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Timolyn Henry

From: Ann Bassett [abassett@lawfla.com]  
Sent: Thursday, March 17, 2005 1:38 PM  
To: Filings@psc.state.fl.us  
Subject: Dockets 040301-TP and 041338-TP  
Attachments: 040301 and 041338 CLEC Coalition's Response to Staff's Issue List and Scheduling Request.pdf

The person responsible for this electronic filing is:

Floyd R. Self  
Messer, Caparello & Self, P.A  
P.O. Box 1876  
Tallahassee, FL 32302-1876  
(850) 222-0720  
fself@lawfla.com

The Docket Nos. are 040301-TP - Supra Telecommunications and Information Systems, Inc.'s Petition for Arbitration with BellSouth, and 041338-TP - Petition for Generic Proceeding to Set Rates, Terms, and conditions for Batch Hat Cuts for UNE-P to UNE-L Conversions and for ILEC to UNE-L Conversion in the BellSouth Service Area

This is being filed on behalf of ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine ("ITC^DeltaCom"), DIECA Communications, Inc. d/b/a Covad Communications Company ("Covad"), Florida Digital Network, Inc. ("FDN"), LecStar Telecom, Inc. ("LecStar"), MCI metro Access Transmission Services, LLC, and IDS Telcom LLC

Total Number of Pages is 7

CLEC Coalition's Resposns to Staff's Proposed Issue List and Scheduling Request.

Ann Bassett  
Messer, Caparello & Self, P.A.  
Phone: 850-201-5225  
abassett@lawfla.com

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LAW OFFICES  
Messer, Caparello & Self  
A Professional Association

Post Office Box 1876  
Tallahassee, Florida 32302-1876  
Internet: [www.lawfla.com](http://www.lawfla.com)

March 17, 2005

**BY ELECTRONIC FILING**

Ms. Blanca Bayó, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

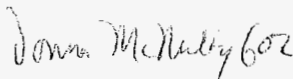
Re: Docket Nos. 040301-TP and 0413338-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of ITC^DeltaCom Communications, Inc. d/b/a ITC DeltaCom d/b/a Grapevine; DIECA Communications, Inc. d/b/a Covad Communications Company; Florida Digital Network, Inc. d/b/a FDN Communications; LecStar Telecom, Inc.; MCImetro Access Transmission Services, LLC and IDS Telcom LLC ("Joint CLECs) is an electronic version of CLEC Coalition's Response to Staff's Proposed Issue List and Scheduling Request.

Thank you for your assistance with this filing.

Sincerely yours,



Floyd R. Self

FRS/amb  
Enclosures

DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Generic Proceeding to Set	)	Docket No. 041338-TP
Rates, Terms, and Conditions for Batch Hot	)	
Cuts for UNE-P to UNE-L Conversions and for	)	
ILEC to UNE-L Conversions in the BellSouth	)	
Telecommunications, Inc. Service Area	)	
_____	)	

In Re: Petition of Supra	)	Docket No. 040301-TP
Telecommunications and Information	)	
Systems, Inc.'s for arbitration	)	
With BellSouth Telecommunications, Inc.	)	Filed: March 17, 2005
_____	)	

**CLEC COALITION'S RESPONSE TO STAFF'S PROPOSED ISSUE LIST AND SCHEDULING REQUEST**

ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine; DIECA Communications, Inc. d/b/a Covad Communications Company; Florida Digital Network, Inc. d/b/a FDN Communications; LecStar Telecom, Inc.; MCImetro Access Transmission Services, LLC, and IDS Telecom LLC ("Joint CLECs"), in accordance with the request of Commission Staff, hereby file Joint CLECs' Response to Staff's Proposed Issue List and Scheduling Request.

1. Joint CLECs submit the following comments on and proposed revisions to Staff's Proposed Issues List, dated March 8, 2005. Joint CLECs suggest these changes to clarify the issues. In particular, CLECs suggest that Issues 1 – 4 be clarified so that it is clear that the issues apply not just in the case of UNE-P to UNE-L conversions, but in the case of retail to UNE-L hot cuts as well. It is the CLECs' position that the latter and former are functionally equivalent (i.e., both are a hot cut from BellSouth's switch to the CLEC's switch). Joint CLECs' specific wording changes follow.

