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February 23, 2001

ORIGINAL

WRITTEN EX PARTE

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W., Room TWB-204
Washington, D.C. 20554

RECEIVED

FEB 23 2001

Re: CC Docket No. 96-98/ Restriction in Availability of Unbundled Switching

Dear Ms. Salas:

On February 23, 2001, I sent the attached letter via facsimile and courier to Dorothy Attwood, Chief of the Common Carrier Bureau. I sent copies of the letter by similar means to the following Commission staff: Glenn Reynolds, Michele Carey Jon Reel, Kyle Dixon, Sarah Whitesell, Deena Shetler, Jordan Goldstein, Rebecca Beynon, and Marsha MacBride. The letter addresses issues raised in reconsideration petitions filed in UNE Remand proceeding, CC Docket No. 96-98.

In accordance with Section 1.1206(b)(1), I am filing two copies of this notice with you and ask that you include them in the record of CC Docket No. 96-98. If you have any questions concerning this, please call me at 202.463.4113.

Sincerely,



Kathleen B. Levitz

Attachment

cc: Dorothy Attwood
Glenn Reynolds
Michelle Carey
Marsha MacBride

Jon Reel
Kyle Dixon
Sarah Whitesell

Deena Shetler
Jordan Goldstein
Rebecca Beynon

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February 23, 2001

WRITTEN EX PARTE

Via Facsimile and Courier

Dorothy Attwood
Chief, Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW
Room 5-A848
Washington, DC 20554

Re: CC Docket 96-98; Restriction in Availability of Unbundled Switching

Dear Ms. Attwood:

On November 30, 2000, BellSouth filed an *Ex Parte* letter with the Commission providing evidence that the number of its small business customers discontinuing service with BellSouth greatly exceeds the number of UNE-P arrangements in service for all classes of business customers, small and large.¹ This disparity suggests that CLECs are able to serve small business customers effectively without using UNE-P, thus indicating that CLECs are not impaired by the absence of unbundled local switching. The Commission, in its UNE Remand Order,² correctly concluded that where requesting carriers are not impaired by the absence of unbundled local switching, ILECs should not be required to provide local switching as a UNE subject to section 251(c)(3) of the Telecommunications Act of 1996.³

Ex Parte letters commenting on the November 30th BellSouth letter were filed with the Commission by Promoting Active Competition Everywhere Coalition⁴ ("PACE") and WorldCom, Inc.⁵ ("WorldCom"). Additionally, letters recommending that nearly

¹ See letter from Kathleen B. Levitz, BellSouth, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 96-98 (filed November, 30, 2000) ("Levitz Letter")

² See *Third Report and Order and Fourth FNPRM* at para. 253

³ 47 U.S.C. § 251(c)(3)

⁴ See letter from Genevieve Morelli, PACE, to Dorothy Attwood, Chief, Common Carrier Bureau, Federal Communications Commission, CC Docket No. 96-98 (filed January 8, 2001)

⁵ See letter from Chuck Goldfarb, WorldCom, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 96-98 (filed December 21, 2000)

universal availability of UNE-P should be mandated were filed by Access Integrated Networks, Inc.⁶ (“Access”) and Association of Communications Enterprises⁷ (“ASCENT”). In seeking universal, minimally-restricted access to UNE-P, Access and ASCENT seek Commission action that could jeopardize business plans of facilities-based CLECs that have chosen to deploy their own switches. This result would undermine a stated objective of the Commission’s unbundling rules, i.e., “to promote the development of facilities-based competition.”⁸ In fact, WorldCom, in an August 9, 1999 *Ex Parte*, acknowledged this also to be a CLEC objective when it referenced “CLECs’ desire to differentiate their product offerings by self-provisioning their own switching capability wherever feasible.” [emphasis added]⁹ As of the end of December, 2000, there were over 220 operational CLEC switches and more than 170 operational CLEC points of interface for switching deployed in the nine states served by BellSouth. CLECs have argued before various state commissions in BellSouth’s region that the CLECs’ switches cover the same geographic areas as BellSouth’s tandem switches (see Attachment 3).¹⁰ Thus there is ample evidence that CLECs have invested in the deployment of many switches that can serve expansive geographical areas. The Commission should not enact regulatory rules that would increase the investment risk that switch-based CLECs confront. BellSouth responds below to specific assertions made in these letters.

