hereafter collectively referred to as "Joint CLECs," pursuant to Order No. PSC-03-1054-PCO-TP issued on September 22, 2003, submit the following Joint Prehearing Statement in the above-captioned docket.

1. Witnesses, Subject Matter Issue(s)¹

The FCCA intends to sponsor the testimony of the following witness:

¹ Because the prehearing statement is due before the filing of surrebuttal testimony (which is due February 4, 2004), the Joint CLECs reserve the right to add surrebuttal testimony and exhibits at the time of the prehearing conference.

<u>Witness:</u>	<u>Testimony Filed</u>	<u>Issue(s)</u>
1. Gary J. Ball	Direct (revised cover page), Rebuttal, Surrebuttal	All

AT&T intends to sponsor the testimony of the following witness:

<u>Witnesses:</u>	<u>Testimony Filed</u>	<u>Issue(s)</u>
1. Jay Bradbury	Rebuttal, Surrebuttal	All

NewSouth intends to sponsor the testimony of the following witness:

<u>Witness:</u>	<u>Testimony Filed</u>	<u>Issue(s)</u>
1. Jake E. Jennings	Direct	1, 2, 3, 5, 7, 9, 11, 14, 16, 20

Xspedius intends to sponsor the testimony of the following witness:

<u>Witness:</u>	<u>Testimony Filed</u>	<u>Issue(s)</u>
1. James C. Falvey	Rebuttal	All

KMC intends to sponsor the testimony of the following witness:

<u>Witness:</u>	<u>Testimony Filed</u>	<u>Issue(s)</u>
1. Marva Brown Johnson	Rebuttal	1, 2, 3, 5, 7, 8, 9, 11, 12, 14, 16, 17, 20

ITC^DeltaCom intends to sponsor the testimony of the following witness:

<u>Witness:</u>	<u>Testimony Filed</u>	<u>Issue(s)</u>
1. Steve Brownworth	Rebuttal	17, 20

MCI intends to sponsor the testimony of the following witness:

<u>Witness:</u>	<u>Testimony Filed</u>	<u>Issue(s)</u>
1. Lonnie Hardin	Rebuttal	7, 9, 11, 14, 16

2. Witness Exhibits

FCCA Exhibits:

Ball Rebuttal Exhibits:

Exhibit GJB-1	Partially-Corrected BellSouth Loop Trigger Analysis-Buildings
Exhibit GJB-2	Partially-Corrected BellSouth Loop Trigger Analysis-Routes
Exhibit GJB-3	AT&T Analysis Costs/Revenues for Extension of CLEC Network to New Building

AT&T Exhibits:

Bradbury Rebuttal Exhibits:

Exhibit JMB-R1	Key Network Architecture Equipment
Exhibit JMB-2	Key Network Architecture Equipment

Xspedius Exhibits:

Falvey Rebuttal Exhibits:

Exhibit JCF-1	Xspedius' Revised Responses to BellSouth's First Set of Interrogatories
Exhibit JCF-2 (PROPRIETARY)	Xspedius Lit Buildings in Florida

KMC Exhibits:

Johnson Rebuttal Exhibits:

Exhibit MBJ-1 (PROPRIETARY)	BellSouth and Verizon Alleged KMC Routes
Exhibit MJB-2	KMC Network Architecture

3. Basic Position Statement

The evidence offered by BellSouth and Verizon (referred to as the "ILECs") does not meet the exacting requirements of the *Triennial Review Order* ("TRO") and does not satisfy the triggers. The ILECs have failed to prove the triggers for self-provisioned and wholesale loops and for self-provisioned and wholesale dedicated transport. They have likewise failed to show potential deployment of loops in the manner required by the TRO. The ILECs' evidence is based on faulty assumptions and generalizations rather

than “granular” data specific to each location or route in question. Absent evidence of the nature, quality and specificity required by the TRO, the ILECs’ requests for unbundling relief must be denied.

4. Questions of Fact, Positions and Witnesses addressing issues

DS-1 Loops (§51.319(a)(4)(ii))

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?

Joint CLEC Position: This trigger requires evidence that each competing provider has deployed its own DS1 loop facilities to the location, and offers DS1 wholesale loops on a widely available basis to other carriers desiring to serve customers at the location, and that each competing provider has access to the entire premises, including each individual unit. The ILECs assume that if a CLEC is willing to wholesale at any capacity level anywhere in the U.S., then it is willing to wholesale at each and every location in Florida at which it has facilities, and at the DS1 capacity level. These assumptions are directly contrary to the requirement of the TRO that the competitive wholesale trigger can only be satisfied by actual proof specific to a particular customer location that two or more wholesalers are actually offering loops on a widely available basis. The ILECs also offer no evidence whatsoever with respect to access to each individual unit in multiunit locations, again relying on assumptions rather than evidence. The ILECs’ evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

DS-3 Loops (§51.319(a)(5))

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?

