

Nancy B. White
General Counsel – Florida

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

February 2, 2004

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

RECEIVED-11 30
04 FEB - 2 PM 4:47
COMMISSION
CLERK

Re: Docket No. 030852-TP

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Prehearing Statement, which we ask that you file in the above captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White
Nancy B. White (WA)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy White

AUS _____
CAF _____
CMP _____ 524161
COM _____ 5
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____ 1
OTH _____

DOCUMENT NUMBER-DATE
01507 FEB-2 04
FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 030852-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail, Hand Delivery* and FedEx this 2nd day of February 2004 to the following:

Adam Teitzman, Staff Counsel*
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Phone: (850) 413-6212
Fax: (850) 413-6250
ateitzma@psc.state.fl.us

Michael A. Gross
VP Reg. Affairs & Reg. Counsel
Florida Cable Telecomm. Assoc.
246 East 6th Avenue, Ste. 100
Tallahassee, FL 32303
Tel. No. (850) 681-1990
Fax. No. (850) 681-9676
mgross@fcta.com

Matthew Feil (+)
Scott Kassman
FDN Communications
390 North Orange Avenue
Suite 2000
Orlando, FL 32801-1640
Tel. No. 407 835-0460
Fax No. 407 835-0309
mfeil@mail.fdn.com
skassman@mail.fdn.com

Joseph A. McGlothlin+⊗
Vicki Gordon Kaufman+
McWhirter, Reeves, McGlothlin,
Davidson, Kaufman & Arnold PA
117 South Gadsden Street
Tallahassee, FL 32301
Tel. No. (850) 222-2525
Fax. No. (850) 222-5606
jmcglothlin@mac-law.com
vkaufman@mac-law.com
Represents FCCA

Mr. Charles E. Watkins+
1230 Peachtree Street, NE
19th Floor
Atlanta, GA 30309-3574
Phone: (404) 942-3492
Fax: (404) 942-3495
Represents Covad
gwatkins@covad.com
jbelle@covad.com

Nanette Edwards, Esq.+
Director – Regulatory
ITC^DeltaCom
4092 S. Memorial Parkway
Huntsville, AL 35802
Tel. No. (256) 382-3856
Represent ITC^DeltaCom
nedwards@itcdeltacom.com

Ms. Donna C. McNulty+⊗
MCI WorldCom Communications, Inc.
1203 Governors Square Blvd.,
Suite 201
Tallahassee, FL 32301-2960
Phone No. 850- 219-1008
Fax No. 850 219-1018
Represents MCI WorldCom
donna.mcnulty@mci.com

De O'Roark, Esq. (+)
MCI WorldCom Communications, Inc (GA)
Six Concourse Parkway
Suite 3200
Atlanta, GA 30328
Represents MCI WorldCom
de.oroark@mci.com

Floyd Self, Esq.+
Norman H. Horton, Esq.~
Messer Capareello & Self
215 South Monroe Street, Suite 701
Tallahassee, FL 32301
Tel. No. (850) 222-0720
Fax. No. (850) 224-4359
Represents ITC^DeltaCom
Represents MCI
Represents KMC
Represents Xspedius~
fself@lawfla.com
nhorton@lawfla.com

Tracy Hatch, Esq. **
AT&T
101 North Monroe Street
Suite 700
Tallahassee, FL 32301
Tel. No. (850) 425-6364
thatch@att.com

Lisa A. Sapper+⊗
AT&T
1200 Peachtree Street, N.E.
Suite 8100
Atlanta, GA 30309
Tel. No. (404) 810-7812
lisariley@att.com

Marva Brown Johnson, Esq.
KMC Telecom III, LLC
1755 North Brown Road
Lawrenceville, GA 30043-8119
Tel. No. (678) 985-6261
Fax No.: (678) 985-6213
Represents KMC
marva.johnson@kmctelecom.com

Richard A. Chapkis (+)
Kimberly Caswell
Verizon Florida, Inc.
One Tampa City Center
201 North Franklin Street (33602)
Post Office Box 110, FLTC0007
Tampa, Florida 33601-0110
Tel. No. (813) 483-2606
Fax. No. (813) 204-8870
Represents Verizon
Richard.chapkis@verizon.com

Susan S. Masterton, Esq. +⊗
Sprint-Florida, Inc.
Sprint Communications Co. L.P.
1313 Blair Stone Road
P.O. Box 2214
Tallahassee, FL 32316-2214
Tel. No. (850) 599-1560
Fax. No. (850) 878-0777
susan.masterton@mail.sprint.com

Jean Houck
Business Telecom, Inc.
4300 Six Forks Road
Raleigh, NC 27609
Tel. No. (919) 863-7325
jean.houck@btitelecom.net