BellSouth Responses to CLEC Assertions

- Access claims that it cannot serve customers in the “top 50 markets” because of the FCC-ordered restrictions on availability of UNE switching and the “exorbitant rates charged by BellSouth” for market-priced UNE-P in those markets. An examination of the applicable rates invalidates the Access claim. The market price for UNE-P in New Orleans, the market cited by Access, is \$34.05 per month, including vertical features and estimated usage. The comparable BellSouth retail service is its Complete Choice[®] For Business service. The rate for BellSouth’s Complete Choice[®] For Business service is \$56.00 per month in New Orleans. Even if Access were to price its service at \$50.00 per month (\$6.00 under BellSouth’s price) Access is left with a very healthy 47% margin with which to cover its overhead and to provide some level of profit. Access further contends that the limited UNE switching exemption available in the eight BellSouth markets that are in the top 50 MSAs has elevated Access’s marketing costs. Logic cannot support this contention. Even if the Commission were to raise the line threshold for the UNE switching exemption above four lines, there is still no way for Access to know “with certainty which customers to target,” and the cost of obtaining “pre-qualified [customer] lists” would not decrease.

⁶ See letter from Rodney Page, Access Integrated Networks, Inc., to Dorothy Attwood, Chief, Common Carrier Bureau, Federal Communications Commission, CC Docket No. 96-98 (filed January 19, 2001)

⁷ See letter from Ernest B. Kelly, III, ASCENT, to William Kennard, Chairman, Federal Communications Commission, CC Docket No. 96-98 (filed January 18, 2001)

⁸ See *Third Report and Order and Fourth FNPRM* at para. 7

⁹ See letter from Chuck Goldfarb, MCI WorldCom, to Larry Strickling, Chief, Common Carrier Bureau, Federal Communications Commission, CC Docket No. 96-98 (filed August 9, 1999)

¹⁰ AT&T, MCI/WorldCom, Intermedia, Sprint, ICG, DeltaCom, and US LEC have each argued before various state commissions in BellSouth’s region that their switches serve territory that is equivalent to, or greater than, BellSouth’s tandem switches.

- BellSouth does not agree with the assertion that only the availability of UNE-P has enabled Access to serve the customers and markets that it serves. Access provides no evidence to support this claim. Factual evidence previously filed with the Commission by BellSouth¹¹ and an analysis of the markets Access says it serves contradict this assertion. An analysis of Florida and Tennessee markets served by Access, according to the attachment to its January 19, 2001 *Ex Parte*, reveals the following. In Florida, approximately 70% of the cities served by Access can be served by existing CLEC switches.¹² For Tennessee, that number is approximately 40%. BellSouth believes that Access simply made a business decision to serve customers using UNE-P to the exclusion of alternatives that other CLECs have chosen in many of the markets that Access serves. It is unreasonable to expect the Commission to assume responsibility for ensuring that every CLEC's business plan succeeds. The Commission's statutory obligation is to adhere to and apply the necessary and impair standards contained in the Telecommunications Act of 1996 when it determines which network elements must be unbundled.¹³ The Commission has found that, in limited circumstances, CLECs are not impaired when local switching is not unbundled and offered at TELRIC rates.¹⁴ Now, Access seeks nullification of the previous Commission finding on impairment, but offers no evidence to support its position.
- ASCENT has asserted that unrestricted access to both UNE local switching and UNE-P is guaranteed by the Telecommunications Act of 1996. This assertion completely ignores the Act's requirement that, before a network element can be deemed a UNE under section 251, the Commission must find that without access to that element at cost-based rates CLECs are impaired in their ability to provide the services they seek to provide. In compliance with the Act, the Commission, in its UNE Remand Order, found that in certain circumstances CLECs are not impaired by the absence of local switching as a UNE.¹⁵
- BellSouth disagrees with ASCENT's table indicating the status of state commission action regarding UNE-P in BellSouth's region. ASCENT failed to include numerous proceedings in which state commissions established UNE-P rates. ASCENT further failed to account for interconnection agreements through which BellSouth has a legal obligation to provide UNE-P. A status table reflecting the state proceedings is attached and labeled Attachment 2.
- WorldCom and PACE both challenge the BellSouth analysis comparing small business competitive disconnects to UNE-P quantities. However, it is noteworthy that, although they should have actual data, neither of them produce data of their own that provide, or even estimate, the percentage of business customers that they or their

¹¹ See Levitz Letter

¹² Based on CLEC positions referenced in n. 9. See also testimony in Attachment 3 to this letter.

