



ORIGINAL

January 20, 2004

Ms. Blanca S. Bayó
Director, Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 030852-TP Implementation of Requirements Arising from FCC
Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber
Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport

Dear Ms. Bayó:

Enclosed please find an original and seven (7) copies of the Prefiled Rebuttal Testimony
of FDN Communications' witness Ryan Hand, along with a diskette containing said
document.

If you have any questions regarding the enclosed, please call me at 407-447-6636.

Sincerely,

Scott A. Kassman
Asst. General Counsel
FDN Communications

AUS _____
CAF _____
CMP _____
COM 5+1
CTR _____
ECR _____
GCL 1
OPC _____
MMS 2
SEC 1
OTH _____

LOCAL

LONG DISTANCE

INTERNET

390 North Orange Avenue · Suite 2000 · Orlando, FL 32801
407.835.0300 · Fax 407.835.0309 · www.fdn.com

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FDN

1 **Q. Please state your name and address.**

2 A. My name is Ryan Hand. My business address is 390 North Orange
3 Avenue, Suite 2000, Orlando, Florida, 32801.

4 **Q. Who do you work for?**

5 A. I am Vice-President of Operations and Engineering of FDN
6 Communications (“FDN”).

7 **Q. What are your responsibilities as VP of Operations and
8 Engineering for FDN?**

9 A. As VP of Operations and Engineering, I am responsible the design
10 and quality of FDN’s network.

11 **Q. Please describe your education and your work experience in the
12 telecommunications sector.**

13 A. I received a Bachelors Degree in Management from LeTourneau
14 University.

15 Prior to co-founding FDN in 1998, I served as Vice- President of
16 Operations for Brooks Fiber Communications, Inc., where I was responsible
17 for all operations, engineering and service delivery for all special access and
18 CLEC products. I personally oversaw the installation and turn-up of the
19 Houston network and operations. Prior to my tenure at Brooks, I worked for
20 Teleport Communications for two years and have held various positions
21 within Nortel over an eleven-year period.

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1 **Q. Have you previously testified in a regulatory proceeding before a**
2 **state utility commission, the FCC or a hearing officer?**

3 A. No.

4 **Q. What is the purpose of your rebuttal testimony in this**
5 **proceeding?**

6 A. The purpose of my testimony is to rebut BellSouth's claims that FDN
7 has self-provisioned certain transport facilities such that it rises to the level of
8 a "trigger" company on those routes. Verizon correctly did not identify FDN
9 as a self-provider or a wholesale provider of transport. I will describe FDN's
10 network architecture and explain that, although on a limited number of routes
11 FDN may be a trigger company for the purposes of self-provisioned
12 dedicated transport, the number of routes that meet the criteria set out by the
13 TRO is far fewer than BellSouth would have the Commission believe. I will
14 also briefly address wholesale transport and transition issues.

15 **Q. Please briefly describe FDN's Florida operations.**

16 A. FDN is a facilities-based/UNE-L CLEC. FDN is also an IXC, a data
17 services provider (both dial-up and dedicated), and FDN offers ISP and other
18 Internet services. FDN was founded in 1998 with the mission of offering
19 packaged services (local, long distance and Internet) to small- and medium-
20 sized businesses. FDN launched operations in Orlando in April 1999 and
21 expanded to Fort Lauderdale in May 1999 and to Jacksonville in June 1999.

1 A second round of expansion in West Palm Beach, Miami and the Tampa
2 Bay area was completed in the first quarter of 2000.

3 FDN owns and operates Class 5 Nortel DMS-500 central office
4 switches in Orlando, Tampa, Jacksonville, and Ft. Lauderdale. FDN's
5 switches are connected by fiber optic cable owned or leased by FDN to
6 nearby incumbent local exchange carrier (or "ILEC") tandem switches. FDN
7 leases collocation space in more than 100 ILEC wire centers throughout the
8 state. Remote DLC/DSLAM equipment is installed at these collocation sites,
9 and from these sites FDN accesses ILEC UNE loops. Connectivity from the
10 collocation sites to the ILECs' tandem switches is via FDN's own fiber or
11 leased DS-1 or DS-3 circuits. FDN relies upon its rights under the Act to
12 obtain access to Florida consumers through the purchase of UNE loops from
13 the ILEC.

