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April 12, 2011

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RECEIVED-FPSC  
 11 APR 15 PM 1:33  
 COMMISSION  
 CLERK

Florida Public Service Commission  
 Office of the Commission Clerk  
 ATTN: Ms. Ann Cole, Commission Clerk  
 2540 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-0850

**RE: Claim of Confidential Treatment Pursuant to §364.183(1), FS by  
 DIECA Communications, Inc., d/b/a Covad Communications Company ("Covad")  
 for Portions of 2010 Competitive Local Exchange Carrier (CLEC) Questionnaire**

Dear Ms. Cole:

DIECA Communications, Inc., d/b/a Covad Communications Company ("Covad") hereby files its claim of confidential treatment pursuant to §364.183(1), Florida Statutes for portions of its response to the Commission's 2010 Competitive Local Exchange Carrier (CLEC) Questionnaire data request. Pursuant to Rule 25-22.006(5), F.A.C., included with this claim of confidential treatment are:

- A sealed envelope marked "CONFIDENTIAL" which contains:
  - one (1) unmarked copy of Covad's confidential response and one (1) copy of Covad's confidential response on which the specific information claimed as confidential is highlighted
  - One (1) CD containing an unedited electronic copy of the material
- ✓ • Two (2) edited copies of Covad's publicly available response, in which the specific information claimed to be confidential is blocked out

Covad claims that the highlighted portions of **both the electronic version** of the material submitted on CD and the **paper copies** of the material submitted in the sealed envelope are confidential and proprietary business information belonging to Covad, and should be kept confidential and exempt from public disclosure.

Please do not hesitate to contact me if you have any questions.

Sincerely,

  
 Schula Hobbs

COM \_\_\_\_\_  
 APA \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 RAD \_\_\_\_\_  
 SSC \_\_\_\_\_  
 ADM \_\_\_\_\_  
 OPC \_\_\_\_\_  
 CLK \_\_\_\_\_

Enclosures

- ✓ \_\_\_\_\_ claim of confidentiality
- \_\_\_\_\_ notice of intent
- \_\_\_\_\_ request for confidentiality
- \_\_\_\_\_ filed by OPC

For DN 02585-11, which is in locked storage. You must be authorized to view this DN.-CLK

DOCUMENT NUMBER - DATE

02584 APR 15 =

FPSC-COMMISSION CLERK

PUBLIC

**2011 Competitive Local Exchange Carrier (CLEC) Questionnaire**  
(Due by April 15, 2011)<sup>1</sup>

**REDACTED**

Legal Company Name: DIECA Communications, Inc.  
D/B/A: Covad Communications Company  
FPSC Company Code (e.g., TX000) TX237  
Contact name & title: Katherine Mudge – Director -Regulatory Affairs/ILEC Relations  
Telephone number: 512-794-6197  
E-mail address: kmudge@megapath.com  
Stock Symbol (if company is publicly traded): N/A

**Services Provided in Florida**

1. Do you provide local telephone service in Florida? Please check yes or no.

|                   |                   |
|-------------------|-------------------|
| Residential       | Business          |
| <u>      </u> Yes | <u>      </u> Yes |
| <u>X</u> No       | <u>X</u> No       |

2. Please complete all applicable data tables. Please indicate which column on Table 1 commingled loops are included.

3. If you submitted data tables in 2010, please provide an explanation below of any differences in the number of access lines by category that occur in your 2011 submission that exceed 10 percent.

4. How is your local service provisioned? Please mark the appropriate response(s).

**Response:** 

- Resold lines from ILEC
- Wholesale platform (formerly known as UNE-P)
- UNEs (other than wholesale platform) from ILEC
- Elements (e.g., loops, switching) from other than ILEC (e.g., other CLECs)
- Completely se

<sup>1</sup> The due date is established by Section 364.386(1)(b), Florida Statutes. Failure to comply with this rule may result in the Commission assessing penalties of up to \$25,000 per offense, with each day of noncompliance constituting a separate offense per Section 364.285(1), Florida Statutes.

If-provisioned

- \_\_\_\_\_ Other (please describe) \_\_\_\_\_
5. What services, other than local service, does your company currently provide in Florida? Please check all that apply.

- |  |   |
|--|---|
| <input type="checkbox"/> Private line/special access | <input type="checkbox"/> Wholesale loops                      |
| <input checked="" type="checkbox"/> VoIP             | <input type="checkbox"/> Fiber or copper based video service  |
| <input type="checkbox"/> Wholesale transport         | <input type="checkbox"/> Cable television                     |
| <input type="checkbox"/> Interexchange service       | <input type="checkbox"/> Satellite television                 |
| <input type="checkbox"/> Cellular/wireless service   | <input checked="" type="checkbox"/> Broadband Internet access |

6. This question concerns **prepaid** local telephone service in Florida. Please place a check by the response that most accurately reflects whether or not you provide **prepaid** local telephone service.