¹³ 47 U.S.C. § 251(d)(2)

¹⁴ See *Third Report and Order and Fourth FNPRM* at para. 253

¹⁵ 47 U.S.C. § 251(d)(2)

members serve via UNE-P. PACE (for each of its member CLECs) and WorldCom could have provided the Commission with such a report by customer line size.

- BellSouth does not agree with PACE's and WorldCom's claims that BellSouth's analysis significantly overestimates the number of small business customers BellSouth has lost to competitors. Also, PACE is mistaken in its understanding that some of the small business competitive disconnects cited by BellSouth are actually customers that have moved to another BellSouth business unit. The competitive disconnect quantities reported in the BellSouth analysis reflect only disconnects that have occurred because a customer has decided to obtain service from a service provider other than BellSouth. The number of competitive disconnects that are currently being served by CLECs may be slightly overstated because of BellSouth "win-backs" and customers going out of business. However, even when an adjustment to the competitive disconnects is made using the 10% annual rate for business closings cited by PACE, plus a high estimate of win-back percentage, in-service business UNE-P as a percent of total competitive disconnects remains small. The adjusted percentages for Georgia and Tennessee are shown in Attachment 1. Additionally, it must be noted that the UNE-P quantities BellSouth has used in the analysis are for all business categories, as data were not available to develop quantities specific to small business and large business. This overstates the quantity of UNE-P that is being compared to competitive disconnects for small business only. Moreover the numbers presented by BellSouth include no estimate of two other categories of customers that CLECs serve. The BellSouth numbers and percentages do not include lines that CLECs provide to customers never served by BellSouth (e.g., new businesses that from the outset choose a CLEC as their service provider). These BellSouth numbers also do not include additional lines CLECs provide to customers after the customers have left BellSouth.
- The BellSouth business line growth figures that PACE cites as evidence to refute BellSouth's estimate of small business competitive losses cannot be used for that purpose. PACE used growth figures for all BellSouth business lines, not small business only. The cited growth numbers include Primary Rate ISDN (PRI). Small business customers order very little PRI. If PRI is subtracted from the growth figures cited by PACE, we actually see a decrease in business lines of 101,000 from 1998 to 2000.
- PACE offers no evidence to support its claim that BellSouth's definition of a small business customer is "a full order of magnitude larger than the market for which the PACE Coalition members (and others) seek access." An analysis of BellSouth's small business customers reveals that over 96% of those customers have 13 or fewer lines. This does not seem to support the PACE claim.
- PACE also attacks BellSouth's process for assigning the pre-2000 competitive disconnects to line-size categories. BellSouth did not have data indicating the line-size category for the pre-2000 competitive disconnects. Therefore, it simply performed a reasonable allocation of those disconnects to line-size groups in

proportion to the distribution of year 2000 competitive disconnects to line-size groups. PACE offers no other methodology for making that estimate and surely does not assert that no such disconnects occurred prior to 2000.

