

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition of KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for arbitration of interconnection agreement with Sprint-Florida, Incorporated. DOCKET NO. 031047-TP  
JULY 30, 2004

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-04-0563-PCO-TP, issued on June 1, 2004, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None.

b. All Known Exhibits

None.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

**ISSUE 1:** Should the provisions of the interconnection agreement regarding security deposits apply to both parties?

**Position:** Staff has no position at this time.

**ISSUE 2:** How should the parties identify, exchange and compensate traffic transported in whole or in part over internet protocol?

**Position:** Staff has no position at this time.

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**ISSUE 3A:** What, if any, is the appropriate loop acceptance process for a new install?

**Position:** Staff has no position at this time.

**ISSUE 3B:** When should billing for a newly installed loop begin?

**Position:** Staff has no position at this time.

**ISSUE 4:** What is Sprint's obligation to provide access to third parties, grooming functionality and redundant facilities with dedicated transport?

**Position:** Staff has no position at this time.

**ISSUE 5:** Is Sprint required to provide KMC access to Sprint's digital cross-connect systems ("DCS") as a stand alone UNE? If so, what system functionalities should Sprint provide to its DCS?

**Position:** Staff has no position at this time.

**ISSUE 6A:** Does commingling include connecting UNEs purchased from Sprint with wholesale services purchased from a third party?

**Position:** Staff has no position at this time.

**ISSUE 6B:** Should the parties' interconnection agreement state that Sprint will provide UNEs pursuant to applicable law?

**Position:** Staff has no position at this time.

**ISSUE 7:** Should Sprint be permitted to audit KMC's UNE-P customer base to verify compliance with the 4-line limitation where applicable?

**Position:** Staff has no position at this time.

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**ISSUE 8:** What restrictions, if any, may Sprint impose on a conversion from a wholesale service to a UNE service?

**Position:** Staff has no position at this time.

**ISSUE 9:** Under what conditions, if any, may KMC commingle EELs purchased from Sprint with wholesale services purchased from a third party?

**Position:** Staff has no position at this time.

**ISSUE 10:** What are the eligibility criteria that apply to EEL access?

**Position:** Staff has no position at this time.

**ISSUE 11:** What are the conditions under which Sprint may conduct an audit of KMC's EELs?

**Position:** Staff has no position at this time.

**ISSUE 12:** What are the appropriate monthly recurring charges, if any, for line splitting?

**Position:** Staff has no position at this time.

**ISSUE 13A:** What are the appropriate rates, terms and conditions for the performance of routine network modifications by Sprint for loops?

**Position:** Staff has no position at this time.

**ISSUE 13B:** What are the appropriate rates, terms and conditions for the performance of routine network modifications by Sprint for dedicated transport?

**Position:** Staff has no position at this time.

**ISSUE 14:** Under what conditions, if any, may Sprint establish its own transport facilities for the delivery of Sprint-originated traffic?

**Position:** Staff has no position at this time.

**ISSUE 15:** What are the requirements for interconnection and compensation for the transport of Sprint end user originated ISP-bound traffic between Sprint's originating local calling area and a Point of Interconnection ("POI") outside Sprint's local calling area?

**Position:** Staff has no position at this time.

**ISSUE 16:** What are the appropriate billing and billing dispute resolution processes?

**Position:** Staff has no position at this time.

**ISSUE 17:** What measures, standards and remedies, if any, should apply to Sprint's performance?

**Position:** Staff has no position at this time.

**ISSUE 18:** Under what conditions, if any, should Sprint be required to provide shared cageless collocation space?

**Position:** Staff has no position at this time.

**ISSUE 19:** When will cross-connect charges apply?

**Position:** Staff has no position at this time.

**ISSUE 20:** When should billing for circuit facility assignments/terminations and related cable begin?

**Position:** Staff has no position at this time.

**ISSUE 21A:** What rates, terms and conditions, if any, should apply to Sprint's provisioning of cross-connects within KMC's collocation space, and

**Position:** Staff has no position at this time.

**ISSUE 21B:** What limitations, if any, apply to KMC's ability to cross-connect with other collocated carriers?

**Position:** Staff has no position at this time.

**ISSUE 22A:** Under what conditions, if any, should KMC be allowed to use its own technicians to deploy direct connects?

**Position:** Staff has no position at this time.

**ISSUE 22B:** Under what conditions, if any, should KMC be allowed to use its own technicians to deploy co-carrier cross-connects?

**Position:** Staff has no position at this time.

**ISSUE 23:** Under what conditions, if any, may KMC utilize spare capacity on an existing interconnector's entrance facility for the purpose of providing an entrance facility to its collocation arrangement?

**Position:** Staff has no position at this time.

e. Pending Motions

Staff has no pending motions.

f. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests.

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g. Compliance with Order No. PSC-04-0563-PCO-TP

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 30<sup>th</sup> day of July 2004.



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I HEREBY CERTIFY that a true and correct copy of STAFF'S PREHEARING  
STATEMENT has been furnished by U.S. Mail, this 30<sup>th</sup> day of July, 2004, to the following:


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