Jake E. Jennings +
NewSouth Communications Corp
Two North Main Center
Greenville, SC 29601-2719
Tel. No.: 864 672-5877
Fax No.: 864 672-5313
jejennings@newsouth.com

Jon Moyle, Jr.
Moyle Law Firm (Tall)
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
Phone: (850) 681-3828
Fax: 681-8788
Represents NuVox Communications Inc.
Email: jmoylejr@moylelaw.com

Charles V. Gerkin, Jr. (+)
Regulatory Counsel
Allegiance Telecom, Inc.
9201 North Central Expressway
Dallas, TX 75231
Phone: 469-259-4051
Fax: 770 234-5945
Cell: 770 855-0466
charles.gerkin@alqx.com

Terry Larkin
Allegiance Telecom, Inc.
700 East Butterfield Road
Lombard, IL 60148
Phone: (630) 522-6453
terry.larkin@alqx.com

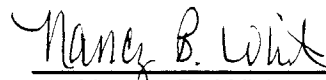
Jorge Cruz-Bustillo +
Assistant General Counsel
Supra Telecommunications
2620 S.W. 27th Avenue
Miami, Florida 33133
Tel. No. (305) 476-4252
Fax. No. (305) 443-1078
jorge.cruz-busitillo@stis.com

Jonathan Audu **
Manager, Regulatory Affairs
Supra Telecommunications
1311 Executive Center Drive
Suite 220
Tallahassee, FL 32301-5027
Tel. No. (850) 402-0510
Fax. No. (850) 402-0522
Email: jonathan.audu@stis.com

AT&T by E-Mail only:
soniadaniels@att.com

Bo Russell
Nuvox Communications Inc.
301 North Main Street
Greenville, SC 29601-2171
Phone: (864) 331-7323
Email: brussell@nuvox.com

J. Jeffry Wahlen
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32301
Tel. No. (850) 425-5471
Fax. No. (850) 222-7560
jwahlen@ausley.com



Nancy B. White (FA)

(+) signed protective agreement
(*) via Hand Delivery
() via electronic mail only**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising)
From Federal Communications Commission) Docket No. 030852-TP
Triennial UNE review: Location-Specific Review)
For DS1, DS3 and Dark Fiber Loops, and) Filed: February 2, 2004
Route-Specific Review for DS1, DS3 and Dark)
Fiber Transport)
_____)

**PREHEARING STATEMENT OF
BELLSOUTH TELECOMMUNICATIONS, INC.**

In compliance with the initial procedural order in this docket, Order No. PSC-03-1055-PCO-TP, issued September 22, 2003 (“Initial Prehearing Order”), as amended, BellSouth Telecommunications, Inc. (“BellSouth”) respectfully submits its Prehearing Statement.

A. Witnesses

BellSouth will call the following witnesses to offer testimony on the issues in this matter:

<u>Witness</u>	<u>Subject Matter of Testimony</u>
Shelley W. Padgett (Direct, Supplemental Direct, Rebuttal and Surrebuttal)	Ms. Padgett provides information concerning the high capacity loop and transport triggers in BellSouth’s serving territory and provides information concerning the specific locations and routes that satisfy the FCC’s triggers tests. Ms. Padgett also addresses the appropriate transition time for BellSouth’s provision of high capacity loops and transports at UNE prices after a location or route is no longer subject to unbundling. Ms. Padgett addresses Issues 1 - 3, 5, 7 - 12, 14-18, and 20.
A. Wayne Gray (Direct and Surrebuttal)	Mr. Gray addresses network issues and addresses the typical network configuration used by CLECs. Mr. Gray supports the network costs that are used by Dr. Banerjee in analyzing potential deployment issues. Mr. Gray’s

testimony addresses, in part, all issues with the exception of Issue 20.

Dr. Aniruddha Banerjee
(Direct, Supplemental Direct
and Surrebuttal)

Dr. Banerjee identifies the locations and routes in BellSouth's serving territory that satisfy the FCC's potential deployment analysis. His testimony addresses Issues 4, 6, 13, and 19.

BellSouth has made a good-faith attempt to identify the subject matter addressed by these witnesses; however, any given witness' testimony may also relate to other issues in this docket.

BellSouth reserves the right to call witnesses to respond to Florida Public Service Commission ("Commission") inquiries not addressed in direct, rebuttal or surrebuttal testimony and witnesses to address issues not presently designated that may be designated by the Prehearing Officer at the Prehearing conference to be held on February 9, 2004.