- PACE and WorldCom are mistaken when they assert that the validity of the BellSouth analysis hinges on the ability of BellSouth to determine whether small business customers won by CLECs are being served by CLEC switches. Perhaps the most critical evidence for determining whether CLECs are impaired without access to a particular network element is evidence that CLECs are serving customers without access to that element. This is precisely the evidence that the BellSouth analysis provides with respect to UNE local switching and CLEC service to small business customers.
- PACE provides some data allegedly demonstrating that if UNE-P were more universally available, that UNE-based competition would increase. PACE misses the point. Section 251(d)(2) impairment questions do not center on whether a CLEC is impaired in its quest to obtain UNEs, but rather whether the absence of a particular UNE impairs CLECs' ability to provide service to customers. Again, BellSouth's data show that many small business customers are being served by CLECs utilizing some means of providing service other than UNE-P.
- PACE has incorrectly asserted that the wire centers reported in BellSouth's analysis as having negligible levels of UNE-P activity are the wire centers where BellSouth refuses to make UNE-P available. First, BellSouth provides UNE-P in accordance with all current regulatory and statutory requirements. This includes, by state commission order, new and existing UNE-P combinations everywhere in the state of Georgia. Georgia is one of the two states detailed in the BellSouth analysis filed with the Commission. Tennessee is the other state that was detailed in the filing. Numerous wire centers in the Tennessee analysis are outside of the area subject to the FCC UNE switching exemption. Also, BellSouth's analysis showed low levels of UNE-P activity even for customers with fewer than four lines. UNE switching is universally available to CLECs when they serve these customers.
- WorldCom erred when it suggested that data submitted in RBOCs' Petitions for Pricing Flexibility for Special Access show that CLECs are impaired by the absence of unbundled local switching because of the lack of collocation with transport facilities at many RBOC wire centers. WorldCom's conclusion completely ignores the FCC requirement that ILECs must provide EELs in any location where they wish to be exempt from UNE local switching requirements, and where such an exemption is authorized. The EELs requirement enables the CLEC to extend the reach of its switch from a single collocation space to customers throughout the LATA utilizing EELs at UNE prices. Of course, the reach of the CLEC switch can extend beyond the LATA via CLEC or interexchange carrier facilities.

- WorldCom has mistakenly asserted that Georgia and Tennessee, the two states detailed in BellSouth's analysis, are the two BellSouth states with the largest number of small business competitive disconnects. Actually, Florida has the greatest number of such disconnects among the BellSouth states.
- WorldCom erroneously inferred that all competitive disconnect reason codes are assigned by service order personnel. In reality, the overwhelming majority of codes are assigned mechanically by the order processing systems based on information contained on orders that are submitted electronically by CLECs. Additionally, WorldCom seemed to be concerned that BellSouth could not readily determine the quantity of competitive disconnects that are assigned the "general competitive disconnect" reason code. Subsequent investigation revealed no such codes being assigned in Georgia or Tennessee for years 1999 and 2000. More significantly, WorldCom provides no evidence that BellSouth erred in its coding of disconnects. Rather, WorldCom offers only hypothetical reasons why there might be errors and suggests that the data should be dismissed on that unsubstantiated basis.

BellSouth has provided the Commission with compelling evidence that CLECs are not impaired by the absence of UNE local switching when serving small business customers. And, BellSouth has addressed allegations made by CLECs regarding its analysis of small business competitive disconnects and UNE-P. BellSouth urges the Commission to consider the data filed by BellSouth as it decides what changes should be made regarding the availability of local switching as an unbundled network element.

Sincerely,



Kathleen B. Levitz

Attachments

cc: Glenn Reynolds
Michele Carey
Jonathan Reel
Kyle Dixon
Sarah Whitesell
Deena Shetler
Jordan Goldstein
Rebecca Beynon
Marsha MacBride

BellSouth

UNE-Ps as a Percent of Estimated Small Business Competitive Disconnects
(Adjusted for Win-Backs¹ and Small Business Closings²)

	End-User Line-Size Group			
	1-3	4-20	21-50	>50
GA	12.3%	6.4%	3.1%	0.0%
TN	3.2%	2.8%	0.0%	0.0%

¹BellSouth's estimated small business "win-back" percentage was calculated and rounded up nearly one-half percentage point to the next highest whole percentage point before it was applied in calculating the values above

²Percent used for small business closings is Census Bureau estimate of 10% cited in PACE's letter from Genevieve Morelli to Dorothy Attwood, CC Docket No. 96-98 (filed January 8, 2001)