14 **Q. Please describe FDN's network architecture in BellSouth's**
15 **territory.**

16 A. FDN operates within BellSouth's region from three major "hubs" --
17 Orlando, Jacksonville, and Ft. Lauderdale -- where it has deployed switches
18 capable of serving a wide geographic area. Of FDN's 100 plus collocations,
19 95 are located within BellSouth's footprint, many of which are within
20 BellSouth tandem offices. FDN has self-provisioned more of its own fiber in
21 BellSouth territory than it has in the Sprint or Verizon regions, but FDN's
22 fiber does not connect its three BellSouth markets (Orlando, Jacksonville and
23 South Florida). Unlike other CLECs, FDN has **not** deployed a "hub and

1 spoke” architecture. FDN’s fiber routes generally run between BellSouth
2 offices where FDN has collocated in a “daisy chain” or “direct linked”
3 fashion. FDN chose to deploy its network in this manner to more efficiently
4 hand-off traffic to BellSouth for termination.

5 **Q. Have you reviewed BellSouth’s testimony concerning the**
6 **application of the self-provisioning trigger to dedicated transport routes?**

7 A. Yes. I reviewed the direct testimony of BellSouth witness Gray and
8 the direct and supplemental direct testimony of BellSouth witness Padgett.

9 **Q. What were the conclusions of BellSouth’s dedicated transport**
10 **self-provisioning trigger analysis as it relates to FDN?**

11 A. BellSouth has asserted that FDN has self-provisioned dedicated
12 transport that meets the criteria set out by the TRO on 189 of the 718 routes
13 listed in Ms. Padgett’s supplemental direct testimony (Exhibit SWP-8).

14 **Q. Of the 718 routes listed in BellSouth’s Exhibit SWP-8, on how**
15 **many routes has FDN actually self-provisioned dedicated transport**
16 **meeting the criteria set out by the FCC in the TRO?**

17 A. FDN maintains that it has deployed dedicated transport meeting the
18 criteria of the self-provisioning trigger on only 14 of the routes listed in
19 BellSouth Exhibit SWP-8.

20 **Q. How did you arrive at that conclusion?**

21 A. I examined BellSouth’s exhibit and consistent with the TRO’s
22 criteria, I simply counted the pairs of BellSouth wire centers where FDN has
23 operational collocations and has self-deployed fiber (and the optronics

1 necessary to “channelize” that fiber) connecting the pairs of wire centers.
2 BellSouth ignored evidence of self-provisioned routes which FDN provided
3 to the Commission in response to the Commission’s data request and
4 provided to BellSouth in discovery. Instead, BellSouth arrived at a wholly
5 inaccurate conclusion because it based its analysis on a “connect the dots”
6 approach in which it simply *assumes* that a transport route exists between
7 each and every FDN collocation.

8 This assumptions are laid bare in BellSouth’s direct testimony. As
9 stated in BellSouth witness Gray’s direct testimony (p. 8 at line 5), “[i]t is
10 logical and reasonable to *assume* that a carrier can route traffic between any
11 pair of wire centers within a LATA where it has operational collocation
12 arrangements, i.e., that a carrier’s network is fully interconnected.”
13 (Emphasis added). Moreover, Mr. Gray states, ‘...it is unlikely that a CLEC
14 would have a *direct* link between every ILEC wire center where it is
15 collocated (e.g., it may instead have a “hub and spoke” layout)...’ Further,
16 Ms. Padgett states (p. 18 at line 9), “Unfortunately, to date, BellSouth
17 has received far fewer responses than expected, so we have been forced to
18 rely heavily on our own billing and operations data regarding collocations
19 and fiber entrance facilities. Using discovery and these internal data, a list of
20 fiber-based collocations for each competitive carrier as created and used to
21 generate all the *potential* transport routes for a given carrier *using the*
22 *assumption that competitive carriers can route traffic between any pair of*
23 *fiber-based collocation arrangements in a LATA*” (Emphasis added).

1 Mr. Gray and Ms. Padgett could not be more wrong with regard to
2 FDN's network. As I stated previously, FDN does not utilize a "hub and
3 spoke" architecture but rather uses a "daisy chain" or "direct linked"
4 architecture. In reality, FDN self-provides transport on a mere fraction of the
5 routes BellSouth assumes FDN does. BellSouth should not and cannot
6 assume CLEC self-provisioned routes where there are none, but that is
7 precisely what BellSouth has done.

8 **Q. Has BellSouth or Verizon identified FDN as a provider of either**
9 **loops or transport for purposes of the TRO wholesale triggers?**

10 A. No, neither has claimed that FDN provides loop or transport facilities
11 to other carriers. In fact, FDN neither provides nor is willing to provide
12 wholesale loop or transport facilities to other carriers on a widely available
13 basis.

