

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:
TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

January 8, 2004

VIA HAND DELIVERY

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

Re: Docket No.: 000121A-TP

Dear Ms. Bayo:

On behalf of the CLEC Coalition, enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ CLEC Coalition's Response to, and Motion to Strike, BellSouth's Amended Motion to Modify Seem Plan.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

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Sincerely,

Vicki Gordon Kaufman

Vicki Gordon Kaufman

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE:)
PERFORMANCE MEASUREMENTS) DOCKET NO.: 000121A-TP
FOR TELECOMMUNICATIONS)
INTERCONNECTION, UNBUNDLING) FILED: JANUARY 8, 2004
AND RESALE)

CLEC COALITION'S RESPONSE TO, AND MOTION TO STRIKE,
BELLSOUTH'S AMENDED MOTION TO MODIFY SEEM PLAN

DIECA Communications, Inc. d/b/a Covad Communications Company
("Covad"), AT&T Communications of the Southern States ("AT&T"), and MCImetro
Access Transmission Services, LLC ("MCI") (collectively, the "CLEC Coalition") file
this Response to, and Motion to Strike, the "Amended Motion to Modify SEEM Plan"
("Amended Motion") filed on December 18, 2003 by BellSouth Telecommunications,
Inc. ("BellSouth").

At the outset, the CLEC Coalition must respectfully move the Commission to
strike BellSouth's "Amended" Motion as a blatant attempt to circumvent this
Commission's rules and the Uniform rules which bar replies to a response to a motion.
BellSouth readily admits that this is the purpose of its "Amended" Motion.¹
Consideration of BellSouth's "Amended" motion will establish a procedural precedent by
which a party files a motion, receives and reviews the adverse party's reply, and then
withdraws the motion and files an "amended" motion in order to circumvent the bar on
replies. In other words, BellSouth's "Amended" motion, and the practice it promotes, is a

¹ "Unfortunately, the Commission's rules do not allow for such a Reply. Accordingly, BellSouth withdrew
its Motion and Reply and files this Amended Motion in order to address both the Section 251 issued
raised in BellSouth's original Motion as well as the 271 issues that the CLECs will likely raise in
response." BellSouth's Motion at 1-2 (emphasis added).

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back door reply, and should not be permitted under the Commission's rules.² Accordingly, the CLEC Coalition moves the Commission to strike BellSouth's Amended Motion and order BellSouth to raise this issue in the next six month review of the SEEM Plan.

If the Commission does not strike BellSouth's Amended Motion, the Amended Motion should, nevertheless, be denied because (1) BellSouth remains obligated to provide non-discriminatory access to line sharing both under the FCC's *Triennial Review Order*³ and under section 271(c)(2)(B)(iv) of the Telecommunications Act of 1996; and (2) excusing BellSouth from providing non-discriminatory access to line sharing under the SEEM Plan is against the public interest and the purpose of the SEEM Plan.⁴

² The Commission has ruled in numerous orders, that a reply to a response is not permitted. *See, i.e., In re: Request for arbitration concerning complaint of AT&T Communications of the Southern States, LLC, Teleport Communications Group, Inc., and TCG South Florida for enforcement of interconnection agreements with BellSouth Telecommunications, Inc.*, Order No. PSC-03-0525-FOF-TP, Docket No. 020919-TP (Apr. 2003); *In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996 and petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief*, Order No. PSC-00-1777-PCO-TP, Docket No. 980119-TP (Sept. 2000); *In re: Petition by ITCDeltaCom Communications, Inc. d/b/a ITCDeltaCom for arbitration of certain unresolved issues in interconnection negotiations between ITCDeltaCom and BellSouth Telecommunications, Inc.*, Order No. PSC-00-2233-FOF-TP, Docket No. 9990750-TP (Nov. 2000); *In re: Complaint of South Florida Hospital and Healthcare Association, et al. against Florida Power & Light Company, request for expeditious relief, and request for interim rate procedures with rates subject to bond; In re: Review of Florida Power & Light Company's proposed merger with Entergy Corporation, the formation of a Florida transmission company ("Florida Transco"), and their effect on FPL's retail rates*, Docket Nos. 010944-EI, 001148-EI (Sept. 2001).

³ *Report and Order and Order on Remand and Further Notice of Proposed Rulemaking (FCC-03-36). In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, et al.*, CC Docket No. 01-338, et al., Federal Communications Commission ("FCC") 03-36 (rel. Aug. 21, 2003) ("*Triennial Review Order*" or "*TRO*").

⁴ BellSouth's Request to Offset or Escrow Penalty Payments should be denied for the same reasons.

I. The Purpose of the SEEM Plan is to Discourage Anti-Competitive Behavior, Encourage Fair and Effective Competition, and Enforce BellSouth's 271 Obligations.

BellSouth's entire motion is based on a dramatic misstatement of the law -- that the SEEM plan is narrowly tailored to enforce BellSouth's section 251 obligations without regard to its 271 obligations or other requirements of the Telecommunications Act of 1996 and Florida law.⁵ The Commission's jurisdiction over the SEEM Plan, however, is based on Florida statutes designed to ensure "the development of fair and effective competition" ((F.S.A. §364.01(3)) and to preclude anticompetitive behavior (F.S.A. §364.01(4)(g)).⁶ In addition to discouraging anti-competitive behavior and encouraging fair and effective competition, in BellSouth's own words, "the purpose of the enforcement provisions of the [SEEM] plan is to prevent 'backsliding' after BellSouth obtains authority to provide interLATA service."⁷

In an effort to support its contention that "a measurement plan is simply a mechanism that can be utilized to ensure that an RBOC meets its obligations under 251, after it is granted 271 authority" BellSouth quotes from the FCC Order granting 271 authority in Georgia and Louisiana.⁸ The quotation provided by BellSouth, however, expressly states that the performance plan is intended to ensure that a BOC meets its 271 obligations:

⁵ BellSouth's Amended Motion at ¶ 1 (Asserting that "line sharing is no longer an unbundled network element that incumbent LECs are required to offer pursuant to Section 251 of the Act. For this reason, BellSouth should be relieved of any further obligation to pay SEEM penalties that relate to the provision of line sharing.").

⁶ Order No. PSC-01-1819-FOF-TP, FPSC Docket No. 000121-TP, issued September 10, 2001, at p. 8.

⁷ BellSouth Telecommunications, Inc. Brief of the Evidence, FPSC Docket 000121-TP, filed May 31, 2001, p. 1.

⁸ BellSouth's Motion at 2-3.

