

LAW OFFICES
Messer, Caparelli & Self
A Professional Association

Post Office Box 1876
Tallahassee, Florida 32302-1876
Internet: 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

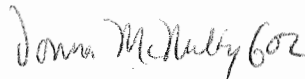
Re: Docket Nos. 040301-TP and 0413338-TP

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

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 Telcom 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.

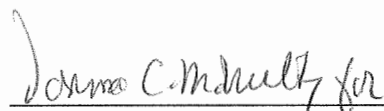
Joint CLECs' proposed schedule attempts to come as close to that goal as possible. In addition, Joint CLECs remain opposed to bifurcation of the issues. Appropriate processes and prices for all hot cut scenarios must be put in place.

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 17th 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
MCI metro Transmission Services, LLC
1203 Governors Square Blvd., Suite 201
Tallahassee FL 32301-2960
Phone: (850) 219-1008

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

Counsel for MCI metro 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 17th 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

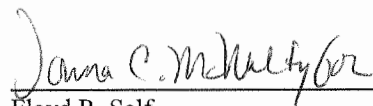
Donna McNulty
MCI WorldCom Communications, Inc.
1203 Governors Square Blvd., Suite 201
Tallahassee FL 32301-2960

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

Mr. Angel Leiro
IDS Telcom, LLC
1525 NW 167th 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