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September 29, 1999

Ms. Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 990649-TP  
Investigation into Pricing of Unbundled Network Elements

Dear Ms. Bayo:

Please find enclosed for filing in the above matter an original and 15 copies of GTE Florida Incorporated's Answer to the Joint Motion of Florida Competitive Carriers, et al. to Strike Portions of Prefiled Testimony of Witnesses Varner (BellSouth), Emmerson (BellSouth) and Trimble (GTE). Service has been made as indicated on the Certificate of Service. If there are any questions regarding this matter, please contact me at 813-483-2617.

Sincerely,

*Ernesto Mayor Jr for*  
\_\_\_\_\_  
Kimberly Caswell

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Enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into pricing of unbundled elements )  
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Docket No. 990649-TP  
Filed: September 29, 1999

**GTE FLORIDA INCORPORATED'S ANSWER TO THE JOINT MOTION OF FLORIDA COMPETITIVE CARRIERS, ET AL. TO STRIKE PORTIONS OF PREFILED TESTIMONY OF WITNESSES VARNER (BELLSOUTH), EMMERSON (BELLSOUTH) AND TRIMBLE (GTE)**

GTE Florida Incorporated (GTE) asks the Commission to deny the Joint Motion of the Florida Competitive Carriers Association, AT&T Communications of the Southern States, Inc., MCI Worldcom, Inc. and Its Operating Subsidiaries, Covad Communications Company, e.spire Communications, KMC Telecom, Inc., KMC Telecom II, Inc., and KMC Telecom III, Inc. (KMC), Rhythms Links Inc. (f/k/a ACI Corp.), Intermedia Communications Inc., Sprint Communications Company Limited and Sprint-Florida Incorporated, to Strike Portions of Prefiled Testimony of Witnesses Varner (BellSouth), Emmerson (BellSouth), and Trimble (GTE) ("ALEC Motion") and to deny the associated Request for Oral Argument. GTE responds here to the aspect of the ALEC Motion that relates to Mr. Trimble's testimony.

The disputed portion of Mr. Trimble's Direct Testimony appears within the answer to the question, "Is this proceeding affected by any federal proceedings?" (Trimble DT at 3.) Mr. Trimble's response cites the FCC's proceeding to develop a new list of UNEs to satisfy the Telecommunications Act's "necessary and impair" test. He states that "it is impossible to determine which UNEs should be deaveraged before knowing which UNEs must be offered in the first instance." (Trimble DT at 4.) The ALEC Motion asks the Commission to strike the rest of Mr. Trimble's answer (page 4, line 5, though page 6, line

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19), in which he observes that GTE submitted evidence at the FCC to show that, from the FCC's original UNE list, only transport and local loops should be unbundled, and only under certain conditions.

Mr. Trimble then notes that because the FCC proceeding "is still pending," he responds to the Commission's issues list as if the FCC's original UNE list were still in effect. He concludes by saying that "the important consideration here is not the makeup of the final UNE list, but rather the general deaveraging principles I set forth." (Trimble DT at 6.)

There is no reason to strike this testimony, even under the ALECs' logic. The Motion and associated Request for Oral Argument argue that the testimony at issue should be stricken because it would "require the Commission to speculate on the outcome of the FCC proceeding" (Request for Oral Argument at 1-2) and it raises "the prospect of an unnecessary escalation of the disputed matters and of assimilating voluminous, complex testimony on matters that likely will be mooted by a prescriptive decision of the FCC." (ALEC Motion at 2.)

Leaving Mr. Trimble's testimony intact presents none of these problems. The ALECs' underlying point is that the issues in this case were "framed deliberately to await the FCC's ruling on remanded Rule 51.319." (ALEC Motion at 2.) That is exactly what Mr. Trimble recognizes in the very section of the testimony being disputed. As the quotes above show, Mr. Trimble's Direct Testimony emphasized that it would not be possible to determine which UNEs must be deaveraged until the FCC ruled in its remand proceeding. He made this same point again in his Rebuttal Testimony. (RT at 7.) While Mr. Trimble's

Direct Testimony gives some brief background on GTE's corporate position on unbundling parameters, it "does not advocate that the Commission take any specific action" at this time, as the ALEC Motion concedes. (ALEC Motion at 11.) In any event, Mr. Trimble used the FCC's original UNE list as a basis to answer the questions in his testimony (even though he didn't agree with that list), pointing out that the makeup of the list is immaterial to the general deaveraging principles he sets forth.

The ALECs' assertions are plainly inapposite to Mr. Trimble's testimony. At no time does Mr. Trimble ask the Commission to do anything that would require it to "speculate on the outcome of the FCC proceeding." Likewise, the two pages or so of testimony at issue are neither "voluminous" nor "complex," as the ALEC Motion would have us believe. And Mr. Trimble's statements about the appropriate extent of unbundling under the necessary and impair standard present no more of a prospect of "unnecessary escalation" than do the ALECs' own, repeated contentions about the UNEs they would like to see unbundled, but that weren't on the FCC's original list. (See, e.g., Gillan DT at 3; Strow DT at 9, 14; Falvey DT at 9-10, 15-16; Barta DT at 5; Falvey Rebuttal Testimony at 6-7.) If the Commission grants the ALEC Motion to strike Mr. Trimble's testimony, then GTE requests that all of this ALEC testimony be stricken, as well.


Because all of the rationale the ALEC Motion offers for striking Mr. Trimble's testimony does not apply to that testimony, GTE asks the Commission to deny the Motion and the associated Request for Oral Argument.

Respectfully submitted on September 29, 1999.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Answer to the Joint Motion of Florida Competitive Carriers, et al. to Strike Portions of Prefiled Testimony of Witnesses Varner (BellSouth), Emmerson (BellSouth) and Trimble (GTE) in Docket No. 990649-TP were sent via U. S. mail on September 29, 1999 to the parties on the attached list.

  
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