In prior Orders, the [Federal Communications] Commission has explained that one factor it may consider as part of its public interest analysis is whether a BOC would have adequate incentive to continue to satisfy the requirements of Section 271 after entering the long distance market. Although it is not a requirement for Section 271 Authority that a BOC be subject to such performance assurance mechanisms, the Commission previously has found that the existence of the satisfactory performance monitoring and enforcement mechanisms is probative evidence that the BOC will continue to meet its 271 obligations after grant of such authority.⁹

Indeed, section 251 obligations are not even mentioned in the quotation. Manifestly then, the SEEM Plan is intended to enforce BellSouth's 271 obligations following grant of 271 authority. Until the *Triennial Review Order (TRO)*, 251 UNEs and 271 UNEs were the same. Line sharing is the first UNE subject to the SEEM Plan to be "de-listed" as a 251 UNE. It remains, as is demonstrated below, as a 271 UNE.

In contravention of its own previous advocacy and FCC precedent, BellSouth now attempts in its Amended Motion to avoid any relationship to its 271 obligations or the jurisdictional basis of the SEEM plan. The reason BellSouth feels obliged to divorce the SEEM Plan from enforcement of BellSouth's 271 obligations and the Commission's jurisdiction is because BellSouth remains obligated to provide non-discriminatory access to line sharing both under the *TRO* and section 271 of the Telecommunications Act of 1996.

⁹ *In the Matter of Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc. And BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana*, CC Docket No. 02-35, Memorandum Opinion and Order, 17 FCC Rcd 9018, 9181082, ¶ 291 (2002) (emphasis added).

II. BellSouth is Still Obligated to Provide Non-Discriminatory Access to Line Sharing Provisioning, Maintenance and Repair.

A. The *Triennial Review Order* requires BellSouth to continue providing access to Line Sharing.

BellSouth is not a benevolent monopoly. It *only* provides access to line sharing because it has been and remains obligated to do so.¹⁰ Indeed, the FCC expressly outlined the ILECs' continuing line sharing obligations in the *TRO*:

In order to implement the line sharing transition plan described above, we find that it is necessary to reinstate certain rules concerning the HFPL Incumbent LECs must condition loops to enable requesting carriers to access the HFPL incumbent LECs must provide physical loop test access points *on a nondiscriminatory basis* for the purpose of loop testing, maintenance, and repair activities.”¹¹

Accordingly, BellSouth remains obligated to provision, maintain and repair line sharing on a non-discriminatory basis under the terms of the *TRO*. BellSouth asserts in its Amended Motion that despite the clear Order from the FCC that BellSouth continue to provide nondiscriminatory access, testing, maintenance and repair for line sharing, that these are not “legal requirements.” Amended Motion at 16. Why BellSouth thinks FCC orders do not codify “legal requirements” is not made clear in BellSouth’s Amended Motion, but the “requirements” to provide nondiscriminatory access, testing, maintenance and repair for line sharing are the same obligations that the SEEM Plan currently enforces. Accordingly, BellSouth remains obligated to provide nondiscriminatory access,

¹⁰ BellSouth’s Motion at ¶¶ 6 and 7 (outlining the *Triennial Review Order*’s grandfathering of existing line sharing customers and the continuing availability of line sharing during a three (3) year transition period).

¹¹ *TRO* at ¶ 268 (emphasis added).

testing, maintenance and repair for line sharing. BellSouth's Amended Motion should, therefore, be denied.

Numerous Commissions and Public Staffs agree. On November 25th, the North Carolina Public Staff filed comments in Docket No. P-100, Sub 133k, opposing BellSouth's Motion to Modify the SEEM Plan in North Carolina. In opposing the motion, the Public Staff stated the following:

2. The Public Staff believes that BellSouth's motion is premature. In Paragraphs 255-63 of the TRO, the FCC determined that competing local providers (CLPs) were no longer impaired if they did not have unbundled access to the high frequency portion of the loop via line sharing. However in Paragraphs 264-5 of the TRO, the FCC continued to require incumbent local exchange carriers (ILECs) to offer new line sharing arrangements for the next three years at transitional rates derived from each state's current line sharing rates or contained in the parties' interconnection agreement. The FCC also grandfathered all existing line sharing arrangements until the FCC's next biennial review and set the rate as that charged prior to the effective date of the TRO.

3. In Paragraph 267 of the TRO, the FCC explained that transitional rates establish a 'glide path from one regulatory/pricing regime to another' and encourage either the orderly migration of customers to the whole loop or negotiations between ILECs and CLPs of rates, terms, and conditions for continued access to the high frequency portion of the loop.

4. The Public Staff believes that as long as BellSouth is required by the FCC to offer line sharing, the performance measures and SEEM penalties for line sharing should remain in the plans. As the transition period passes, the number of line sharing arrangements should decline, thereby decreasing the potential for BellSouth to incur penalties. However, to remove the penalties from BellSouth's SEEM Plan for line sharing at this time could disrupt the 'glide path from one regulatory/pricing regime to another' envisioned by the FCC. Moreover, as long as BellSouth continues to offer line sharing during this

transition period in a non-discriminatory manner, penalty payments will be unnecessary.¹²

On December 9, 2003, the Alabama Public Service Commission, by a 3-0 margin, voted to accept the Recommendation of the Commission's Legal Division that BellSouth's Motion to Modify SEEM Plan, and the relief requested by BellSouth, be denied by the Commission until the transitional period specified in the *TRO* ends.¹³ On December 15th, the Kentucky Public Service Commission issued an Order denying BellSouth's motion to escrow SEEM Plan payments (relating to line sharing penalties) and stated that:

The rationale for creating the SEEM performance measures and penalties has not been altered by the Triennial Review Order. BellSouth is still required to provide new line sharing arrangements and maintain existing ones. The payment of penalties on a real-time basis provides appropriate incentives to BellSouth to treat its competitors fairly and compensate those competitors for injuries sustained when service does not meet BellSouth's own predetermined standards.¹⁴

Finally, on December 16, 2003, the Georgia Public Service Commission voted unanimously to deny BellSouth's Motion, based on determinations that BellSouth was obligated to provide access to line sharing under both section 271 and the *TRO*. The Florida Public Service Commission should deny BellSouth's Amended Motion for the same sound reasons other Commissions and Public Staffs have denied identical motions elsewhere.

¹² *In the Matter of Generic Docket to Address Performance Measurements and Enforcement Mechanisms*, Comments of the Public Staff, Docket No. P-100, Sub 133k (November 25, 2003) (emphasis added).

¹³ This decision was made in Docket No. 25835. Neither an Order nor transcript is currently available.

¹⁴ *In the Matter of: Investigation Concerning the Propriety of Provision of InterLATA Services by BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996*, Order, Case No. 2001-00105 (Issued December 15, 2003) (emphasis added).

