



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

February 2, 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

RECEIVED FPSC  
04 FEB - 2 PM 3:05  
COMMISSION  
CLERK

Re: Docket No. 030852-TP  
Implementation of requirements arising from Federal Communications  
Commission's Triennial UNE Review: Location-Specific Review for DS1, DS3,  
and Dark Fiber Loops, and Route-Specific Review for DS1, DS3, and Dark Fiber  
Transport

Dear Ms. Bayo:

Please find enclosed an original and 15 copies Verizon Florida Inc.'s Prehearing  
Statement for filing in the above matter. Also enclosed is a diskette with a copy of the  
Prehearing Statement in Word format. 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

RAC:tas  
Enclosures

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM 5 \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
VMS \_\_\_\_\_  
EC 1 \_\_\_\_\_  
JTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
01482 FEB-2 04  
FPSC-COMMISSION CLERK

Floyd Self  
Messer Caparello & 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, TC 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 Caparello & 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

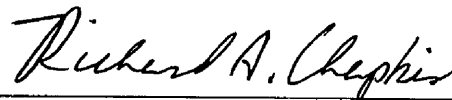
Jorge Cruz-Bustillo  
Supra Telecommunications and Information Systems, Inc.  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, FL 33133

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 ) Docket No. 030852-TP  
From Federal Communications Commission's ) Filed: February 2, 2004  
Triennial UNE Review: Location-Specific )  
Review for DS1, DS3 and Dark Fiber Loops, )  
And Route-Specific Review for DS1, DS3 and )  
Dark Fiber Transport )

**VERIZON FLORIDA INC.'S PREHEARING STATEMENT**

Verizon Florida Inc. (Verizon) files this Prehearing Statement in accordance with Order Nos. PSC-03-1054-PCO-TP, PSC-03-1265-PCO-TP and PSC-04-0061-PCO-TP in this docket and Florida Public Service Commission Rule 25-22.038.

**A. Witnesses**

Verizon's witnesses for this proceeding and the issues to which they will testify are as follows:

1. Mr. Orville D. Fulp and Mr. John White: Joint testimony on issues 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, and 20.

**B. Exhibits**

Verizon will introduce the following exhibits:

1. Joint Direct Testimony of Orville D. Fulp and John White on behalf of Verizon Florida Inc., filed December 22, 2003, and attached Exhibits A through D and E.1 through E.12.
2. Joint Supplemental Testimony of Orville D. Fulp and John White on behalf of Verizon Florida Inc., filed January 9, 2004, and attached Exhibits F.1 through F.8.

Verizon's surrebuttal testimony is to be filed on February 4, 2004. Verizon reserves the right to introduce additional exhibits at the hearing or other appropriate points.

### **C. Verizon's Basic Position**

In its direct and supplemental testimony, Verizon presented evidence that 67 routes (or pairs of Verizon wire centers) in the Tampa LATA meet one or both of the FCC's two objective triggers for dedicated transport. Verizon also presented evidence that 12 customer locations meet one or both of the FCC's triggers for high capacity loops. Based on this evidence, the Commission should find that competing carriers are not impaired without access to Verizon's unbundled dedicated interoffice transport facilities for the 67 routes and that competing carriers are not impaired without access to Verizon's unbundled high capacity loops at the 12 locations. Since information essential to the application of the FCC's triggers has not been provided by a number of carriers, most notably AT&T, Verizon reserves the right to change the number of transport routes and building locations it claims meet the triggers when that information becomes available.

### **D., E., F. Verizon's Positions On Specific Issues**

Verizon considers each issue in this proceeding to be a mixed question of fact and law.

**ISSUE 1:** To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-1 facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and offer DS-1 loops over their own facilities on a widely available basis to other carriers?

For each such location, do the wholesale providers have access to the entire customer location, including each individual unit within the location?

**VERIZON'S POSITION:** Based on information obtained as of the filing of Verizon's supplemental testimony on January 9, 2004, Verizon has identified four locations that meet the above criteria. These customer locations are contained in Exhibit F.5 of the testimony of Verizon witnesses Orville D. Fulp and John White. Verizon relied almost exclusively on carrier's responses to the Commission's discovery requests. Since responses were not received from all carriers when Verizon prepared its supplemental testimony, Verizon reserves the right to add locations when additional information becomes available. With regard to whether wholesale providers have access to the entire customer location, the Commission requested this information in its loop data requests to the CLECs. Where CLECs did not provide such information, Verizon is continuing to investigate those carriers' ability to access the entire location. Absent evidence to the contrary, however, it is reasonable to assume that a carrier with fiber optic facilities into a large commercial building has access to the entire building.