Joint CLEC Position: This trigger requires evidence that each competing provider has deployed its own DS3 loop facilities to the location, and is serving customers at that location with those facilities at the DS3 capacity level. The ILECs fail to carry their evidentiary burden because they assume that each and every CLEC fiber loop is operationally ready to provide DS3 service, without any proof that the equipment necessary to actually do so has in fact been installed. The ILECs' evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

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?**

Joint CLEC Position: This trigger requires evidence that each competing provider has deployed its own DS3 loop facilities to the location, that each competing provider is operationally ready for serving customers at the location at the DS3 capacity level, that each competing provider has the ability and is willing to provide wholesale loops on a widely available basis to other carriers at that location, and that each competing provider has access to the entire premises, including each individual unit. The ILECs assume that if a CLEC is willing to wholesale at any capacity level anywhere in the U.S., then it is willing to wholesale at each and every location in Florida at which it has facilities, and at the DS3 capacity level. These assumptions are directly contrary to the requirement of the TRO that the competitive wholesale trigger can only be satisfied by actual proof specific to a particular customer location that two or more wholesalers are actually offering loops on a widely available basis. The ILECs also offer no evidence whatsoever with respect to access to each individual unit in multiunit locations, again relying on assumptions rather than evidence.

The ILECs' evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

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?**

Joint CLEC Position: There is no evidence of non-impairment using the potential deployment analysis for DS-3 loops at any specific customer location. This is so because the ILECs' evidence consists of unfounded and erroneous assumptions and averages for revenues and costs that are applied in blanket fashion to every location, regardless of the specific facts at any of them. Such evidence does not meet the evidentiary requirements of the TRO and is therefore insufficient to support a finding of no impairment.

Dark Fiber Loops (§51.319(a)(6))

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)?**

Joint CLEC Position: This trigger requires evidence that each competing provider has deployed its own dark fiber loop facilities to the particular location. The ILECs' evidence merely assumes that any location at which a CLEC has loop facility necessarily has dark fiber loops, nor is their evidence granular. The ILECs cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

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 §51.319(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?**

Joint CLEC Position: Like their other potential deployment analyses, the ILECs rely on a series of inaccurate assumptions, averages and hypotheticals which are applied in blanket fashion to all locations identified. Their “evidence” is insufficient because it is not based on actual facts particular to the locations in question or the criteria established in the TRO. They assume that any location at which a CLEC has lit fiber loops necessarily also has dark fiber loops. The CLECs have demonstrated the inaccuracy of this assumption.

Dedicated DS-1 Transport (§51.319(e)(1)(ii))

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?**

Joint CLEC Position: This trigger requires evidence that each competing provider has deployed its own dedicated transport facilities on a route between two ILEC wire centers and is operationally ready and willing immediately to provide to other carriers, on a widely available basis, DS1 service with those facilities, and that those facilities terminate in collocation arrangements at those wire centers. The evidence does not identify wholesale triggers for several reasons, including: 1) the ILECs merely assume that carriers having collocations and fiber facilities at any two ILEC wire centers must necessarily be providing dedicated transport between those points; 2) carriers having collocations and fiber facilities at any two ILEC wire centers in fact have not deployed and are not operationally ready to provide transport between those points; 3) backhaul links between collocations in any two wire centers and a CLEC’s switch do not constitute a dedicated transport route; 4) if a CLEC allegedly offers to provide or provides wholesale service anywhere it is not necessarily providing service at the DS-1 capacity at the “route” in question; 5) a CLEC is not necessarily operationally ready to provide service at the DS1 service level if it has merely deployed fiber facilities entering its collocations; and 6) CLECs merely offering to provide wholesale service or providing wholesale service generally do not necessarily provide wholesale service on the route in question. The ILECs’ evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

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?

Joint CLEC Position: The applicable trigger requires evidence that each competing provider has deployed its own dedicated transport facilities on a route between two ILEC wire centers and is operationally ready and willing immediately to provide, on a widely available basis, DS1 service with those facilities, and that those facilities terminate in collocation arrangements at those wire centers. The evidence does not identify wholesale triggers for several reasons, including: 1) the ILECs merely assume that carriers having collocations and fiber facilities at any two ILEC wire centers must necessarily be providing dedicated transport between those points; 2) carriers having collocations and fiber facilities at any two ILEC wire centers in fact have not deployed and are not operationally ready to provide transport between those points; 3) backhaul links between collocations in any two wire centers and a CLEC's switch do not constitute a dedicated transport route; 4) a CLEC is not necessarily operationally ready to provide service at the DS1 service level if it has merely deployed fiber facilities entering its collocations; and 5) CLECs merely offering to provide wholesale service or providing wholesale service generally do not necessarily provide wholesale service on the route in question. The ILECs' evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

Dedicated DS-3 Transport (§51.319(e)(2))

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?

