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November 17, 2003

Blanco S. Bayo and Pat Lee
Division of the Commission Clerk and Administrative Services
Division of Competitive Markets & Enforcement
State of Florida, Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL
32399-0850

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Dear Blanco Bayo and Pat Lee:

I am sending you this letter to confirm that I am in receipt of your request for information per Docket Nos. 030851-TP and 030852-TP which is an audit of any and all telecommunications switching and transport related facilities as defined by the recent FCC rulings. As you are aware, Everest Broadband Networks is terminating all of it's operating licenses in Florida and is awaiting the final cancellation notices from your offices. In addition, the company does not own, operate or resell any telecommunications plant facilities as defined therein and therefore the company wouldn't be required to reply to the information request as submitted. Thank you for your attention to this matter.

Sincerely,

Jeffrey Feldman, PhD
President & CEO

To be sent via fax and mail

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DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

November 12, 2003

RESPONSE IS REQUIRED

At the outset, please note that if you are NOT providing telecommunications services in Florida, you may simply check the following box and fax this letter to (850) 413-6454.

TX541
Jeffrey A. Feldman
President
Everest Broadband Networks of Florida, Inc.
One Executive Drive, Suite 600
Fort Lee, NJ 07024-3381

Re: Data Request Regarding Implementation of Requirements Arising From Federal Communication Commission's Triennial Unbundled Network Element Review - Local Circuit Switching for Mass Market Customers (Docket No. 030851-TP) and High-Capacity Loops and Transport (Docket No. 030852-TP) (Responses due by December 3, 2003)

On February 20, 2003, the Federal Communications Commission (FCC) adopted new rules concerning an incumbent telecommunications exchange carrier's (ILEC) obligations to make unbundled network elements (UNEs) available to competing carriers. The *Triennial Review Order*²⁴⁹ adopts rules which establish a new standard for determining the existence of impairment under section 251(d)(2) of the 1996 Telecommunications Act and sets forth a new list of UNEs. Additionally, the FCC requires state commissions to conduct a granular analysis within 9 months of the effective date of the order (i.e., July 2, 2004) to determine whether ILECs in that state must continue to provide access to certain network elements. To this end, the Florida Public Service Commission must determine whether ILECs in Florida must continue to provide competing carriers in all markets with access to: (1) high-capacity loops; (2) mass market switching; and (3) dedicated transport.

On August 22, 2003, the Commission opened two dockets to address the implementation of the *Triennial Review Order*. The attached data request addresses targeted trigger-related information, pursuant to the unbundling requirements specified in 47 CFR §51.319. Providing the

²⁴⁹ *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, Report and Order (rel. Aug. 21, 2003)(FCC 03-36), as corrected by errata, FCC 03-227 issued on September 17, 2003 (*Triennial Review Order* or *TRO*).