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February 16, 2004

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

via Overnight Mail

Re: Docket No. 030852-TP Implementation of Requirements Arising from FCC  
Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber  
Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport

Dear Ms. Bayó:

Enclosed please find an original and seven (7) copies of the Revised Prefiled Rebuttal  
Testimony of FDN Communications' witness Ryan Hand, along with a diskette  
containing said document. Mr. Hand's testimony has been revised to update his business  
address and the number of routes on which FDN has self-provisioned dedicated transport.

If you have any questions regarding the enclosed, please call me at 407-447-6636.

Sincerely,

Scott A. Kassman  
Asst. General Counsel  
FDN Communications

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1           **Q.     Please state your name and address.**

2           A.     My name is Ryan Hand. My business address is 2301 Lucien Way,  
3           Suite 200, Maitland, Florida, 32751.

4           **Q.     Who do you work for?**

5           A.     I am Vice-President of Operations and Engineering of FDN  
6           Communications ("FDN").

7           **Q.     What are your responsibilities as VP of Operations and  
8           Engineering for FDN?**

9           A.     As VP of Operations and Engineering, I am responsible the design  
10          and quality of FDN's network.

11          **Q.     Please describe your education and your work experience in the  
12          telecommunications sector.**

13          A.     I received a Bachelors Degree in Management from LeTourneau  
14          University.

15                 Prior to co-founding FDN in 1998, I served as Vice- President of  
16          Operations for Brooks Fiber Communications, Inc., where I was responsible  
17          for all operations, engineering and service delivery for all special access and  
18          CLEC products. I personally oversaw the installation and turn-up of the  
19          Houston network and operations. Prior to my tenure at Brooks, I worked for  
20          Teleport Communications for two years and have held various positions  
21          within Nortel over an eleven-year period.

22

1           **Q.     Have you previously testified in a regulatory proceeding before a**  
2           **state utility commission, the FCC or a hearing officer?**

3           A.     No.

4           **Q.     What is the purpose of your rebuttal testimony in this**  
5           **proceeding?**

6           A.     The purpose of my testimony is to rebut BellSouth's claims that FDN  
7           has self-provisioned certain transport facilities such that it rises to the level of  
8           a "trigger" company on those routes. Verizon correctly did not identify FDN  
9           as a self-provider or a wholesale provider of transport. I will describe FDN's  
10          network architecture and explain that, although on a limited number of routes  
11          FDN may be a trigger company for the purposes of self-provisioned  
12          dedicated transport, the number of routes that meet the criteria set out by the  
13          TRO is far fewer than BellSouth would have the Commission believe. I will  
14          also briefly address wholesale transport and transition issues.

15          **Q.     Please briefly describe FDN's Florida operations.**

16          A.     FDN is a facilities-based/UNE-L CLEC. FDN is also an IXC, a data  
17          services provider (both dial-up and dedicated), and FDN offers ISP and other  
18          Internet services. FDN was founded in 1998 with the mission of offering  
19          packaged services (local, long distance and Internet) to small- and medium-  
20          sized businesses. FDN launched operations in Orlando in April 1999 and  
21          expanded to Fort Lauderdale in May 1999 and to Jacksonville in June 1999.

1 A second round of expansion in West Palm Beach, Miami and the Tampa  
2 Bay area was completed in the first quarter of 2000.

3 FDN owns and operates Class 5 Nortel DMS-500 central office  
4 switches in Orlando, Tampa, Jacksonville, and Ft. Lauderdale. FDN's  
5 switches are connected by fiber optic cable owned or leased by FDN to  
6 nearby incumbent local exchange carrier (or "ILEC") tandem switches. FDN  
7 leases collocation space in more than 100 ILEC wire centers throughout the  
8 state. Remote DLC/DSLAM equipment is installed at these collocation sites,  
9 and from these sites FDN accesses ILEC UNE loops. Connectivity from the  
10 collocation sites to the ILECs' tandem switches is via FDN's own fiber or  
11 leased DS-1 or DS-3 circuits. FDN relies upon its rights under the Act to  
12 obtain access to Florida consumers through the purchase of UNE loops from  
13 the ILEC.

14 **Q. Please describe FDN's network architecture in BellSouth's**  
15 **territory.**

16 A. FDN operates within BellSouth's region from three major "hubs" --  
17 Orlando, Jacksonville, and Ft. Lauderdale -- where it has deployed switches  
18 capable of serving a wide geographic area. Of FDN's 100 plus collocations,  
19 95 are located within BellSouth's footprint, many of which are within  
20 BellSouth tandem offices. FDN has self-provisioned more of its own fiber in  
21 BellSouth territory than it has in the Sprint or Verizon regions, but FDN's  
22 fiber does not connect its three BellSouth markets (Orlando, Jacksonville and  
23 South Florida). Unlike other CLECs, FDN has **not** deployed a "hub and

1 spoke” architecture. FDN’s fiber routes generally run between BellSouth  
2 offices where FDN has collocated in a “daisy chain” or “direct linked”  
3 fashion. FDN chose to deploy its network in this manner to more efficiently  
4 hand-off traffic to BellSouth for termination.

5 **Q. Have you reviewed BellSouth’s testimony concerning the**  
6 **application of the self-provisioning trigger to dedicated transport routes?**

7 A. Yes. I reviewed the direct testimony of BellSouth witness Gray and  
8 the direct and supplemental direct testimony of BellSouth witness Padgett.

9 **Q. What were the conclusions of BellSouth’s dedicated transport**  
10 **self-provisioning trigger analysis as it relates to FDN?**

11 A. BellSouth has asserted that FDN has self-provisioned dedicated  
12 transport that meets the criteria set out by the TRO on 189 of the 718 routes  
13 listed in Ms. Padgett’s supplemental direct testimony (Exhibit SWP-8).