B. Section 271 of the Telecommunications Act of 1996 also requires that BellSouth provide access to line sharing.

In addition to its obligations under the *TRO*, BellSouth is also obligated to provide access to line sharing under section 271 of the Telecommunications Act. The FCC stated in the *TRO* that “section 271 requires BOCs to provide unbundled access to elements not required to be unbundled under section 251 . . .”¹⁵ There is no question line sharing is a local loop transmission facility under 271(c)(2)(B)(iv) to which BellSouth is obligated to provide access irrespective of any section 251 unbundling determinations by the FCC. Checklist item 4 requires BellSouth to provide access to “local loop transmission from the central office to the customer’s premises, unbundled from local switching or other services.”¹⁶ The HFPL is clearly a form of loop transmission – loop transmission that the Bells themselves routinely use to provide xDSL services separately from narrowband voice services.¹⁷ Indeed, in describing the high frequency portion of the loop in the *Line Sharing Order*, the FCC stated that “requesting carriers may access unbundled loop functionalities, such as *non-voiceband transmission frequencies, separate from other loop functions*” – distinguishing the high frequency loop transmission path from the narrowband frequencies used for circuit switched voice services.¹⁸ Thus, in light of the clear statutory language in section 271, checklist item number four, there is no question

¹⁵ *TRO* at ¶ 659.

¹⁶ 47 U.S.C. § 271(c)(2)(B)(iv).

¹⁷ In other words, Bell customers typically purchase narrowband voice services without also purchasing xDSL, and pay a separate monthly fee in order to add xDSL services to their local loop.

¹⁸ See *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Third Report and Order in CC Docket No. 98-147 Fourth Report and Order in CC Docket No. 96-98, FCC 99-355, 14 FCC Rcd. 20912, 20923 at ¶18 (1999).

that the Bell companies remain under a statutory obligation to offer unbundled HFPL loop transmission to competitors.

C. Line Sharing is a Checklist Number Four Item.

Despite numerous FCC orders and its own advocacy, BellSouth now asserts in its Amended Motion that line sharing is not a loop transmission facility under 271(c)(2)(B)(iv) -- checklist item number four. Amended Motion at 12. Again, this is another demonstrable misstatement of the law. Both the FCC and BellSouth itself have repeatedly categorized line sharing under checklist number four. In every FCC 271 Order granting BellSouth long distance authority – indeed, in every FCC order granting any RBOC such authority – the FCC placed line sharing and line splitting in the section of the Order considering checklist item number four, not in the sections addressing 251 obligations.¹⁹ More importantly, BellSouth placed line sharing and line splitting in every one of its own briefs to the states and to the FCC under checklist item number four.²⁰ Having briefed line sharing as a checklist number four item to the FCC and this Commission, it is beyond disingenuous for BellSouth now to assert that line sharing is *not* a check list number four loop transmission facility. BellSouth cannot admit this, of

¹⁹ A spreadsheet providing citations and quotations from FCC 271 Orders is attached hereto as Exhibit A.

²⁰ See e.g., *In the Matter of: Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Florida and Tennessee*, Brief in Support of Application by Bellsouth for Provision of In-Region, Interlata Services in Florida and Tennessee, WC 02-307, filed September 20, 2002 at pp. 96-99; *In the Matter of: Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi, North Carolina and South Carolina*, Brief in Support of Application by Bellsouth for Provision of In-Region, Interlata Services in Alabama, Kentucky, Mississippi, North Carolina and South Carolina, WC 02-150, filed June 20, 2002 at pp. 114-116; *In the Matter of: Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana*, Brief in Support of Application by Bellsouth for Provision of In-Region, Interlata Services in Georgia and Louisiana, CC 01-277, filed October 2, 2001 at pp. 112-114.

course, because to do so would admit that BellSouth continues to have an obligation to provide access to line sharing under section 271. *TRO* at ¶¶ 653-55. Instead, BellSouth spends several paragraphs arguing that loops and line sharing are separate UNEs under 251, therefore they cannot both fall under “local loop transmission facilities” in checklist item number four. *See* BellSouth’s Motion 12-13. “The [Federal Communications] Commission has defined the loop as a transmission facility” not as a “loop.”²¹ In other words, the rule relates to pipelines, which in the telecommunications realm, includes the High Frequency Portion of the Loop. In sum: The HFPL (line sharing) is repeatedly categorized by both BellSouth and the FCC under checklist item number four because the HFPL is a “local loop transmission” facility under 271(c)(2)(B)(iv). Accordingly, as long as BellSouth continues to offer long distance, it must provide access to line sharing. Because, in BellSouth’s own words, “the purpose of the enforcement provisions of the [SEEM] plan is to prevent ‘backsliding’ after BellSouth obtains Commission approval to provide interLATA service.”²² BellSouth’s Amended Motion to Modify the SEEM Plan to remove line sharing should be denied.

D. BellSouth’s Obligation to Provide Non-Discriminatory Access to Line Sharing Under Section 271 is Independent of its Obligation to Provide Access Under Section 251.

Without legal argument available, BellSouth instead argues that it is “illogical” for the FCC to lift the obligation of ILECs to provide access to line sharing as a 251 UNE

²¹ *In the Matter of: Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi, North Carolina and South Carolina*, Memorandum Opinion and Order, WC 02-150, FCC 02-260, released September 18, 2002, H-26-28 (discussing the definition of “local loop” and describing the legal obligations under checklist item number 4, including the obligation to provide line sharing and line splitting) (emphasis added).

²² BellSouth Telecommunications, Inc. Brief of the Evidence, FPSC Docket 000121-TP, filed May 31, 2001, p. 1.

only to maintain an RBOC's obligation to maintain access under section 271. Amended Motion at 10-12. Despite BellSouth's reasoning, however, the FCC expressly held that "BOC obligations under section 271 are not necessarily relieved based on any determination we make under section 251 unbundling analysis." *TRO* at ¶ 655. Moreover, the FCC expressly addressed the question of the apparent illogic of a statutory scheme in which the FCC could cease the requirement of an RBOC to provide access to a UNE under 251, and yet continue the identical requirement under section 271:

659. In interpreting section 271(c)(2)(B), we are guided by the familiar rule of statutory construction that, where possible, provisions of a statute should be read so as not to create a conflict. So if, for example, pursuant to section 251, competitive entrants are found not to be "impaired" without access to unbundled switching at TELRIC rates, the question becomes whether BOCs are required to provide unbundled switching at TELRIC rates pursuant to section 271 (c)(2)(B)(vi). In order to read the provisions so as not to create a conflict, we conclude that **section 271 requires BOCs to provide unbundled access to elements not required to be unbundled under section 251**, but does not require TELRIC pricing. This interpretation allows us to reconcile the interrelated terms of the Act so that one provision (section 271) does not gratuitously reimpose the very same requirements that another provision (section 251) has eliminated.

TRO at ¶ 659 (emphasis added).

In short, although the *price* for a "de-listed" UNE may change, if that UNE falls under 271(c)(2)(B)(iii)-(vi), the obligation to provide non-discriminatory *access* remains. BOCs who continue to sell long distance must continue to provide non-discriminatory access to all checklist items "de-listed under 251,"²³ including line sharing under checklist item number four. Whether BellSouth thinks that statutory scheme is illogical or not, it is the law.

