



Richard A. Chapkis  
Vice President -- General Counsel, Southeast Region  
Legal Department

FLTC0007  
201 North Franklin Street (33602)  
Post Office Box 110  
Tampa, Florida 33601-0110

Phone 813 483-1256  
Fax 813 204-8870  
richard.chapkis@verizon.com

January 28, 2004

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

Re: Docket No. 030851-TP  
Implementation of requirements arising from Federal Communications  
Commission's triennial UNE Review: Local Circuit Switching for Mass Market  
Customers

Dear Ms. Bayo:

Please find enclosed for filing an original and 15 copies of the Surrebuttal Testimony of Orville D. Fulp and the Surrebuttal Panel Testimony (Hot Cut Process and Scalability) on behalf of Verizon Florida Inc. in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 813-483-1256.

Sincerely,

Richard A. Chapkis

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I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail and U.S. mail on January 28, 2004 to:

Staff Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

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

Tracy Hatch  
AT&T  
101 N. Monroe, Suite 700  
Tallahassee, FL 32301

Michael Gross  
Florida Cable Telecomm. Assn.  
246 East 6<sup>th</sup> Avenue  
Tallahassee, FL 32303

Susan Masterton  
Charles Rehwinkel  
Sprint-Florida  
1313 Blairstone Road  
MC FLTLHO0107  
Tallahassee, FL 32301

Donna McNulty  
MCI WorldCom, Inc.  
1203 Governors Square Blvd.  
Suite 201  
Tallahassee, FL 32301-2960

Lisa A. Sapper  
AT&T  
1200 Peachtree Street, NE  
Suite 8100  
Atlanta, GA 30309

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter Reeves Law Firm  
117 South Gadsden Street  
Tallahassee, FL 32301

Floyd Self  
Messer Capareello & Self  
215 S. Monroe Street  
Suite 701  
Tallahassee, FL 32301

Marva Brown Johnson  
KMC Telecom III, LLC  
1755 North Brown Road  
Lawrenceville, GA 30034-8119

Nanette Edwards  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, AL 35802

Charles V. Gerkin, Jr.  
Allegiance Telecom, Inc.  
9201 North Central Expressway  
Dallas, TX 75231

Terry Larkin  
Allegiance Telecom Inc.  
700 East Butterfield Road  
Lombard, IL 60148

Matthew Feil  
Scott A. Kassman  
FDN Communications  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801

Norman H. Horton, Jr.  
Messer Capareello & Self  
215 S. Monroe Street  
Suite 701  
Tallahassee, FL 32301

Jake E. Jennings  
NewSouth Comm. Corp.  
NewSouth Center  
Two N. Main Center  
Greenville, SC 29601

Jon C. Moyle, Jr.  
Moyle Flanigan Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301

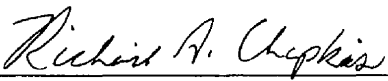
Jorge Cruz-Bustillo  
Supra Telecommunications and Information Systems, Inc.  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, FL 33133

Jonathan Audu  
Supra Telecommunications and Information Systems, Inc.  
1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301-5027

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

Thomas M. Koutsky  
Z-Tel Communications, Inc.  
1200 19<sup>th</sup> Street, N.W.  
Suite 500  
Washington, DC 20036

Charles J. Beck  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

  
Richard A. Chapkis

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of Requirements Arising )  
From Federal Communications Commission's ) Docket No. 030851-TP  
Triennial UNE Review: Local Circuit Switching )  
For Mass Market Customers )  
\_\_\_\_\_ )

**SURREBUTTAL TESTIMONY OF ORVILLE D. FULP  
ON BEHALF OF VERIZON FLORIDA INC.**

**JANUARY 28, 2004**

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1 **I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, EMPLOYER**  
3 **AND TITLE.**

4 A. My name is Orville D. Fulp. My business address is 600 Hidden Ridge Drive,  
5 Irving, Texas 75038. I am employed by Verizon as Director – Regulatory.

6

7 **Q. DID YOU SUBMIT DIRECT TESTIMONY IN THIS DOCKET ON**  
8 **DECEMBER 4, 2004 AND REBUTTAL TESTIMONY ON JANUARY 7,**  
9 **2004 ON BEHALF OF VERIZON?**

10 A. Yes.

11

12 **II. PURPOSE OF TESTIMONY**

13 **Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?**

14 A. The purpose of this testimony is to rebut several claims raised in the rebuttal  
15 testimony submitted by various other parties to this proceeding on January 7, 2004  
16 and to further support Verizon’s triggers case regarding mass market switching.  
17 In particular, I respond to the CLECs’ attempts to read limitations and  
18 qualifications into the FCC’s self-provisioning trigger for mass market switching  
19 that simply do not exist. Specifically, I explain that the CLECs are misconstruing  
20 the self-provisioning trigger in an improper attempt to exclude from the trigger  
21 tests carriers that are clearly and unequivocally serving the mass market with  
22 competitive alternatives to Verizon’s unbundled local switching.

23

24 **III. THE SCOPE OF THIS PROCEEDING**

25 **Q. PLEASE EXPLAIN THE TRO’S MANDATORY “TRIGGERS”.**

1 A. As I discussed in my direct testimony, the *TRO* establishes two mandatory  
2 switching triggers. Under the “self-provisioning trigger,” a state “*must* find ‘no  
3 impairment’ when three or more unaffiliated competing carriers are serving mass  
4 market customers in a particular market with the use of their own switches.” *TRO*  
5 ¶ 501 (emphasis added). Under the “competitive wholesale trigger,” a state *must*  
6 find no impairment where there are two or more unaffiliated CLECs that offer  
7 wholesale switching service to other carriers in a particular market using their own  
8 switches. *TRO* ¶ 504. It is only after the Commission has determined that neither  
9 trigger is met in a market that it may – if the ILEC continues to request mass  
10 market switching relief – conduct an analysis of the “potential” for CLECs to  
11 deploy their own switches in the relevant geographic market, given economic and  
12 operational conditions in that market. *TRO* ¶ 506.