**ISSUE 2:** To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, either (1) deployed their own DS-3 facilities and actually serve customers via those facilities or (2) deployed DS-3 facilities by attaching their own optronics to activate dark fiber obtained under a long-term indefeasible right of use and actually serve customers via those facilities at that location?

**VERIZON'S POSITION:** Based on information obtained as of the filing of Verizon's supplemental testimony on January 9, 2004, Verizon has identified five locations that meet the above criteria. These customer locations are contained in Exhibit F.5 of the testimony of Verizon witnesses Orville D. Fulp and John White. Verizon relied almost exclusively on carrier's responses to the Commission's discovery requests. Since responses were not received from all carriers when Verizon prepared its supplemental testimony, Verizon reserves the right to add locations when additional information becomes available.

**ISSUE 3:** To what specific customer locations have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-3 facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and offer DS-3 loops over these facilities on a widely available wholesale basis to other carriers? For each such location, do the wholesale providers have access to the entire customer location, including each individual unit within the location?

**VERIZON'S POSITION:** Based on information obtained as of the filing of Verizon's supplemental testimony on January 9, 2004, Verizon has identified four locations that meet the above criteria. These customer locations are contained in Exhibit F.5 of the testimony of Verizon witnesses Orville D. Fulp and John White. Verizon relied almost exclusively on carrier's responses to the Commission's discovery requests. Since responses were not received from all carriers when Verizon prepared its supplemental testimony, Verizon reserves the right to add locations when additional information becomes available. With

regard to whether wholesale providers have access to the entire customer location, the Commission requested this information in its loop data requests to the CLECs. Where CLECs did not provide such information, Verizon is continuing to investigate those carriers' ability to access the entire location. Absent evidence to the contrary, however, it is reasonable to assume that a carrier with fiber optic facilities into a large commercial building has access to the entire building.

**ISSUE 4:** If neither the self-provisioning or the wholesale triggers for DS-3 loops is satisfied at a specific customer location, using the potential deployment criteria specified in §51.319(a)(5)(ii), what evidence of non-impairment for a DS-3 loop at a specific customer location exists? Is this evidence sufficient to conclude that there is no impairment at a specific customer location?

**VERIZON'S POSITION:** Verizon does not take a position on this issue at this time.

**ISSUE 5:** To what specific customer locations have two or more competing providers deployed their own dark fiber facilities, including dark fiber owned by the carrier or obtained under a long-term indefeasible right of use (but excluding ILEC unbundled dark fiber)?

**VERIZON'S POSITION:** Based on information obtained as of the filing of Verizon's supplemental testimony on January 9, 2004, Verizon has identified 12 locations that meet the above criteria. These customer locations are contained in Exhibit F.5 of the testimony of Verizon witnesses Orville D. Fulp and John White. Verizon relied almost exclusively on carrier's responses to the Commission's discovery requests. Since responses were not



received from all carriers when Verizon prepared its supplemental testimony, Verizon reserves the right to add locations when additional information becomes available.

**ISSUE 6:** If the self-provisioning trigger for dark fiber loops is not satisfied at a specific customer location, using the potential deployment criteria specified in §51.319(a)(6)(ii), what evidence of non-impairment for dark fiber loops at a specific customer location exists? Is this evidence sufficient to conclude that there is no impairment at a specific customer location?

**VERIZON'S POSITION:** Verizon does not take a position on this issue at this time.

**ISSUE 7:** Along what particular routes have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-1 level dedicated transport facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and are willing to provide DS-1 level transport immediately over their own facilities on a widely available basis to other carriers?

**VERIZON'S POSITION:** Based on the information Verizon had on January 9, 2004, when it filed its supplemental testimony, there are 67 routes that meet one or both of the FCC's triggers. These routes are contained in Exhibit F.3 of the testimony of Verizon witnesses Orville D. Fulp and John White. Because some carriers did not provide any information and others did not provide complete information, Verizon reserves the right to change the number of transport routes when additional information becomes available.

**ISSUE 8:** For any particular route where at least two competing providers will provide wholesale DS-1 dedicated transport, do both competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise? If so, can requesting carriers obtain reasonable and nondiscriminatory access to those competing providers' termination points through a cross-connect to the providers' collocations either at the ILEC premise or similar arrangement if located at a non-ILEC premise?

**VERIZON'S POSITION:** Yes. Verizon relied on its visual inspection process, and information provided by competing carriers, to confirm that the competing carriers' transport facilities terminate in collocation arrangements at Verizon wire centers, are operational, and are fed by non-Verizon fiber. To Verizon's knowledge, no competing carrier has claimed or submitted evidence showing that for a particular transport route, or for all transport routes, there is not reasonable and nondiscriminatory access to the competing providers' termination points at the ILEC premises.

**ISSUE 9:** Along what particular routes have three or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-3 level dedicated transport facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and are operationally ready to use those transport facilities?

