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2004 Competitive Local Exchange Carrier (CLEC) Data Request
(Due by July 15, 2004)

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Legal Company Name: Supra Telecommunications & Information Systems Inc.

COMMISSION
CLERK

D/B/A: Supra Telecom

FPSC Company Code (e.g.,TX000): _____

Contact Name & Title: David Nilson

Telephone Number: 305-476-4202

E-mail

Address: dnilson@stis.com

Stock Symbol (if company is publicly traded): Not Applicable

1. If you are providing local service in Florida please complete the attached Tables 1-3.

2. Please indicate which of the following services your company provides. Select all that apply.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Local telephone service | <input type="checkbox"/> Paging service |
| <input type="checkbox"/> Private line/special access | <input type="checkbox"/> Prepaid service |
| <input type="checkbox"/> Wholesale loops | <input type="checkbox"/> VoIP |
| <input type="checkbox"/> Wholesale transport | <input type="checkbox"/> Cable television |
| <input checked="" type="checkbox"/> Interexchange service | <input type="checkbox"/> Satellite Television |
| <input type="checkbox"/> Cellular service | <input type="checkbox"/> Broadband Internet Access |

3. If your company provides **pre-paid** local telephone service, is this is the only service you currently provide in Florida? Not Applicable

4. Please complete the table on the following page showing the different bundles that you offer by marking the services you offer along with the price and take rate (the percentage of customers that subscribe to the corresponding package) for residential and business customers.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC _____
- JTH _____

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

		Local	Long Distance	Broadband	Wireless	Video Service	Price	Take Rate
Residential Packages	Example	X	X			X	\$69.99	35%
	Package 1	X	X				42.95	20%
	Package 2							
	Package 3							
	Package 4							
	Package 5							
	Package 6							
	Package 7							
	Package 8							
	Package 9							
	Package 10							
	Package 11							
	Package 12							
	Package 13							
	Package 14							
	Package 15							
Business Packages	Example	X	X	X			\$89.99	25%
	Package 1	X	X				54.95	4%
	Package 2							
	Package 3							
	Package 4							
	Package 5							
	Package 6							
	Package 7							
	Package 8							
	Package 9							
	Package 10							
	Package 11							
	Package 12							
	Package 13							
	Package 14							
	Package 15							

(a.) Please indicate below what vertical services are available in the bundles you offer.

3-way calling XX
 Caller ID w/ name XX

Call Hunt	<u>XX</u>
Call Waiting	<u>XX</u>
Voice Mail	<u>XX</u>
Call Transfer	<u>XX</u>
Caller ID Block	<u>XX</u>
Repeat Dialing	<u>XX</u>
Call Return	<u>XX</u>
Call Waiting w/ Caller ID	<u>XX</u>
Line Guard	<u>XX</u>
Other (Specify)	<u>Long Distance, Internet, 56K and 5x dialup</u>

(b.) How many of the above services are included in a bundle?

ANS: At one time, 100% of the above were available in a single package. However, due to BellSouth's insistence that the costs recovered by UNE B.1.1¹ does NOT cover two or 3 SS7 database Dips, BellSouth refuses to recognize its implementation of Line Guard (Privacy Director©) as a UNE, billing an additional charge of \$5.95 per month, while charging its customer \$0.01 or giving it away free.

(c.) Are these bundles offered in all areas where you provide service? If not, why not and do you intend to offer them in the future? **Yes**

5. Indicate below whether you are offering or providing VoIP service to end-user customers in Florida? For purposes of this question, VoIP service is defined as IP-based voice service provided over a digital connection. VoIP calls under this definition may or may not terminate on the PSTN.

XX Not offering VoIP service in Florida.
 _____ Offering business VoIP services.
 _____ Offering residential VoIP services.

If you are offering or providing residential or business VoIP service in Florida:

ANS: This question is Not Applicable.