13

14 In this proceeding, Verizon seeks the elimination of unbundled mass market  
15 switching in the Tampa-St. Petersburg-Clearwater Metropolitan Statistical Area  
16 (“Tampa MSA”) under the self provisioning trigger. As discussed in my Direct  
17 and Rebuttal Testimony, Verizon has provided specific evidence demonstrating  
18 that: (1) CLECs are providing local exchange service to mass market customers  
19 throughout the Tampa MSA; and (2) the *TRO*’s self-provisioning triggers are met  
20 within that MSA. More specifically, Verizon has now identified 10 CLECs  
21 currently providing local exchange service to mass market customers in the  
22 Tampa MSA using their own switching (8 CLECs were identified in Mr. Fulp’s  
23 Direct Testimony filed on December 4, 2003, and Verizon has identified two  
24 additional CLECs that meet the switching triggers based on CLEC responses to  
25 Staff’s switching data requests). *See* Proprietary Attachment 1.



1 **IV. MASS MARKET SWITCHING**

2 **A. RESPONSES TO GENERAL CLEC ARGUMENTS**

3

4 **Q. SEVERAL CLECS CLAIM THAT A CLEC MUST SERVE BOTH**  
5 **RESIDENTIAL AND BUSINESS MASS MARKET CUSTOMERS WITH**  
6 **ITS OWN SWITCH TO COUNT TOWARD THE SELF-PROVISIONING**  
7 **TRIGGER. IS THAT CORRECT?**

8 A. No. MCI witness Bryant (Bryant Rebuttal at 16-18), FCCA witness Gillan  
9 (Gillan Rebuttal at 22), and AT&T witness Bradbury (Bradbury Rebuttal at 6)  
10 argue that for a CLEC to count towards the self-provisioning switching trigger,  
11 that CLEC must be serving both business *and* residential mass market customers  
12 within the relevant market. However, there is no such requirement in the *TRO*.  
13 To the contrary, the FCC clarified that CLECs serving multi-line mass market  
14 business customers count toward the triggers regardless of whether they serve  
15 residential customers. *See TRO* at ¶ 497, n. 1546.

16

17 Moreover, the Ohio Public Utilities Commission recently rejected the same  
18 argument presented by MCI:

19 The Commission disagrees with the request to separately  
20 analyze markets distinguishing services provided to residential  
21 subscribers and small business customers. The Commission  
22 notes that in the *Triennial Review Order*, the FCC defines mass  
23 market customers to include residential and small business voice  
24 grade customers that “purchase only a limited number of POTS  
25 lines and can be economically served via DS0 loops.” The

1 Commission stresses that the purpose of the impairment analysis  
2 is to assess whether or not CLECs are impaired in providing  
3 service to mass market customers if the unbundled local  
4 switching element is no longer available to them at TELRIC  
5 rates. Therefore, it is the Commission's opinion that once an  
6 unaffiliated CLEC is determined by the Commission to be  
7 providing service to mass market customers (customers with a  
8 limited number of POTS lines regardless of whether they are  
9 residential or small business) in a particular geographic market  
10 using its own switching equipment, the CLEC will be considered  
11 as one of the "three self-provisioners of switching" for the  
12 purpose of the trigger analysis.

13 Opinion and Order, *In the Matter of the Implementation of the Federal*  
14 *Communications Commission's Triennial Review Regarding Local Circuit*  
15 *Switching in the Mass Market*, Case No. 03-2040-TP-COI *et al.*, issued January  
16 14, 2004 ("Ohio Order"), at 33-34.

17  
18 This Commission should likewise reject the CLECs' attempts to rewrite the  
19 mass market switching trigger to require that a CLEC serve both residential and  
20 business mass market customers. There simply is no such requirement  
21 anywhere in the *TRO*, and this Commission does not have the discretion to  
22 create such a requirement in applying the FCC's mandatory self-provisioning  
23 trigger. *TRO* ¶ 500 ("For the purposes of these triggers, we find that states shall  
24 not evaluate any other factors . . .").

25

1 **Q. MR. BRYANT CLAIMS (REBUTTAL AT 10-11) THAT CABLE**  
2 **TELEPHONY PROVIDERS DO NOT COUNT TOWARD THE SELF-**  
3 **DEPLOYMENT TRIGGER. IS HE CORRECT?**

4 A. No. Mr. Bryant argues that cable providers should not be included in the triggers  
5 analysis because they do not use the incumbent's loop facilities. His reliance on  
6 this argument is misplaced. The FCC held that "states also shall consider carriers  
7 that provide intermodal voice service using their own switch facilities" for the  
8 purposes of the triggers. *TRO* ¶ 499 n. 1549 (emphasis added). Moreover, in  
9 setting the trigger at three self-provisioning CLECs, the *TRO* recognized that  
10 some of those triggering carriers would be using their own loops:

11 We recognize that when one or more of the three competitive  
12 providers is also self-deploying its own local loops, this  
13 evidence may bear less heavily on the ability to use a self-  
14 deployed switch as a means of accessing the incumbent's loops.  
15 Nevertheless, the presence of three competitors in a market  
16 using self-provisioned switching and loops, shows the feasibility  
17 of an entrant serving the mass market with its own facilities.

18 [*TRO* ¶ 501, n. 1560]

19 In other words, the FCC found that the trigger is met even if *all* of the  
20 triggering carriers are using their own loop facilities to serve the mass market.

21

22 Mr. Bryant also argues that cable providers should not count toward the trigger  
23 tests because cable telephony is not *identical* to traditional telephone service.  
24 This claim should be rejected because a competing service does not have to be

25

1 identical to traditional telephone service to be included in the triggers analysis;  
2 rather it only has to be “comparable” to traditional telephone service.