B. Exhibits

Because this prehearing statement will be filed before filing surrebuttal testimony, BellSouth reserves the right to file surrebuttal exhibits, and will identify any such exhibits at the prehearing conference, scheduled for February 9, 2004. BellSouth also reserves the right to file exhibits to any testimony that may be filed under the circumstances identified in Section "A" above as well as to introduce exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Evidence and the Rules of the Commission. Finally, based upon outstanding discovery requests, BellSouth reserves the right to identify and/or modify the exhibits listed below to incorporate any new, updated, or supplemental discovery responses received after the prehearing conference. Any such modification would likely impact revised Exhibits SWP-1 through SWP-10, as well as revised Exhibits AXB-2 through AXB-3.

Witness

Exhibit

Title

Shelley W. Padgett

SUPPLEMENTAL DIRECT EXHIBITS

SWP – 1	Carriers Classified as Wholesalers in Analysis of FCC’s Triggers for High-Capacity Loops
SWP – 2	Customer Locations in BellSouth Territory Where DS1 Loop Triggers Met
SWP – 3	Competitive Carriers with High-Capacity Loop Facilities to Customer Locations in BellSouth Territory
SWP – 4	Customer Locations in BellSouth Territory Where DS3 Loop Triggers Are Met
SWP – 5	Customer Locations in BellSouth Territory Where Dark Fiber Triggers are Met
SWP – 6	Carriers Classified as Wholesalers in Analysis of FCC’s Triggers for Dedicated Transport
SWP – 7	Interoffice Routes in BellSouth Territory Where DS1 Transport Triggers are Met
SWP – 8	Competitive Carriers with Transport Facilities on Routes Between BellSouth Wire Centers in the Same LATA
SWP – 9	Interoffice Routes in BellSouth Territory Where DS3 Transport Triggers are Met
SWP – 10	Interoffice Routes in BellSouth Territory Where Dark Fiber Transport Triggers are Met

A. Wayne Gray

DIRECT EXHIBITS

AWG-1	Cost Elements for Network Extension (High Capacity Loops)
AWG-2	Network Architecture/Equipment

Needed For Fiber Extension
(High Capacity Loops)

AWG-3

Cost Elements for Network
Extension (Dedicated
Transport)

AWG-4

Network
Architecture/Equipment
Needed for Fiber Extension
(Dedicated Transport)

Dr. Aniruddha Banerjee

DIRECT EXHIBITS

AXB- 1

Curriculum Vitae of Dr.
Banerjee

SUPPLEMENTAL DIRECT EXHIBITS

AXB-2

Potential Deployment –
Customer Locations

AXB-3

Potential Deployment –
Transport Routes

C. Statement of Basic Position

The FCC, through its Triennial Review Order (TRO), issued August 21, 2003, has attempted to delegate to the state commissions, the duty and obligation to determine whether Competitive Local Exchange Carriers (“CLECs”) are “impaired” within the meaning of the Federal Telecommunications Act of 1996, without access to unbundled DS1 loops and transport, unbundled DS3 loops and transport, and unbundled dark fiber loops and transport provided by the Incumbent Local Exchange Company (ILEC). The FCC required that the state commissions make a finding of “no impairment” relating to certain customer locations or routes, based upon certain triggers. The FCC also created a “potential deployment” test, requiring the state commissions to find “no impairment” when high capacity loops and transport facilities can be

economically deployed in certain circumstances. Finally, the FCC required the state commissions to establish an appropriate transition period relating to high capacity loops and transport facilities that are no longer required to be unbundled.

The evidence in this proceeding will demonstrate a number of locations and routes for which the FCC's loop and transport triggers are met, and additional locations and routes where the application of the FCC's "potential deployment" test demonstrates that CLECs are not impaired without unbundled high capacity loops and transport facilities. The Commission should find that CLECs are not impaired without access to BellSouth's unbundled loop and transport facilities as identified in the pre-filed exhibits of witnesses Shelley Padgett and Dr. Andy Banerjee.

Because BellSouth will offer high capacity loops and transport facilities at market based rates, no transitional period is necessary. In the event that this Commission elects to establish a transition period during which CLECs can continue to access, on an unbundled basis, unbundled high capacity loops and transport, any such period should not exceed a time period of 90 days.

D, E, and F. BellSouth's Position on the Factual, Legal, and Policy Issues

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 DS1 facilities, (including leased, purchase or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and offer DS1 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?

Position: The customer locations that satisfy the wholesale trigger for DS1 loops are listed in Exhibit SWP-2.

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 DS3

facilities and actually serve customers via those facilities or (2) deployed DS3 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?

Position: The customer locations that satisfy the self-deployment trigger for DS3 loops are listed in Exhibit SWP-4.

