

REDACTED

ATTACHMENT B

**BellSouth Telecommunications, Inc.
FPSC Docket No. 030851-TP
Request for Confidential Classification
Page 1 of 1
3/19/04**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FCCA's SUPPLEMENTAL
REBUTTAL TESTIMONY OF JOSEPH GILLAN AND EXHIBIT JPG-10, FILED
JANUARY 22, 2004, IN FLORIDA DOCKET NO. 030851-TP**

2 COPIES OF PUBLIC DISCLOSURE DOCUMENT

DOCUMENT NUMBER-DATE

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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Implementation of Requirements Arising)
From Federal Communications Commission) Docket No. 030851-TP
Triennial UNE Review: Local Circuit Switching For) Filed: January 22, 2004
Mass Market Customers)**

**SUPPLEMENTAL REBUTTAL TESTIMONY AND EXHIBITS OF
JOSEPH GILLAN
ON BEHALF OF
THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION

PUBLIC VERSION**

1 **Q. Please state your name and sponsoring party.**

2

3 **A. My name is Joseph Gillan. I previously sponsored direct and rebuttal testimony**
4 **on behalf of the Florida Competitive Carriers Association.**

5

6 **Q. What is the purpose of your supplemental rebuttal testimony?**

7

8 **A. Shortly before I filed my rebuttal testimony, we received discovery responses**
9 **from BellSouth that were particularly germane to the issues in this proceeding,**
10 **but which we were unable to analyze and include in the rebuttal testimony. The**
11 **purpose of my supplemental rebuttal testimony is to provide an analysis of the**
12 **data provided by BellSouth, as I indicated in my rebuttal testimony.¹**

13

¹ See Rebuttal Testimony of Joseph Gillan, page 5.

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PUBLIC VERSION

1 **Q. Which discovery response does your supplemental rebuttal testimony**
2 **analyze?**

3
4 A. The relevant data is from the proprietary attachment to BellSouth's Response to
5 Item No.3 in AT&T's Subpoena Duces Tecum Without Deposition, and Item No.
6 125 in AT&T 3rd Set of Interrogatories that asked:

7 Refer to the Direct Testimony of Pamela A. Tipton at page 11, lines 9-
8 21, please provide for the last eighteen months, by month, by market, by
9 wire center within the market, and by CLEC the number of:

- 10
11 a. 2-Wire UNE loops;
12 b. 4-Wire UNE loops;
13 c. DS1 UNE loops;
14 d. DS3 UNE loops;
15 e. DS0 EELs;
16 f. DS1 EELs;
17 g. DS3 EELs;
18 h. T-1 Special Access lines; and
19 i. DS3/T-3 Special Access lines

20
21 provisioned to the CLECs listed in Exhibit PAT-5.²
22

23 **Q. Why is the response to this data request significant?**

24
25 A. The question asked and the data requested asks BellSouth to identify (among
26 other items) the number of analog loops that BellSouth provides to each of the
27 alleged self-provisioning switch trigger candidates in Florida over the last
28 eighteen months. Consequently, the data can be used to determine whether the
29 named trigger candidates are purchasing analog loops (a necessary prerequisite to

² Exhibit PAT-5 lists carriers that BellSouth claims are self-provisioning switch triggers.

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1 being a self-provider of switching to serve the analog POTS mass market), as well
2 as whether the carriers are adding analog loops (which would indicate whether the
3 carriers are “actively providing” analog POTS service, another requirement to
4 being considered a mass market switching trigger).

5
6 **Q. Have you analyzed BellSouth’s response?**

7
8 A. Yes. The most relevant information, however, is summarized in proprietary
9 Exhibit No. ___ (JPG-10). As Exhibit No. ___ (JPG-10) shows, the total number
10 of analog UNE loops leased by the alleged self-providers of mass market
11 switching represents a market share of 1.4%, less than half the CLEC market
12 share that the FCC rejected as insufficient proof that CLECs are not impaired
13 without access to UNE switching.³ As I explained in my rebuttal testimony, a
14 state-conducted analysis that *confirms* on a more granular basis the accuracy of
15 data that the FCC used to find impairment, cannot rationally be used to justify a
16 finding of non-impairment by the Commission. Other relevant facts revealed in
17 BellSouth’s data:

18
19 * BellSouth’s data indicates that four alleged self-providers of switching to
20 serve the analog POTS market –Begin Confidential ** [REDACTED]

21 [REDACTED]

³ TRO ¶ 438.

1 End Confidential ** – do not purchase analog loops in the relevant wire
2 centers.

3
4 * Only two of the CLECs named as trigger candidates by BellSouth have
5 added analog loops in the past year. Overall, the number of analog loops
6 provisioned to the named trigger candidate CLECs declined by more than
7 20%. This data is inconsistent with BellSouth’s claims that these
8 companies are actively providing analog mass market services.

9
10 * Only one company begin Confidential ** [REDACTED] End Confidential **
11 purchased loops in more than a small fraction of BellSouth’s wire centers.

12
13 **Q. What conclusions can be drawn from BellSouth’s Response to AT&T’s**
14 **Interrogatory?**

15
16 A. Based on BellSouth’s Response to AT&T’s Interrogatory, five additional
17 companies can be disqualified as self-provisioning switch trigger candidates
18 serving the analog POTS mass market because the data indicates that they do not
19 purchase analog loops from BellSouth –Begin Confidential ** [REDACTED]

20 [REDACTED].⁴ End Confidential

21 ** In addition, the data shows that more than 95% of the UNE loops leased by

⁴ In addition, Supra Telecom is independently addressing why it should not be considered a self-provisioning switch trigger.

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1 Begin Confidential ** [REDACTED] End Confidential ** (as measured in VGE) are high-
2 speed digital loops and its switches should properly be considered enterprise
3 switches (and thus may not be counted as a mass market switch trigger for the
4 reasons detailed in the TRO and in my direct testimony).

5
6 In addition, Alltel should be disqualified because it is an affiliate an incumbent
7 ILEC within the market,⁵ and its has deployed a footprint that is too limited to be
8 considered a provider of mass market services, leasing loops in wire centers
9 serving less than begin Confidential ** [REDACTED] ** end confidential of the
10 Jacksonville LATA/CEA.

11
12 Attached is a revised Exhibit No. ___ (JPG-9) that summarizes my on-going
13 comparison of each claimed switch trigger candidate to the criteria that must be
14 satisfied in order to be legitimately considered to be “actively providing” of mass
15 market services. I am continuing my review and, if appropriate, will provide
16 additional information in my surrebuttal testimony.

17
18 **Q. Does this conclude your supplemental rebuttal testimony?**

19
20 A. Yes.

⁵ TRO ¶ 499.

**In-Service Analog UNE Loops Leased by
 Alleged Self-Provisioning Switch Triggers**

	A	B	C	D	E
Alleged Self-Provider	Wire Centers	In-Service UNE Loops		Annual Change	
		Nov-02	Nov-03		
1 Allegiance					
2 AllTel					
3 FDN/MPower					
4 Florida Multimedia					
5 ITC^DeltaCom					
6 KMC					
7 MCI/WCOM					
8 Network Telephone					
9 NuVox/Trivergent					
10 Orlando Telephone					
11 PAETEC					
12 SBC					
13 Sprint					
14 Supra					
15 TCG/AT&T					
16 US LEC					
17 XO					
18 Xspedius/E*Spire					
19 Total					

Total Loops in Areas where BellSouth Claims Triggers Are Met	3,635,308
Market Share of BellSouth's Alleged Switch Triggers	1.4%