3  
4 Mr. Bryant cannot reasonably dispute that cable telephony is comparable to  
5 traditional telephone service in terms of service characteristics, quality and  
6 price. Indeed, customers have demonstrated that cable telephony is a substitute  
7 for traditional telephone service by “voting with their feet” and switching  
8 services.

9  
10 **Q. DO THE CLECS MISCONSTRUE THE FCC’S TRIGGER ANALYSIS IN**  
11 **OTHER WAYS IN AN IMPROPER ATTEMPT TO MAKE IT MORE**  
12 **DIFFICULT FOR ILECS TO MEET THE TRIGGER TESTS?**

13 A. Yes. For example, FCCA witness Gillan (Gillan Rebuttal at 1, 22) claims that a  
14 CLEC cannot count toward the triggers if it is using an “enterprise switch” to  
15 serve mass market customers. Similarly, AT&T witness Jay Bradbury (Bradbury  
16 Rebuttal at 6-8) claims that the Commission should exclude all CLEC switches  
17 that predominately serve enterprise customers even if those switches also serve  
18 mass market customers. And, Messrs. Gillan (Rebuttal testimony at 21-22) and  
19 Bryant (Bryant Rebuttal at 13) claim that a CLEC only counts toward the triggers  
20 if it self provisions service throughout the relevant market.

21  
22 These claims must be rejected because they have no foundation whatsoever in  
23 the TRO.

24  
25

1 First, if a CLEC is actually serving mass market customers from its own switch,  
2 then it is irrelevant that the CLEC *also* uses that switch to serve enterprise  
3 customers. The FCC expressly noted that “[t]he evidence in the record shows  
4 that the cost of providing mass market service is *significantly reduced* if the  
5 necessary facilities are already in place and used to provide *other higher*  
6 *revenue services* [i.e., enterprise services].” *TRO* ¶ 508 (emphasis added).

7  
8 Second, if a CLEC is serving mass market customers from its own switch, it is  
9 also irrelevant that the switch is used primarily to serve enterprise customers.  
10 The out-of-context statements from the *TRO* that Gillan cites in his direct  
11 testimony (at 38) (*TRO* ¶ 435, 437, 441, 508) concern whether switches that  
12 serve *exclusively* enterprise customers are sufficient evidence of non-  
13 impairment for mass market switching in a potential deployment analysis.  
14 They do *not* concern whether switches that *actually* serve mass market  
15 customers using analog lines count toward the triggers even if they also serve  
16 enterprise customers – they unequivocally do.

17  
18 Third, if a CLEC is serving mass market customers from its own switch, it is  
19 also irrelevant how many customers are being served. There is no “market  
20 share” or “de minimus” qualification in the *TRO* trigger analysis, nor is there  
21 any requirement that a CLEC currently serve, or be capable of serving,  
22 customers throughout the market. The FCC’s *Errata* makes it clear that the  
23 FCC did not impose any requirement that a carrier must currently be serving  
24 customers throughout the market to qualify as a triggering CLEC. As the FCC  
25 explained in its October 9, 2003 filing in the D.C. Circuit Court opposing the

1 USTA Writ of Mandamus:

2 The corrected paragraph [¶ 499] does *not* require that, for  
3 purposes of the switching triggers, self-provisioning competitors  
4 must be ready and willing to serve all retail customers in the  
5 market. The Commission made similar corrections in the  
6 *Order's* discussion of how states should analyze impairment in  
7 areas where the triggers are not met...These deletions eliminate  
8 any suggestion in the *Order* that a state's finding of no  
9 impairment is contingent on a determination that a facilities-  
10 based competitor could economically serve all customers in the  
11 market.

12 *Opposition of Respondents to Petitions for a Writ of Mandamus, United States*  
13 *Telecom Ass'n v. FCC*, No. 00-1012 (D.C. Cir.) (filed October 9, 2003), at 23.  
14 Therefore, a triggering CLEC need not "offer services to all, or virtually all,  
15 customers within the defined market" nor does the Commission have the  
16 discretion to refuse to apply the FCC's trigger "by declining to count  
17 companies that do not offer services to all, or virtually all, mass-market  
18 customers within the geographic market that the Commission adopts," as MCI  
19 witness Bryant suggests (Bryant Rebuttal at 13).

20

21 **Q. MCI WITNESS BRYANT (REBUTTAL AT 19-20) SUGGESTS THAT**  
22 **"UNLESS A POTENTIALLY TRIGGERING COMPANY IS PROVIDING**  
23 **SWITCH-BASED SERVICE TO MASS-MARKET CUSTOMERS OVER**  
24 **IDLC AS WELL AS ALL-COPPER LOOPS, THERE IS NO ACTUAL**  
25 **MARKETPLACE EVIDENCE THAT THE COMPETITOR HAS**

1           **OVERCOME BARRIERS TO ENTRY FOR CUSTOMER LOCATIONS**  
2           **SERVED VIA IDLC.” DO YOU AGREE?**

3    A.    No. Mr. Bryant is arguing that CLECs are operationally impaired if a customer  
4           is served by Integrated Digital Loop Carrier (“IDLC”) facilities. This claim is  
5           irrelevant. As explained above, the Commission need only evaluate operational  
6           impairment if it determines that the ILEC has not satisfied the FCC’s triggers.  
7           Moreover, while Verizon does not provision UNE analog voice grade loops  
8           over IDLC facilities, it routinely provisions such loops to CLECs’ customers  
9           over alternative copper loops or Universal Digital Loop Carrier (“UDLC”) even  
10          when the end user gets its Verizon service over IDLC. This is expressly  
11          permitted under the FCC’s hybrid loop unbundling rules. TRO ¶ 297.  
12          Therefore, while MCI may take issue with those loop unbundling rules, its  
13          claim is irrelevant to the mass market switching trigger analysis.