²³ With the exception of checklist item numbers 1 and 2, as these items are directly tied to section 251 UNEs.

III. Because BellSouth Remains Obligated to Provide Non-Discriminatory Access to Line Sharing, the SEEM Plan Should Continue to Enforce that Obligation.

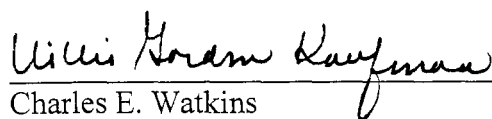
In accordance with the purposes of the SEEM Plan and the continuing obligation of BellSouth to provide non-discriminatory access to line sharing, BellSouth's Motion should be denied. It is strongly in the public interest that the customers of CLEC Coalition are protected from discriminatory treatment by BellSouth. What BellSouth is really asking this Commission to do is grant BellSouth unfettered discretion to treat line sharing customers of CLECs in any manner it sees fit. The SEEM plan is necessary for the very reasons that underlie the Commission's jurisdiction: discouraging anti-competitive behavior and encouraging fair and effective competition. As long as BellSouth is obligated to provide non-discriminatory treatment to its competitors and its competitors' customers, plans like the SEEM Plan are required to enforce that obligation.

IV. Conclusion

For these reasons, BellSouth's "Motion to Modify SEEM Plan" should be denied.

Tracy Hatch
AT&T Communications of the
Southern States, LLC
Law and Government Affairs
1200 Peachtree Street, NE, Suite 8100
(850) 425-6360

Donna McNulty
MCI
1203 Governors Square Blvd, Suite 201
Tallahassee Florida 32301
(850) 219-1008


Charles E. Watkins
Covad Communications Company
19th Floor, Promenade II
1230 Peachtree Street, NE
Atlanta, Georgia 30309
(404) 942-3492

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin Davidson,
Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
(850) 222-2525

FCC 271 Checklist Item 4 Line sharing Quotes

Exhibit A
CLEC Coalition's Response to, and Motion to Strike,
BellSouth's Amended Motion to Modify SEEM Plan
Docket No. 000121A-TP

<u>REGION</u>	<u>STATE</u>	<u>FCC DOCKET NO.</u>	<u>FCC PROCEEDING</u>	<u>PAGE</u>	<u>PARA</u>	
BellSouth	AL, KY, MS, NC and SC	WC Docket No. 02-150	FCC 02-260	130	232	As in past Section 271 orders, our conclusion is based on a review of BellSouth's performance for all loop types, including voice grade loops, x-DSL capable loops, high capacity loops and digital loops, as well as our review of BellSouth's hot cut, line-sharing and line splitting processes.
BellSouth	AL, KY, MS, NC and SC	WC Docket No. 02-150	FCC 02-260	143	248	<i>Line Sharing.</i> We find, as did the state commissions, that Bellsouth offers nondiscriminatory access to the high frequency portion of the loop in each applicable state. We note that competitive LECs in Mississippi and South Carolina have not yet ordered any line-sharing arrangements from Bellsouth. Because order volumes for line-shared loops are low in each of the states, we look to BellSouth's line-sharing performance in Georgia to inform our analysis. We further note that no party has alleged that BellSouth's line-sharing offerings in Mississippi and South Carolina fail to provide nondiscriminatory access to high frequency portion of the loop.
BellSouth	AL, KY, MS, NC and SC	WC Docket No. 02-150	FCC 02-260	144	250	We also reject Covad's claim that BellSouth's line-sharing provisioning and maintenance and repair performance precludes a grant of long distance authority. Although BellSouth's performance with regard to certain measures-customer trouble reports within 30 days of installation and repeat trouble reports within 30 days of maintenance or repair-is out of parity in certain months, we find these disparities in reported performance do not warrant a finding of checklist noncompliance.
BellSouth	AL, KY, MS, NC and SC	WC Docket No. 02-150	FCC 02-260	145	250	BellSouth generally performed at or above parity with regard to line-sharing maintenance, as measured by its trouble report rate for line-sharing arrangements, during the relevant period. In these circumstances, we conclude that BellSouth's customer trouble report and repeat trouble report rates for line sharing do not support a finding of checklist noncompliance.
BellSouth	AL, KY, MS, NC and SC	WC Docket No. 02-150	FCC 02-260	143-144	249	Because BellSouth's performance data show that it installs line-sharing arrangements in accordance with the standards approved by the state commissions, we reject Covad's reliance on BellSouth's alleged failure to provision line-sharing arrangements within the time frame specified in its interconnection agreement with Covad. Given that BellSouth's line-sharing provisioning intervals for its retail customers and competitive LECs are comparable, and recognizing BellSouth's timeliness performance during the relevant period in Georgia, we find that BellSouth's installation performance does not warrant a finding of checklist noncompliance.
BellSouth	AL, KY, MS, NC and SC	WC Docket No. 02-150	FCC 02-260	H-27	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
BellSouth	AL, KY, MS, NC and SC	WC Docket No. 02-150	FCC 02-260	H-27	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York</i> and <i>SWBT Texas Orders</i> .

FCC 271 Checklist Item 4 Line sharing Quotes

Exhibit A
CLEC Coalition's Response to, and Motion to Strike,
BellSouth's Amended Motion to Modify SEEM Plan
Docket No. 000121A-TP