Joint CLEC Position: This trigger requires evidence that each competing provider has

deployed its own dedicated transport facilities on a route between two ILEC wire centers and is operationally ready to use those facilities and provide service at the DS3 capacity level, and that those facilities terminate in collocation arrangements at those wire centers. The evidence does not identify self-provisioning triggers for several reasons, including: 1) the ILECs merely assume that carriers having collocations and fiber facilities at any two ILEC wire centers must necessarily be providing dedicated transport between those points; 2) carriers having collocations and fiber facilities at any two ILEC wire centers in fact have not deployed and are not operationally ready to provide transport between those points; 3) backhaul links between collocations in any two wire centers and a CLEC's switch do not constitute a dedicated transport route; 4) a CLEC is not necessarily operationally ready to provide service at the DS3 service level if it has merely deployed fiber facilities entering its collocations. The ILECs' evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

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?**

Joint CLEC Position: The ILECs' evidence on this issue suffers from the same defects as their identification of DS-3 dedicated transport routes described in response to Issue 9. The ILECs have thus failed to identify any routes meeting the self-provisioning trigger for DS-3 dedicated transport.

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?**

Joint CLEC Position: This trigger requires evidence that each competing provider has deployed its own dedicated transport facilities on a route between two ILEC wire centers and is operationally ready and willing immediately to provide to other carriers, on a widely available basis, DS3 service

with those facilities, and that those facilities terminate in collocation arrangements at those wire centers. The evidence does not identify wholesale triggers for several reasons, including: 1) the ILECs merely assume that carriers having collocations and fiber facilities at any two ILEC wire centers must necessarily be providing dedicated transport between those points; 2) carriers having collocations and fiber facilities at any two ILEC wire centers in fact have not deployed and are not operationally ready to provide transport between those points; 3) backhaul links between collocations in any two wire centers and a CLEC's switch do not constitute a dedicated transport route; 4) if a CLEC allegedly offers to provide or provides wholesale service anywhere it is not necessarily providing service at the DS-1 capacity at the "route" in question; 5) a CLEC is not necessarily operationally ready to provide service at the DS3 service level if it has merely deployed fiber facilities entering its collocations; and 6) CLECs merely offering to provide wholesale service or providing wholesale service generally do not necessarily provide wholesale service on the route in question. The ILECs' evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

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?

Joint CLEC Position: The applicable trigger requires evidence that each competing provider has deployed its own dedicated transport facilities on a route between two ILEC wire centers and is operationally ready and willing immediately to provide, on a widely available basis, DS3 service with those facilities, and that those facilities terminate in collocation arrangements at those wire centers. The evidence does not identify wholesale triggers for several reasons, including: 1) the ILECs merely assume that carriers having collocations and fiber facilities at any two ILEC wire centers must necessarily be providing dedicated transport between those points; 2) carriers having collocations and fiber facilities at any two ILEC wire centers in fact have not deployed and are not operationally ready to provide transport between those points; 3) backhaul links between collocations in any two wire centers and a CLEC's switch do not constitute a dedicated transport route; 4) a

CLEC is not necessarily operationally ready to provide service at the DS1 service level if it has merely deployed fiber facilities entering its collocations; and 5) CLECs merely offering to provide wholesale service or providing wholesale service generally do not necessarily provide wholesale service on the route in question. The ILECs' evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

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?

Joint CLEC Position: Like their other potential deployment analyses, the ILECs' evidence on this issue is not based on evidence particular to the locations in question or the criteria established in TRO ¶ 410. Instead, it is a series of inaccurate assumptions, averages and hypotheticals that are applied in blanket fashion to all locations identified. It is insufficient to conclude that there is no impairment based on the ILECs' evidence.

Dark Fiber Transport (§51.319(e)(3))

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?

This trigger requires evidence that each competing provider has deployed its own dedicated dark fiber transport facilities on a route between two ILEC wire centers, and that those facilities terminate in collocation arrangements at those wire centers. The evidence does not identify self-provisioning triggers for several reasons, including: 1) the ILECs merely assume that carriers having collocations and fiber facilities at any two ILEC wire centers must necessarily be providing dedicated transport between those points; 2) carriers having collocations and fiber facilities at any two ILEC wire centers in fact have not deployed and are not operationally ready to provide transport between those points; and 3) backhaul links between collocations in any two wire centers and a CLEC's switch, do not constitute a dedicated transport route. The ILECs' evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

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?