14  
15    **Q.    SEVERAL OF THE CLECS ARGUE THAT THE COMMISSION**  
16           **SHOULD EXAMINE CLEC BUSINESS PLANS AND UNE-L CUSTOMER**  
17           **BASES TO DETERMINE WHETHER A CLEC IS “ACTIVELY**  
18           **PROVIDING VOICE SERVICE”. IS THIS ALLOWED BY THE TRO?**

19    A.    No. The requirement that a CLEC is “actively providing voice service” is  
20           satisfied by evidence that it is currently serving mass market customers using its  
21           own switching. Verizon has proven this for each of the qualifying carriers in my  
22           initial Direct Testimony. CLEC responses to Staff interrogatories confirm the  
23           evidence submitted by Verizon. See Proprietary Attachment 1. Moreover,  
24           determining whether a carrier is “likely to continue” providing voice service to  
25           mass market customers does not give the Commission the discretion to examine

1 the viability of a particular CLEC's business plan or whether the CLEC is adding  
2 new customers. Indeed, the FCC specifically rejected CLEC arguments that its  
3 impairment analysis be based on a CLEC's individual business plan. *TRO* ¶ 115  
4 (“We will not, as some commenters urge, evaluate whether individual requesting  
5 carriers or carriers that pursue a particular business strategy are impaired without  
6 access to UNEs...[W]e agree with commentators that argue we cannot order  
7 unbundling merely because certain competitors or entrants with certain business  
8 plans are impaired.”) The FCC also found that states could not look at issues  
9 such as the “financial stability or well-being of the competitive switching  
10 providers” in applying the triggers. *TRO* ¶ 500. The FCC was clear that, in  
11 examining whether a CLEC is “likely to continue” to “offer[] and [be] able to  
12 provide service,” the Commission may look only at whether a CLEC has  
13 affirmatively indicated that it is exiting the market altogether, not at whether the  
14 carrier may be losing customers to its competitors, or increasing its reliance on a  
15 UNE-P strategy.

16

17 **Q. EVEN THOUGH AT&T SERVES MASS MARKET BUSINESS**  
18 **CUSTOMERS USING ITS OWN SWITCHING, AT&T ARGUES THAT**  
19 **IT SHOULD NOT BE CONSIDERED A TRIGGERING CARRIER**  
20 **BECAUSE IT WOULD RATHER SERVE CUSTOMERS USING UNE-P**  
21 **THAN UNE-L. DOES AT&T'S CLAIM HAVE MERIT?**

22 A. No, under the TRO, a carrier that serves mass market customers using its own  
23 switching is a triggering carrier, even if it is also using UNE-P to serve other  
24 customers and may prefer that strategy. As the Ohio Commission recently ruled,  
25 “the market entry of competitors using UNE-P to serve customers, and their



1 business plans that are focused on using the highest profitability entry method, are  
2 irrelevant to the determination whether the competitive provider is impaired  
3 without access to the unbundled local switching.” Ohio Order at 33. In other  
4 words, the fact that AT&T has found it more profitable to rely on UNE-P to serve  
5 the majority of its mass market customers is irrelevant to the trigger analysis,  
6 which looks at whether AT&T serves any mass market customers using its own  
7 switching. Differences in profitability between the two strategies is not the  
8 standard for application of the trigger. Moreover, as noted above, the fact that  
9 AT&T articulates a “business plan” that it states does not include serving mass  
10 market customers with its own switches is irrelevant. Indeed, to conclude  
11 otherwise, would invite CLECs to articulate similar “business plans” in an effort  
12 to undermine a demonstration that the self provisioning switching triggers have  
13 been met.

14  
15 **B. RESPONSES TO SPECIFIC FACTUAL ALLEGATIONS IN CLEC**  
16 **TESTIMONY**

17 **Q. IN ADDITION TO THE MORE GENERAL ARGUMENTS ADDRESSED**  
18 **ABOVE, THE CLECS RAISE ADDITIONAL CLAIMS THAT SPECIFIC**  
19 **CARRIERS IN VERIZON’S LINE COUNT STUDY SHOULD BE**  
20 **DISQUALIFIED. DO YOU AGREE?**

21 **A.** No. As demonstrated in Proprietary Attachment 1 and Attachment 2, the CLEC  
22 responses to the discovery requests received to date are consistent with results of  
23 Verizon’s Line Count Study, and demonstrate that each of the carriers identified in  
24 Verizon’s Direct Testimony does, in fact, serve mass market customers in the  
25 MSAs identified by Verizon. Because the CLEC’s own data confirms that

1 Verizon meets the FCC's mass market switching trigger in the Tampa MSA, the  
2 Commission should make a finding of no impairment in that market. It bears  
3 mention that in response to the discovery requests propounded by the Staff, and  
4 other parties, several CLECs identified the Verizon wire center locations where  
5 they provide voice grade DS0 service to mass market customers using their own  
6 switches, or the switches of an affiliate. In addition, some of those CLECs  
7 provided even more granular information, identifying the total number of voice  
8 grade equivalent lines that they provide to customers in each wire center. In  
9 contrast, other CLECs have provided deficient responses that make a side-by-side  
10 comparison with the results of Verizon's Line Count Study difficult, as described  
11 later in our testimony. Verizon will seek to obtain detailed information from  
12 carriers that have not provided complete data so that that this information is  
13 available to the Commission.