<u>REGION</u>	<u>STATE</u>	<u>FCC DOCKET NO.</u>	<u>FCC PROCEEDING</u>	<u>PAGE</u>	<u>PARA</u>	
BellSouth	FL and TN	WC Docket No. 02-307	FCC 02-331	68	132	As in past Section 271 orders, our conclusion is based on a review of BellSouth's performance for all loop types, including voice grade loops, x-DSL capable loops, high capacity loops, and digital loops, as well as our review of BellSouth's hot cut, line-sharing and line splitting processes.
BellSouth	FL and TN	WC Docket No. 02-307	FCC 02-331	77-78	144	<i>Line Sharing.</i> We find, as did the state commissions, that Bellsouth offers nondiscriminatory access to the high frequency portion of the loop in Florida and Tennessee. BellSouth has provisioned 2,850 line sharing arrangements in Florida and 931 linesharing arrangements in Tennessee, as of July 2002. We recognize that BellSouth's performance in Florida and Tennessee, with respect to one installation timeliness measure...was out of parity for several months. We note, however, that the data under another installation timeliness metric-percent missed installation appointments-shows that BellSouth generally provisioned line shared loops in timely fashion during the relevant period. Accordingly, we find that BellSouth's provisioning of line-shared loops satisfies checklist item 4. Should Bellsouth's performance in this area deteriorate, we will pursue appropriate enforcement action.
BellSouth	FL and TN	WC Docket No. 02-307	FCC 02-331	D-30	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
BellSouth	FL and TN	WC Docket No. 02-307	FCC 02-331	D-30	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York and SWBT Texas Orders</i> .
BellSouth	GA and LA	CC Docket No. 02-35	FCC 02-147	128-9	218	Our conclusion is based on our review of BellSouth's performance for all loops types which include, as in past section 271 orders, voice grade loops, xDSL-capable loops, digital loops, and high capacity loops, and our review of Bellsouth's processes for hot cuts, line sharing and line splitting.
BellSouth	GA and LA	CC Docket No. 02-35	FCC 02-147			Based on the evidence in the record, we find, as did the Georgia Commission, that Bellsouth demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop. BellSouth offers line sharing in Georgia and Louisiana under its interconnection agreements and the terms of its tariff, in accordance with the requirements of the Line Sharing Order and the Line Sharing Reconsideration Order.
Qwest	AZ	WC Docket No. 03-309	FCC 03-309	14	26	Our conclusion is based on our review of Qwest's performance for all loop types-which include, as in past section 271 orders, voice grade loops, xDSL capable loops and high capacity loops-as well as hot cut provisioning and our review of Qwest's processes for line sharing and line splitting.
Qwest	AZ	WC Docket No. 03-309	FCC 03-309	C-27	51	To determine whether a BOC makes Line Sharing available consistent with Commission rules set out in the Line Sharing Order, the Commission examines categories of performance measurements identified in the Bell Atlantic New York and SWBT Texas orders.

FCC 271 Checklist Item 4 Line sharing Quotes

<u>REGION</u>	<u>STATE</u>	<u>FCC DOCKET NO.</u>	<u>FCC PROCEEDING</u>	<u>PAGE</u>	<u>PARA</u>	
Qwest	CO, ID, IA, MT, NB, ND, UT, WA, and WY	WC Docket No. 02-314	FCC 02-332	182	335	Our conclusion is based on our review of Qwest's performance for all loop types-which include, as in past section 271 orders, voice grade loops, xDSL capable loops and high capacity loops-as well as hot cut provisioning and our review of Qwest's processes for line sharing and line splitting.
Qwest	CO, ID, IA, MT, NB, ND, UT, WA, and WY	WC Docket No. 02-314	FCC 02-332	189	342	<i>Line Sharing and Line Splitting.</i> We find that Qwest demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop, and access to network elements necessary for competing carriers to provide line splitting. Qwest provides line sharing pursuant to its SGAT and state-approved interconnection agreements. According to Qwest, as of September 30, 2002, it had in service approximately 5,885 unbundled shared loops in Colorado, 4 unbundled shared loops in Idaho, 312 unbundled shared loops in Iowa, 309 unbundled shared loops in Montana, 126 unbundled shared loops in Nebraska, no unbundled shared loops in North Dakota, 1,858 unbundled shared loops in Utah, 5,850 unbundled shared loops in Washington, and 95 unbundled shared loops in Wyoming.
Qwest	CO, ID, IA, MT, NB, ND, UT, WA, and WY	WC Docket No. 02-314	FCC 02-332	189	343	Both Covad and Touch America argue that Qwest's performance under measures of maintenance and repair timeliness reveals multiple disparities. We recognize that Qwest's performance with regard to line sharing maintenance and repair measure-the All Troubles Cleared Within 24 Hours metric-is out of parity for some months in Colorado, Utah, and Washington, but we do not find that these disparities warrant a finding of checklist noncompliance given the relatively low volumes observed during these months and the difficulties associated with drawing strong conclusions based on low volumes of data.
Qwest	CO, ID, IA, MT, NB, ND, UT, WA, and WY	WC Docket No. 02-314	FCC 02-332	190	344	We note that Qwest's performance with regard to two other line-sharing maintenance and repair measures-the All Troubles Cleared Within 48 Hours and the Mean Time to Restore metrics-is also out of parity for some recent months in Colorado, Utah and Washington. First, the All Troubles Cleared Within 48 Hours metric shows that Qwest missed the parity standard for two of the relevant months in Colorado, Utah and Washington. Next, Qwest's performance for the Mean Time to Restore metric indicates that Qwest missed parity for dispatch orders for two of the relevant months in Colorado and Utah, and for three of the relevant months in Washington.
Qwest	CO, ID, IA, MT, NB, ND, UT, WA, and WY	WC Docket No. 02-314	FCC 02-332	192	347	Covad also argues that maintenance and repair performance for line shared loops would improve if Qwest provided competitive LECs with the same "router test" for end-to-end data continuity that Qwest provides for its own customers as part of the provisioning process. Specifically, Covad states that many of the line shared loop orders for which it receives a service order completion notice suffer from missing or incomplete cross-connects in the central office that would be detected by the use of the router test, and could be corrected prior to delivery of the line shared loop.
Qwest	CO, ID, IA, MT, NB, ND, UT, WA, and WY	WC Docket No. 02-314	FCC 02-332	193	347	As noted above, we find that Qwest's overall performance with respect to maintenance and repair of the line shared loops is nondiscriminatory.

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Qwest	CO, ID, IA, MT, NB, ND, UT, WA, and WY	WC Docket No. 02-314	FCC 02-332	K-27	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
Qwest	CO, ID, IA, MT, NB, ND, UT, WA, and WY	WC Docket No. 02-314	FCC 02-332	K-27	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York and SWBT Texas Orders</i> .
Qwest	MN	WC Docket No. 03-90	FCC 03-142	29	53	Our conclusion is based on our review of Qwest's performance for all loop types-which include, as in past section 271 orders, voice grade loops, xDSL capable loops and high capacity loops-as well as hot cut provisioning and our review of Qwest's processes for line sharing and line splitting.
Qwest	MN	WC Docket No. 03-90	FCC 03-142	C-26	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
Qwest	MN	WC Docket No. 03-90	FCC 03-142	C-27	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York and SWBT Texas Orders</i> .
Qwest	NM, OR, and SD	WC Docket No. 03-11	FCC 03-81	53	93	Our conclusion is based on our review of Qwest's performance for all loop types-which include, as in past section 271 orders, voice grade loops, xDSL capable loops and high capacity loops-as well as hot cut provisioning and our review of Qwest's processes for line sharing and line splitting.
Qwest	NM, OR, and SD	WC Docket No. 03-11	FCC 03-81	F-27	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
Qwest	NM, OR, and SD	WC Docket No. 03-11	FCC 03-81	F-28	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York and SWBT Texas Orders</i> .
SBC	AR and MO	CC Docket No. 01-194	FCC 01-338	26	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York and SWBT Texas orders</i> .
SBC	AR and MO	CC Docket No. 01-194	FCC 01-338	50	104	We find that SWBT demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop. SWBT offers linesharing in Missouri and Arkansas pursuant to its interconnections agreements in accordance with the Commission's <i>Line Sharing Order</i> and <i>Line Sharing Reconsideration Order</i> .