(a.) List the locations in Florida where you are offering VoIP service. If you roll out service by MSA, list the MSAs; if rolled out by exchange, list the exchanges, etc.
 ANS: Not Applicable

(b.) Provide residential price(s) for VoIP service. ANS: Not Applicable

(c.) Provide small business price(s) for VoIP service. ANS: Not Applicable

(d.) List all call features included with the service, e.g., call forwarding, caller ID, voice mail, etc. ANS: Not Applicable

(e.) Check all that apply to your VoIP service: Not Applicable

¹ Docket 990649A-TP,

- Offer wireless VoIP service.
- Offer Wireline VoIP service.
- 911 (Location information not provided automatically to PSAP).
- E911 (Location information provided automatically to PSAP).
- CALEA (Communications Assistance for Law Enforcement Act).
- Telephone Relay Service.**
- Power Backup (If so, identify time duration below, e.g., 4 hours, 8 hours).
- Time duration of power backup (in hours).
- Directory Assistance.
- Operator Services.
- Equal Access to long distance providers.
- Local Number Portability.
- Local Calling.
- Long Distance Calling.
- International Calling.
- Contribute to Universal Service Fund.
- Require VoIP subscriber to also purchase Broadband service.
- Offered as primary line service.
- Offered as secondary line service only.
- Interconnected with PSTN.
- Peer-to-Peer only (no interconnection with PSTN).
- Use of public Internet.
- Use of private IP network.
- Call uptime 99.999%.
- Use of numbers from the North American Numbering Plan Administrator.

6. If you are not offering or providing VoIP service to end-user customers in Florida, do you anticipate doing so? If yes, identify rollout month/year.
ANS: Yes . Timing is undetermined.

7. Broadband Internet Access.

(a.) With this data, we are interested in reporting on an aggregate statewide rather than a per company basis.

- Provide the total number of **residential** lines and wireless channels over which you or an affiliate are providing broadband service in Florida. **ANS: Zero**
- Provide the total number of **small business** lines and wireless channels over which you or an affiliate are providing broadband service in Florida. **ANS: Zero.**
- Provide the total number of **residential and small business** lines and wireless channels over which you or an affiliate are providing broadband service in Florida. **ANS: Zero.**

(b.) What types of broadband connection(s) do you provide?

- xDSL
- cable modem
- satellite
- fixed wireless
- mobile wireless
- Wi-Fi
- Broadband over power line
- Other (Specify)

(c.) How do you provision broadband services? Check all that apply.

- Over own facilities
- Over UNE loops
- Over resold facilities (ILEC)
- Over resold facilities (non-ILEC)
- Over loops or channels obtained from unaffiliated entities (non- ILEC)
- Through line splitting agreements

(d.) Please fill out the following table providing the downstream and upstream data transfer rates and the monthly price for each tier of broadband service you offer.

Residential			
Business			

8. Have you experienced any significant barriers in entering Florida’s local exchange markets? Please list and describe any major obstacles or barriers encountered that you believe maybe impeding the growth of local competition in the state, along with any suggestions as to how to remove such obstacles.

Significant Barriers to Entry: There have been many significant barriers to entering and existing in Florida’s local exchange markets, virtually all of them created by our biggest competitor, BellSouth. BellSouth delays implementation of virtually every obligation imposed upon it under Federal and State law. These delays include:

- a) Failure to allow Supra to order UNE-P, for 6 years after the first Interconnection agreement provided for same.
- b) Attempt to discontinue UNE-P service as soon as possible as a result of the Triennial review, with no respect of the 6 year implementation delay which benefited only BellSouth.
- c) Refusal to implement collocation ordered by Supra, including collocation ordered to be provided by this Commission in 980800-TP for over seven years.
- d) The failure of the Florida legislature to empower the FPSC with stronger enforcement capabilities including the awarding of damages that represent a deterrent to the wealthy ILECs.
- e) The inability of the Florida Public Service Commission to enforce its orders when they benefit the CLEC.
- f) Failure to provide non-discriminatory OSS capable of ordering UNEs and UNE-P,
- g) Failure to provision UNEs once ordered,
- h) Buggy OSS implementation led to provisioning errors loss of dialtone,
- i) BellSouth's use of "Operation Sunrise" to harvest wholesale orders as marketing leads for its retail division, used to winback customers with lost dialtone and other BellSouth provisioning errors.
- j) Failure to negotiate any additional items which Supra may require (i.e. the cost for a conversion from UNE-P to UNE-L)
- k) BellSouth's failure to comply with this Commission's order in Docket 001305-TP to allow DSL over Supra's UNE-P lines without any changes or disruptions in service.
- l) The failure to recognize the FCC tariffed xDSL transport service as a regulated telecommunications service in Florida, simply because the initial use of such transport was for Internet access.
- m) The failure to provide unbundled access "to all features, functions and capabilities" of the newer loop service methods, including but not limited to fiber to the curb or home, when such technologies are the exclusive replacement for older technologies which this commission fully unbundled.
- n) The failure to compel BellSouth to provide collocation in, and facilities to serve Remote terminal locations in Florida, to provide locations and space / capability listings for remote terminals, to provide the CLLI codes for remote terminals required to submit a remote terminal collocation application to BellSouth, the failure to provide certain types of UNE transport to remote terminals, for whatever reason, while conveniently being able to provide significantly higher priced special access circuits to that location.
- o) The failure of Docket 990649-A-TP to address the cost of converting p.1.1 UNE-P service to A.1.1 UNE-L loops service, eliminating all duplicative and avoided costs involved. BellSouth's current practice of charging approx \$61.00 for such cutover. The Pennsylvania rate of

