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November 8, 2004

BY HAND DELIVERY

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

Re: Docket 040156-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of New South Communications Corporation, The Ultimate Connection L.C., d/b/a Daystar Communications, Xspedius Management Co. Switched Services LLC and Xspedius Management Co. of Jacksonville LLC, ("Competitive Carrier Group") are an original and fifteen copies of Competitive Carrier Group's Proposed Issue Matrix and a Proposed Interconnection Agreement Amendment in the above referenced docket.

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

Thank you for your assistance with this filing.

Sincerely yours,

Norman H. Horton, Jr.
Norman H. Horton, Jr.

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cc: Parties of Record

*DNS 12020-04 - Matrix
+ 12021-04 - Amendment*

DOCUMENT NUMBER
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**PROPOSED ARBITRATION ISSUES MATRIX OF THE COMPETITIVE CARRIER GROUP (“CCG”)¹
FLORIDA PUBLIC SERVICE COMMISSION - DOCKET NO. 040156-TP**

DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
General Amendment Document		
TRO Attachment		
Section 1, Preface <i>et. seq.</i>	Whether Verizon can insist that carriers forego rights under tariffs and SGATs.	
Section 6, Preface, <i>et. seq.</i>	Whether the impact of further state proceedings should apply to the parties mutually.	§ 251(c)(3); FCC Rules 51.307(a), 51.309(a), 51.313(b).
Section 6, Preface, <i>et. seq.</i>	Whether provisions of the agreement affected by judicial review should revert to the terms and conditions in the Agreement prior to the Amendment until revisions can be renegotiated by the parties.	§ 251(c)(3); FCC Rules 51.307(a), 51.309(a), 51.313(b).
Section 6, Preface, <i>et. seq.</i>	What change of law provisions should be included in the Attachment and whether such change of law provisions should be amended to delete Verizon's ability unilaterally to implement changes to the interconnection agreement?	
Section 1, General Conditions, 1.1	Scope of Verizon's unbundling obligation under Section 251(c)(3), Part 51 of the FCC's rules and other Applicable Law.	TRO ¶¶ 656-667. 47 U.S.C. §§ 251(d)(3), 271.
Section 1.1	Whether CLECs may provide additional services using UNEs, and whether Verizon may impose limitations, restrictions, or requirements on requests for, or on the use of UNEs for the service a requesting telecommunications carrier seeks to offer.	§§ 251(c)(3), 271(c)(2)(B); FCC Rules 51.309(a), 51.313(b).
Section 1, General Conditions, 1.1, <i>et. seq.</i>	Scope of Verizon's unbundling obligation under other Applicable Law (e.g., Section 271, State Law, ICA).	TRO ¶¶ 656-667. 47 U.S.C. §§ 251(d)(3), 271.
Section 1, General Conditions, 1.1, <i>et. seq.</i>	Application and Enforcement of Verizon's ongoing §271 commitments.	TRO ¶ 653. 47 U.S.C. § 271.
Section 1, General Conditions, 1.2	Whether the CLEC's reservation of rights should mirror Verizon's	

¹The Competitive Carrier Group includes NewSouth Communications Corporation, The Ultimate Connection L.C., Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC.

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DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
	reservation of rights.	
Section 2, TRO Glossary, 2.1-2.31	<p>The scope and terms of definitions for the following terms:</p> <p>Applicable Law Call-Related Databases Circuit Switch Combination Commingling Dark Fiber Transport Declassified Network Elements Dedicated Transport DS1 Dedicated Transport DS3 Dedicated Transport DS1 Loop DS3 Loop Enhanced Extended Link Enterprise Switching Feeder Fiber-to-the-Home (FTTH) Loop Hybrid Loop Inside Wire Subloop Line Conditioning Line Sharing Line Splitting Local Circuit Switching Loop Distribution Mass Market Switching Packet Switching Route Routine Network Modification</p>	<p><u>Commingling and EELs</u> - FCC Rules 51.316 and 318; TRO 575-600 <u>Dark fiber transport</u> - TRO footnote 1126 <u>DS1 and DS3 Loops</u> – FCC Rules 51.307, 51.309. <u>FTTH loops</u> - TRO footnote 811. <u>Hybrid loops</u> - TRO footnote 832. <u>Inside Wire Subloop</u> - FCC Rule 51.319(b)(2). <u>Line Conditioning</u> – FCC Rule 51.319(a)(1)(iii). <u>Line Splitting</u> – FCC Rule 51.319(a)(1)(ii). <u>Mass Market Switching</u> – FCC Rule 51.319(d)(2). <u>Nonconforming Facility</u> – FCC Rules 51.319(a)(2)(iii) & 51.319(a)(3); TRO ¶¶ 272 -284, 589. <u>Route</u> - TRO ¶ 369, n. 1126, ¶ 401 <u>Sub-Loops</u> – FCC Rules: 51.319 <u>Subloop for Multiunit Premises Access</u> - TRO ¶¶ 343-347; Rule 51.319(b).</p>

DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
	Service Management Systems Shared Transport Signaling Subloop for Access to Multiunit Premises Access Tandem Switching UNE-P	
Section 3, UNE TRO/FCC Interim Rules Provisions, <i>et. seq.</i>	Whether Verizon's proposed amendments properly address Verizon's unbundling obligations under the TRO and the FCC's Interim Rules?	TRO ¶¶281, 271, §251(c)(5), Rules 51.325-335; FCC's Interim Rules Order
Section 3, UNE TRO/FCC Interim Rules Provisions, <i>et. seq.</i>	How should any intervening FCC Order adopted in CC Docket 01-338 or WC Docket 04-313 be incorporated into the Agreement?	FCC's Interim Rules Order.
Section 3, UNE TRO/FCC Interim Rules Provisions, <i>et. seq.</i>	How should any intervening State Commission order relating to unbundling obligations, if any, be incorporated into the Agreement.	FCC's Interim Rules Order.
Section 3.1 <i>et seq.</i>	Is Verizon obligated to provide mass market local circuit switching during the Interim Period? ² If so, under what rates, terms and conditions?	FCC's Interim Rules Order.
Section 3.1 <i>et seq.</i>	Is Verizon obligated to provide unbundled access to DS1 loops, DS3 loops and dark fiber loops during the Interim Period? If so, under what rates, terms and conditions?	FCC's Interim Rules Order.
Section 3.1 <i>et seq.</i>	Is Verizon obligated to provide unbundled access to DS1, DS3 and dark fiber transport during the Interim Period? If so, under what rates, terms and conditions?	FCC's Interim Rules Order.
Section 3.1.3	What post-Interim Period ("Transition Period") plan should be incorporated into the Agreement?	FCC's Interim Rules Order.
Sections 3.1.4, 3.1.6 <i>et seq.</i>	Is Verizon obligated to provide unbundled access to local switching during any Transition Period? If so, under what rates, terms and conditions?	FCC's Interim Rules Order.
Section 3.1.5 <i>et seq.</i>	Is Verizon obligated to provide unbundled access to DS1, DS3 and	FCC's Interim Rules Order.

² INTERIM PERIOD – as set forth in ¶29 of FCC 04-179 – is defined as the period that ends on the earlier of (1) March 12, 2005 or (2) the effective date of the final unbundling rules adopted by the FCC pursuant to the Notice Proposed Rulemaking described in FCC 04-179.

DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
	dark fiber loops and transport during any Transition Period? If so, under what rates, terms and conditions?	
Section 3.1.8, 3.1.9	What transition period should apply in the event of an FCC finding of non-impairment for any of the network elements identified in Section 3.1? Under what prices, terms and conditions should such network elements be provided?	FCC's Interim Rules Order.
Section 3.1.10, 3.1.11	How should network elements be converted or discontinued upon expiration of the Transition Period?	FCC's Interim Rules Order.
Sections 3.1.11 – 3.1.13	How should any final rules adopted in CC Docket 01-338 or WC Docket 04-313 be incorporated into the Agreement?	FCC's Interim Rules Order.
Section 3.1.11	Under what rates, terms and condition should network elements be provided in the event there is a finding of impairment in the FCC's final rules?	FCC's Interim Rules Order.
Section 3.1.12	How should any final rules adopted in CC Docket 01-338 or WC Docket 04-313 that do not address impairment be incorporated into the Agreement?	FCC's Interim Rules Order.
Section 3.2 <i>et seq.</i> , Local Loops	Scope of Verizon's unbundling obligation for local loops .	FCC Rules 51.309, 51.319(a).
Section 3.2.1.1, 3.2.1.2, Local Loops and Retirement of Copper Loops	Does the Amendment accurately reflect current law with respect to unbundled access to DS1 and DS3 loops?	TRO ¶¶320-325, FCC Rule 51.318.
Section 3.2.2 <i>et. seq.</i> , FTTH Loops and Retirement of Copper Loops	Whether the TRO Attachment regarding FTTH Loops should be consistent with 47 C.F.R section 319(a)(3).	
Section 3.2.2, <i>et. seq.</i> , FTTH Loops and Retirement of Copper Loops	What criteria will be used in order to determine whether a FTTH loop does or does not have to be provided on an unbundled basis.	FCC Rule 51.319(a)(3); TRO ¶ 277.
Section 3.2.2.1	Whether new builds associated with FTTH loops should be defined as contemplated by the FCC.	<i>See</i> Issue associated with 2.10; FCC Rule 51.319(a)(3); TRO ¶¶ 272-284, n. 811 (FTTH loops).
Section 3.2.2.5 <i>et seq.</i>	Whether Verizon's TRO Amendment proposal omits a description of its obligations with respect to the retirement of copper loops, as described in the TRO?	FCC Rule 51.319(a)(3)(iii).
Section 3.2.3 <i>et. seq.</i> , Hybrid Loops	Scope of TRO Attachment revisions regarding access to Hybrid Loops and whether TRO Attachment regarding Hybrid Loops should be	Rule 51.319(a)(2)

DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
	amended to conform to 47 C.F.R. section 319(a) (2) (iii)?	
Section 3.2.3 <i>et. seq.</i> , Hybrid Loops	Whether Verizon can impose an additional nonrecurring charges for the provision of Hybrid Loops.	§ 251(c)(3); FCC Rules 51.307(a), 51.309(a), 51.313(b).
Section 3.2.3 <i>et. seq.</i> , Hybrid Loops	Whether standard provisioning intervals and performance standards apply to Hybrid Loops provisioned under section 3.2.3.	§ 251(c)(3); FCC Rules 51.307(a), 51.309(a), 51.313(b).
Section 3.2.3.2, Hybrid Loops	Whether Verizon is required to provide nondiscriminatory access to home-run copper loops and an entire hybrid loop capable of voice-grade service.	FCC Rule 51.319(a)(2)(iii)
Section 3.2.3.2, Hybrid Loops	Whether access to fiber feeder subloops used to provide service to enterprise customers were affected by the TRO.	TRO ¶ 253, 272, 285-294; FCC Rules 51.319(a)(2), 51.319(b).
Section 3.2.4, IDLC Hybrid Loops	Whether Verizon should construct copper loop or IDLC facilities if Hybrid Loop Options in sections 3.2.3.1 or 3.2.3.2 are not available.	TRO ¶¶ 632-641, FCC Rule 51.315(a)(8)
Section 3.2.5, Dark Fiber Loops	Scope of Verizon's obligation to provide access to Dark Fiber Loops.	Rule 51.319(a)(6).
Section 3.2.6, Network Interface Device	Scope of Verizon's obligation to provide Network Interface Device.	
Section 3.2.7, Packet-based Loops	Scope of Verizon's obligation to provide packet-based loops.	
Section 3.3 <i>et. seq.</i> , Line Sharing	Whether language should be added to the amendment to address new line sharing arrangements and the FCC's transition mechanism for line sharing?	TRO ¶¶ 199, 264-269, FCC Rule 59.319(1)(i).
Section 3.2.1 <i>et. seq.</i> , Line Sharing	Whether line sharing requirements should be moved to a separate agreement or remain in the ICA.	TRO ¶¶ 255-70; Rule 51.319(a)(1)(i)(A)- (B).

DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
Section 3.3(A), Line Splitting	<p>Whether the ICA should be amended to add the TRO's clarifications and additions regarding Verizon's obligations to provide line splitting.</p> <p>Access to Line Splitting pursuant to all Applicable Law. Use of splitter. Access regardless of whether carrier leases switching. Network and OSS modifications. Ordering through LSR. Maintenance, Repair and Testing</p>	TRO ¶¶ 251-52; Rule 51.319(a)(1)(ii)-(iv).
Section 3.3(B) et seq. Line Conditioning	Whether the Agreement should be amended to add the TRO's clarifications and additions to Verizon's line conditioning obligations, e.g., testing and reporting of troubles and claims of loop or subloop degradation.	TRO ¶¶ 268, 642-44; Rules 51.319(a)(1)(iii), 51.233.
Section 3.4 et. seq., Subloop	Terms and conditions that appropriately reflects the FCC's requirements regarding access to subloops, including collocation, technically feasible access, technical feasibility, and Best Practices.	TRO ¶¶ 343-58; Rule 51.319(b).
Section 3.4.5, Subloop	The TRO's requirements concerning the Single Point of Interconnection ("SPOI").	TRO ¶350, footnote 1058; Rule 51.319(b)(2)(ii).
Section 3.4.9, Subloop, Network Interface Device	Scope of Verizon's obligation to provide access to Network Interface Device (NID).	TRO ¶¶ 351-353, 356-358; Rule 51.319(c).
Section 3.5 et seq., Unbundled Local Switching	Whether Verizon is required to provide stand-alone Tandem Switching.	FCC Rule 51.319(d).
Section 3.5.1, 3.5.2 Unbundled Local Circuit Switching, End-User Transition,	Whether a process is required to ensure that service to CLEC customers is not adversely affected as a result of a network facility becoming a Declassified Network Element.	TRO ¶¶525, 528-532, 700-706.
Section 3.6 et. seq., Unbundled Interoffice Facilities	Terms and conditions to appropriately reflect Verizon's obligations to provide access to Unbundled Interoffice Facilities/Unbundled Transport pursuant to all Applicable Law.	TRO ¶¶ 359-418, 533-534; Rules 51.319(d)(4)(C), 51.319(e).
Section 3.6.2, Unbundled Interoffice Facilities	Terms and conditions for Access to Dark Fiber Transport in accordance with all Applicable Law, including access for specific,	47 U.S.C. §§251(c)(2) and (c)(3), and 271.

DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
	illustrative purposes.	
Section 3.7, Commingling, Conversions and Combinations ³	Scope of Verizon's obligations to provide Commingling, Conversions and Combinations of Unbundled Network Elements.	TRO ¶¶ 575 – 600; FCC Rule 51.318.
Section 3.7, Commingling, Conversions and Combinations	Whether CLECs are entitled to convert wholesale services (e.g., special access facilities) to UNEs or UNE Combinations (e.g., EELs) and receive retroactive true up of the difference in applicable rates back to the later of (1) the effective date of the TRO Order (October 2, 2003) or (2) the date at which a pending request for conversion was submitted.	TRO ¶¶ 579, 589.
Section 3.7, Commingling, Conversions and Combinations	Whether Verizon's performance in provisioning, combining and converting commingled facilities shall be subject to standard (i) provisioning intervals, and (ii) performance measures & remedies, contained in the Agreements.	TRO ¶¶ 588.
Section 3.7.2, Service Eligibility Criteria for Certain Combinations, Conversion and Commingled Facilities and Services	Whether EELs provided prior to October 2, 2003 are not required to satisfy the eligibility criteria established in the TRO.	TRO ¶ 589.
Section 3.7.2, Service Eligibility Criteria for Certain Combinations, Conversion and Commingled Facilities	Whether language should be added to incorporate explicitly the service eligibility criteria set forth in 47 C.F.R. section 51.318?	FCC Rule 51.318
Section 3.7.2.1, Service Eligibility Criteria for Certain Combinations, Conversion and Commingled Facilities and Services	The scope of CLECs requirement to provide certification as to existing EELs and when requesting conversion of wholesale services (e.g., special access facilities) to UNEs or UNE Combinations (e.g., EELS).	TRO ¶¶ 623-624, FCC Rule 51. 318
Section 3.7.2.8, Service Eligibility Criteria for Certain Combinations,	Whether language should be added to Section 3.7.2.8 regarding high-capacity EEL auditing to conform to the TRO.	TRO ¶¶ 625-629

³ The Competitive Carrier Group reserves the right to assert that arbitration issues related to Verizon's obligation, under the TRO, to permit commingling of UNEs and network services may be resolved without an amendment to existing interconnection agreements.

DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
Conversion and Commingled Facilities and Services		
Section 3.7.2.8, Service Eligibility Criteria for Certain Combinations, Conversion and Commingled Facilities and Services	<p>Inclusion of terms conditions for initiation and conduct of EEL Audits, and effect of audit report.</p> <ul style="list-style-type: none"> - Notice of Audit; - Selection of Auditor; - Conduct of Audit; - Application of Results 	TRO ¶¶ 625-629.
Section 3.7.2 <i>et seq.</i> , Service Eligibility Criteria for Certain Combinations, Conversion and Commingled Facilities and Services	Whether Verizon may impose nonrecurring charges (including, but not limited to, termination charges, disconnect and re-connect fees) on a circuit-by-circuit basis when wholesale services (e.g., special access facilities) are being converted to UNEs or UNE Combinations (e.g., EELs).	TRO ¶ 587, FCC Rule 51.316(c).
Section 3.7.2 <i>et seq.</i> , Service Eligibility Criteria for Certain Combinations, Conversion and Commingled Facilities and Services	Whether an amendment is necessary to incorporate the TRO's requirement that when Verizon converts wholesale services to UNEs or UNE combinations that Verizon must not physically disconnect, separate, alter or change the facilities or equipment in any way unless a CLEC specifically requests that Verizon does so.	TRO ¶ 586; FCC Rule 51.316.
Section 3.7.2.6, Service Eligibility Criteria for Certain Combinations, Conversion and Commingled Facilities and Services	Implementation of an ASR driven conversion process in the East.	§ 251(c)(3); FCC Rules 51.307(a), 51.309(a), 51.313(b).
Section 3.7.2.6, Service Eligibility Criteria for Certain Combinations, Conversion and Commingled Facilities and Services	<p>Whether conversions of a Declassified Network Element to an analogous access service shall be performed on a single order.</p> <p>The scope of the TRO's requirement that conversion of Declassified Network Elements to an alternative service arrangement or analogous access service must occur seamlessly without any customer disruption or adverse effects to service quality.</p>	FCC Rule 51. 316

DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
Section 3.7.2.5 <i>et seq.</i> , Service Eligibility Criteria for Certain Combinations, Conversion and Commingled Facilities and Services	Whether Verizon can treat conversion requests as a “project” and thus exclude them from all ordering and provisioning metrics.	TRO ¶ 586, FCC Rule 51.316(b).
Section 3.8 <i>et seq.</i> , Routine Network Modifications ⁴	Incorporation of language addressing Routine Network Modifications.	TRO ¶¶ 630-648; Rule 51.319(a)(8) and (e)(5).
Section 3.9 <i>et seq.</i> , Transitional Provisions for Declassified Network Elements	Whether the TRO Attachment with regard to Declassified Network Elements should be revised to explain the transition mechanism in greater detail?	TRO ¶¶ 525, 528-532, 700-706.
Section 3.9 <i>et seq.</i> , Transitional Provisions for Declassified Network Elements	The terms and conditions under which Verizon must provide access to Declassified Network Elements during a transition period.	TRO ¶¶ 525, 528-532
Section 3.9 <i>et seq.</i> , Transitional Provisions for Declassified Network Elements	The process for resolving disputes regarding facilities identified as Declassified Network Elements by Verizon.	TRO ¶¶ 701-705.
Section 3.9, Transitional Provisions for Declassified Network Elements	Whether the TRO Attachment should be amended to make clear that the FCC's Rules contemplate that Mass Market Switching would be subject to the rates, terms and conditions of the parties' interconnection agreement during the transition period?	TRO ¶¶ 525, 528-532
Section 3.10 <i>et seq.</i> , Hot Cuts	The scope of Verizon's obligation to provide a seamless, tested and proven batch hot cut process to avoid the potential for significant customer disruption. Whether the process should be supported by	TRO ¶¶ 473; 468-469; 487-488.

⁴ The Competitive Carrier Group reserves the right to assert that that arbitration issues related to Verizon's obligation, under the TRO, to perform routine network modifications may be resolved without an amendment to existing interconnection agreements.

DRAFT TRO AMENDMENT SECTION	ISSUE	TRO/Federal Rules
	performance metrics and remedies.	
Exhibit A to the TRO Amendment	How should the terms for any Declassified Network Element be incorporated into the Agreement?	
Exhibit A to the TRO Amendment	Under what rates, terms and conditions must Verizon provide network elements no longer required by the FCC under Section 251 of the Act (e.g., OCn Loops, OCn Dedicated Transport and Enterprise Local Switching)?	
Exhibit B to the TRO Amendment	What are the processes, terms, conditions and rates for the provision of hot cuts by Verizon?	
Exhibit C to the TRO Amendment	An acceptable and appropriate framework for hot cut metrics and remedies negotiations.	