

ORIGINAL



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

FLTC0717
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 4, 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 - H.S.C.
FEB - 4 PM 4: 54
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 for filing an original and 15 copies of Verizon Florida Inc.'s
Request for Confidential Classification in connection with the Joint Surrebuttal
Testimony of Orville D. Fulp and John White in the above matter. Service has been
made as indicated on the Certificate of Service. If there are any questions regarding
this matter, please contact me at 813-483-1256.

Sincerely,

Richard A. Chapkis

RAC:tas
Enclosures

This confidentiality request was filed by or
for a "telco" for DN 01680-04. No ruling
is required unless the material is subject to a
request per 119.07, FS, or is admitted in the
record per Rule 25-22.006(8)(b), FAC.

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL 1 _____
OPC _____
MMS _____
SEC 1 _____
OTH 1 com
records

RECEIVED & FILED

M&S
FPSC-BUREAU OF RECORDS

Request
DOCUMENT NUMBER-DATE

01679 FEB-4 3

FPSC-COMMISSION CLERK

Confidential

DOCUMENT NUMBER-DATE

01680 FEB-4 3

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising) Docket No. 030852-TP
from Federal Communications Commission's) Filed: February 4, 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 REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER

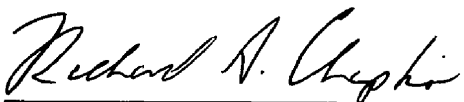
Under Commission Rule 25-22.006, Verizon Florida Inc. (Verizon) seeks confidential classification and a protective order for certain information contained in the Joint Surrebuttal Testimony of Orville D. Fulp and John White filed in this matter.

All of the information for which Verizon seeks confidential treatment falls within Florida Statutes section 364.183(3)(e), which defines the term, "proprietary confidential business information," to include "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information." If competitors were able to acquire this detailed and sensitive information regarding Verizon, they could more easily develop entry and marketing strategies to ensure success in competing with Verizon. This would afford them an unfair advantage while severely jeopardizing Verizon's competitive position. In a competitive business, any knowledge obtained about a competitor can be used to the detriment of the entity to which it pertains, often in ways that cannot be fully anticipated. This unfair advantage skews the operation of the market, to the ultimate detriment of the telecommunications consumer.

While a ruling on this request is pending, Verizon understands that the information at issue is exempt from Florida Statutes section 119.07(1) and Staff will accord it the stringent protection from disclosure required by Rule 25-22.006(3)(d).

One highlighted copy of the confidential information is attached to the original of this Request as Exhibit A. Two redacted copies are attached as Exhibit B. A detailed justification of the confidentiality of the information at issue is attached as Exhibit C.

Respectfully submitted on February 4, 2004.

By: 
Richard A. Chapkis
P. O. Box 110, FLTC0717
Tampa, FL 33602
(813) 483-1256

Attorney for Verizon Florida Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail on February 4, 2004 and U.S. mail on February 5, 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 6th 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 N. 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. 27th 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 19th 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

J. Jeffry Wahlen
Ausley & McMullen
227 South Calhoun Street
Tallahassee, FL 32301



Richard A. Chapkis

EXHIBIT C

DOCUMENT	LINE(S)/COLUMN(S)	REASON
Joint Surrebuttal Testimony of Orville D. Fulp and John White	All highlighted text Page 29, Lines 8-16, 18-21 Page 30, Lines 1-5, 10 Page 32, Lines 14-17 Page 34, Lines 5-6 Page 40, Lines 17-19, Footnote 42 Page 41, Lines 1-8	This is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Verizon. Disclosure of this information would cause harm to Verizon by giving its competitors an unfair advantage in developing, pricing and marketing their services. It would be particularly unfair to disclose this information because similar information about competitive carriers is not made available to the public.
Revised Exhibit F.5 to Joint Surrebuttal Testimony of Orville D. Fulp and John White	All highlighted text	

1 A. No. Verizon conducted a capacity-specific analysis.

2

3 **Q. HOW DID VERIZON IDENTIFY THE CAPACITY OF THE LOOP**
4 **FACILITIES DEPLOYED BY THE CLECS IT COUNTED TOWARDS**
5 **THE TRIGGERS?**

6 A. The Staff's loop discovery questions asked carriers to specify the capacity or
7 capacities of the facilities deployed by the carrier in Florida. **[BEGIN CLEC**
8 **PROPRIETARY DATA]**

9

10

11

12

13

14

15

16

[END CLEC

17 **PROPRIETARY DATA]**. In addition, in response to BellSouth's First Set of
18 Interrogatories, **[BEGIN CLEC PROPRIETARY DATA]**

19

20

21

[END CLEC PROPRIETARY

22

DATA].