- \_\_\_\_\_ Company provides ONLY prepaid local telephone service in Florida
- \_\_\_\_\_ Company provides prepaid AND non-prepaid local telephone service in Florida
- Company does NOT provide prepaid local telephone service in Florida

**Bundled Services**

7. What percentage of your Florida residential and business customers purchase bundled (i.e. voice service packaged with additional services such as internet or video service) offerings? Please provide the percentage below. Do not include bundles of telecom-only services. If you do not offer bundled services, indicate "not applicable"

- \_\_\_\_\_ Residential
- \_\_\_\_\_ Business
- Not applicable

**VoIP**

8. Indicate below whether you are providing or offering VoIP service to end users in Florida. VoIP service is defined as IP-based voice service over a digital connection. Please check all that apply.

- \_\_\_\_\_ Not providing VoIP service to end users
- Providing VoIP services to business end users
- \_\_\_\_\_ Providing VoIP services to residential end users
- \_\_\_\_\_ Offering business VoIP services, but have no business VoIP end users in Florida
- \_\_\_\_\_ Offering residential VoIP services, but have no residential VoIP end users in Florida.

9. If you are providing VoIP service in Florida, please check all that apply:

Peer-to-Peer only (no interconnection with PSTN)

Use of public Internet

Use of private IP network

**Broadband**

10. Do you offer broadband to residential customers in Florida? Please check the applicable answer.

Yes

No

11. If you do offer broadband to residential customers in Florida, please provide your best estimate of the percentage of residential end user premises in your Florida service area for which your broadband services are available.

**Response:** [REDACTED]

12. How many residential broadband subscribers do you have in Florida?

[REDACTED]

13. Please list the method(s) of broadband provisioning utilized in Florida by your company (i.e. DSL, cable modem, fiber, etc.).

**Response:** [REDACTED]

14. What are the typical downstream and upstream speeds for your most subscribed to broadband service?

**Response:** Covad offer several broadband services. The descriptions of Covad's broadband services and their download and upload speeds may be found at <http://www.megapath.com>.

15. What is the monthly price for your most subscribed to residential broadband service?

Response: Covad offers several broadband services that may be available to users at residential locations (subject to local line conditions and related technical and other limitations). The pricing options for Covad's broadband services vary depending upon location and other variables.

**Fiber Deployment**

16. Did you deploy fiber to homes or businesses in Florida between January 1, 2010 and December 31, 2010?

\_\_\_\_\_ Yes  
  x   No

17. Please provide the number of new residential and business subscribers served by Fiber-to-the-Home, Fiber-to-the-Premises, and/or Fiber-to-the-Curb technology since the last reporting period.

  0   Residential Subscribers  
  0   Business Subscribers  
  0   Total

18. Please provide your company's total number of residential and business subscribers currently served by Fiber-to-the-Home, Fiber-to-the-Premises, and/or Fiber-to-the-Curb technology.

  0   Residential Subscribers  
  0   Business Subscribers  
  0   Total

**Miscellaneous**

19. In calendar year 2010, how much money did you invest in your network directly serving Florida's local service customers? Please check the applicable answer.

**Response:** Not Applicable – Covad does not provide local service in Florida.

1. \_\_\_\_\_ \$0  
2. \_\_\_\_\_ \$1 - \$249,999  
3. \_\_\_\_\_ \$250,000 - \$999,999  
4. \_\_\_\_\_ \$1,000,000 - \$9,999,999  
5. \_\_\_\_\_ \$10,000,000 or more

20. Are you currently operating under Chapter 7 or Chapter 11 bankruptcy protection? Please check yes or no.

\_\_\_\_\_ Yes

X   No

21. Please provide a copy of the Form 477 you filed with the FCC with data as of **December 31, 2010**. **Response: See Attached.**

### **Comments**

22. 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 may be impeding the growth of local competition in the state, along with any suggestions as to how to remove such obstacles. Any additional general comments or information you believe will assist staff in evaluating and reporting on the development of local exchange competition in Florida are welcome.

Response: Covad requires the continued availability of UNEs (e.g., loop, transport) at just and reasonable TELRIC-based rates which enable it to provide competitive offerings for broadband and VoIP services to consumers in Florida. When ILECs make the availability of UNEs difficult to obtain (e.g., OSS non-availability; UNE unavailability due to 'facilities not available'; extended service intervals for pre-ordering, ordering, provisioning, maintenance and repair, and collocation that detrimentally affect Covad's ability to provide service to its customers or extends and out-of-service situation), then Covad is harmed. Each act, albeit perceived to be small, cumulatively becomes a barrier to entry – particularly when the ILEC retains the monopoly on providing the UNE facilities. In addition, Covad submits that barriers to entry apply to the small and medium-sized business market as well, when often all that is reviewed are market penetration in the residential market. Therefore, Covad submits that it is important to ensure that when market analysis is performed, that the small and medium-sized business markets are reviewed independently from residential markets.

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

Schula Hobbs  
50 Barnes Park North  
Suite 104  
Wallingford CT 06492

**Re: Acknowledgement of Confidential Filing in Docket No. 110000-OT**

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on April 15, 2011, in the above-referenced docket.

Document Number 02585-11 has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.