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Monday, March 01, 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

Re: Docket No. 030852-TP

Dear Ms. Bayo:

I enclose for filing two copies of the late-filed exhibits to the deposition of FCCA witness Gary J. Ball.

Thank you for your assistance.

Yours truly,

Joseph A. McGlothlin

JAM:ft
Enclosures

cc: Adam Teitzman, with enclosures
Parties of record with enclosures

- AUS _____
- CAF _____
- CMP _____
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DOCUMENT NUMBER-DA

03011 MAR-1

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re Implementation of Requirements)
Arising from Federal Communications)
Commission Triennial UNE Review:) Docket No. 030852-TP
Location-Specific Review for DS1, DS3) Filed: March 1, 2004
And Dark Fiber Loops, and Route-Specific)
Review for DS1, DS3 and Dark Fiber)
Transport)

Gary J. Ball
Late-Filed Deposition Exhibit 1

Reference: Ball Deposition, Tr. 53

Request: Provide TRO support for the contention that a qualifying wholesale provider must be able to provide service in a commercially reasonable time frame. Ball Revised Direct, p. 35, lines 22-23.

Response: The competitive wholesale facilities triggers are intended to identify situations where a requesting carrier can obtain alternative facilities from at least two wholesale providers ready, willing and able to provide wholesale service at the specified capacity level. The TRO describes the availability of wholesale service in terms that require it to be available in commercially reasonable time periods. Citations include the following:

Wholesale loops:

¶ 337. "Where competitive LECs have two alternative choices (apart from the incumbent LEC's network) to purchase wholesale high-capacity loops ... we conclude that impairment does not exist at that location for that type of high-capacity loop."

¶ 338. "[T]here should be some reasonable expectation that [the wholesale providers] are operationally capable of continuing to provide wholesale loop capacity to that customer location."

Wholesale transport:

¶ 400. "[W]e find that competing carriers are not impaired where competing carriers have available two or more alternative transport providers ... immediately capable and willing to provide transport at a specific capacity along a given route between incumbent LEC switches or wire centers."

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¶ 412. The wholesale transport test “ensures that transport can readily be obtained from a firm using facilities that are not provided by the incumbent LEC.”

¶ 414. The wholesale transport providers “must be operationally ready and willing to provide the particular capacity transport on a wholesale basis along the specific route.”

¶ 414. The competitive wholesale facilities trigger “safeguards against counting alternative fiber providers that ... are otherwise unable immediately to provision service along the route.”

¶ 414, fn. 1279. “The wholesale trigger counts only wholesale offerings that are readily available.”

¶ 415. “The key principle [in the competitive wholesale facilities trigger] is that [the wholesale providers] are currently offering and are able to provide service.”

47 C.F.R. § 51.319(e)(1)(ii)(B). “The competing provider is willing immediately to provide, on a widely available basis, dedicated DS1 transport along a particular route.”

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Review for DS1, DS3 and Dark Fiber)
Transport)

Gary J. Ball
Late-Filed Deposition Exhibit 2

Reference: Ball Deposition, Tr. 81-82.

Request: Identify the source data used in Ball surrebuttal exhibits GJB-4 and GJB-5 for the following carriers: AT&T, MCI, FPL and Time Warner.

Response: AT&T: AT&T Responses to BellSouth First Set of Data Requests, 11/6/2003, Confidential Attachment 12.

MCI: MCI Responses to TRO Data Requests, 12/8/2003. mci FL loops_response.xls; mci FL transport_response.xls.

FPL: FPL Response to TRO Data Requests, 12/2/2003.
loop\FPL_FIBERNET_LLC_FL.xls;
transport_FPL_FIBERNET_LLC_FL.xls.

Time Warner: Time Warner Telecom Response to TRO Data Requests.
loop_questions_FL.xls; transport_questions_FL.xls.