Joint CLEC Position: The ILECs' evidence on this issue suffers from the same defects identified in response to Issue 14.

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?

Joint CLEC Position: This trigger requires evidence that each competing provider has deployed its own dark fiber dedicated transport facilities on a route between two ILEC wire centers and is operationally ready and willing immediately to provide to other carriers, on a widely available basis, dark fiber with those facilities, and that those facilities terminate in collocation arrangements at those wire centers. The evidence does not identify wholesale triggers for several reasons, including: 1) the ILECs merely assume that carriers having collocations and fiber facilities at any two ILEC wire centers must necessarily be providing dedicated transport between those points; 2) carriers having collocations and fiber facilities at any two ILEC wire centers have not deployed and are not operationally ready to provide transport between those points; 3) backhaul links between collocations in any two wire centers and a CLEC's switch do not constitute a dedicated transport route; 4) if a CLEC allegedly offers to provide or provides wholesale service anywhere it is not necessarily providing dark fiber at the "route" in question; 5) a CLEC is not necessarily operationally ready to provide dark fiber if it has merely deployed fiber facilities entering its collocations; and 6) CLECs merely offering to provide wholesale service or providing wholesale service generally do not necessarily provide wholesale service on the route in question. The ILECs' evidence on these matters is not granular and they cannot carry their evidentiary burden by means of unfounded assumptions and deficient analysis.

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?

Joint CLEC Position: The ILECs' evidence on this issue suffers from the same defects identified in response to Issue 16.

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?**

Joint CLEC Position: Since there is no evidence of sufficient granularity to determine the actual, as opposed to assumed, deployment of dark fiber along any route, it is not possible to compare the actually available dark fiber to current demand along any particular route.

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?**

Joint CLEC Position: Like their other potential deployment analyses, the ILECs' evidence on this issue is not based on evidence particular to the routes in question or the criteria established in TRO ¶ 410. Instead, it is a series of inaccurate assumptions, averages and hypotheticals that are applied in blanket fashion to all locations identified.

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)?**

Joint CLEC Position: FCCA submits that the Commission should not address transition issues in this proceeding. The Commission should adopt a multi-tiered transition process such as the one applicable to mass market switching. More specifically, CLECs should continue to be able to order new UNEs for locations and routes that have been delisted for a minimum of nine months

following the Commission's order. The Commission also should grandfather any UNEs delisted that are currently being used to serve customers. If conversions are to occur, then prior to any conversion, the Commission should establish pricing for delisted UNEs. The Commission also should ensure, among other things, that the ILECs have processes and procedures for converting UNEs to delisted elements, that electronic ordering and provisioning is available, and that collocated carriers can cross-connect to each other at the same intervals and pricing as they can cross-connect to the ILEC. The Commission also should address any other issues that will ensure that Florida CLECs are not harmed and that will facilitate seamless service to Florida customers.

5. Questions of Law

There are no questions of law at this time.

6. Questions of Policy

There are no questions of law at this time.

7. Stipulated Issues

There are no stipulated issues at this time.

8. Pending Motions

a) FCCA's Motion to Strike BellSouth Testimony. (Filed January 14, 2004). FCCA also filed a response in opposition to BellSouth's Motion to Strike the Testimony of Gary J. Ball. (Filed January 15, 2004).

b) FCCA's Motion to Strike Verizon Testimony (Filed January 28, 2004)

c) Covad's Motion For Summary Final Order As To Issue Nos. 7 -12 And 14 – 18. (Filed January 21, 2004)

d) Covad's Request for Oral Argument on its Motion for Summary Final Order (Filed January 21, 2004).

d) NewSouth has no pending motions. NewSouth filed a response in opposition to BellSouth's Motion to Strike the Testimony of Jake E. Jennings. (Filed January 15, 2004).

e) FCCA Motion to Compel or in the alternative Motion to Strike (Filed February 2, 2004)

9. **Pending Requests or Claims for Confidentiality**

All testimony and discovery that is to be considered confidential has been so marked upon its filing with this Commission. (see Attachment A).

10. **Other requirements**

There are no other requirements at this time.

11. **Objections to witness qualifications**

There are no objections to witness qualifications at this time.

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CERTIFICATE OF SERVICE

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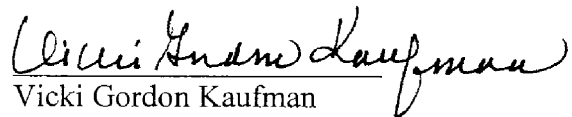
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