14

15 **Q. PLEASE RESPOND TO CLAIMS THAT CERTAIN CLECS SHOULD BE**  
16 **EXCLUDED FROM THE MASS MARKET SWITCHING TRIGGER.**

17 A. These claims are addressed below on a carrier-by-carrier basis:

18 • **Allegiance**

19 Based on Verizon's Line Count Study, there can be no serious question that  
20 Allegiance is actively serving mass market business customers using its own  
21 switching in the Tampa MSA. Moreover, Allegiance itself does not dispute  
22 that it is a qualifying carrier for the purposes of the self-deployment trigger for  
23 mass market switching. Nevertheless, FCCA witness Gillan (Rebuttal at 45-46)  
24 claims that, because Allegiance is in bankruptcy and has entered into an  
25 agreement for the sale of some of its assets to Qwest, it cannot count toward the

1 triggers. This is precisely the type of information that the Commission *may not*  
2 consider as part of its trigger analysis. Indeed, in holding that “states *shall not*  
3 evaluate any other factors, such as the financial stability or well-being of the  
4 competitive switching providers,” the FCC explicitly recognized that  
5 “[r]egardless of [a competing carrier’s] financial status, the physical assets  
6 remain viable and may be bought by someone else and remain in service.”  
7 *TRO* ¶ 500. Therefore, it is irrelevant that Qwest and Allegiance have entered  
8 into an agreement for the sale of the Allegiance assets as part of Allegiance’s  
9 Chapter 11 plan.

10  
11 Mr. Gillan also claims that Qwest will cease providing service to the mass  
12 market. (Gillan Rebuttal at 45-46). This claim is pure speculation. To  
13 Verizon’s knowledge, Allegiance has not filed a notice to terminate service in  
14 the Florida and it is still actively serving the mass market in the Tampa MSA  
15 using its own deployed switches. Indeed, Allegiance’s network is robust, and  
16 thus it is unlikely that Allegiance will terminate service in Florida. As reported  
17 by Business Week:

18 [Allegiance] has perhaps the most robust network of any telecom  
19 competitor to the Baby Bells. Launched in 1997 by telecom  
20 veteran Royce Holland, Allegiance serves 100,000 small and  
21 midsize businesses in 36 markets. Whoever picks up its assets  
22 acquires infrastructure, employees, and customer relationships  
23 that would take years and billions of dollars to establish.  
24 Allegiance raised \$3 billion to build its network. "For anyone  
25 that wants to be a national player, this gives them a natural leg

1 up," Holland says.  
2 *Qwest Opens the War for Allegiance*, Business Week Online, December 19,  
3 2003. Qwest's CEO Richard Notebaert certainly does not intend to terminate  
4 service in Florida. He has been quoted as saying that the Allegiance deal "will  
5 take [Qwest] down a layer or two in the customer base" to serve smaller  
6 businesses. *Qwest to Buy Allegiance Telecom*, Chicago Tribune, p. 3,  
7 December 19, 2003. Clearly, the value of the Allegiance purchase to Qwest is  
8 obtaining access to the existing Allegiance small and medium business  
9 customer base. Therefore, even if evidence of the proposed bankruptcy sale of  
10 Allegiance's assets were relevant to the triggers – which it is not – there is  
11 absolutely no basis for a claim that the Allegiance assets will no longer be used  
12 to serve the mass market if the sale is consummated.

13

14 Mr. Bryant also argues that Allegiance should not count towards the self  
15 provisioning switching trigger because Allegiance only serves mass market  
16 business customers. Mr. Bryant's argument on this point is without merit for  
17 the reasons discussed above.

18

19 • **SBC Telecom**

20 FCCA witness Gillan claims that SBC Telecom should not be considered to  
21 "actively" provide service to mass market customers using its own switches  
22 because it is providing service to mass market customers pursuant to a merger  
23 agreement. According to Mr. Gillan, SBC Telecom agreed to deploy switches  
24 and provide service to mass market customers out-of-franchise in exchange for  
25 approval of its merger with Ameritech. However, the FCC's trigger analysis

1 does not look at *why* a particular carrier is serving mass market customers in the  
2 relevant geographic market using its own switching, only *whether* the carrier is  
3 doing so.

4  
5 • **AT&T**

6 The arguments raised by Mr. Bryant and Mr. Gillan in an effort to exclude  
7 AT&T from the self provisioning mass market switching triggers are without  
8 merit for the reasons discussed above. The evidence submitted by Verizon  
9 confirms, and AT&T does not dispute, that it is serving mass market business  
10 customers using its own switch in the Tampa MSA, and elsewhere in Florida.  
11 While AT&T did not provide specific line counts by wire center in its responses  
12 to Staff's data requests, it did specify that it was providing service to business  
13 customers at the DSO levels in various wire centers within the Tampa MSA,  
14 and its data was largely consistent with the evidence submitted in its initial Line  
15 Count Study. *See* Proprietary Attachment 1. AT&T's principal argument as to  
16 why it should not count towards the switching triggers is that it is "not actively  
17 marketing local service" using its own switching. *See* Bryant Rebuttal, Exhibit  
18 MTB 9. This argument is without merit. The test is not whether a carrier is  
19 "actively *marketing*", but whether it is "actively *providing voice service*" (*TRO*  
20 ¶ 499) – a test AT&T meets for the reasons discussed above.

21

22 • **ITC^DeltaCom/Business Telecom**

23 As Mr. Gillan points out in his rebuttal testimony, ITC^DeltaCom has recently  
24 purchased the assets of Business Telecom. Verizon's Line Count Study and  
25 Business Telecom's own responses to the Staff's data requests show that

1 Business Telecom is providing service to mass market customers using its own  
2 switching. Verizon's Line Count study confirms that ITC^DeltaCom also  
3 serves mass market customers using its own switches in Florida. While Mr.  
4 Gillan speculates about the future business plan of ITC^DeltaCom, such  
5 speculation is irrelevant to the application of the triggers. Indeed, there is no  
6 credible evidence that ITC^DeltaCom will cease serving mass market  
7 customers with its own switching as it currently does. *See* Proprietary  
8 Attachment 1.

