

**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 4, 2004  
Route-Specific Review for DS1, DS3 and Dark )  
Fiber Transport )  
\_\_\_\_\_ )

**REVISED 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 Revised 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

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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**

BellSouth 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 or evidence received after the prehearing conference. Any such modification would impact Exhibits SWP-1 through SWP-10 and Exhibits AXB-2 through AXB-3.

<b><u>Witness</u></b>	<b><u>Exhibit</u></b>	<b><u>Title</u></b>
Shelley W. Padgett	<b><u>SURREBUTTAL EXHIBITS</u></b>	
	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
SWP-11	Evidence of Willingness to Wholesale Loops
SWP-12	Evidence of Willingness to Wholesale Transport
SWP-13	Carriers for Which BellSouth used GeoResults for Loops

- |        |   |
|--------|---|
| SWP-14 | Carriers for Which BellSouth<br>Supplemented Carrier's Discovery<br>Responses for Transport with<br>BellSouth Internal Data |
| SWP-15 | Entrance Facilities As Building<br>Blocks At CLEC Transport Routes  |

A. Wayne Gray

**DIRECT AND SURREBUTTAL EXHIBITS**

- |                             |  |
|-----------------------------|--|
| AWG-1                       | Cost Elements for Network<br>Extension (High Capacity<br>Loops) - Diagram                |
| AWG-2                       | Network<br>Architecture/Equipment<br>Needed For Fiber Extension<br>(High Capacity Loops) |
| AWG-3<br>(Revised 2/4/04)   | Cost Elements for Network<br>Extension (High Capacity<br>Loops) – Cost Figures           |
| AWG-4                       | Cost Elements for Network<br>Extension (Dedicated<br>Transport) - Diagram                |
| AWG-5                       | Network<br>Architecture/Equipment<br>Needed for Fiber Extension<br>(Dedicated Transport) |
| AWG-6<br>(Revised – 2/4/04) | Cost Elements for Network<br>Extension (Dedicated<br>Transport) – Cost Figures           |

Dr. Aniruddha Banerjee

**DIRECT EXHIBIT**

- |        |                                     |
|--------|-------------------------------------|
| AXB- 1 | Curriculum Vitae of Dr.<br>Banerjee |
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**SURREBUTTAL 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**

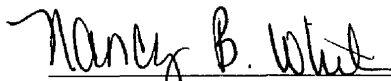
BellSouth knows of no requirements set forth in any Prehearing Order with which it cannot comply.

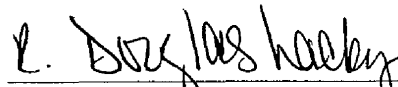
**K. Objections to Witnesses Qualifications**

BellSouth has no objections to witnesses' qualifications.

Respectfully submitted this 4<sup>th</sup> day of February, 2004.

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