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SBC	AR and MO	CC Docket No. 01-194	FCC 01-338	47-48	97	Our conclusion is based on our review of SWBT's performance for all loop types-which include, as in past section 271 orders, voice grade loops, hot cuts, xDSL-capable loops, digital loops, and high capacity loops, and on our review of SWBT's processes for hot cuts, line sharing and line splitting.
SBC	CA	WC Docket No. 02-306	FCC 02-330	71	123	Our conclusion is based on our review of Pacific Bell's performance for all loop types, which include voice-grade loops, x-DSL-capable loops, digital loops high-capacity loops, as well as our review of Pacific Bell's processes for hot cut provisioning, and line sharing and line splitting.
SBC	CA	WC Docket No. 02-306	FCC 02-330	76	132	<i>Line Sharing and Line Splitting.</i> Based on the evidence in the record, we find, as did the California Commission, that Pacific Bell provides non discriminatory access to the high frequency portion of the loop. For the relevant five-month period, Pacific Bell provisioned over 16,000 line sharing orders in California for unaffiliated competitive LECs. Pacific Bell's performance data for line-shared loops demonstrates that it is generally in compliance with the parity and benchmark measures established in California.
SBC	CA	WC Docket No. 02-306	FCC 02-330	C-30	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
SBC	CA	WC Docket No. 02-306	FCC 02-330	C-30	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York</i> and <i>SWBT Texas Orders</i> .
SBC	IL, IN, OH, and WI	WC Docket No. 03-167	FCC 03-243	88	142	Our conclusion is based on our review of Qwest's performance for all loop types-which include, as in past section 271 orders, voice grade loops, xDSL capable loops and high capacity loops-as well as hot cut provisioning and our review of Qwest's processes for line sharing and line splitting.
SBC	IL, IN, OH, and WI	WC Docket No. 03-167	FCC 03-243	91	145	Based on the evidence in the record, we find that SBC demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop. SBC's performance data for line shared loops demonstrate that it is generally in compliance with the parity and benchmark measures established in the application states.
SBC	KS and OK	CC Docket No. 00-217	FCC 01-129	109	215	We find that SWBT demonstrates that, as of June 1, 2000, it has been making line sharing available in both Kansas and Oklahoma. SWBT makes line sharing available to competing carriers in an optional amendment to the K2A and the O2A.

FCC 271 Checklist Item 4 Line sharing Quotes

Exhibit A
CLEC Coalition's Response to, and Motion to Strike,
BellSouth's Amended Motion to Modify SEEM Plan
Docket No. 000121A-TP

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SBC	KS and OK	CC Docket No. 00-217	FCC 01-129	110	217	Only recently have competing carriers started purchasing the unbundled high-frequency portion of the loop from SWBT, and even then, only one competing carrier ordered a single line shared loop. SWBT has been providing line sharing to competing carriers in Texas, however, and has been using the same provisioning and maintenance processes in Texas as it uses in Kansas and Oklahoma. In addition, because SWBT has been providing line sharing to its separate affiliate in Kansas, Oklahoma, and Texas, we can rely on SWBT's performance towards its separate affiliate to evaluate its operations in these states.
SBC	MI	WC Docket No. 03-138	FCC 03-228	73	127	Our conclusion is based on our review of Michigan Bell's performance for all loop types, which include voice grade loops, xDSL-capable loops, digital loops, high capacity loops, as well as our review of Michigan Bell's processes for hot cut provisioning, and line sharing and line splitting.
SBC	MI	WC Docket No. 03-138	FCC 03-228	78	133	<i>Line Sharing and Line Splitting.</i> Based on the evidence in the record, we find, as did the Michigan Commission, that Michigan Bell provides nondiscriminatory access to the high frequency portion of the loop (line sharing.) Michigan Bell had approximately 73,000 high frequency portion of the loop (HFPL) UNEs in service as of the end of 2002. Michigan Bell's performance data for the line shared loops demonstrate that it is generally in compliance with the parity and benchmark measures established in Michigan.
SBC	MI	WC Docket No. 03-138	FCC 03-228	81	140	...the Michigan Commission required Michigan Bell to establish procedures for migrations from line sharing to line splitting, line sharing to UNE-P, and UNE-P to line splitting.
SBC	NV	WC Docket No. 03-10	FCC 03-80	33	65	<i>Line Sharing and Line Splitting.</i> Based on the evidence in the record, we find, as did the Nevada Commission, that Nevada Bell demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop. Given the low number of orders in Nevada...we examine Pacific Bell's performance in California. To the extent that there were discrepancies in Pacific Bell's California performance, with regard to line sharing and line splitting trouble reports after provisioning, such discrepancies in Pacific Bell's California performance with regard to line sharing and line splitting trouble reports after provisioning, such discrepancies do not appear to be competitively significant. Moreover, as discussed in the high-capacity loop section above, Pacific Bell's new line testing procedures have lowered the percentage of trouble reports.
SBC	NV	WC Docket No. 03-10	FCC 03-80	D-27	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
SBC	NV	WC Docket No. 03-10	FCC 03-80	D-27	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the Bell Atlantic New York and SWBT Texas Orders.

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SBC	TX	CC Docket No. 00-238	FCC 00-65	164	321	As with the aspects of the UNE Remand Order's revised rule 319 that were not yet in effect at the time SWBT filed its application, we conclude that it would be unfair to require SWBT to demonstrate full compliance with the requirements of the Line Sharing Order in its initial application, at a time well in advance of the implementation deadline established by the Order.
SBC	TX	CC Docket No. 00-238	FCC 00-65	164	322	We find the depth and scope of this evidence sufficient to overcome the speculative concerns of some competing carriers regarding SWBT's line sharing readiness, and reject competing carrier arguments that the Commission should deny SWBT's section 271 application on the basis of its alleged failure to comply with the requirements of the Line Sharing Order.
Verizon	CT	CC Docket No. 01-100	FCC 01-208	6	10	We focus our analysis in this section on the four loop types which present issues in controversy under this checklist item, beginning with the ordering, provisioning, and maintenance repair of stand-alone x-DSL-capable loops and digital loops. We also address linesharing and high capacity loops.
Verizon	CT	CC Docket No. 01-100	FCC 01-208	7	12	Verizon relies mainly on New York performance data to support its application in Connecticut, and our analysis is based primarily on that data.
Verizon	CT	CC Docket No. 01-100	FCC 01-208	11-12	23	We find that Verizon demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop. Verizon offers line sharing in Connecticut under its interconnection agreements and the terms of its tariff, in accordance with the Commission's Line Sharing Order and Line Sharing Reconsideration Order. There is currently only one line-sharing arrangement in Verizon's Connecticut territory, and the Connecticut performance data shows no competitive LEC activity for line shared DSL services in March and April.
Verizon	MA	CC Docket No. 01-9	FCC 01-130	69	124	We find that Verizon has demonstrated that it has a line-sharing and line-splitting provisioning process that affords competitors nondiscriminatory access to these facilities. In so doing, we acknowledge that the Massachusetts Department also concludes that Verizon complies with this checklist item.
Verizon	MA	CC Docket No. 01-9	FCC 01-130	96	166	The Department of Justice recognizes that "Verizon is making efforts to resolve its line sharing implementation difficulties" and the Massachusetts Department urges us to find that Verizon provides nondiscriminatory access to the high frequency portion of the loop.
Verizon	MA	CC Docket No. 01-9	FCC 01-130	97	168	We recognize the Department of Justice's concerns that some of the line sharing completion interval data may be inaccurate. Like the Massachusetts Department, however, we conclude that the data adequately show that Verizon has met its line sharing obligation.