14 **Q. Of the 718 routes listed in BellSouth’s Exhibit SWP-8, on how**  
15 **many routes has FDN actually self-provisioned dedicated transport**  
16 **meeting the criteria set out by the FCC in the TRO?**

17 A. FDN maintains that it has deployed dedicated transport meeting the  
18 criteria of the self-provisioning trigger on only 5 of the routes listed in  
19 BellSouth Exhibit SWP-8.

20 **Q. How did you arrive at that conclusion?**

21 A. I examined BellSouth’s exhibit and consistent with the TRO’s  
22 criteria, I simply counted the pairs of BellSouth wire centers where FDN has  
23 operational collocations and has self-deployed fiber (and the optronics

1 necessary to “channelize” that fiber) connecting the pairs of wire centers.  
2 BellSouth ignored evidence of self-provisioned routes which FDN provided  
3 to the Commission in response to the Commission’s data request and  
4 provided to BellSouth in discovery. Instead, BellSouth arrived at a wholly  
5 inaccurate conclusion because it based its analysis on a “connect the dots”  
6 approach in which it simply *assumes* that a transport route exists between  
7 each and every FDN collocation.

8 This assumptions are laid bare in BellSouth’s direct testimony. As  
9 stated in BellSouth witness Gray’s direct testimony (p. 8 at line 5), “[i]t is  
10 logical and reasonable to *assume* that a carrier can route traffic between any  
11 pair of wire centers within a LATA where it has operational collocation  
12 arrangements, i.e., that a carrier’s network is fully interconnected.”  
13 (Emphasis added). Moreover, Mr. Gray states, ‘...it is unlikely that a CLEC  
14 would have a *direct* link between every ILEC wire center where it is  
15 collocated (e.g., it may instead have a “hub and spoke” layout)...’ Further,  
16 Ms. Padgett states (p. 18 at line 9), “Unfortunately, to date, BellSouth  
17 has received far fewer responses than expected, so we have been forced to  
18 rely heavily on our own billing and operations data regarding collocations  
19 and fiber entrance facilities. Using discovery and these internal data, a list of  
20 fiber-based collocations for each competitive carrier as created and used to  
21 generate all the *potential* transport routes for a given carrier *using the*  
22 *assumption that competitive carriers can route traffic between any pair of*  
23 *fiber-based collocation arrangements in a LAT.A*” (Emphasis added).

1           Mr. Gray and Ms. Padgett could not be more wrong with regard to  
2 FDN's network. As I stated previously, FDN does not utilize a "hub and  
3 spoke" architecture but rather uses a "daisy chain" or "direct linked"  
4 architecture. In reality, FDN self-provides transport on a mere fraction of the  
5 routes BellSouth assumes FDN does. BellSouth should not and cannot  
6 assume CLEC self-provisioned routes where there are none, but that is  
7 precisely what BellSouth has done.

8           **Q.     Has BellSouth or Verizon identified FDN as a provider of either**  
9 **loops or transport for purposes of the TRO wholesale triggers?**

10          A.     No, neither has claimed that FDN provides loop or transport facilities  
11 to other carriers. In fact, FDN neither provides nor is willing to provide  
12 wholesale loop or transport facilities to other carriers on a widely available  
13 basis.

14          **Q.     Have you reviewed BellSouth's testimony concerning the**  
15 **application of the wholesale trigger to dedicated transport routes?**

16          A.     I've reviewed Confidential Supplemental Direct Exhibits SWP-7,  
17 SWP-8, SWP-9, and SWP-10 to specifically analyze those instances where  
18 BellSouth identified carriers as providing wholesale transport services and  
19 attempted to verify wholesale availability. FDN is attempting to verify  
20 wholesale availability with some of the carriers identified, but has been told  
21 by a representative of one of those carriers that FDN could not purchase  
22 transport at any capacity level from that provider. Additional verification of  
23 wholesale availability is required, and completing that verification process

1           could not be achieved at the time this testimony was filed. FDN will  
2           therefore supplement this rebuttal as necessary if wholesale availability is not  
3           confirmed.

4           **Q.     What issues should the Commission address as part of its**  
5           **transition analysis?**

6           A.       The ILECs' direct testimony is lacking with regard to transition  
7           issues. The Commission needs to address several issues, including but not  
8           limited to the ability to order co-carrier cross connects to access alternative  
9           transport providers; the ability to migrate from UNEs to other facilities,  
10          where available; the ability of carriers to *easily* order loops, transport and  
11          loop/transport combinations, where available.

12                       Concerning ordering of loops and transport where UNEs are no  
13          longer available, the Commission should specifically address the type of  
14          order, i.e., what "form" the order will take, as well as what the conversion  
15          process will entail. The current process for converting special access circuits  
16          to EELs may be particularly instructive as to what the Commission should  
17          not require, as converting special access circuits to EELs has proven to be  
18          more difficult than was originally imagined. FDN contends that any UNE to  
19          wholesale or retail conversion is no more than a simple billing change that  
20          should require little, if any, work for CLECs.

21          **Q. Does that conclude your rebuttal testimony?**

22          A. Yes.



**CERTIFICATE OF SERVICE**

**Docket 030852-TP**

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (\*) who have been sent a copy via overnight mail, this 16th day of February, 2004.

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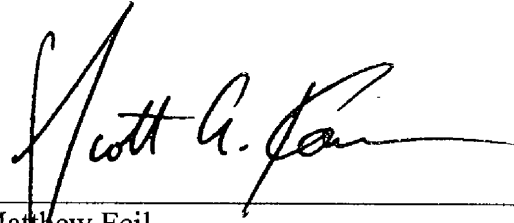
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