\$1.44 for the same action shows how unreasonable BellSouth's position truly is.

- p) The inability of BellSouth to handle volume orders of UNE-L or UNE-P to UNE-L conversions, just as they had the inability to handle volume UNE-P orders correctly in 2001 and volumes of resale orders in 1997-1998.
- q) BellSouth's delays in implementing Commission orders benefiting CLECS. BellSouth's speed in implementing orders detrimental to CLECS.

Additionally, BellSouth had previously engaged in a pattern of practice of consistently over-billing Supra, while at the same time, embedding reciprocal compensation CABS billing in UNE usage (JBILLS) while at the same time denying Supra the CABS data necessary to bill access revenues. This resulted in a cash flow squeeze which forced Supra to file for Bankruptcy Court protection pursuant to Chapter 11.

Presently, BellSouth is arguing for the elimination of UNE-P, while at the same time making it economically infeasible to switch customers from UNE-P to UNE-L – this by virtue of its refusal to negotiate off its requested price of over \$59.00 (\$61.00 was listed as the price for cutover in o) is this rate different) to perform such conversions. At the same time, BellSouth is undercutting Supra's retail offerings to consumers, knowing full well that the prices BellSouth are charging its retail customers come in below the costs Supra pays BellSouth for the identical services in the UNE environment.

Suggestions: Supra makes the following suggestions to eliminate or reduce the existing significant barriers to entry:

a. The Commission should immediately establish a commercially reasonable UNE-P to UNE-L conversion cost, thereby enabling facilities-based competition to truly exist. Supra suggests such price should not exceed \$5.25.

b. The Commission should closely watch the retail commercial offerings and win-back programs offered by BellSouth to ensure that BellSouth does not engage in anti-competitive tactics, such as predatory pricing. Where BellSouth is able to provide retail prices below its wholesale prices, the Commission should immediately review the wholesale prices, and make adjustments accordingly.

c. The Commission should closely examine the negative impact of eliminating UNE-P on the competitive marketplace by examining the state of competition,.

This commission must then examine the legal and logical difference between the (minimum) national list of required UNEs, and what is needed to continue to foster competition in Florida. Not only does Florida Statue 364 empower this Commission to set contradictory rulings in this regard, it has been the stated policy of the previous Florida Commissions that this issue of states rights is paramount.

The FCC itself has recognized that state commissions "share a common commitment to creating opportunities for efficient new entry into the local telephone market." And provide for state commissions to "ensure that states can impose varying requirements."

42. The decisions in this Report and Order, and in this Section in particular, benefit from valuable insights provided by states based on their experiences in establishing rules and taking other actions intended to foster local competition. Through formal comments, *ex parte* meetings, and open forums,² state commissioners and their staffs provided extensive, detailed information to us regarding difficult or complex issues that they have encountered, and the various approaches they have adopted to address those issues. Information from the states highlighted both differences among communities within states, as well as similarities among states. Recent state rules and orders that take into account the local competition provisions of the 1996 Act have been particularly helpful to our deliberations about the types of national rules that will best further the statute's goal of encouraging local telephone competition.³ **These state decisions also offered useful insights in determining the extent to which the Commission should set forth uniform national rules, and the extent to which we should ensure that states can impose varying requirements.** Our contact with state commissioners and their staffs, as well as recent state actions, make clear that **states and the FCC share a common commitment to creating opportunities for efficient new entry into the local telephone market.** Our experience in working with state commissions since passage of the 1996 Act confirms that we will achieve that goal most effectively and quickly by working cooperatively with one another now and in the future as the country's emerging competition policy presents new difficulties and opportunities.

