

ORIGINAL

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December 22, 2003

VIA FACSIMILE AND  
OVERNIGHT DELIVERY

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

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COMMISSION  
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Re: **2003 TRO Data Request in Docket Nos. 030851-TP and 030852-TP**

Dear Ms. Bayo:

Latin American Nautilus U.S.A. Inc. ("Latin American Nautilus"), through undersigned counsel, hereby submits its response to the data request received by Latin American Nautilus from Staff. Latin American Nautilus has checked the box designated for carriers who do not provide services in Florida or who provide services in Florida through resale. While the box does not describe Latin American Nautilus's situation precisely, it appears to be the appropriate response for carriers, such as Latin American Nautilus, to whom the data request is inapplicable for reasons other than those identified on the form. As further explanation of its response, Latin American Nautilus is providing the additional information set forth below.

Latin American Nautilus is authorized to provide Alternative Access Vendor services in Florida pursuant to Certificate No. 8056. Currently, Latin American Nautilus provides only international and related interstate telecommunications services to customers in Florida. Specifically, Latin American Nautilus's customers originate and terminate international traffic to and from Latin America. To the extent Latin American Nautilus owns facilities in Florida, those facilities are used exclusively for the origination and/or termination of international and interstate traffic, and are not currently used to provide local telecommunications services. As we understand the nature and purpose of Staff's data request and its relationship to the "impairment" cases pending before the Commission, Latin American Nautilus believes the questions are therefore not applicable to it.

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- OTH \_\_\_\_\_

*key to each docket*

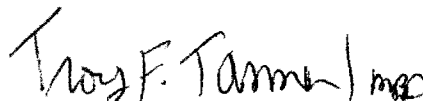
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Blanca S. Bayo  
December 22, 2003  
Page 2

An original and one (1) copy of this filing are enclosed. Please date stamp and return the enclosed extra copy of this filing in the self-addressed, postage-prepaid envelope. Should you have any questions concerning this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

  
Troy F. Tanner

Enclosure

cc: Pat Lee (w/enclosure)  
Adam Teitzman (w/enclosure)

STATE OF FLORIDA

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

## Public Service Commission

December 2, 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.*

TA063  
Eduardo Falzoni  
Latin American Nautilus U.S.A. Inc.  
200 South Biscayne Blvd., Suite 4600  
Miami, FL 33131-2303

**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 22, 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*<sup>19</sup> 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 requested data is essential to ensure that each carrier's facilities are considered in conclusions

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<sup>19</sup> *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*).

reached regarding UNE obligations. Company responses are due to the Commission by **December 22, 2003**. The data request is similar to the October 3, 2003, data request of the New York Department of Public Service in Case 03-C-0821, modified by a few additional questions.

The trigger-related information is to be provided on electronic spreadsheets: (1) `general_questions_FL.xls`, (2) `switching_questions_FL.xls`, (3) `transport_questions_FL.xls`, and (4) `loop_questions_FL.xls`. Hard copies of the spreadsheets are attached to the data request and spreadsheet files can also be downloaded from the Commission's website to use in providing responses (<http://www.floridapsc.com>). The number of spreadsheet rows to which each CLEC will be required to respond depends upon the number of switches, transport routes, or customer locations for which each company has provisioned facilities. Detailed instructions are included in the data request as well as attached to the spreadsheets.

**If your company holds a certificate but is not currently active in the marketplace, you may simply check the box at the top of this page and return it.**

To the extent you are a party to either Docket No. 030851-TP or Docket No. 030852-TP and information requested has already been provided through responses to interrogatories or document requests, there is no need to provide a full response again. Simply respond by identifying the particular interrogatory or document request (serving party, item number, filing date) where the information can be found.

Once the spreadsheets are completed, they should be saved electronically using the company name in the saved file name; i.e., `general_CompanyName_FL.xls`. A cover letter along with a hard copy of each spreadsheet and an electronic version of each spreadsheet saved on a 3.5-inch diskette or compact disk (CD) should be mailed to:

Blanco S. Bayo  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

and

Pat Lee  
Division of Competitive Markets & Enforcement  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

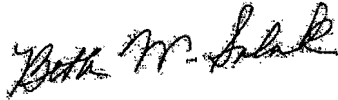
For proper identification of the data request responses, your cover letter should reference "2003 TRO Data Request in Docket Nos. 030851-TP and 030852-TP". Additionally, your response should include a notarized statement signed by the responding individual and attesting to the accuracy of the information.

Once the completed data request is received by the Commission, the information will be public record. If you believe your response contains confidential information, you can request that your response be exempt from FS 119.07(1), General State Policy on Public Records. If you are claiming confidential classification, a written request for the specific material to which the confidentiality relates should be filed with the Division of the Commission Clerk and Administrative Services with a copy to Pat Lee, Division of Competitive Markets & Enforcement. Enclosed is a copy of Florida Public Service Commission Rule 25-22.006, Florida Administrative Code, which provides the necessary information for submitting confidential information to be exempt from FS 119.07(1). Please note that a claim of confidentiality does not alleviate the obligation to respond to the data request in a timely manner. In addition, claims of confidentiality should not be made for information that is publicly available from other sources (switch locations, for example, are available from the Local Exchange Routing Guide).

In order to meet the 9-month federal requirements, it is essential that we obtain this information in a timely manner, as required by Florida Public Service Commission Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. Failure to comply with this rule can result in the Commission assessing penalties of up to \$25,000 per offense, with each day of non-compliance constituting a separate offense per FS 364.285(1). We encourage you to retain a record confirming delivery of your company's response to the data request, such as a certified mail receipt, a fax log, or a copy of an e-mail.

Responses to the enclosed data request are due no later than **December 22, 2003**. If you have any questions, please contact Pat Lee at (850) 413-6453 (plee@psc.state.fl.us).

Sincerely,



Beth W. Salak  
Director, Division of Competitive Markets  
& Enforcement

cc: Sally Simmons, Division of Competitive Markets & Enforcement  
David Dowds, Division of Competitive Markets & Enforcement  
Adam Teitzman, Office of General Counsel