

REDACTED

2013 Competitive Local Exchange Carrier (CLEC) Questionnaire
(Due by April 15, 2013)¹

Legal Company Name: MegaPath Corporation

D/B/A: f/k/a "DIECA Communications, Inc., d/b/a Covad Communications Company"

FPSC Company Code (e.g., TX000) TX237

Contact name & title: Katherine K. Mudge, Vice President- Regulatory Affairs & Litigation

Telephone number: (512) 794-6197

E-mail address: katherine.mudge@megapath.com

Stock Symbol (if company is publicly traded): N/A

Services Provided in Florida

1. Do you currently serve local telephone subscribers in Florida? Please check yes or no for both wireline and VoIP.

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

2. Please complete all applicable data tables.
3. If you submitted data tables in 2012, please provide an explanation below of any differences in the number of access lines by category that occurs in your 2013 submission that exceeds 10 percent.
4. How is your local service provisioned? Please mark the appropriate response(s).
Response: Not applicable. MegaPath does not provide local service. However, for the provision of broadband and VoIP services, MegaPath utilized UNEs (e.g. loop, dedicated transport) from ILECs (other than wholesale platform).

- 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 self-provisioned
- Other (please describe) _____

¹ 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.

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 |

Bundled Services

6. 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

7. Indicate below whether you are currently providing 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

8. 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

9. Do you offer broadband to residential customers in Florida?

- Yes
 No

10. 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: MegaPath is unable to provide a percentage. However, MegaPath is collocated in approximately 117 central offices in Florida and can generally serve the entire coverage area of each of those central offices with some type of broadband service, subject to loop qualification status and other technical or logistic limitation.

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

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

Response: UNE, xDSL and T1, Ethernet over Copper

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

Response: MegaPath offers several broadband services. The descriptions of MegaPath's broadband services and their download and upload speeds maybe found at <http://www.megapath.com>.

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

Response: MegaPath 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 MegaPath's broadband services vary depending upon location and other variables.

Fiber Deployment

15. Did you deploy fiber to homes or businesses in Florida between January 1, 2012 and December 31, 2012?

 Yes
 X No

16. 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

17. 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

18. In calendar year 2012, how much money did you invest in your network directly serving Florida's local service customers? Please check the applicable answer.

Response: Not applicable – MegaPath 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, 2012**.

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: MegaPath 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 MegaPath's ability to provide service to its customers or extends an out-of-service situation), then MegaPath 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, MegaPath 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, MegaPath 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.

Form 477 Submission for FRN: 3753787, Company: MegaPath Corporation, State: FL, Operations: Non-ILEC, Data as of Dec 31, 2012

Status: On Feb 27, 2013, the status for this Form 477 submission was changed to **Original - Submitted**.

All filers must complete Items 1 through 11 below

| Data Description | Value |
|---|---|
| Data as of | Dec 31, 2012 |
| 1 FRN | 3753787 |
| 2 Company | MegaPath Corporation |
| 3. Type of Operations | ILEC Non-ILEC |
| 4. Use this drop-down list to select a single name, such as the holding company, to identify all commonly-owned or commonly-controlled filers. Commonly-controlled filers with no holding company should decide on a single name to use for this question. Select "not shown" if no appropriate name appears in the list. | not shown |
| If you selected "not shown" above, type in the single name that will identify all commonly-owned or commonly-controlled filers. | MegaPath Group, Inc. |
| 5. State | FL |
| 6. Contact person (person who prepared the submitted data) | Stefanie Santa-Esparza |
| 7. Contact person telephone number and email address | Phone. 408-952-7394 Email. stefanie.santa-esparza@megapath.com Confirm Email. stefanie.santa-esparza@megapath.com |
| 8. Status of submission | Original - Submitted |
| 9. Indicate whether you request non-disclosure of some or all of the information in this submission because you believe that this information is privileged and confidential and public disclosure of such information would likely cause substantial harm to the competitive position of the filer. | No Yes |
| 10. Official (corporate officer, managing partner, or sole proprietor) whose signature certifies that he/she has examined the information contained in this Form 477 and that, to the best of his/her knowledge, information and belief, all statements of fact contained in this Form 477 are true and correct. For purposes of this Form 477, the entry of the official's name on this line shall constitute that official's electronic signature to this certification. Persons making willful false statements in a Form 477 can be punished by fine or imprisonment under the Communications Act 47 U.S.C. 220(e). | Steve Chisholm |
| 11 Certifying official telephone number and email address | Phone. 714-327-2075 Email. Steve.Chisholm@megapath.com |