Indeed, in 1996 the Florida Public Service Commission filed comments quite contrary to staff's recommendation in 00-0731: (First Report and Order at ¶ 65:

² CC Order 96-325 Footnote -- Public forum held on March 15, 1996, by FCC's Office of General Counsel to discuss interpretation of sections 251 and 252 of the Telecommunications Act of 1996; public forum held on July 9, 1996, by FCC's Common Carrier Bureau and Office of General Counsel to discuss implementation of section 271 of the Telecommunications Act of 1996.

³ CC Order 96-325 Footnote -- *See, e.g.*, Petition of AT&T for the Commission to Establish Resale Rules, Rates, Terms and Condition and the Initial Unbundling of Services, Docket No. 6352-U (Georgia Commission May 29, 1996); AT&T Communications of Illinois, Inc. *et al.*, Petition for a Total Local Exchange Wholesale Service Tariff from Illinois Bell Telephone Company, Nos. 95-0458 and 95-0531 (consol.) (Illinois Commission June 26, 1996); Hawaii Administrative Rules, Ch. 6-80, "Competition in Telecommunications Services," (Hawaii Commission May 17, 1996); Public Utilities Commission of Ohio Case No. 95-845-TP-COI (Local Competition) (Ohio Commission June 12, 1996) and **Implementation of the Mediation and Arbitration Provisions of the Federal Telecommunications Act of 1996, Case No. 96-463-TP-UNC** (Ohio Commission May 30, 1996); **Proposed Rules regarding Implementation of §§ 40-15-101 et seq.** Requirements relating to Interconnection and Unbundling, Docket No. 95R-556T (Colorado Commission April 25, 1996) (one of a series of Orders adopted by the Colorado Commission in response to the local competition provisions of the 1996 Act); Washington Utilities and Transportation Commission, Fifteenth Supplemental Order, Decision and Order Rejecting Tariff Revisions, Requiring Refiling, Docket No. UT-950200 (Washington Commission April 1996).

65. Some state commissions recommend that, if the FCC does establish explicit requirements, states should be allowed to impose different requirements. For example, the Illinois Commission urges the FCC to adopt a process by which states may seek a waiver from the national regulations, upon a showing of need.⁴ **The Ohio and Florida Commissions recommend that the FCC adopt explicit requirements that states could choose to adopt, but that states would have the option of developing their own requirements.**⁵ Under the proposal recommended by the Ohio Commission, existing state regulations that are consistent with the 1996 Act would be "grandfathered."⁶ In addition, if a state failed to adopt any rules regarding competitive entry into local markets within a specified time, the FCC rules would be binding.⁷ (Emphasis Added)

In this light the Commission has the authority to set policy as defined by *United States v. Jones*, 109 U.S. 513 (1883). The Supreme Court of the United States has recognized no constitutional impediments to the States' rights to interpret and apply Federal law "...uncontrolled by the FCC's general rulemaking authority," thereby allowing this Commission to rule, under the interconnection agreement, in the absence of federal rules. Justice Thomas footnote 10 in *AT&T v. Iowa Utilities Bd.*, 525 U.S. 366, 119 S. Ct. 721 (Iowa Utilities Board II) illuminates the application of *United States v. Jones* in regard to the states ability to supercede and or contradict Federal law. Where the FCC has failed to specifically address the issue, or where the national finding is not supportive of the goals for Florida, it falls upon the state commissions to set specific rulemaking on it. Specifically, footnote 10 provides:

Justice Thomas notes that it is **well settled that state officers may interpret and apply federal law, see, e.g., *United States v. Jones*, 109 U.S. 513 (1883), which leads him to conclude that there is no constitutional impediment to the interpretation that would give the States general authority, uncontrolled by the FCC's general rulemaking authority, over the matters specified in the particular sections we have just discussed. *Post*, at 12—13. But constitutional impediments aside, we are aware of no similar instances in which federal policymaking has been turned over to state administrative agencies. The arguments we have been addressing in the last three paragraphs of our text assume a scheme in which Congress has broadly extended its law into the field of intrastate telecommunications,**

⁴ CC Order 96-325 Footnote -- Illinois Commission comments at 13; *accord* AT&T comments at 11; ACTA comments at 2-4.

