

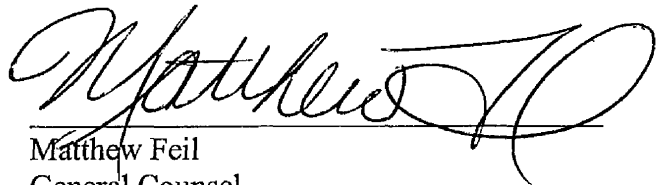
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of Requirements)
Arising from FCC Triennial UNE Review:)
Location-Specific Review for DS1, DS3) Docket No. 030852-TP
and Dark Fiber Loops, Route-Specific)
Review for DS1, DS3 and Dark Fiber) Filed: September 29, 2003
Transport)
_____)

TENTATIVE ISSUE LIST OF FDN COMMUNICATIONS

Florida Digital Network, Inc. d/b/a FDN Communications (“FDN”), through undersigned counsel, submits its tentative issues list in accordance with the Florida Administrative Weekly notice filed by staff in this docket on September 17, 2003. FDN’s tentative issue list is attached hereto and marked as “Appendix A.” FDN reserves the right to raise additional issues pending review of the other parties’ issues, discovery and testimony in the case.

Respectfully submitted this 29th day of September 2003,



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FPSC-COMMISSION CLERK

DS-1 Loops

1. To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of ILEC-comparable service quality, 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 offers a DS-1 loop over said facilities on a widely available wholesale basis to other carriers? If there are any such locations, do the wholesale providers have access to the entire customer location, including each individual unit within the location?

DS-3 Loops

2. (a) To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of ILEC-comparable service quality, either (1) deployed their own DS-3 facilities and actually serve customers via those facilities at that location or (2) deployed DS-3 facilities by attaching their own optronics to activate dark fiber obtained under a long-term IRU and actually serve customers via those facilities at that location?

(b) To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, and including intermodal providers of ILEC-comparable service quality, 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 offers a DS-3 loop over said facilities on a widely available wholesale basis to other carriers? If there are any such locations, does the wholesale provider have access to the entire customer location, including each individual unit within the location?

(c) If neither the self-provision or wholesale triggers above are met at a specific customer location, what evidence is there of non-impairment for a DS-3 loop at the specific customer location using the potential deployment criteria of Section 51.318(a)(5)(ii)?

Dark Fiber Loops

3. (a) To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, deployed their own dark fiber facilities, including dark fiber owned by the carrier or obtained via an IRU (not UNEs)?

(b) If the self-provision trigger above is not met at a specific customer location, what evidence is there of non-impairment for dark fiber loops at the specific customer location using the potential deployment criteria of Section 51.318(a)(6)(ii)?

Dedicated DS-1 Transport

4. (a) Along what particular routes have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of ILEC-comparable service

quality, 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 immediately provide DS-1 level transport over said facilities on a widely available wholesale basis to other carriers?

(b) For any particular route where at least two competing providers will provide such wholesale transport, (1) do both competing providers' facilities terminate in collocation arrangements at an ILEC premise or at a similar arrangement in a non-ILEC premise? and (2), if so, can requesting carriers obtain reasonable and nondiscriminatory access to those competing providers' termination points through a cross connect at collocations in the ILEC premise or through a similar arrangement in the non-ILEC premise?

Dedicated DS-3 Transport

5. (a) Along what particular routes have three or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of ILEC-comparable service quality, 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?

(b) For any particular route where at least three competing providers have self-provisioned such transport, do the competing providers' facilities terminate in collocation arrangements at an ILEC premise or at a similar arrangement in a non-ILEC premise?

(c) Along what particular routes have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of ILEC-comparable service quality, 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), have become operationally ready to use those facilities, and are willing to immediately provide DS-3 level transport over said facilities on a widely available wholesale basis to other carriers?

(d) For any particular route where at least two competing providers will provide such wholesale transport, (1) do both competing providers' facilities terminate in collocation arrangements at an ILEC premise or at a similar arrangement in a non-ILEC premise? and (2), if so, can requesting carriers obtain reasonable and nondiscriminatory access to those competing providers' termination points through a cross connect at collocations in the ILEC premise or through a similar arrangement in the non-ILEC premise?

(e) If neither the self-provision or wholesale triggers above are met, what evidence is there of non-impairment for dedicated DS-3 level transport loop on a specific route using the potential deployment criteria of Section 51.318(e)(2)(ii)?

Dark Fiber Transport

6. (a) 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? For any particular route where at least three competing providers have self-provisioned such transport, do the competing providers' facilities terminate in collocation arrangements at an ILEC premise or at a similar arrangement in a non-ILEC premise?

(b) 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), have become operationally ready to lease or sell those facilities for providing transport along the route, and are willing to immediately provide dark fiber over said facilities on a widely available wholesale basis to other carriers?

(c) For any particular route where at least two competing providers will provide such wholesale dark fiber, are there sufficient quantities of dark fiber available to satisfy current demand along that route? If there is insufficient wholesale dark fiber available, how should the Commission preserve the section 251 dark fiber UNE along that route?

(d) For any particular route where at least two competing providers will provide wholesale dark fiber, (1) do both competing providers' facilities terminate in collocation arrangements at an ILEC premise or at a similar arrangement in a non-ILEC premise? and (2), if so, can requesting carriers obtain reasonable and nondiscriminatory access to those competing providers' termination points through a cross connect at collocations in the ILEC premise or through a similar arrangement in the non-ILEC premise?

(e) If neither the self-provision or wholesale triggers above are met, what evidence is there of non-impairment for dark fiber transport on a specific route using the potential deployment criteria of Section 51.318(e)(3)(ii)?

General Issue

7. If any loop at a specific customer location or transport on a particular route is to be eliminated as a section 251 UNE, what transition requirements or guidance does the TRO provide? If the TRO is lacking in this regard, what can or should the Commission order as transition requirements or guidance?

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (*) who have been sent a copy via overnight mail, this 29 day of September, 2003.

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