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 DS3 facilities (including leased, purchased or UNE dark fiber with the carrier's own optronics attached to activate the fiber) and offer DS3 loops over their own 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?

Position: The customer locations that satisfy the wholesale trigger for DS3 loops are listed in Exhibit SWP-4.

Issue 4. If neither the self-provisioning nor the wholesale triggers for DS3 loops are 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 DS3 loop at a specific customer location exists? Is this evidence sufficient to conclude that there is no impairment at a specific customer location?

Position: Exhibit AXB-2 shows the list of customer locations that meet the test for potential deployment of DS3 loops, and there is no impairment for these facilities at the locations on that list.

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)?

Position: The customer locations are listed in Exhibit SWP-5.

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?

Position: Exhibit AXB-2 shows the list of customer locations that satisfy the test for potential deployment of dark fiber, and there is no impairment for these facilities at the locations on that list.

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 DS1 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 DS1 level transport immediately over their own facilities on a widely available basis to other carriers?

Position: The routes that satisfy the wholesale trigger for DS1 transport are listed in Exhibit SWP-7.

Issue 8: For any particular route where at least two competing providers will provide wholesale DS1 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?

Position: All the facilities used in the trigger analysis terminate in collocation arrangements on both ends. BellSouth also provides cross-connects as detailed in the testimony of John A. Ruscilli, as adopted by A. Wayne Gray.

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 DS3 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?

Position: The routes that satisfy the self-provisioning trigger for DS3 transport are listed in Exhibit SWP-9.

Issue 10: For any particular route where at least three competing providers have self-provisioned DS3 level dedicated transport facilities, do the competing providers' facilities terminate in collocation arrangements at an ILEC premise or similar arrangement in a non-ILEC premise?

Position: Yes.

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 DS3 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 DS3 level dedicated transport immediately over their facilities on a widely available wholesale basis to other carriers?

Position: The routes that satisfy the wholesale trigger for DS3 transport are listed in Exhibit SWP-9.

Issue 12: For any particular route where at least two competing providers will provide wholesale DS3 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?

Position: All the facilities used in the trigger analysis terminate in collocation arrangements on both ends. BellSouth also provides cross-connects as detailed in the testimony of John A. Ruscilli, as adopted by A. Wayne Gray.

Issue 13: If neither the self-provisioning nor the wholesale triggers for DS3 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 DS3 level dedicated transport on a specific route exists? Is this evidence sufficient to conclude that there is no impairment along this route?

Position: Exhibit AXB-3 shows the list of routes (pairs of wire centers) that satisfy the potential deployment test for DS3 transport facilities. There is no impairment for DS3 transport on the routes on that list.

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 dedicated transport facilities?

Position: The routes that satisfy the self-provisioning trigger for dark fiber transport are listed in Exhibit SWP-10.

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 similar arrangement in a non-ILEC premise?

Position: Yes.

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?

Position: The routes are listed in Exhibit SWP-10.

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?

Position: All the facilities used in the trigger analysis terminate in collocation arrangements on both ends. BellSouth also provides cross-connects as detailed in the testimony of John A. Ruscilli, as adopted by A. Wayne Gray.

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?

Position: There are sufficient quantities of dark fiber in all routes in Exhibit SWP-10 to satisfy current demand.

Issue 19: If neither the self-provisioning nor 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?

Position: Exhibit AXB-3 shows the list of routes (pairs of wire centers) that satisfy the potential deployment test dark fiber transport facilities. There is no impairment for dark fiber transport on the routes on that list.

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)?

Position: BellSouth will continue to offer loops and transport at a market rate so a transition period is unnecessary. However, if the Commission determines that a transition period is required, 90 days is reasonable.

G. Stipulations

There are no stipulations at this time.

H, I. Pending Motions

BellSouth has the following motions pending, and also anticipates that motions to compel discovery responses may be filed:

1. Motion to Strike Portions of Select Parties' Direct Testimony, filed January 8, 2004.
2. BellSouth has filed numerous requests for confidential classification of discovery responses, as well as certain testimony and specific exhibits. All of those requests remain outstanding.

J. Other Requirements

BellSouth knows of no requirements set forth in any Prehearing Order with which it cannot comply.

K. Objections to Witnesses Qualifications

BellSouth has no objections to witnesses qualifications.

Respectfully submitted this 2nd day of February, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

NANCY B. WHITE (WA)

JAMES MEZA III

c/o Nancy Sims

150 South Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5561

R. Douglas Lackey

R. DOUGLAS LACKEY (WA)

MEREDITH E. MAYS

Suite 4300

675 W. Peachtree St., NE

Atlanta, GA 30375

(404) 335-0750

524866