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PUBLIC SERVICE COMMISSION

April 4, 2000

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VIA ELECTRONIC FILING and U.S. POSTAL SERVICE

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, SW - TW-A325
Washington, DC 20554

Re: CC Docket No. 98-146, Inquiry Concerning Deployment of Advanced
Telecommunications Capability to All Americans in a Reasonable and Timely
Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section
706 of the Telecommunications Act of 1996

Dear Ms. Salas:

Enclosed please find the original and five (5) copies of the Florida Public Service
Commission comments in the above-noted docket. Please date stamp and return one copy in the
enclosed self-addressed envelope.

Sincerely,

/s/

Cynthia B. Miller
Intergovernmental Counsel

CBM:tf

cc: Brad Ramsay, National Association of Regulatory Utility Commissioners
John W. Berresford, Industry Analysis Division, Common Carrier Bureau
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**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)
)
Inquiry Concerning Deployment of) CC Docket No. 98-146
Advanced Telecommunications)
Capability to All Americans in a)
Reasonable And Timely Fashion, and)
Possible Steps To Accelerate Such)
Deployment Pursuant To Section)
706 of the Telecommunications Act)
of 1996)
_____)

REPLY COMMENTS OF THE FLORIDA PUBLIC SERVICE COMMISSION

On February 18, 2000, the Federal Communications Commission (FCC) released a Notice of Inquiry (NOI), pursuant to the statutory mandate in Section 706. Specifically, this NOI addresses the definition of advanced telecommunications capability and the rate of deployment. The Florida Public Service Commission (FPSC) respectfully submits its comments on the FCC's NOI.

I. REVIEWING THE DEFINITION OF ADVANCED SERVICES

Currently, the FCC has defined advanced telecommunications capability as two-way (symmetric) bandwidth in excess of 200 kilobits per second. The FPSC is concerned about this definition

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because it has been suggested by some commenters¹ that the Universal Service Joint Board should consider whether to support advanced services when it begins re-examining the definition of supported services. If the FCC were to expand its definition of supported services to include advanced services, the size of the universal service fund would likely increase. How much it would increase would depend on how "advanced telecommunications capability" is defined, among other factors. This Commission is concerned that significant increases in the size of the fund could adversely impact states that have already reached a high deployment level of advanced telecommunications capability.

The FPSC also notes that comments filed by AT&T, Bell Atlantic, Citizens Communications, Commercial Internet Exchange Association, GTE, National Cable Television Association, National Telephone Cooperative Association, NorthPoint, and SBC agree upon the premise that the definition of advanced services should reflect general market expectations and not an arbitrary delineation based on a common downstream and upstream kilobit speed. As such, the definition of advanced services should be modified to be less restrictive, and allow for asymmetric transmission services that seem to be more popular and less

¹ Comments of The National Telephone Cooperative Association in CC Docket No. 98-146, page 3.

expensive than symmetric services. The FPSC believes that this principle has merit and deserves further examination.

II. DEPLOYMENT TO ALL AMERICANS IN A REASONABLE & TIMELY BASIS

The FCC specified that one of the purposes of this NOI is to ". . . seek information in addition to the information that we (the FCC) intend to gather through the industry surveys² proposed in the data gathering proceeding, if the proposal is adopted, and the Joint Conference."³ Without the results from surveys, however, the ability of commenters to address whether advanced services are being deployed to all Americans on a reasonable and timely bases is significantly reduced.

While our data gathering efforts are preliminary, Sprint-Florida has responded to an FPSC data request indicating that approximately 33% of its loops were xDSL capable as of November 1998. This compares to an estimated 50% to 70% in the GTE Florida service area, and 30% for ALLTEL. This does not necessarily indicate that the wire centers associated with those lines have installed DSLAM equipment, but only that the loops are

² The FCC has also recently released a Report and Order relating to the reporting of data on local competition and broadband deployment (Docket No. 99-301). Respondents will not be required to file data until May 15, 2000.

³ Notice of Inquiry, FCC, CC Docket No. 98-146, FCC Document No. 00-57, Par. 5, Page 4.

xDSL capable. More recently, Joe Lacher, President of BellSouth in Florida, noted at the 2000 Florida State Telecommunications Symposium that "65% of our (BellSouth-Florida) customers have the ability to order this service (xDSL)" These pieces of information provide a glimpse of how deployment is evolving in Florida, but do not distinguish between income levels, ethnicity, or rural availability. While the FPSC's early data gathering efforts were focused on the capabilities of facilities, we are currently examining the actual deployment of advanced services in Florida. This Commission plans to have more information available during the Gulf States and Southeast Regional Field Hearing for the Federal-State Joint Conference on Advanced Services in Miami on June 9, 2000. We would note that as of today, only one field hearing has been completed, further suggesting that more time and information is needed before drawing any conclusions.

III. CONCLUSION

In conclusion, the FCC should look first to technology and market demand to define and shape what are determined to be advanced services. Therefore, the FCC should consider modifying the definition of advanced telecommunications capability to include asymmetric transmission speeds.

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With regard to deployment, more detailed answers to the FCC inquiry relating to where services are being deployed and the timeliness of their deployment should await the results of state surveys, the Federal-State Joint Conference on Advanced Services field hearings, and most importantly, the results from the FCC in Docket No. 99-301 on reporting of advanced telecommunications capabilities. Therefore, we urge the FCC to refrain from any conclusions about deployment until there is better quantitative information on the state of deployment.

Respectfully submitted,

/s/

Cynthia B. Miller, Esquire
Bureau of Intergovernmental Liaison

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DATED April 4, 2000.