9

10 • **KMC Telecom**

11 Verizon's Line Count Study shows that KMC Telecom is providing local  
12 exchange services in various wire centers throughout the Tampa MSA. KMC's  
13 responses to Staff's switching data requests confirms this fact. *See* Attachment  
14 1. Mr. Gillan (Rebuttal at 31-34) acknowledges that KMC provides DS0 level  
15 service to customers, but argues that KMC should not count because it does not  
16 "actively market" to mass market customers. This argument is without merit  
17 for the reasons addressed above. Indeed, the fact that KMC provisions service  
18 to such customers confirms that it is not impaired since it has demonstrated that  
19 it can provision such service to mass market customers.

20

21 • **MCI/WorldCom**

22 Verizon's Line Count Study and WorldCom's responses to Staff's switching  
23 data requests confirm that it is providing local exchange service to mass market  
24 customers in the Tampa MSA. Mr. Bryant asserts that WorldCom is "not using  
25 UNE-L" (Bryant Rebuttal, Attachment MTB 9), and seeks to rely on the

1 rebuttal testimony of MCI Witness Sherry Lichtenberg to support his argument.  
2 In supplemental testimony filed on January 22, 2004, Ms. Lichtenberg attempts  
3 offer additional arguments to expand on her earlier testimony and bolster MCI's  
4 claim that it should not count toward. In doing so, Ms. Lichtenberg  
5 acknowledges that MCI does provision some UNE-L lines in Florida, and that  
6 while most of those lines serve small, medium, and large-sized business  
7 customers. The fact that MCI has provisioned individual DS0 lines to  
8 customers using its own switching and ILEC-provided loops and that "MCI  
9 uses UNE-L to meet customer specific needs that MCI can only fulfill through  
10 its UNE-L product" (Lichtenberg Supplemental at 2-3) demonstrates that it  
11 does not face impairment for serving mass market customers using UNE-L.  
12 Therefore, there is no basis for excluding WorldCom from the switching self  
13 provisioning CLEC count.

14

15 • **Xspedius**

16 Mr. Gillan claims that Xspedius should be excluded from the self provisioning  
17 switching count because "Xspedius does not serve the small business and  
18 residential market utilizing its switches." (Gillan Rebuttal at 49). Mr. Gillan  
19 contends that Xspedius "principal" business is aimed at medium and large  
20 business enterprise customers. (Gillan Rebuttal at 50). As discussed above,  
21 these facts should not exclude a CLEC from the self provisioning switch counts  
22 where, as in this case, the CLEC is presently serving mass market customers  
23 (business or residence customers) using its own switch. Verizon's Line Count  
24 Study shows that Xspedius is providing such service in various wire centers  
25 within the Tampa MSA and has thus demonstrated that it is not impaired in its

1 ability to provide such service to mass market customers using its own  
2 switches.

3 **Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?**

4 A. Yes.

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**FLORIDA COMBINED RESULTS OF LOOP AND FACILITIES-BASED STUDIES  
AND DISCOVERY RESPONSES**  
Includes Both Verizon and CLEC Proprietary Data  
**PUBLIC VERSION**

MSA	DENSITY ZONE	WIRE CENTER CLLI	WIRE CENTER NAME	CLEC NAME	VERIZON COUNT	CLEC COUNT (note 1)
Tampa-St. Petersburg-Clearwater, FL Metropolitan Statistical Area	1	BAYUFLXA	BAYOU FL		424 73	237 1 481 (note 2) (note 2)
		BAYUFLXA Total			497	719
		BHPKFLXA	BEACH PARK FL		317	247 (note 3) (note 1)
		BHPKFLXA Total			603	66 612 (note 2)
		BHPKFLXA Total			17	10 (note 2)
		BHPKFLXA Total			4	935 (note 3) (note 2)
		BHPKFLXA Total			941	935
		BYSHFLXA	BAYSHORE FL			(note 2) (note 2)
		BYSHFLXA Total				
		CLWRFLXA	CLEARWATER FL		844 29 157 501 185 3 102	114 (note 3)  429 563 (note 2) (note 1) (note 2)
		CLWRFLXA Total			1,821	1106
		CNSDFLXA	COUNTRYSIDE FL		345	133 (note 3)
		CNSDFLXA Total			486	1 599 (note 2)
		CNSDFLXA Total			178	7 (note 1) (note 2)
		CNSDFLXA Total			7	733 (note 2)
		CNSDFLXA Total			1,016	733
		CRWDFLXA	CARROLLWOOD FL		516	131 (note 3)
		CRWDFLXA Total			1,251	1 1306 (note 2) (note 1) (note 2)
		CRWDFLXA Total			7	1438 (note 2)
		CRWDFLXA Total			1,774	1438
		DNDNFLXA	DUNEDIN FL		178	214 (note 2) (note 2)
		DNDNFLXA Total			178	216
		FHSDFLXA	FEATHERSOUND FL		33 320 181	87 566 350 (note 2) (note 2)
		FHSDFLXA Total			534	1003
		GNDYFLXA	GANDY FL		182	136 1072 217 (note 2) (note 2)
		GNDYFLXA Total			182	1425
		HYPKFLXA	HYDE PARK FL		244	107 (note 3)
		HYPKFLXA Total			799	29 819 (note 2) (note 2)
		HYPKFLXA Total			1,043	955
		INRKFLXX	INDIAN ROCKS FL			18 (note 2) (note 2)
INRKFLXX Total				18		
LLMNFLXA	LEALMAN FL		350	65 (note 3)		
LLMNFLXA Total			331	30 361 (note 2) (note 2)		
LLMNFLXA Total			681	456		
LRGOFLLXA	LARGO FL		432	102 (note 3)		
LRGOFLLXA Total			432	19 (note 2) (note 2)		
LRGOFLLXA Total			432	121		
NGBHFLXA	NORTH GULF BEACH FL		163	36 (note 3)		
NGBHFLXA Total			211	12 237 (note 2)		

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**FLORIDA COMBINED RESULTS OF LOOP AND FACILITIES-BASED STUDIES  
AND DISCOVERY RESPONSES**  
Includes Both Verizon and CLEC Proprietary Data  
**PUBLIC VERSION**