**VERIZON'S POSITION:** Based on the information Verizon had on January 9, 2004, when it filed its supplemental testimony, there are 25 transport routes meeting this trigger. These

routes are shown on Exhibit F.2 of the supplemental testimony of Verizon witnesses Orville D. Fulp and John White. Verizon reserves the right to change the number of transport routes as additional information becomes available.

**ISSUE 10:** For any particular route where at least three competing providers have self-provisioned DS-3 level dedicated transport facilities, do the competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise?

**VERIZON'S POSITION:** Yes. Verizon relied on its visual inspection process, and information provided by competing carriers, to confirm that the competing carriers' transport facilities terminate in collocation arrangements at Verizon wire centers are operational, and are fed by non-Verizon fiber.

**ISSUE 11:** Along what particular routes have two or more competing providers, not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, deployed their own DS-3 level dedicated transport facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber), are operationally ready to use those transport facilities, and are willing to provide DS-3 level dedicated transport immediately over their facilities on a widely available wholesale basis to other carriers?

**VERIZON'S POSITION:** Based on the information Verizon had when it filed its supplemental testimony on January 9, 2004, there are 67 transport routes meeting this

trigger. These routes are shown in Exhibit F.3 of the supplemental testimony of Verizon witnesses Orville D. Fulp and John White. Since a number of competitive carriers did not provide complete information by January 9, 2004, Verizon reserves the right to change the number of transport routes it claims meet the triggers when that information becomes available.

**ISSUE 12:** For any particular route where at least two competing providers will provide wholesale DS-3 level dedicated transport, do both competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise? If so, can requesting carriers obtain reasonable and nondiscriminatory access to those competing providers' termination points through a cross-connect to the providers' collocations either at the ILEC premise or similar arrangement if located at a non-ILEC premise?

**VERIZON'S POSITION:** Yes. Verizon relied on its visual inspection process, and information provided by competing carriers, to confirm that the competing carriers' transport facility terminate in collocation arrangements at Verizon wire centers, are operational, and are fed by non-Verizon fiber. To Verizon's knowledge, no competing carrier has claimed or submitted evidence showing that for a particular transport route, or for all transport routes, there is not reasonable and nondiscriminatory access to the competing providers' termination points at the ILEC premises.

**ISSUE 13:** If neither the self-provisioning nor the wholesale triggers for DS-3 level dedicated transport is satisfied along a route, using the potential deployment criteria specified in §51.319(e)(2)(ii), what evidence of non-impairment for DS-3 level dedicated transport on a specific route exists? Is this evidence sufficient to conclude that there is no impairment along this route?

**VERIZON'S POSITION:** Verizon does not take a position on this issue at this time.

**ISSUE 14:** Along what particular routes have three or more competing providers, not affiliated with each other or the ILEC, deployed their own dark fiber transport facilities?

**VERIZON'S POSITION:** Based on the information Verizon had on January 9, 2004, when it filed its supplemental testimony, there are 25 transport routes meeting this trigger. These routes are shown on Exhibit F.1 of the supplemental testimony of Verizon witnesses Orville D. Fulp and John White. Verizon reserves the right to change the number of transport routes as additional information becomes available.

**ISSUE 15:** For any particular route where at least three competing providers have self-provisioned dark fiber dedicated transport facilities, do the competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise?

**VERIZON'S POSITION:** Yes. Verizon relied on its visual inspection process, and information provided by competing carriers, to confirm that the competing carriers'

transport facilities terminate in collocation arrangements at Verizon wire centers, are operational, and are fed by non-Verizon fiber.

**ISSUE 16:** Along what particular routes have two or more competing providers, not affiliated with each other or the ILEC, deployed their own dark fiber transport facilities (including dark fiber obtained from an entity other than the ILEC), are operationally ready to lease or sell those transport facilities to provide transport along the route, and are willing to provide dark fiber immediately over their facilities on a widely available wholesale basis to other carriers?

**VERIZON'S POSITION:** Based on the information Verizon had when it filed its supplemental testimony on January 9, 2004, there are 67 transport routes meeting this trigger. These routes are shown in Exhibit F.4 of the supplemental testimony of Verizon witnesses Orville D. Fulp and John White. Since a number of competitive carriers did not provide complete information by January 9, 2004, Verizon reserves the right to change the number of transport routes it claims meet the triggers when that information becomes available.

**ISSUE 17:** For any particular route where at least two competing providers will provide wholesale dark fiber, do both competing providers' facilities terminate in collocation arrangements at an ILEC premise or a similar arrangement in a non-ILEC premise? If so, can requesting carriers obtain reasonable and nondiscriminatory access to those competing providers' termination points through a cross-connect to the providers'

collocations either at the ILEC premise or similar arrangement if located at a non-ILEC premise?