Part I.A: Broadband - Asymmetric xDSL

In Part I A, report connections (wired "lines") to end users that you (including affiliates) equipped to enable the end user to receive information from and/or send information to the Internet at information transfer rates exceeding 200 kbps in at least one direction. Report only in-service connections. The end user's Internet access service may be provided by you (including affiliates) or by an unaffiliated entity. For purposes of Part I.A, Internet Service Providers (ISPs) are not end users. Categorize the connection based on the technology employed by the part of the connection that terminates at the end user location. (Do not report anywhere in Form 477 any high-capacity connections between two locations of the same end user customer, ISP or communications carrier.)

| (1) | (2) | (3) | (4) | (5) |
|--|--|---|---|---|
| Total connections to end users that you (including affiliates) equipped as broadband over your own local loop facilities or the equivalent, or over UNE loops or other facilities you obtained from an unaffiliated entity. Do not convert lines into a voice-grade-equivalent measure. | Percentage of (1) that you (including affiliates) equipped over your own local loop facilities or the equivalent. (Enter 0 if the true value is 0 percent.) | Percentage of (1) that are billed (or incorporated in a service billed) to end users by you, or your affiliates or agents. (Enter 0 if the true value is 0 percent.) | Percentage of (1) that connect to residential end users. (Enter 0 if the true value is 0 percent.) | Percentage of (1) that connect to residential end users and have information transfer rates exceeding 200 kbps in both directions. (Enter 0 if the true value is 0 percent.) |
| ██████████ | ██████████ | ██████████ | ██████████ | ██████████ |

Break down the total connections reported in (1) to show the non-zero number in each of the following speed tiers. If the number of connections in a particular speed tier is zero, leave that data cell blank.

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01774 APR-8 2013

2/27/2013

FPSC-COMMISSION CLERK

Connections reported in **EACH** data cell below must equal the sum of Asymmetric xDSL connections reported in Part VI by Census Tract, for that download/upload combination, and the sum of **ALL** data cells below must equal the total connections reported in (1).

| Upload information transfer rate from the end user (9 categories): | Download information transfer rate to the end user (8 categories): | | | | | | | |
|--|--|--|--|--|---|--|---|-----------------------------------|
| | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) |
| Less than or equal to 200 kbps | Greater than 200 kbps and less than 768 kbps | Greater than or equal to 768 kbps and less than 1.5 mbps | Greater than or equal to 1.5 mbps and less than 3 mbps | Greater than or equal to 3 mbps and less than 6 mbps | Greater than or equal to 6 mbps and less than 10 mbps | Greater than or equal to 10 mbps and less than 25 mbps | Greater than or equal to 25 mbps and less than 100 mbps | Greater than or equal to 100 mbps |
| Greater than 200 kbps and less than 768 kbps | | | | | | | | |
| Greater than or equal to 768 kbps and less than 1.5 mbps | | | | | | | | |
| Greater than or equal to 1.5 mbps and less than 3 mbps | | | | | | | | |
| Greater than or equal to 3 mbps and less than 6 mbps | | | | | | | | |
| Greater than or equal to 6 mbps and less than 10 mbps | | | | | | | | |
| Greater than or equal to 10 mbps and less than 25 mbps | | | | | | | | |
| Greater than or equal to 25 mbps and less than 100 mbps | | | | | | | | |
| Greater than or equal to 100 mbps | | | | | | | | |

This is the end of PART I.A for Asymmetric xDSL. If you are an ILEC you MUST ALSO complete Part I.B for xDSL (asymmetric or symmetric).

Part I.A: Broadband - Symmetric xDSL

In Part I.A, report connections (wired "lines") to end users that you (including affiliates) equipped to enable the end user to receive information from and send information to the Internet at information transfer rates exceeding 200 kbps in both directions. Report only in-service connections. The end user's Internet access service may be provided by you (including affiliates) or by an unaffiliated entity. For purposes of Part I.A, Internet Service Providers (ISPs) are not end users. Categorize the connection based on the technology employed by the part of the connection that terminates at the end user location. (Do not report anywhere in Form 477 any high-capacity connections between two locations of the same end user customer, ISP or communications carrier.)

| (1) | (2) | (3) | (4) | (5) |
|---|---|--|--|--|
| Total connections to end users that you (including affiliates) equipped as broadband over your own local loop facilities or the equivalent, or over UNE loops or other facilities you obtained from an unaffiliated entity. Do not convert lines into a voice-grade-equivalent measure. | Percentage of (1) that you (including affiliates) equipped over your own local loop facilities or the equivalent. (Enter 0 if the true value is 0 percent.) | Percentage of (1) that are billed (or incorporated in a service billed) to end users by you, or your affiliates or agents. (Enter 0 if the true value is 0 percent.) | Percentage of (1) that connect to residential end users. (Enter 0 if the true value is 0 percent.) | Percentage of (1) that connect to residential end users and have information transfer rates exceeding 200 kbps in both directions. (Enter 0 if the true value is 0 percent.) |
| | | | | |

Break down the total connections reported in (1) to show the non-zero number in each of the following speed tiers. If the number of connections in a particular speed tier is zero, leave that data cell blank.

