

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers.	DOCKET NO. 030851-TP FEBRUARY 2, 2004
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COMMISSION STAFF'S MOTION TO LATE-FILE
PREHEARING STATEMENT

Commission Staff (Staff), by and through undersigned counsel, pursuant to Rule 28-106.204, Florida Administrative Code, hereby requests to file its prehearing statement one week late and as grounds therefor states:

1. This matter has been scheduled for an administrative hearing on February 24, 2004 through February 27, 2004. Pursuant to Order Nos. PSC-03-1054-PCO-TP and PSC-03-1265-PCO-TP, prehearing statements were required to be filed January 27, 2004.
2. Due to an inadvertent oversight, Staff missed the filing date for the prehearing statement.
3. Upon realizing the oversight, Staff promptly submits the attached prehearing statement concurrent with this Motion. Also, parties have been notified of this motion, and to date, no party has objected. It should be noted that parties will not be prejudiced by the late filing of the prehearing statement.

Wherefore, Commission Staff moves the Prehearing Officer to accept the attached prehearing statement which Staff is filing late.

Respectfully submitted this 2nd day of February, 2004.



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DOCKET NO. 030851-TP
FILED: FEBRUARY 2, 2004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one true and correct copy of Commission Staff's Motion to Late-File Prehearing Statement, has been furnished by U.S. Mail, this 2nd day of February, 2004, to the following:

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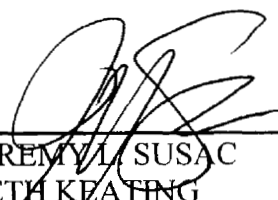
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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers.

DOCKET NO. 030851-TP
FILED: FEBRUARY 2, 2004

STAFF'S PREHEARING STATEMENT

Pursuant to Order Nos. PSC-03-1054-PCO-TP and PSC-03-1265-PCO-TP, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Staff has no witnesses.

b. All Known Exhibits

Staff has no exhibits.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

Market Definition (§51.319(d)(2)(i))

ISSUE 1: For purposes of this proceeding, what are the relevant markets for purposes of evaluating mass market impairment and how are they defined?

POSITION: Staff has no position at this time.

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ISSUE 2: In defining the relevant geographic areas to include in each of the markets, how should the following factors be taken into consideration and what relative weights should they be assigned:

- a) the locations of mass market customers actually being served by CLECs;
- b) the variation in factors affecting CLECs' ability to serve each group of customers;
and
- c) CLECs' ability to target and serve specific markets profitably and efficiently using currently available technologies?

POSITION: Staff has no position at this time.

Batch cut process (§51.319(d)(2)(ii))

ISSUE 3A: Does a batch cut process exist that satisfies the FCC's requirements in the Triennial Review Order? If not, in which markets should the Commission establish a batch cut process?

POSITION: Staff has no position at this time.

ISSUE 3B: For those markets where a batch cut process should be established, what volume of loops should be included in the batch?

POSITION: Staff has no position at this time.

ISSUE 3C: For those markets where a batch cut process should be established, what specific processes should be employed to perform the batch cut?

POSITION: Staff has no position at this time.

ISSUE 3D: For those markets where a batch cut process should be established, is the ILEC capable of migrating multiple lines that are served using unbundled local circuit switching to CLECs' switches in a timely manner?

POSITION: Staff has no position at this time.

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ISSUE 3E: For those markets where a batch cut process should be established, should the Commission establish an average completion interval performance metric for the provision of high volumes of loops?

POSITION: Staff has no position at this time.

ISSUE 3F: For those markets where a batch cut process should be established, what rates should be established for performing the batch cut processes?

POSITION: Staff has no position at this time.

ISSUE 3G: Are there any markets in which a batch hot cut process need not be implemented? If so, for those markets where a batch cut process need not be established because absence of such a process is not impairing CLECs' ability to serve end users using DS0 loops to serve mass market customers without access to unbundled local circuit switching,

- (1) what volume of unbundled loop migrations can be anticipated if CLECs no longer have access to unbundled local circuit switching;
- (2) how able is the ILEC to meet anticipated loop migration demand with its existing processes in a timely and efficient manner; and
- (3) what are the nonrecurring costs associated with the ILEC's existing hot cut process?

POSITION: Staff has no position at this time.

Actual Switch Deployment: Local Switching Triggers (§51.319(d)(2)(iii)(A))

ISSUE 4A: In which markets are there three or more CLECs not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, serving mass market customers with their own switches?

POSITION: Staff has no position at this time.

ISSUE 4B: In which markets are there two or more CLECs not affiliated with each other or the ILEC, including intermodal providers of service comparable in quality to that of the ILEC, who have their own switches and are offering wholesale local switching to customers serving DS0 capacity loops in that market?

POSITION: Staff has no position at this time.

Potential for Self-Provisioning of Local Switching (§51.319(d)(2)(iii)(B))

ISSUE 5A: In which markets are there either two wholesale providers or three self-provisioners of local switching not affiliated with each other or the ILEC, serving end users using DS1 or higher capacity loops? Where there are, can these switches be used to serve DS0 capacity loops in an economic fashion?

POSITION: Staff has no position at this time.

ISSUE 5B: In which markets are there any carriers with a self-provisioned switch, including an intermodal provider of service comparable in quality to that of the ILEC, serving end users using DS0 capacity loops?

POSITION: Staff has no position at this time.

ISSUE 5C: In which markets do any of the following potential operational barriers render CLEC entry uneconomic absent access to unbundled local circuit switching:

1. The ILEC's performance in provisioning loops;
2. difficulties in obtaining collocation space due to lack of space or delays in provisioning by the ILEC; or
3. difficulties in obtaining cross-connects in the ILEC's wire centers?

POSITION: Staff has no position at this time.

ISSUE 5D: In which markets do any of the following potential economic barriers render CLEC entry uneconomic absent access to unbundled local circuit switching:

1. the costs of migrating ILEC loops to CLECs' switches; or
2. the costs of backhauling voice circuits to CLECs' switches from the end offices serving the CLECs' end users?

POSITION: Staff has no position at this time.

ISSUE 5E: Taking into consideration the factors in (a) through (d), in what markets is it economic for CLECs to self-provision local switching and CLECs are thus not impaired without access to unbundled local circuit switching?

POSITION: Staff has no position at this time.

ISSUE 5F: For each market, what is the appropriate cut-off for multiline DS0 customers (where it is economic to serve a multiline customer with a DS1 loop)? That is, taking into account the point at which the increased revenue opportunity at a single location is sufficient to overcome impairment and the point at which multiline end users could be served economically by higher capacity loops and a CLEC's own switching (and thus be considered part of the DS1 enterprise market), what is the maximum number of DS0 loops that a CLEC can serve using unbundled local switching, when serving multiline end users at a single location?

POSITION: Staff has no position at this time.

Transitional use of unbundled local switching (§51.319(d)(2)(iii)(C))

ISSUE 6: If the triggers in §51.319(d)(2)(iii)(A) have not been satisfied for a given ILEC market and the economic and operational analysis described in §51.319(d)(2)(iii)(B) resulted in a finding that CLECs are impaired in that market absent access to unbundled local switching, would the CLECs' impairment be cured if unbundled local switching were only made available for a transitional period of 90 days or more? If so, what should be the duration of the transitional period?

POSITION: Staff has no position at this time.

e. Pending Motions

Staff has no pending motions.


f. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests.

g. Compliance with Order Nos. PSC-03-1054-PCO-TP and PSC-03-1265-PCO-TP.

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 2nd day of February, 2004.



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BEFORE THE PUBLIC SERVICE COMMISSION

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FILED: JANUARY 27, 2004

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