23

Q. HOW DID VERIZON IDENTIFY WHETHER A CLEC HAD DEPLOYED
24 **DARK FIBER TO A PARTICULAR LOCATION?**

25

1 A. As discussed above, **[BEGIN CLEC PROPRIETARY DATA]**
2
3
4
5 **[END CLEC**
6 **PROPRIETARY DATA]** However, for the reasons outlined in our
7 supplemental direct testimony, evidence of lit fiber deployment is also evidence of
8 dark fiber. It is standard industry network engineering design (as well as sound
9 economics) to maintain spare dark fibers when deploying loop facilities. In light
10 of **[BEGIN CLEC PROPRIETARY DATA]** **[END CLEC**
11 **PROPRIETARY DATA]** silence on the existence of dark or spare fiber where
12 they have deployed DS3s, the Commission should reasonably find that those
13 carriers have maintained dark fiber at each location identified in Exhibit F.5
14 absent specific evidence to the contrary.
15
16 **Q. HAS VERIZON “TRIVIALIZED” THE NEED FOR ADDITIONAL**
17 **EQUIPMENT TO CONFIGURE DEDICTED DS3S AND DS1S ON AN**
18 **OCN FACILITY (BRADBURRY P. 24-25)?**
19 A. No. However, installation of these electronics is not as burdensome as AT&T
20 would have the Commission believe. Indeed, based on *CLEC* arguments, the
21 FCC found that attaching or changing electronic and other equipment that are
22 ordinarily attached to activate a DS1 loop to be “routine network modifications”
23 by an ILEC. *See* 47 C.F.R. § 51.319 (a)(8)(ii). Specifically, the FCC defined
24 routine network modifications to include:

1 provisioning trigger for dark fiber and DS-3 loops does not contain this
2 requirement. See 47 C.F.R. §§ 51.319(a)(5)(i) and (6)(i); TRO ¶¶ 332-333.
3 AT&T states that a CLEC can satisfy the DS3 self-provisioning trigger only if it is
4 serving *only 1 or 2 DS3s* of demand at a specific customer location. (Bradbury P.
5 10-11). This is a blatant misreading of the FCC's rules for DS3 loops. Rule
6 319(a)(5)(1)(A) requires a finding of non-impairment where two or more
7 unaffiliated CLECs have deployed their own DS3 facilities (or have deployed
8 DS3 facilities by attaching their own optronics to activate dark fiber transmission
9 facilities obtained under a long-term indefeasible right of use) and are serving
10 customers via those facilities at that location. There is no requirement that the
11 CLECs provide service over no more than two DS3s. Thus, the test is whether
12 AT&T has deployed *any* DS3s and is using them to serve its end-user customers,
13 not how many they have deployed. **[BEGIN CLEC PROPRIETARY DATA]**

14
15
16
17
18
19

**END CLEC PROPRIETARY
DATA].**

20 AT&T appears to be relying on Rule 319(a)(5)(iii), which limits CLECs to
21 obtaining a maximum of two unbundled (UNE) DS3 loops for any single
22 customer location where DS3 loops are available as unbundled loops. This rule,
23 however, has nothing to do with the DS3 triggers. Indeed, AT&T's claim makes
24 no sense. To take AT&T's example, a CLEC that has deployed 6 DS3s to a
25 customer location is clearly not impaired without access to an ILEC's unbundled

1 A. Staff's Data Request Loop Questions asked carriers to provide a list of the
2 customer locations in Florida to which they have deployed high-capacity loop
3 facilities. Loop Question 12 (Column AD of the spreadsheet) specifically asked
4 carriers to indicate whether they own the loop. [BEGIN CLEC
5 PROPRIETARY DATA]
6 [END CLEC PROPRIETARY
7 DATA].
8

9 **Q. MR. BALL STATES THAT VERIZON DID NOT CONDUCT A SELF-
10 PROVISIONING ANALYSIS FOR HIGH CAPACITY LOOPS (P. 29). IS
11 THIS CORRECT?**

12 A. No. As outlined in our Supplemental Direct Testimony, Verizon Exhibit F.5
13 presented 12 customer locations that satisfy the self-provisioning trigger for dark
14 fiber and 5 customer locations that satisfy the self-provisioning trigger for DS3s.
15

16 **Q. SPRINT APPEARS TO CONTEND THAT THE DARK FIBER TRIGGER
17 IS NOT SATISFIED UNLESS A CLEC THAT HAS DELOYED DARK
18 FIBER OFFERS IT TO OTHER CLECS ON A WHOLESALE BASIS.
19 (DICKERSON P. 18-19). IS THIS CORRECT?**

