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Subject: 041269-TP Sprint Communications LP Post-Hearing Statement and Brief  
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**Title of filing: Sprint Communications LP Post-Hearing Statement and Brief (and copy in Word)**

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**ORIGINAL**

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November 30, 2005

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
& Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
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Re: Docket No. 041269-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint Communications Limited Partnership is Sprint's Post-Hearing Statement and Brief.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

Susan S. Masterton

Enclosure

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**CERTIFICATE OF SERVICE  
DOCKET NO. 041269-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic and U.S. mail this 30<sup>th</sup> day of November, 2005 to the following:

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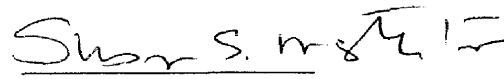
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Susan S. Masterton

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to Establish Generic )  
Docket To Consider Amendments )  
to Interconnection Agreements )  
Resulting from Changes in Law, by )  
BellSouth Telecommunications, Inc. )  
\_\_\_\_\_ )

Docket No.: 041269-TP

Filed: November 30, 2005

**POST-HEARING STATEMENT AND BRIEF OF  
SPRINT COMMUNICATIONS COMPANY, LIMITED PARTNERSHIP**

Pursuant to the Order No. PSC-05-0736-PCO-TP, as amended by Order No. PSC-05-1169-PCO-TP, Sprint Communications Company, Limited Partnership ("Sprint") submits its Post-hearing Statement and Brief on Issue 5, the one remaining contract issue in dispute between Sprint and BellSouth Telecommunications, Inc. ("BellSouth"). As indicated in Sprint's Prehearing Statement Sprint no longer has a dispute with BellSouth regarding any of the other remaining issues.

**INTRODUCTION**

Sprint and BellSouth reached agreement in principle on the issues in dispute between the parties with the exception of Issue 5, relating to the availability of HDSL-Capable Loops. Therefore, Sprint's Post-hearing Statement and Brief addresses only Sprint's arguments relating to Issue 5. Sprint's position regarding Issue 5 is that HDSL-compatible loops are not the same as DS1 loops for purposes of finding impairment and should not be treated as such.

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## ISSUES, POSITIONS AND DISCUSSION

**Issues 1-4 and Issues 7-10, 12-18, 21-23, 25-28 and 30-31<sup>1</sup>**

**Sprint's Position:** \*\*Sprint has reached agreement with BellSouth on all Issues except Issue 5, discussed below.\*\*

**Issue 5. TRRO / FINAL RULES: Are HDSL-capable copper loops the equivalent of DS1 loops for the purpose of evaluating impairment?**

**Sprint's Position:** \*\*HDSL Capable Loops and DS1 loops are not equivalent for impairment purposes. BellSouth cannot refuse to provide HDSL Loops in wire centers where DS1 loop impairment criteria are met. HDSL Loops are conditioned copper loops. The FCC has neither restricted the use of nor made a non-impairment finding for such loops.\*\*

**Discussion:** BellSouth is no longer willing to offer its HDSL Capable Loop product in wire centers where DS1 impairment does not exist. (Tr. 117, 325) As Mr. Maples testified, Sprint's position on Issue 5 is that HDSL-compatible copper loops should not be treated the same as DS1 loops for the purpose of determining non-impairment in a given wire center. In addition, 2-wire and 4-wire HDSL-capable copper loops must remain available to Sprint and other competitive local exchange companies ("CLECs") in BellSouth wire centers where BellSouth has attained the non-impairment threshold for DS1 loops. (Tr. 117-118) The relevant Federal Communications Commission ("FCC") rules and Orders do not restrict CLEC access to copper loops, and neither should this Commission.

### **Technical characteristics of HDSL-capable copper loops and DS1 loops.**

High-Bit-Rate Digital Subscriber Line ("HDSL") can be utilized to provide symmetrical data communications over 2-wire or 4-wire copper loops at speeds of 1.544 megabits per second

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<sup>1</sup> It is Sprint's understanding that Issues 6, 11, 20, 24 and 29 are no longer in dispute by any party to this proceeding.

("Mbps"). A carrier's ability to use HDSL depends on such factors as the total loop length, the amount of bridged tap, and the presence of electronic devices such as load coils. (Tr. 118) HDSL-capable copper loops are dry copper pairs conditioned at a pre-determined level and lacking electronics. DS1 Loops are point to point circuits employing industry standards for digital transmission with a capacity of 1.544 Mbps. DS1 loops can be provided over several different facility types and, importantly, include the necessary electronic equipment. (Tr. 119)

Sprint's witness, Mr. Maples, noted that despite the fact HDSL technology can be used to provide DS1 service, a DS1 loop is not the same as an HDSL-compatible loop. (Tr. 120) When a CLEC orders a DS1 loop, BellSouth selects the method of provisioning the service, and provides all the required electronics. In contrast, when CLECs order HDSL-compatible loops, BellSouth provides a conditioned copper loop only, with no electronics. (Tr.120)

**The FCC has never restricted access to copper loops.**

In its Triennial Review Order ("TRO"), the FCC stated that CLECs were impaired without access to copper loops.<sup>2</sup> This determination has not been challenged in court and is in effect today. (Tr. 120) Accordingly, since copper loops are still regarded as unbundled network elements ("UNEs"), BellSouth and other incumbent local exchange carriers ("ILECs") are required to provide access to unbundled copper loops. Moreover, in the TRO and associated rules, the FCC explicitly required ILECs to condition copper loops for CLECs so that they can provide digital subscriber line services, such as HDSL, over them. See 47 C.F.R. Section 51.319(a)(1)(iii).