MSA	DENSITY ZONE	WIRE CENTER CLD	WIRE CENTER NAME	CLEC NAME	VERIZON COUNT	CLEC COUNT (note 1)
						(note 2)
		NGBHFLXA Total			1,238	285
		OLDSFLXA	OLDSMAR FL		411	180 51 485
						(note 2) (note 2)
		OLDSFLXA Total			411	716
		PNLNFLXA	PINELLAS FL		518 34	150 2
					506 189 8	531 (note 2) (note 1) (note 2)
		PNLNFLXA Total			1,255	663
		PSDNFLXA	PASADENA FL		216	1
					222	266
						(note 2) (note 2)
		PSDNFLXA Total			438	267
		SGBEFLXA	SOUTH GULF BEACH FL			32
						(note 2) (note 2)
		SGBEFLXA Total				32
		SLSPLFLXA	SULPHUR SPRINGS FL		392	130
					1,142	7 1074
						(note 3) (note 2) (note 2)
		SLSPLFLXA Total			1,534	1211
		SNSPFLXA	SEVEN SPRINGS FL			13
						(note 2) (note 2)
		SNSPFLXA Total				13
		SPBGFLXA	ST PETERSBURG MAIN FL		125 376 110	27 452
						(note 1) (note 2) (note 2)
		SPBGFLXA Total			611	513
		SPBGFLXS	ST PETERSBURG SOUTH FL			9
						(note 2) (note 2)
		SPBGFLXS Total				9
		STGRFLXA	ST GEORGE FL		283	74
					350 1	1 452
						(note 3) (note 2) (note 2)
		STGRFLXA Total			634	527
		SWTHFLXA	SWEETWATER FL		515 196 146 1,215	177 51 1189
					12 138	(note 2) (note 1) (note 2)
		SWTHFLXA Total			2,222	1610
		TAMPFLXX	TAMPA MAIN FL		84 81	152
					454	50 476
					1	97
						(note 2) (note 2) (note 3)
		TAMPFLXX Total			620	775
		TMTRFLXA	TEMPLE TERRACE FL		602	53 178 563
						(note 2) (note 2)
		TMTRFLXA Total			602	814
		UNVRFLXA	UNIVERSITY FL		364	79
					475	58 492
						(note 3) (note 2) (note 2)
		UNVRFLXA Total			839	629
		WLCRFLXA	WALLCRAFT FL			57
						56

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**FLORIDA COMBINED RESULTS OF LOOP AND FACILITIES-BASED STUDIES  
AND DISCOVERY RESPONSES**  
Includes Both Verizon and CLEC Proprietary Data  
**PUBLIC VERSION**

MSA	DENSITY ZONE	WIRE CENTER CLI	WIRE CENTER NAME	CLEC NAME	VERIZON COUNT	CLEC COUNT (note 1)
					330	346 (note 2) (note 2)
		WLCRFLXA Total			330	459
		WSSDFLXA	TAMPA WESTSIDE FL		545 31 106 1,628 11 28	299 (note 3) (note 1)  (note 2) (note 1) (note 2)
		WSSDFLXA Total			2,349	2380
	1 Total				21,318	20,048
	2	ALFAFLXA	ALAFIA FL			(note 2) (note 2)
		ALFAFLXA Total				66
		BRNDFLXA	BRANDON FL		478 1,479 13	(note 3)  (note 2) (note 1) (note 2)
		BRNDFLXA Total			1,970	1,593
		HDSNFLXA	HUDSON FL			(note 2) 6
		HDSNFLXA Total				6
		KYSTFLXA	KEYSTONE FL			24 39 (note 2) (note 2)
		KYSTFLXA Total				63
		LUTZFLXA	LUTZ FL			24 73 (note 2) (note 2)
		LUTZFLXA Total				97
		MNLKFLXA	MOON LAKE FL			(note 2)
		MNLKFLXA Total				
		NPRCFLXA	NEW PORT RICHEY FL		438 11	(note 3) (note 2) (note 1) (note 2)
		NPRCFLXA Total			449	1
		SKWYFLXA	SKYWAY FL		175 414	(note 3)  (note 2) (note 2)
		SKWYFLXA Total			589	500
		SMNFLXA	SEMINOLE FL			70 42 291 (note 2) (note 2)
		SMNFLXA Total			280	403
		TAMPFLXE	TAMPA EAST FL		321 1,043 9 90	(note 3)  (note 2) (note 1) (note 2)
		TAMPFLXE Total			1,463	1582
		TRSPFLXA	TARPON SPRINGS FL		429	(note 3)  (note 2) (note 2)
		TRSPFLXA Total			429	27
		WLCHFLXA	WESLEY CHAPEL FL			32 54 (note 2) (note 2)
		WLCHFLXA Total				86
		YBCTFLXA	YBOR FL		546	(note 2) (note 2) 165 1099 605
		YBCTFLXA Total			546	1869
		ZPHYFLXA	ZEPHYRHILLS FL			(note 2) 41
		ZPHYFLXA Total				41
	2 Total				5,726	6,268
					27,044	26,316

Tampa-St. Petersburg-Clearwater, FL Metropolitan Statistical Area Total  
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**FLORIDA COMBINED RESULTS OF LOOP AND FACILITIES-BASED STUDIES  
AND DISCOVERY RESPONSES  
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PUBLIC VERSION**

MSA	DENSITY ZONE	WIRE CENTER CLLI	WIRE CENTER NAME	CLEC NAME	VERIZON COUNT	CLEC COUNT (note 1)
Grand Total					27,044	26,316