- Issue 1 should have the following second part incorporated after the existing issue language:

If not, what hot cut process modifications should be required?

- Issue 2 should be changed to read as follows:

Should a CLEC be permitted to select the implementation method BellSouth uses to perform a UNE-P or Retail to UNE-L conversion for lines served by IDLC?

- Issue 3 should be changed to read as follows:

Regardless of the implementation method BellSouth uses to perform a UNE-P to UNE-L or Retail to UNE-L conversion for a line served by IDLC, what impacts, if any, are there on the resulting UNE-L recurring rates?

- Issue 4 should be changed to read as follows:

Should BellSouth's rate structure for hot cuts differentiate between hot cuts (whether UNE-P or Retail) to UNE-L conversions where the line is provisioned with IDLC, as opposed to a copper loop or UDLC? If so, what, is the appropriate rate structure, and what, if any, changes are appropriate to the recurring rates?

- Joint CLECs agree that Issues 5 and 6 from the Staff Proposed Issue List may be deleted.

- Joint CLECs propose a new sub-issue under Issue 8, as follows:

Should BellSouth's batch hot cut process allow for CLECs to connect loops directly to third party switches?

New sub-issue:

Should BellSouth's CLEC to CLEC conversion process allow for a CLEC to convert its own UNE-P lines or resale lines to UNE-L, either individually or in bulk, using the same OCN or a different OCN?

- Joint CLECs propose adding a new issue in the rate section:

When should the recurring and nonrecurring rates decided in this proceeding take effect?

2. On February 28, 2005, Joint CLECs submitted a proposed schedule for this proceeding at Staff's request. That schedule, which follows, remains reasonable, and should be put in place quickly so that the parties may begin to prepare for hearing.

4/30: Direct and cost studies  
6/15: Rebuttal and Prehearing statements  
6/29: Prehearing Conference  
7/6-7: Hearing  
8/5: Briefs  
9/8: Staff Recommendation  
9/20: Agenda -- vote  
10/11: Final order

3. Joint CLECs proposed schedule is driven by one reason. . Conversions from UNE-P to UNE-L must be completed by year end at reasonable, cost-based rates if CLECs are to remain viable in Florida. If such reasonable rates are not in place BellSouth will be able to impose onerous UNE-P rates on CLECs effectively ending competition.

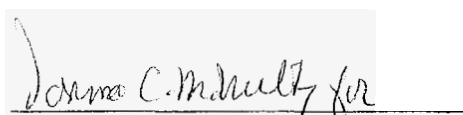
Joint CLECs' proposed schedule attempts to come as close to that goal as possible. In addition, Joint CLECs remain opposed to bifurcation of the issues. Appropriate processes and prices for all hot cut scenarios must be put in place.

4. As Joint CLECs maintained in their Petition, BellSouth's hot cut charges are overstated, outdated, and not reflective of best or real-world practices. Supra has already submitted proof of this in its filings in its arbitration docket which has been consolidated with Joint CLECs' Generic Proceeding. BellSouth has argued that it must have *six months* to conduct entirely new cost studies, thus unreasonably delaying a decision by the Commission on these important time-sensitive issues. Not only is this posture unreasonable, it is unnecessary. Given the impending deadline for conversions, Joint CLECs assert that it is entirely unnecessary for BellSouth to have six months to create and file an entirely new cost study. The more efficient

approach is to use all or part of the cost studies BellSouth has already filed in this docket and permit the parties to propose such changes and adjustments as may be necessary based on the issues list. BellSouth relied on the cost studies it previously filed in Docket No. 990649A-TP when it requested the Commission set a batch hot cut rate in Docket No. 030851-TP just last year. Likewise, BellSouth asked the Commission to rely on cost studies filed in Docket No. 990649A-TP when BellSouth defended against Supra's claims in Docket No. 040301-TP – and that case was set for a hearing in December 2004, *just 3 months ago*. To the extent that BellSouth may argue there are different hot cut scenarios contemplated by Joint CLECs' proposed issues, the parties should use the Docket No. 990649A-TP cost studies as a base line and make appropriate adjustments for any allegedly "new" hot cut scenarios.