FCC 271 Checklist Item 4 Line sharing Quotes

Exhibit A
CLEC Coalition's Response to, and Motion to Strike,
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Docket No. 000121A-TP

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Verizon	MA	CC Docket No. 01-9	FCC 01-130	94-95	165	Because the linesharing volumes in Massachusetts have escalated only recently, however, we look to Verizon's line sharing performance in New York as well, where line sharing volumes are larger for additional evidence that Verizon is providing nondiscriminatory access to line sharing. We conclude that Verizon's line sharing OSS in New York and Massachusetts uses the same systems and offers the same functionality. Accordingly, we shall consider Verizon's limited commercial line sharing performance in Massachusetts.
Verizon	MD DC WV	WC Docket No. 02-384	FCC 03-57	71	119	Our conclusion is based on our review of Verizon's performance for all loop types, which include, as in past section 271 orders, voice grade loops, hot cut provisioning, x-DSL capable loops, digital loops, high capacity loops, as well as our review of Verizon's processes for line sharing and line splitting.
Verizon	MD DC WV	WC Docket No. 02-384	FCC 03-57	F-27	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
Verizon	MD DC WV	WC Docket No. 02-384	FCC 03-57	F-28	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York</i> and <i>SWBT Texas Orders</i> .
Verizon	ME	CC Docket No. 02-61	FCC 02-187	31	44	Our conclusion is based on our review of Verizon's performance for all loop types, which include, as in past section 271 orders, voice grade loops, xDSL-capable loops, digital loops, and high capacity loops, and our review of Verizon's processes for hot cuts, line sharing and line splitting.
Verizon	ME	CC Docket No. 02-61	FCC 02-187	36	51	Based on the evidence in the record, we find, as did the Maine Commission, that Verizon demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop. Through March 2002, Verizon had provisioned 800 line sharing orders in Maine for unaffiliated competitive LECs. Verizon's performance data for lineshared DSL loops demonstrates that it is in compliance with the parity and benchmark measures established in Maine.
Verizon	ME	CC Docket No. 02-61	FCC 02-187	D-27	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
Verizon	ME	CC Docket No. 02-61	FCC 02-187	D-27	51	To determine whether a BOC makes Line Sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York</i> and <i>SWBT Texas orders</i> .

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Verizon	NH and DE	WC Docket No. 02-157	FCC 02-262	62	105	Our conclusion that Verizon complies with checklist item 4 is based on our review of Verizon's performance for all loop types, which include, as in past 271 orders, voice grade loops, x-DSL capable loops, digital loops, and high capacity loops, as well as our review of Verizon's processes for hot cuts, line sharing, and line splitting.
Verizon	NH and DE	WC Docket No. 02-157	FCC 02-262	F-27	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
Verizon	NH and DE	WC Docket No. 02-157	FCC 02-262	F-27	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York</i> and <i>SWBT Texas orders</i> .
Verizon	NJ	WC Docket No. 02-67	FCC 02-189	68	136	Our conclusion is based on our review of Verizon's performance for all loop types, which include, as in past section 271 orders, voice grade loops, xDSL-capable loops, digital loops, and high capacity loops, and our review of Verizon's processes for hot cuts, line sharing and line splitting.
Verizon	NJ	WC Docket No. 02-67	FCC 02-189	76-77	152	<i>Line Sharing and Line Splitting.</i> We find that Verizon demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop, and access to network elements necessary for competing carriers to provide line splitting. Verizon provides line sharing pursuant to its interconnection agreements and in accordance with our rules. Verizon states that it provides line sharing to competitive LECS using substantially the same methods and procedures as in the other states where the Commission has found Verizon to be checklist compliant. According to Verizon, it had in service approximately 1,800 line sharing arrangements in New Jersey as of February 2002. We note that Verizon generally has met the relevant performance standards for provisioning, maintaining and repairing line-shared loops for competitors in New Jersey. We also note that the commenters in this proceeding do not criticize Verizon's performance with regard to the provisioning, maintenance and repair of line shared loops.
Verizon	NJ	WC Docket No. 02-67	FCC 02-189	C-27	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
Verizon	NJ	WC Docket No. 02-67	FCC 02-189	C-27	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York</i> and <i>SWBT Texas Orders</i> .
Verizon	NY	CC Docket No. 99-295	FCC 99-404			The commission did not consider linesharing Check List Item.
Verizon	PA	CC Docket No. 01-138	FCC 01-269	40	76	Our conclusion is based on our review of Verizon's performance for all loop types, which include, as in past section 271 orders, voice grade loops, hot cuts, xDSL-capable loops, digital loops, and high capacity loops, and our review of Verizon's processes for line sharing and line splitting.