Connections reported in **EACH** data cell below must equal the sum of Symmetric xDSL connections reported in Part VI by Census Tract, for that information transfer rate category, and the sum of **ALL** data cells below must equal the total connections reported in (1).

Information transfer rate to and from the end user (8 categories):

| (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) |
|--|--|--|--|---|--|---|-----------------------------------|
| Greater than 200 kbps and less than 768 kbps | Greater than or equal to 768 kbps and less than 1.5 mbps | Greater than or equal to 1.5 mbps and less than 3 mbps | Greater than or equal to 3 mbps and less than 6 mbps | Greater than or equal to 6 mbps and less than 10 mbps | Greater than or equal to 10 mbps and less than 25 mbps | Greater than or equal to 25 mbps and less than 100 mbps | Greater than or equal to 100 mbps |

[Redacted data cells]

This is the end of PART I.A for Symmetric xDSL. If you are an ILEC you MUST ALSO complete Part I.B for xDSL (asymmetric or symmetric).

Part I.A: Broadband - Other Wireline

In Part I.A, report connections (wired "lines") to end users that you (including affiliates) equipped to enable the end user to receive information from and send information to the Internet at information transfer rates exceeding 200 kbps in both directions. Report only in-service connections. The end user's Internet access service may be provided by you (including affiliates) or by an unaffiliated entity. For purposes of Part I.A, Internet Service Providers (ISPs) are not end users. Categorize the connection based on the technology employed by the part of the connection that terminates at the end user location. (Do not report anywhere in Form 477 any high-capacity connections between two locations of the same end user customer, ISP or communications carrier.)

Notes specific to Other Wireline: This category includes all copper wire-based technologies other than DSL. Ethernet over copper and T-1 are examples.

| (1) | (2) | (3) | (4) | (5) |
|--|--|---|---|---|
| Total connections to end users that you (including affiliates) equipped as broadband over your own local loop facilities or the equivalent, or over UNE loops or other facilities you obtained from an unaffiliated entity. Do not convert lines into a voice-grade-equivalent measure. | Percentage of (1) that you (including affiliates) equipped over your own local loop facilities or the equivalent. (Enter 0 if the true value is 0 percent.) | Percentage of (1) that are billed (or incorporated in a service billed) to end users by you, or your affiliates or agents. (Enter 0 if the true value is 0 percent.) | Percentage of (1) that connect to residential end users. (Enter 0 if the true value is 0 percent.) | Percentage of (1) that connect to residential end users and have information transfer rates exceeding 200 kbps in both directions. (Enter 0 if the true value is 0 percent.) |

[Redacted data cells]

Break down the total connections reported in (1) to show the non-zero number in each of the following speed tiers. If the number of connections in a particular speed tier is zero, leave that data cell blank.

Connections reported in EACH data cell below must equal the sum of Other Wireline connections reported in Part VI by Census Tract, for that information transfer rate category, and the sum of ALL data cells below must equal the total connections reported in (1).

Information transfer rate to and from the end user (8 categories):

| (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) |
|--|--|--|--|---|--|---|-----------------------------------|
| Greater than 200 kbps and less than 768 kbps | Greater than or equal to 768 kbps and less than 1.5 mbps | Greater than or equal to 1.5 mbps and less than 3 mbps | Greater than or equal to 3 mbps and less than 6 mbps | Greater than or equal to 6 mbps and less than 10 mbps | Greater than or equal to 10 mbps and less than 25 mbps | Greater than or equal to 25 mbps and less than 100 mbps | Greater than or equal to 100 mbps |

[Redacted data cells]

Part II.B: Interconnected VoIP Service

See instructions for definitions of terms used in this Part. If you report end user subscriptions in (1) - (2), you must also complete Part V of Form 477