5. Finally, time is of the essence. Even with an order issued in early October, as Joint CLECs propose, it will be a monumental task to incorporate the Commission-ordered changes into the interconnection agreements and to effectuate any necessary transition for hundreds of thousands of lines that CLECs have in Florida to UNE-L before the March 2006 deadline.

Respectfully submitted, this 17<sup>th</sup> day of March, 2005.



Floyd R. Self  
Messer, Caparello & Self, P.A.  
215 S. Monroe Street, Suite 701  
Tallahassee, FL 32302  
Phone: (850) 425-5213  
Fax: (850) 224-4359

Counsel for ITC^DeltaCom  
Communications, Inc., and  
LecStar Telecom, Inc.,

Nanette S. Edwards  
Regulatory Attorney  
ITC^DeltaCom  
7037 Old Madison Pike, Suite 400  
Huntsville, AL 35806  
Phone: (256) 382-3856  
Fax: (256) 382-3936

Counsel for ITC^DeltaCom  
Communications, Inc.

Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 S. Gadsden Street  
Tallahassee, FL. 32301  
Phone: (850) 222-2525

Counsel for Covad Communications Co.  
and IDS Telcom LLC

Charles E. (Gene) Watkins  
Senior Counsel  
Covad Communications Co.  
1230 Peachtree Street NE, Suite 1900  
Atlanta, Georgia 30309  
Phone: (404) 942-3492

Counsel for Covad Communications Co.

Matt Feil  
Florida Digital Network, Inc.  
2301 Lucien Way, Suite 200  
Maitland FL 32751-7025  
(407) 835-0300

Counsel for Florida Digital Network, Inc.

Donna McNulty  
MCImetro Transmission Services, LLC  
1203 Governors Square Blvd., Suite 201  
Tallahassee FL 32301-2960  
Phone: (850) 219-1008

Dulaney O'Roark  
MCImetro Transmission Services, LLC  
6 Concourse Parkway, Suite 600  
Atlanta, GA 30328

Counsel for MCImetro Access Transmission  
Services, LLC,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following parties by Electronic Mail this 17<sup>th</sup> day of March, 2005.

Felicia Banks, Esq.  
General Counsel's Office, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Jeremy Susac, Esq.  
General Counsel's Office, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Nancy B. White, Esq.  
c/o Ms. Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301

Nanette S. Edwards  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, Alabama 35802

Vicki Gordon Kaufman  
Moyle Flanigan Katz Raymond & Sheehan, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301

Charles E. (Gene) Watkins  
Senior Counsel  
Covad Communications Co.  
1230 Peachtree Street NE, Suite 1900  
Atlanta, Georgia 30309

Matt Feil  
Florida Digital Network, Inc  
2301 Lucien Way, Suite 200  
Maitland FL 32751-7025

LecStar Telecom, Inc.  
Suite D-4200  
4501 Circle 75 Parkway  
Atlanta GA 30339-3025

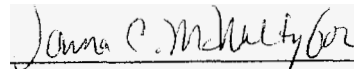
Donna McNulty  
MCI WorldCom Communications, Inc.  
1203 Governors Square Blvd., Suite 201  
Tallahassee FL 32301-2960

Dulaney O'Roark  
MCI WorldCom Communications, Inc.  
6 Concourse Parkway, Suite 600  
Atlanta, GA 30328

Mr. Angel Leiro  
IDS Telcom, LLC  
1525 NW 167<sup>th</sup> Street  
Miami, Florida 33169

Ann H. Shelfer  
Koger Center - Ellis Building  
1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301-5067

Brian Chaiken  
Supra Telecommunications and Information Systems, Inc.  
2901 SW 149th Avenue, Suite 300  
Miramar, FL 33027

  
\_\_\_\_\_  
Floyd R. Self