20 A. No. The dark fiber trigger is a self-provisioning trigger, not a wholesale trigger.
21 As the FCC explained:

22 When applying the Self-Provisioning Trigger to
23 eliminate an incumbent LEC's requirement to unbundle
24 dark fiber loops at a particular customer location, the
25 mere existence of two unaffiliated competitive providers

1 A. The DS1 and DS3s provided by the carriers identified in Exhibit F.5 are offered
2 on a common carrier basis through a tariff, standard contract, or general
3 service/product guide on that company's web page. Specifically, MCI's DS1 and
4 DS3 services are governed by the terms and conditions contained in its products
5 service guide on its web page.⁴⁰ FPL's webpage indicates that it provides dark
6 fiber and bandwidth under multiple interconnection agreements and partnership
7 agreements across its 10,000-mile network.⁴¹

8

9 **D. Additional Buildings Satisfying the Triggers**

10 **Q. HAVE ANY CLECS PRESENTED ADDITIONAL EVIDENCE OF HIGH**
11 **CAPACITY LOOP DEPLOYMENT THAT SATISFIES THE**
12 **TRIGGERS?**

13 A. Yes. As noted in our Supplemental Direct Testimony, Time Warner served
14 Verizon with responses to the Staff's discovery requests the day before we filed
15 our testimony. In addition, ITC DeltaCom served Verizon with its responses to
16 the Staff's discovery requests on January 9, 2004.

17 Specifically, [BEGIN CLEC PROPRIETARY DATA]

18

19

42

20

⁴⁰ See http://global.mci.com/publications/service_guide/products/,
[http://global.mci.com/publications/service_guide/products/products currently avail
able/](http://global.mci.com/publications/service_guide/products/products_currently_available/) (Direct Testimony Exhibit E.9).

⁴¹ See <http://www.fplfibernet.com/capabilities/contents/overview.shtml#topofpage>
(Direct Testimony Exhibit E.2).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[END CLEC PROPRIETARY DATA].

As a result of this additional data, Verizon presents a revised summary of the customer locations satisfying the loop triggers, attached as Revised Exhibit F.5. This summary shows that a total of 17 customer locations satisfy at least one trigger. All 17 satisfy the dark fiber trigger. Eleven satisfy the DS1 competitive wholesale trigger. With respect to DS3s, 10 satisfy the self-provisioning trigger and 11 satisfy the DS3 competitive wholesale trigger.

V. TRANSITION PERIOD FOR DEDICATED TRANSPORT AND LOOPS WHERE THE COMMISSION FINDS THE TRIGGERS HAVE BEEN MET

Q. FDN CRITICIZES BELL SOUTH AND VERIZON FOR NOT ADDRESSING TRANSITION ISSUES IN THE EVENT THE COMMISSION FINDS NO IMPAIRMENT ON CERTAIN DEDICATED TRANSPORT ROUTES OR CUSTOMER LOCATIONS (P. 7). ALLEGIANCE, THE FCCA, ITC DELTACOM (P. 66-70), AND KMC (P.

	Street Address	City	Zip Code	CLECs Counting Towards Triggers	Dark Fiber Trigger	DS-3 Self Provisioning Trigger	DS-1 Wholesale Trigger	DS-3 Wholesale Trigger
1	12000 25th Ct N	Saint Petersburg	33716		X			
					X			
2	100 N Tampa St	Tampa	33602		X		X	X
					X		X	X
3	101 E Kennedy St	Tampa	33602		X		X	X
					X		X	X
4	103 N. 22nd St	Tampa	33605		X	X	X	X
					X	X	X	X
5	1309 N Ward St	Tampa	33607		X	X		
					X	X		
6	1700 N 25 Street	Tampa	33605		X		X	X
					X		X	X
					X	X	X	X
7	2261 Massaro Blvd	Tampa	33619		X		X	X
					X		X	X
8	3 Tampa City Cir	Tampa	33602		X	X	X	X
					X	X	X	X
9	3405 Martin Luther King Jr. Blvd.	Tampa	33607		X			
					X			
10	400 N Tampa St	Tampa	33602	REDACTED	X	X		
					X		X	X
					X			
					X	X	X	X
11	412 E Madison St.	Tampa	33602		X	X	X	X
					X	X	X	X
12	4200 W Cypress St	Tampa	33607		X	X		
					X	X	X	X
					X	X	X	X
13	4300 W Cypress St	Tampa	33607		X	X		
					X	X		
14	5401 W. Kennedy Blvd	Tampa	33609		X		X	X
					X		X	X
15	655 N Franklin St	Tampa	33602		X	X		
					X		X	X
					X	X	X	X
16	8725 Henderson Rd	Tampa	33634		X	X		
					X	X		
17	8735 Henderson Rd	Tampa	33634		X			
					X			