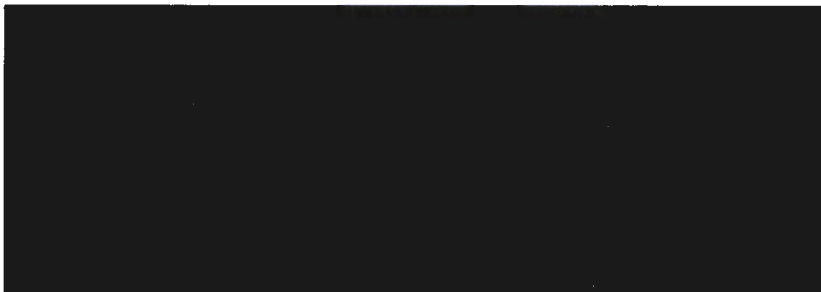
Reporting by State: Subscriptions reported in (1) must be reported in the state of the subscriber's "Registered Location" as of the data-collection date. (This is the most recent information obtained by an interconnected VoIP service provider that identifies the physical location of the end user. See 47 C.F.R. § 9.3.) Subscriptions reported in (2) must be reported in the same state as the broadband connection purchased in conjunction with the VoIP service.

| (1) | (2) | (3) |
|--|---|---|
| VoIP subscriptions that end users purchased from you without also purchasing a broadband connection from you | VoIP subscriptions that end users purchased from you in conjunction with the purchase of a broadband connection | Wholesale customers who purchased your VoIP service to resell as their own VoIP service |

- (a) **Total number.** See instructions on what to include.
- (b) **Percentage of (a)** provided under residential grade service plans
- (c) **Percentage of (a)** purchased under terms that allow use with any broadband connection ("nomadic" functionality)
- (d) **Percentage of (a)** provided in conjunction with a copper wire-based broadband connection (DSL or Other

[Redacted data cells]

- Wireline)
- (e) **Percentage** of (a) provided in conjunction with a fiber-to-the-end user broadband connection
 - (f) **Percentage** of (a) provided in conjunction with a Cable Modem broadband connection
 - (g) **Percentage** of (a) provided in conjunction with a fixed wireless broadband connection
 - (h) **Percentage** of (a) provided in conjunction with any other type of broadband connection



Part V: Zip Code Information -- Local Voice Telephone Service and Interconnected VoIP

If you reported local exchange telephone lines in service to your end user customers, in Part II.A (1), or VoIP subscriptions that end users purchased from you, in Part II.B (1) or (2), you must list the 5-digit ZIP Codes in the state in which you had end user customers. Do not include any ZIP Codes in which you offered your local exchange telephone or VoIP service but had no end user customers, and do not include any out-of-state ZIP Codes.

Type all five digit ZIP codes in the following text box, separated by either commas, spaces, or carriage returns:



Errors / Warnings

No Errors or Warnings found.

Table 2: VoIP Access Lines on a Voice-Grade Equivalent (VGE) Basis

(This table is not required and participation is voluntary.)

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Company Name:

MegaPath Corporation

Company Code*:

TX 237

* Your Company code is shown on the label affixed to the envelope in which this was mailed and on the cover letter.

THIS TABLE IS TO ONLY CAPTURE VoIP LINES. DO NOT INCLUDE LINES REPORTED IN TABLE 1.

Complete Table 5 if you provided VoIP service to Florida *end users* via one or more *voice-grade equivalent (VGE)* lines or wireless *VGE* channels.

An access line connects the end user's customer premises equipment (CPE) to the serving switch and allows the end user to originate and/or terminate local telephone calls on the public switched telephone network (PSTN). The access line counts in Table 5 below must be based on **all** of your different types of access lines (including fixed wireless) that are used to provide VoIP service.

Each field must be populated. All entries must be made without quotation marks.

The data must include lines of all affiliated companies.

TABLE COLUMN INSTRUCTIONS:

Column (b). Enter line totals for Res or Bus as appropriate. Enter line count as voice-grade equivalents (VGEs). Report VGEs based on how the customer is billed. If the customer is billed for a dynamic bandwidth VoIP product, the line count would be the maximum number of VoIP lines available. If the customer is billed for a specific number of VoIP lines, or a range of lines, the VoIP line count would be the number of VoIP lines or the highest number of the range, respectively. Each line count must be entered in separate rows.

PLEASE NOTE THAT THIS YEAR'S REQUEST DOES NOT REQUIRE NPA-NXX INFORMATION, ONLY RES/BUS ACCESS LINE TOTALS

Please provide data as of December 31, 2012.

| (a) | (b) |
|-------------|-----------------|
| Res/Bus | Total VGE Lines |
| Res | REDACTED |
| Bus | REDACTED |
| Grand Total | REDACTED |

DOCUMENT NUMBER-DATE
01774 APR-8 2012
FPSC-COMMISSION CLERK