**VERIZON'S POSITION:** Yes. Verizon relied on its visual inspection process, and information provided by competing carriers, to confirm that the competing carriers' transport facility terminate in collocation arrangements at Verizon wire centers, are operational, and are fed by non-Verizon fiber. To Verizon's knowledge, no competing carrier has claimed or submitted evidence showing that for a particular transport route, or for all transport routes, there is not reasonable and nondiscriminatory access to the competing providers' termination points at the ILEC premises.

**ISSUE 18:** For any particular route where at least two competing providers will provide such wholesale dark fiber, do these providers have sufficient quantities of dark fiber available to satisfy current demand along that route? If not, should the wholesale trigger for dark fiber be determined to be satisfied along that route?

**VERIZON'S POSITION:** The best evidence of whether wholesale providers of dark fiber actually have dark fiber is publicly available information (e.g., website materials and tariffs) in which those carriers offer to provide dark fiber. As a general rule, a carrier deploying fiber transport facilities will deploy extra fiber.

**ISSUE 19:** If neither the self-provisioning or the wholesale triggers for dark fiber transport is satisfied along a route, using the potential deployment criteria specified in

§51.319(e)(3)(ii), what evidence of non-impairment for dark fiber on a specific route exists?  
Is this evidence sufficient to conclude that there is no impairment along this route?

**VERIZON'S POSITION:** Verizon does not take a position on this issue at this time.

**ISSUE 20:** If unbundling requirements for loops at customer-specific locations or dedicated transport along a specific route are eliminated, what are the appropriate transition period and requirements, if any, after which a CLEC no longer is entitled to these loops or transport under Section 251(c)(3)?

**VERIZON'S POSITION:** The Commission should not address a transition plan in this nine-month case. The FCC's loop rules limit the nine-month state loop proceedings to the impairment review contained in rules 319(a)(4) – (6). 47 C.F.R. §51.319(a)(7). Likewise, the transport rules limit the nine-month transport proceedings to the impairment review contained in rules 319(e)(1) – (3). These rules do not discuss adoption of a transition plan. 47 C.F.R §§ 51.319(a)(4) – (6) and (e)(1) – (3). Thus, while the FCC expected state commissions to develop a transition plan for transport routes and customer locations where it found no impairment, it did not require them to do so in the initial nine-month review. Given the significant amount of work the Commission must complete in its nine-month triggers review, it should not add an issue that could extend its decision-making process beyond the nine-month deadline. Instead, as detailed below, the Commission can (and should) address the transition period issue in a separate arbitration proceeding to determine the terms for amendments to interconnection agreements in connection with the TRO.



### **G. Stipulated Issues**

There are no stipulated issues at this time.

### **H. Pending Motions And Other Matters**

Verizon has no pending motions at this time.

### **I. Pending Requests For Confidentiality**

Verizon has five requests for confidentiality pending:

1. Verizon's responses to AT&T's First Request for Production of Documents (No. 1), filed January 30, 2004 – DN 01391-04.
2. Pages 12 and 14 and Exhibits F.1 – F.5 to Joint Supplemental Direct Testimony of Orville D. Fulp and John White, filed January 9, 2004 – DN 00419-04
3. Verizon's responses to Staff's First Set of Interrogatories (No. 9), filed December 31, 2003 – DN 13599-03
4. Exhibits B and C to Joint Direct Testimony of Orville D. Fulp and John White, filed December 22, 2003 – DN 13264-03
5. Verizon's Direct Panel Testimony/Exhibits, filed December 4, 2003 – DN 12435-03

### **J. Procedural Requirements**

Verizon is unaware of any requirements set forth in the Commission's Procedural Order that cannot be complied with at this time.

### **K. Pending FCC Or Court Actions**

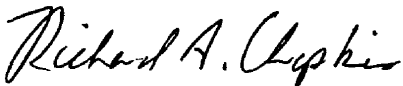
Various carriers have filed appeals of the FCC's *Triennial Review Order* which are pending in the United States Court of Appeals for the District of Columbia. *See United*

*States Telecom Ass'n v. FCC*, No. 00-1012 (D.C. Circuit). Verizon is not currently in a position to assess what, if any, impact a ruling in that pending proceeding could have on this Commission's ability to resolve any of the issues presented in this docket.

**L. Witnesses**

Verizon has no objections to any witness's qualifications as an expert at this time.

Respectfully submitted on February 2, 2004.

By:   
RICHARD A. CHAPKIS  
201 North Franklin Street, FLTC0717  
P. O. Box 110 (33601)  
Tampa, FL 33602  
Tel: 813-483-1256  
Fax: 813-204-8870  
e-mail: [richard.chapkis@verizon.com](mailto:richard.chapkis@verizon.com)

Attorney for Verizon Florida Inc.