14 **Q. Have you reviewed BellSouth's testimony concerning the**
15 **application of the wholesale trigger to dedicated transport routes?**

16 A. I've reviewed Confidential Supplemental Direct Exhibits SWP-7,
17 SWP-8, SWP-9, and SWP-10 to specifically analyze those instances where
18 BellSouth identified carriers as providing wholesale transport services and
19 attempted to verify wholesale availability. FDN is attempting to verify
20 wholesale availability with some of the carriers identified, but has been told
21 by a representative of one of those carriers that FDN could not purchase
22 transport at any capacity level from that provider. Additional verification of
23 wholesale availability is required, and completing that verification process

1 could not be achieved at the time this testimony was filed. FDN will
2 therefore supplement this rebuttal as necessary if wholesale availability is not
3 confirmed.

4 **Q. What issues should the Commission address as part of its**
5 **transition analysis?**

6 A. The ILECs' direct testimony is lacking with regard to transition
7 issues. The Commission needs to address several issues, including but not
8 limited to the ability to order co-carrier cross connects to access alternative
9 transport providers; the ability to migrate from UNEs to other facilities,
10 where available; the ability of carriers to *easily* order loops, transport and
11 loop/transport combinations, where available.

12 Concerning ordering of loops and transport where UNEs are no
13 longer available, the Commission should specifically address the type of
14 order, i.e., what "form" the order will take, as well as what the conversion
15 process will entail. The current process for converting special access circuits
16 to EELs may be particularly instructive as to what the Commission should
17 not require, as converting special access circuits to EELs has proven to be
18 more difficult than was originally imagined. FDN contends that any UNE to
19 wholesale or retail conversion is no more than a simple billing change that
20 should require little, if any, work for CLECs.

21 **Q. Does that conclude your rebuttal testimony?**

22 A. Yes.

CERTIFICATE OF SERVICE
Docket 030852-TP

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 20th day of January, 2004.

BellSouth Telecommunications, Inc.
R. Lackey/M. Mays/N. White/J. Meza/A. Shore
c/o Ms. Nancy H. Sims
150 South Monroe Street
Suite 400
Tallahassee, FL 32301-1556
nancy.sims@bellsouth.com
linda.hobbs@bellsouth.com
chantel.stevens@bellsouth.com
douglas.lackey@bellsouth.com
meredith.mays@bellsouth.com
nancy.white@bellsouth.com

Mr. Adam Teitzman/Jason Rojas
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us
irojas@psc.state.fl.us
jsusac@psc.state.fl.us
wgarcia@psc.state.fl.us
vmckay@psc.state.fl.us

McWhirter Law Firm
Vicki Kaufman/Joseph McGlothlin
117 South Gadsden Street
Tallahassee, FL 32301
vkaufman@mac-law.com

Covad Communications Company
Mr. Charles E. Watkins
1230 Peachtree Street, N.E.
19th Floor
Atlanta, GA 30309-3574
gwatkins@covad.com

Verizon Florida, Inc.
Richard Chapkis/Kimberly Caswell
One Tampa City Center
201 North Franklin Street (33602)
P.O. Box 110, FLTC 0007
Tampa, FL 33601-0110
Richard.chapkis@verizon.com

Florida Cable Telecom Assoc., Inc.
Michael A. Gross
246 East 6th Avenue
Suite 100
Tallahassee, FL 32303
mgross@fcta.com

AT&T Communications of the
Southern States, LLC
Ms. Lisa A. Sapper
1200 Peachtree Street, N.E.
Suite 8100
Atlanta, GA 30309-3579
lisariley@att.com

AT&T
Tracy Hatch
101 North Monroe Street
Suite 700
Tallahassee, FL 32301-1549
thatch@att.com

ITC DeltaCom
Ms. Nanette S. Edwards
4092 South Memorial Parkway
Huntsville, AL 35802-4343
nedwards@itcdelta.com

KMC Telecom III, LLC
Marva Brown Johnson, Esq.
1755 North Brown Road
Lawrenceville, GA 30043-8119
marva.johnson@kmctelecom.com

Messer Law Firm
Floyd Self/Norman Horton
P.O. Box 1876
Tallahassee, FL 32302-1876
fself@lawfla.com
nhorton@lawfla.com