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Verizon	PA	CC Docket No. 01-138	FCC 01-269	40	77	Finally, we note that commenter have not raised any significant issues with voice grade loops, which comprise the overwhelming majority of loops ordered by competitive LECs. ²⁷²
Verizon	PA	CC Docket No. 01-138	FCC 01-269	40	272 (footnote)	²⁷² The record reflects that in Pennsylvania, Verizon has provisioned approximately... 1000 line sharing arrangements to competitive LECs as of June 21, 2001.
Verizon	PA	CC Docket No. 01-138	FCC 01-269	46	88	<i>Line Sharing</i> . We find that Verizon demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop, pursuant to its interconnection agreements and in accordance with our rules. Although ordering volumes have been low, Pennsylvania performance data demonstrate that Verizon's performance for provisioning and maintaining line-shared DSL loops to competitors is generally in parity.
Verizon	PA	CC Docket No. 01-138	FCC 01-269	C-23	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
Verizon	PA	CC Docket No. 01-138	FCC 01-269	C-24	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the Bell Atlantic New York and SWBT Texas orders.
Verizon	RI	CC Docket No. 01-324	FCC 02-63	37	76	Our conclusion is based on our review of Verizon's performance for all loop types, which include, as in past section 271 orders, voice grade loops, xDSL-capable loops, digital loops, and high capacity loops, and our review of Verizon's processes for hot cuts, line sharing and line splitting.
Verizon	RI	CC Docket No. 01-324	FCC 02-63	43-44	89	Based on the evidence in the record, we find, as did the Rhode Island Commission, that Verizon demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop. Through September 2001, Verizon had completed approximately four line sharing orders in Rhode Island for unaffiliated competitive LECs and the Rhode Island performance data show almost no competitive LEC activity for lineshared DSL services in September or October. Although there has been very little ordering activity in Rhode Island for line sharing for the months reported, there has been much ordering activity in Massachusetts during the same period of time. Verizon's Massachusetts performance data demonstrate that it is provisioning lineshared DSL loops to competitors at parity with its own retail provisioning, and that its maintenance and repair performance is also acceptable.
Verizon	VA	WC Docket No. 02-214	FCC 02-297	80	138	Our conclusion is based on our review of Verizon's performance for all loop types, which include, as in past section 271 orders, voice grade loops, hot cut provisioning, x-DSL capable loops, digital loops, high capacity loops, as well as our review of Verizon's processes for line sharing and line splitting.

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Verizon	VA	WC Docket No. 02-214	FCC 02-297	87	151	Line Sharing and Line Splitting. Covad argues that Verizon discriminates against competitors by refusing to provision UNE shared loops for customers served by resale voice providers. Covad complains that when it submits orders for UNE line shared loops for customers served by resellers of Verizon's voice service, Verizon refuses to provision the line sharing UNE, returning a rejection notice indicating "third party voice." We disagree with Covad that Verizon is obligated to provide access to the high frequency portion of the loop when the customer's voice service is being provided by a reseller, and not by Verizon.
Verizon	VA	WC Docket No. 02-214	FCC 02-297	C-27	50	On December 9, 1999, the Commission released the <i>Line Sharing Order</i> , which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL.)
Verizon	VA	WC Docket No. 02-214	FCC 02-297	C-27	51	To determine whether a BOC makes line sharing available consistent with Commission rules set out in the <i>Line Sharing Order</i> , the Commission examines categories of performance measurements identified in the <i>Bell Atlantic New York and SWBT Texas Orders</i> .
Verizon	VA	WC Docket No. 02-214	FCC 02-297			Our rules do not require incumbent LECs to provide access to the high frequency portion of the loop when the incumbent LEC is not providing voice service over that loop. We disagree with Covad that Verizon is still considered the voice provider when a reseller is providing resold voice service to an end user customer. We agree, therefore, with Verizon that it is not required to provide access to the high frequency portion of the loop under these circumstances. We note that Verizon does permit the resale of its DSL service over resold voice lines so that customers purchasing resold voice are able to obtain DSL services from a provider other than Verizon.
Verizon	VT	CC Docket No. 02-7	FCC 02-118	28	48	Our conclusion is based on our review of Verizon's performance for all loop types, which include, as in past section 271 orders, voice grade loops, xDSL-capable loops, digital loops, and high capacity loops, and our review of Verizon's processes for hot cuts, line sharing and line splitting.
Verizon	VT	CC Docket No. 02-7	FCC 02-118	32	55	Based on the evidence in record, we find, as did the Vermont Board, that Verizon demonstrates that it provides nondiscriminatory access to the high frequency portion of the loop.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing CLEC Coalition's Response to, and Motion to Strike, BellSouth's Amended Motion to Modify Seem Plan has been furnished by (*) Hand Delivery or U.S. Mail this 8th day of January, 2003:

(*) Beth Keating
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 3239-0850

Virginia C. Tate
AT&T
1200 Peachtree Street, Suite 8100
Atlanta, Georgia 30309

Ms. Nancy B. White
c/o Nancy H. Sims
BellSouth Telecommunications, Inc.
150 S. Monroe Street, Suite 400
Tallahassee, FL 32301-1556

Michael A. Gross
Florida Cable Telecommunications
Assoc.
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32302

Nanette Edwards
ITC Deltacom
4092 South Memorial Parkway
Huntsville, AL 35802

Donna C. McNulty
MCI Worldcom
1203 Governors Square Boulevard
Suite 201
Tallahassee, FL 32302

John D. McLaughlin, Jr.
KMC Telecom, Inc.
1755 North Brown Road
Lawrenceville, GA 30043

Kelley Law Firm
Jonathan Canis
Michael Hazzard
1200 19th St., NW, Fifth Floor
Washington, DC 20036

Laura L. Gallagher, P.A.
MediaOne Florida Telecommunications
101 E. College Avenue, Suite 302
Tallahassee, FL 32301

Messer Law Firm
Floyd Self
Norman Horton
P.O. Box 1867
Tallahassee, FL 32302

Pennington Law Firm
Peter Dunbar
Karen Camechis
P.O. Box 10095
Tallahassee, FL 32302-2095

Rutledge Law Firm
Kenneth Hoffman
John Ellis
P.O. Box 551
Tallahassee, FL 32302-0551

Susan Masterson
Charles Rehwinkel
Sprint Communications Company
P.O. Box 2214
MC: FLTLHO0107
Tallahassee, FL 32316-2214

Ann Shelfer
Supra Telecom
1311 Executive Center Drive, Suite 200
Tallahassee, FL 32301

Suzanne F. Summerlin
2536 Capital Medical Boulevard
Tallahassee, FL 32309

Kimberly Caswell
Verizon Select Services, Inc.
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110

George S. Ford
Z-Tel Communications, Inc.
601 S. Harbour Island Blvd.
Tampa, FL 33602-5706

Renee Terry
e.spire Communications, Inc.
131 National Business Parkway, #100
Annapolis Junction, MD 20702-10001

Jeffrey Wahlen
P.O. Box 391
Tallahassee, FL 32302

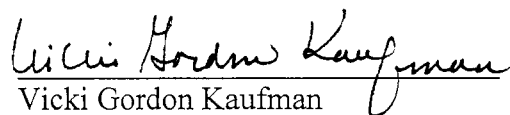
Carol Paulsen
SBC Telecom, Inc.
5800 Northwest Parkway
Suite 125, 1-Q-01
San Antonio, TX 78249

Angela Leiro/Joe Millstone
1525 N.W. 167th Street, Second Floor
Miami, Florida 33169-5131

Charles Pellegrini/Patrick Wiggins
12th Floor
106 East College Avenue
Tallahassee, Florida 32301

Richard Heatter
175 Sully Trail, Suite 300
Pittsford, NY 14534-4558

Carolyn Marek
Time Warner Telecom of Florida, L.P.
233 Bramerton Court
Franklin, TN 37069


Vicki Gordon Kaufman