⁵ CC Order 96-325 Footnote -- Florida Commission comments at 2-3; Ohio Commission comments at 4-5; *accord* NYNEX reply at 4.

⁶ CC Order 96-325 Footnote -- Ohio Commission comments at 4-5; *accord* NARUC comments at 6-7.

⁷ CC Order 96-325 Footnote -- Ohio Commission comments at 4-5.

but in a few specified areas (ratemaking, interconnection agreements, etc.) has left the policy implications of that extension to be determined by state commissions, which—within the broad range of lawful policymaking left open to administrative agencies—are beyond federal control. Such a scheme is decidedly novel, and the attendant legal questions, such as whether federal courts must defer to state agency interpretations of federal law, are novel as well.⁸ (Emphasis Added)

d. The Commission should enforce its orders, particularly those regarding the provision of DSL over UNE lines, so as to ensure that BellSouth does not anti-competitively tie its voice services to its data services.

e. The legislature must empower the FPSC with enforcement capability such that the ILEC can no longer afford to analyze the cost of not complying promptly and fully with a commission order as being less expensive than not implementing the same order. The FPSC must use its power to implement the parity intent of the Act.

9. Please provide any additional general comments or information you believe will assist Staff in evaluating and reporting on the development of local exchange competition in Florida.

The present state of local exchange competition is bad, getting worse, and the typical CLEC is not encouraged that the Florida Service Commission is interested in completion or ensuring parity, but rather on the improvement of the ILEC advantage and balance sheet. It is certain that no sitting Florida Commissioner has traveled to Washington to ensure the success of a CLEC case such as the lobbying of the FCC for BellSouth 271 approval and rules excluding CLECS from unbundled broadband access in favor of increased ILEC investment.

10. As of December 31, 2003, how much money (in thousands of dollars) have you invested in your network serving Florida customers?

Ans : \$15,000,000

11. Are you currently operating under Chapter 7 or Chapter 11 protection?

Ans : Yes, Chapter 11

12. If your company filed a Form 477 with the Federal Communications Commission in March 2004, please enclose a copy of the completed form with your response to this data request. (NOTE: This form only applies to CLECs with a minimum of 10,000 access lines.)

ANS: See attached document

13. Following the D.C. Circuit's decision, the FCC called for ILECs and CLECs to negotiate.

⁸ CC Order 96-325 Footnote -- Note 10 of *AT&T v. Iowa Utilities Bd.* 525 US. 366 (1999).

(a.) Are you currently in negotiations with any ILECs?

ANS: Yes.

(b) If so, with which carriers?

ANS: BellSouth.

(c) Are the negotiations national or Florida-only?

ANS: Florida only.

(d) Have you reached agreement with one or more carriers?

ANS: No.

14. If so, please provide the name(s) of the carrier(s) and when you expect to file your agreement(s) with the Florida Commission. If you do not intend to file your agreement(s), explain why.

ANS: Should an agreement be reached, we would expect to file it with the Florida Commission.

TABLE -1 - FILED CONFIDENTIALLY

FLORIDA PUBLIC SERVICE COMMISSION

2004 CLEC Data Request TABLE-3

(Data as of May 31, 2004)

Company Name: Supra Telecommunications and Information Systems Inc.

Company Code*: TX088

* Your CLEC Company code is shown on the label affixed to the envelope in which this was mailed and on the cover letter.

CLEC TABLE-3: CLEC SWITCH DEPLOYMENT DATA

1	2	3
Exchange where Switch is Located	Packet or Circuit	# of Switches in Exchange
Miami Red Raod	Circuit	1
N Dade Golden Glades	Circuit	1
Grand Total		2

NOTES/INSTRUCTIONS FOR COMPLETING TABLE-3:

A. The basis for this table is to obtain information about the switches you have deployed that are serving end-user customers in Florida. Please provide the requested information even if serving switch is located outside of Florida.

TABLE COLUMN INSTRUCTIONS:

Column 1. List exchanges in alphabetical order.

Column 2. Enter Circuit or Packet to describe the type of switches located in the Exchange.

Column 3. Enter the number of Circuit or Packet switches located in the exchange. The Grand Total of switches must be equal to the total number of switches, which you own and have deployed, that are being used to provide local exchange telecommunications service in Florida.