Sprint Communications Corp. (FL)
Susan Masterton
P.O. Box 2214
Tallahassee, FL 32316-2214
susan.masterton@mail.sprint.com

Allegiance Telecom, Inc.
Charles Gerkin, Jr., Esq.
9201 N Central Expressway
Dallas, TX 75231
Charles.gerkin@algx.com

Moyle Law Firm
Jon Moyle, Jr.
The Perkins House
118 N Gadsden Street
Tallahassee, FL 32301
jmoylejr@moylelaw.com

Florida Competitive Carriers Assoc
C/O McWhirter Law Firm
Joseph McGlothlin/Vicki Kaufman
117 South Gadsden Street
Tallahassee, FL 32301
jmcglothlin@mac-law.com

MCI WorldCom Communications, Inc.
Ms. Donna C. McNulty
1203 Governors Square Boulevard
Suite 201
Tallahassee, FL 32301-2960
donna.mcnulty@mci.com

MCI WorldCom Communications, Inc.
De O'Roark, Esq.
Six Concourse Parkway
Suite 600
Atlanta, GA 30328
de.oroark@wcom.com

Xspedius Communications
Ms. Rabinai E. Carson
5555 Winghaven Boulevard
Suite 300
O'Fallon, MO 63366-3868
rabinai.carson@xspedius.com

Allegiance Telecom, Inc. (IL)
Theresa Larkin
700 East Butterfield Road
Suite 400
Lombard, IL 60148
Terry.larkin@algx.com

Access Integrated Networks, Inc.
Mr. Mark Ozanick
4885 Riverside Drive
Suite 107
Macon, GA 31210-1148
mark.ozanick@accesscomm.com

NewSouth Communications Corp.
Jake E. Jennings/Keiki Hendrix
Two North Main Center
Greenville, SC 29601-2719
jejennings@newsouth.com
khendrix@newsouth.com

Casey & Genta, LLP
Bill Magness
919 Congress Avenue
Suite 1060
Austin, TX 78701

Nuvox Communications, Inc.
Bo Russell
301 North Main Street
Greenville, SC 29601-2171

Phone Club Corporation
Carlos Jordan
168 SE First Street
Suite 705
Miami, FL 33131-1423
phoneclubcorp@aol.com

Sprint (NC)
H. Edward Phillips, III
14111 Capital Boulevard
Mailstop: NCWKFR0313-3161
Wake Forest, NC 27587-5900

Tier 3 Communications
Kim Brown
2235 First Street
Suite 217
Ft. Meyers, FL 33901
steve@tier3communications.net

Universal Telecom, Inc.
Jennifer Hart
PO Box 679
LaGrange, KY 40031-0679
jenniferh@universaltelecomin.com

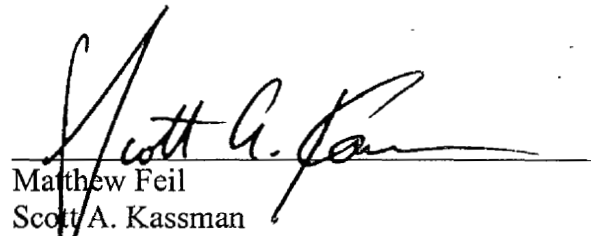
BellSouth BSE, Inc.
Mr. Mario L. Soto
North Terraces Building
400 Perimeter Center Terrace, Suite 400
Atlanta, GA 30346-1231
Mario.soto@bellsouth.com

Comm South Companies, Inc.
Sheri Pringle
PO Box 570159
Dallas, TX 75357-9900
springle@commsouth.net

Sprint (KS)
Kenneth A. Schiffman
6450 Sprint Parkway
Mailstop: KSOPHN0212-2A303
Overland Park, KS 66251-6100

Supra Telecommunications & Information
Systems, Inc. (MIA)
Jorge Cruz-Bustillo, Esq.
2620 SW 27th Avenue
Miami, FL 33133-3005
Jorge.cruz-bustillo@stis.com

Supra Telecommunications & Information
Systems, Inc.
Jonathan Audu
1311 Executive Center Drive
Suite 220
Tallahassee, FL 32301-5027
jonathan.audu@stis.com

A handwritten signature in black ink, appearing to read "Scott A. Kassman", is written over a horizontal line.

Matthew Feil
Scott A. Kassman
FDN Communications
390 North Orange Avenue
Suite 2000
Orlando, FL 32801
(407) 835-0460
(407) 447-6636
mfeil@mail.fdn.com
skassman@mail.fdn.com