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<sup>2</sup> FCC 03-36, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Dockets 01-338, 96-98, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, (released August 21, 2003).

While it is true that the FCC has established a few use restrictions on the manner in which CLECs use UNEs, there is no rule stating that CLECs cannot use copper loops to provide HDSL service. (Tr. 122)

**BellSouth's position and its rationale for refusing to provide access to HDSL-compatible copper loops in wire centers meeting the DS1 non-impairment threshold should be rejected.**

BellSouth attempts to support its position that it is not required to offer its HDSL Capable Loop product in wire centers that meet the DS1 non-impairment threshold with the wording of the FCC's definition of DS1 loops included in the FCC rules.<sup>3</sup> (Tr. 123) However, the FCC's DS1 loop definition was not intended to restrict CLECs' use of copper loops or to prohibit CLECs from using copper loops for HDSL. In addition to the fact that there is no rule stating that CLECs cannot use copper loops for HDSL, it would make no sense at all for the FCC to arbitrarily subject HDSL service to restrictions when CLECs can and do provide several other DSL services over copper loops. Rather, the intent behind the DS1 loop definition was to ensure that ILECs could not refuse to provide DS1 loops if ILECs used other technologies such as HDSL in combination with DS1 loops. Wherever the FCC referred to the use of HDSL technology in this context in the TRO, it was in connection with the provision of DS1 loops, which includes the loop facility and any attached electronics. (Tr. 124)

BellSouth unintentionally supports Sprint's position by not restricting Sprint's provisioning of HDSL over other BellSouth copper loop products, such as Unbundled Copper Loop ("UCL") with appropriate line conditioning, or Unbundled Loop Modification ("ULM").

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<sup>3</sup> See 47 C.F.R. Section 51.319(a)(4): DS1 loops. (i) Subject to the cap described in paragraph (a)(4)(ii) of this section, an incumbent LEC shall provide a requesting telecommunications carrier with nondiscriminatory access to a DS1 loop on an unbundled basis to any building not served by a wire center with at least 60,000 business lines and at least four fiber-based collocators. Once a wire center exceeds both of these thresholds, no future DS1 loop unbundling will be required in that wire center. A DS1 loop is a digital local loop having a total digital signal speed of 1.544 megabytes per second. DS1 loops include, but are not limited to, two-wire and four-wire copper loops capable of providing high-bit rate digital subscriber line services, including T1 services.



(Tr. 126) BellSouth's willingness to provide access to the same facility through its ULM and UCL products (where the CLEC requests the necessary line conditioning), but not through its HDSL-Capable Loop product is illogical and unnecessarily complicates the ordering process for CLECs. (Tr. 127)

In summary, BellSouth's position should be rejected, and the Commission should require BellSouth to continue to unbundle HDSL-compatible loops in DS1 non-impaired wire centers. HDSL-compatible loops should also be counted as 1 or 2 voice grade equivalents (1 for 2-wire and 2 for 4-wire), just as any other copper loop, when evaluating the number of business lines, and not 24 voice grade equivalents.

**Sprint's proposed contract language**

In his testimony (Tr. 127-128) Sprint witness Maples recommended that the Commission modify BellSouth's proposed definition of DS1 loops as follows:

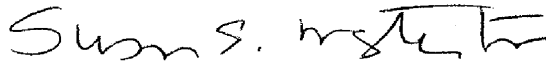
- 2.3.6.1 This is a designed 4-wire Loop that is provisioned according to industry standards for DS1 or Primary Rate ISDN services and will come standard with a test point, OC, and a DLR. A DS1 Loop may be provisioned over a variety of loop transmission technologies including copper, HDSL-based technology or fiber optic transport systems. It will include a 4-wire DS1 Network Interface at the End User's location. For purposes of this Agreement, including the transition of DS1 and DS3 Loops described in Section 2.1.4 above, DS1 Loops include 2-wire and 4-wire copper Loops capable of providing high-bit rate digital subscriber line services when BellSouth provides the associated electronics on those loops such as 2-wire and 4-wire HDSL-Compatible Loops.

The adoption of Sprint's proposed language will ensure that DS1 loops include only those loops or facilities for which BellSouth provides electronics and do not include stand-alone copper loops devoid of electronics.

## CONCLUSION

Sprint respectfully requests that the Commission adopt Sprint's recommendations in this proceeding with regard to Issue 5 and require BellSouth to adopt Sprint's proposed contract language on this issue.

Respectfully submitted this 30th day of November 2005.



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