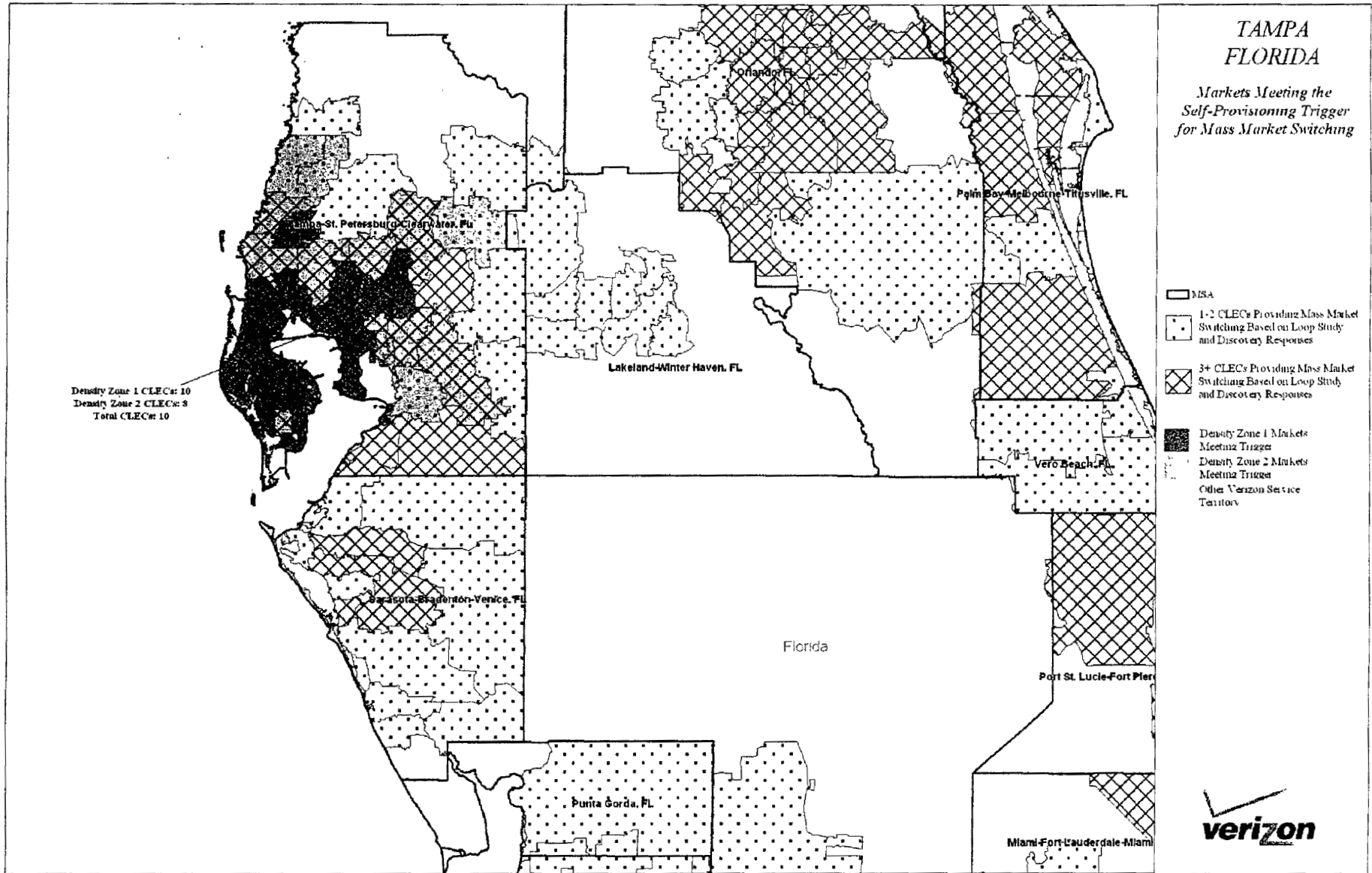
**Note 1:** Where the CLEC identified line counts by wire center in response to Staff's TRO Data Request, Verizon included the data in Column K (# of VG in use) as modified by Columns Q (voice, data service identification). Where CLECs provided multiple CLLI codes for wire centers with the same first 8 digits but with different 3 digit endings such as Business Telecom provided, e.g., CLWRFLXARSO and CLWRFLXLA44H the line counts were totaled. As DeltaCom recently purchased the assets of Business Telecom, those line counts were added together and are shown as DeltaCom lines. Certain CLECs (AT&T and SBC Telecom) did not provide line counts, but did indicate presence in various wire centers which is depicted. Adelphia and Florida Digital Networks provided line counts by wire center but did not indicate voice vs data lines in a manner that would permit Verizon to eliminate data only lines, if applicable, from the total line count. However, in its rebuttal testimony, Florida Digital Networks confirms that it should be counted as a triggering CLEC and confirms that Verizon correctly counted FDN in the market in which it is seeking relief. Differences in Verizon Counts and CLEC Counts may be due to a variety of limited to the different time frames in which the information was gathered (Verizon Line Count Study counts are from September 2003).

**Note 2:** Certain CLECs, KMC Telecom and XO Comm, provided line counts by switch vs wire center. Therefore, the CLEC counts for these carriers do not include the following line counts:

MSA	CLEC	LOCATION	SWITCH CLLI	CLEC LINE COUNTS
Tampa-St Petersburg-Clearwater, FL		Clearwater FL	CLWRFLWXDSO	3,946
		Total		3,946
		5904A Hampton Oaks Pkwy, Tampa, FL	TAMSFLCZDSO	46,516
		5904A Hampton Oaks Pkwy, Tampa, FL	TAMSFLCZDS2	4,872
		Total		51,388

Line count totals for KMC include 4 wire centers not contained in the Tampa-St Petersburg-Clearwater FL MSA, DZ 1-2, line count totals for XO Comm include multiple wire centers not contained in the Tampa-St Petersburg-Clearwater FL MSA, DZ 1-2. Both line count totals include voice and data.

**Note 3:** Verizon is attempting to obtain copies of Allegiance's and Xspedius' responses to the Staff's TRO Data Request.



**FULP SURREBUTTAL  
ATTACHMENT 2**