

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the)
Establishment of Operations Support)
Systems Permanent Performance)
Measures for Incumbent Local)
Exchange Telecommunications)
Companies (BellSouth Track).)
_____)

Served: July 25, 2005

Docket No.: 000121A-TP

FLORIDA DIGITAL NETWORK, INC., d/b/a FDN COMMUNICATIONS
PROPOSED, PRELIMINARY ISSUE LIST

In accordance with the informal request of the Commission staff, Florida Digital Network, Inc., d/b/a FDN Communications ("FDN") hereby submits a proposed, preliminary issues list for the captioned docket. FDN reserves the right to raise additional issues at any time, after further review of the BellSouth performance measure plan ("PMP"),¹ responses to discovery, responses to requests for information and review of the proposed issue lists and filings of the parties.²

1. By how much is BellSouth's annual total Florida SEEMs payment obligations for Tier I and Tier II reduced under the proposed PMP versus the current PMP? How much of the reduction is attributable to proposed changes to the SQMs?
2. By how much are BellSouth's total SEEMs payments reduced if UNE-P services are no longer subject to the PMP?

¹ For reference, "PMP" refers to both the proposed SQM and SEEMs plans.

² As stated in FDN's May 26, 2005, petition on proposed agency action ("PAA"), FDN protested Commission Order No. PSC-04-0588-PAA-TP in its entirety. Nothing in this filing can be or should be construed inconsistently with any portion of FDN's PAA petition.

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3. Is BellSouth properly and adequately incented to perform its obligations under state and federal law and not to “backslide” (under section 271 of the Telecom Act) if the proposed PMP revision is implemented?

4. In what areas is BellSouth’s performance under the current PMP inadequate or not in conformance with its legal obligations and in what areas has BellSouth’s performance worsened under the current PMP? If BellSouth’s performance is inadequate or worsened, should the Commission approved SEEMs plan become more severe or less severe?

5. In evaluating BellSouth’s Florida PMP, is it relevant for the Commission to consider BellSouth’s PMPs in other states? If so, what weight should the Commission give such other PMPs?

6. Should orders whereby the carrier ordering a loop/LNP is not the same as the carrier providing switching flow through and be captured in the pertinent ordering metrics, including O-3, and in all other applicable metrics?

7. What are the appropriate intervals for trunking order reject interval and FOC timeliness?

8. Should the Provisioning and Maintenance & Repair metrics include UNE interoffice transport?

9. What is the appropriate provisioning interval for UNE xDSL?

10. Should any additional changes be made to the proposed SQMs to reflect bulk or batch migrations?

11. Should there be a metric for the percentage of xDSL loops passing cooperative testing? If so, what is the appropriate SQM?

12. What is the appropriate level of disaggregation for the proposed SQM metrics under a measure-based or transaction-based plan and how should the approved disaggregations be carried through to the SEEMs plan?

13. What audit rights should the CLECs have under the PMP?

14. Should the Commission approve a transaction-based SEEMs plan or a measure-based SEEMs plan? Why is one better than the other?

15. In the proposed transaction-based SEEMs plan, do the formulae and calculation procedures properly reflect when a transaction-based fee should be paid?

16. Are the proposed per-transaction SEEMs fees and multipliers appropriate? If not, what per transaction fees and multipliers should be approved?

17. Are the Force Majeure Event provisions in Section 4.5 of the SEEMs plan appropriate?

18. If the Commission approves a revised PMP, how should the Commission address the continuing month violations counter for SEEMs fees?

19. If the Commission approves the proposed transaction-based plan, should the Commission phase that plan in over time? If so, how?

Respectfully submitted this 25th day of July, 2005.

/s/ Matthew Feil

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the following by U.S. mail this 25th day of July, 2005.

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This 25th day of July 2005.

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