

ORIGINAL



DISTRIBUTION CENTER

04 MAR 10 AM 9:03

RECEIVED FPSC

04 MAR 10 AM 9:43

COMMISSION CLERK

March 8, 2004

Blanca S. Bayo
Director, Division of the Commission
Clerk and Administrative Services
Public Service Commission of
The State of Florida
Capital City Office Building
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

040156-TP

**Re: Petition of Verizon South Inc. for Arbitration of an
Amendment to Interconnection Agreements with
Competitive Local Exchange Carriers and
Commercial Mobile Radio Service Providers in
Florida Pursuant to Section 252 of the
Communications Act of 1934, as Amended, and the
Triennial Review Order**

Dear Ms. Bayo:

LecStar submits this letter in opposition to the proposed Verizon South, Inc. Arbitration request and October 2, 2003 letter (enclosed) seeking to unilaterally terminate its unbundling obligations. LecStar Telecom, Inc. operates in Florida offering its services to several thousand customers via Unbundled Network Element Platform (UNE-P) in the BellSouth Telecommunications Inc. service area.

LecStar currently has no customers in Verizon territory and, to date, has not integrated its OSS to work with Verizon South, Inc. ("Verizon") due to the prohibitively high wholesale rates for Verizon unbundled network elements in Florida. LecStar plans to maintain its Verizon interconnection agreement in anticipation of future opportunities to offer competitive choice to more residential and commercial customers in Florida when rates and terms are more favorable.

LecStar does not anticipate being active in the proposed Arbitration; however LecStar supports the efforts of CLECs that oppose the clearly one-sided proposed Amendment. LecStar wants to be on the record as opposing this Amendment along with many other small CLECs that may not have the

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

DOCUMENT NUMBER-DATE

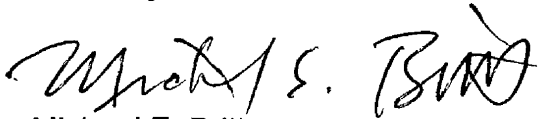
03334 MAR 10 8

resources to respond Verizon's blatant attempt to force through an Amendment that further diminished competitive opportunities in Florida.

Our current Verizon Interconnection Agreement is already an unfavorable document; the proposed amendments will only raise the barriers to entry for any carrier seeking to provide choice to Verizon customers in Florida.

Please contact me if you have any questions regarding this letter, or LecStar's position on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Britt". The signature is fluid and cursive, with the first name "Michael" and last name "Britt" clearly legible.

Michael E. Britt
Vice President, Regulatory Affairs
LecStar Telecom, Inc.
Ph: 770-989-9814

Enclosure

Cc: Aaron M. Panner
Richard A. Chapkis

Jeffrey A. Masoner
Vice President Interconnection Services

OCT 07 2003



2107 Wilson Blvd
11th Floor
Arlington, Va. 22201
Tel. 703 974-4610
Fax 703 974-0314

VIA AIRBORNE EXPRESS

October 2, 2003

Janice del Pizzo
LecStar Telecom Inc.
4501 Circle 75 Parkway Building D, Suite 4210
Atlanta, GA 30339

**Subject: NOTICE OF DISCONTINUATION OF UNBUNDLED NETWORK ELEMENTS AND
NOTICE OF AVAILABILITY OF CONTRACT AMENDMENT**

This letter is a **formal notice** under the interconnection agreement between Verizon Florida Inc., f/k/a GTE Florida Incorporated and LecStar Telecom Inc. for the State of Florida.

In its Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, CC Docket Nos. 01-338, 96-98, and 98-147, released on August 21, 2003 (the "Triennial Review Order"), the Federal Communications Commission promulgated new rules and regulations pertaining to the availability of unbundled network elements pursuant to Section 251(c)(3) of the Telecommunications Act of 1996 (the "Act"). Those rules and regulations, together with the other relevant provisions of the Triennial Review Order, take effect today (October 2, 2003).

Pursuant to the Triennial Review Order, Verizon's obligations under the Act have been materially modified in numerous respects. Among other things, certain facilities that Verizon was previously required to offer on an unbundled basis pursuant to Section 251(c)(3) are no longer subject to unbundling. Verizon has completed its preliminary assessment of the impact of the Triennial Review Order on its current operations, and has decided to cease providing the unbundled network elements set forth below. As Verizon continues this review process, we expect to provide notice of additional discontinuances in the near future.

Accordingly, Verizon is hereby providing formal notice to LecStar Telecom Inc. of Verizon's intention, to the extent permitted by your interconnection agreement, to discontinue the provisioning of the following unbundled network elements, in accordance with the provisions of the Triennial Review Order, thirty (30) days from the date of this letter, or immediately following any longer notice period as may be required by your interconnection agreement:

1. OCn Transport
2. OCn Loops
3. Dark Fiber Transport between Verizon Switches or Wire Centers and LecStar Telecom Inc. Switches or Wire Centers (a/k/a Dark Fiber Channel Terminations or Dark Fiber Entrance Facilities)
4. Dark Fiber Feeder Subloop
5. Fiber to the Home (lit and unlit) – new builds
6. Fiber to the Home (lit and unlit) – overbuilds, subject to limited exceptions
7. Hybrid Loops – subject to exceptions for TDM and narrowband applications
8. Line Sharing

NOTICE OF DISCONTINUATION OF UNBUNDLED NETWORK ELEMENTS AND NOTICE OF AVAILABILITY OF CONTRACT AMENDMENT

October 2, 2003

Page 2

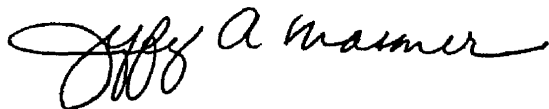
In addition, this letter serves as confirmation that Verizon is prepared to comply with all other provisions of the Triennial Review Order, provided it has not otherwise been stayed or reversed on appeal, subject to negotiation and execution of an appropriate amendment to your interconnection agreement that applies the changes in law effected by the Triennial Review Order to the specifics of the commercial environment.

To the extent notice of such changes in law, or notice of termination of service/facilities availability, is required under your interconnection agreement, this letter shall serve as such notice.

Verizon's proposed contract amendment implementing the provisions of the Triennial Review Order has been posted on Verizon's Wholesale Web Site and may be accessed via the electronic link at the bottom of this letter. This proposed contract amendment also explains the mechanism for transitioning existing service arrangements that will no longer be available on an unbundled basis to alternative services.

Carriers seeking to amend their interconnection agreements should review the draft amendment and contact Verizon to proceed with completion of the contracting process. You can either send an email to contract.management@verizon.com or contact Renee L. Ragsdale, Manager Interconnection Services. Ms. Ragsdale's address is 600 Hidden Ridge, Irving, TX 75038 and her telephone number is 972-718-6889.

Please be advised that the Triennial Review Order provides that October 2, 2003 shall be deemed to be the notification request date for contract amendment negotiations associated with the Triennial Review Order. In accordance with Section 252(b) of the Act, from the 135th day to the 160th day after such negotiation request date, either party may request the state regulatory commission to arbitrate the terms of the contract amendment.



Vice President Interconnection Services

JAM:kar