Status of Unbundled Network Element Platform Availability
February 21, 2001

State	Commission UNE-P Requirement	Regulatory Status	Docket Number
Alabama	Yes	By stipulation, the Commission established interim geographically deaveraged UNE-P rates on 4/28/00. A UNE pricing proceeding is currently underway. BellSouth makes currently combined loops and ports available at cost-based rates to all CLECs through its Standard Interconnection Agreement.	25980
Florida	Yes	Florida Order No. PSC-00-1519-FOF-TP in Docket No. 991854-TP states that, where combinations are in fact already combined and existing within BellSouth's network, BellSouth shall be required to make those combinations available to requesting carriers in that combined form at UNE rates. An order is pending in Docket 990649-TP that will establish geographically deaveraged UNE-P rates. BellSouth makes currently combined loops and ports available at cost-based rates to all CLECs through its Standard Interconnection Agreement.	990649-TP
Georgia	Yes	Commission established permanent geographically deaveraged UNE-P rates on 2/21/00. BellSouth makes such combinations available at cost-based rates to all CLECs through its Standard Interconnection Agreement.	5825-U, 7061-U, 10692-U
Kentucky	Yes	BellSouth is required to provide UNE-P to competitors under a 1997 Commission Order. A UNE pricing proceeding is currently underway. BellSouth makes currently combined loops and ports available at cost-based rates to all CLECs through its Standard Interconnection Agreement.	Adm. Case No. 382
Louisiana	Yes	Commission established interim geographically deaveraged UNE-P rates on 3/21/00. A UNE pricing proceeding is currently underway. BellSouth makes currently combined loops and ports available at cost-based rates to all CLECs through its Standard Interconnection Agreement.	U-24714
Mississippi	Yes	Commission established permanent geographically deaveraged UNE-P rates on 3/31/00. A UNE pricing proceeding is currently underway. BellSouth makes currently combined loops and ports available at cost-based rates to all CLECs through its Standard Interconnection Agreement.	2000-AD-42
North Carolina	Yes	Commission established state-wide UNE-P rates on 3/13/00. An order is pending that will establish geographically deaveraged UNE-P rates. BellSouth makes currently combined loops and ports available at cost-based rates to all CLECs through its Standard Interconnection Agreement.	P-100, Sub 133d
South Carolina	Yes	Commission established permanent geographically deaveraged UNE-P rates on 4/24/00. On 2/16/01, BellSouth filed cost studies to update UNE pricing, including combinations. BellSouth makes currently combined loops and ports available at cost-based rates to all CLECs through its Standard Interconnection Agreement.	2000-0122-C
Tennessee	No	An order is pending that will establish permanent geographically deaveraged UNE-P rates. BellSouth makes currently combined loops and ports available at cost-based rates to all CLECs through its Standard Interconnection Agreement.	97-01262

CLEC Testimony Regarding Geographic Reach of CLEC Switches

CLEC(s): AT&T Communications of the South Central States, Inc.
TCG Midsouth Inc.

State/Docket: Tennessee/Docket No. 00-00079

“Yes.” [i.e., response indicating that AT&T’s switches cover a geographical area comparable to that covered by BellSouth switches] “AT&T offers local exchange service in Tennessee via 4ESS switches, which function primarily as long distance switches, and 5ESS switches, which act as adjuncts to the 4ESS switches. AT&T has the ability to connect virtually any qualifying local exchange customer in Tennessee to one of these switches through AT&T’s dedicated access services.”¹ [emphasis added]

“AT&T is justified in its request because the geographical area covered by each of its switches is comparable to the area covered by BellSouth’s tandem switches.”²

“It is important to note that in some cases, the AT&T switch serving a LATA is not physically located in the LATA.”³

“...it becomes clear that both AT&T’s switches cover the same (or a comparable) geographic area as that covered by BellSouth’s tandem switches.”⁴

“As the foregoing description indicates, AT&T’s switches do indeed perform both end office and tandem switch functions.”⁵

“While BellSouth employs two separate switches to accomplish these tandem and end office functions; as I have shown above, AT&T’s switches perform all of these functions within the same switch.”⁶

“Thus, AT&T...also meets a higher standard by virtue of its substantial investments in physical plant and deployment of an architecture comprised of network components comparable to BellSouth.”⁷

¹ See Direct Testimony of Gregory R. Follensbee at p. 41 (dated December 20, 2000)

² *Id.*

³ *Id.* at p. 42

⁴ *Id.*

⁵ *Id.* at p. 44

⁶ *Id.*

⁷ *Id.*

CLEC Testimony Regarding Geographic Reach of CLEC Switches

CLEC(s): ICG Telecom Group, Inc.
ITC^DeltaCom Communications, Inc.

State/Docket: North Carolina/Docket No. P-582, Sub 6
Louisiana/Docket No. U-24206

“ICG, like many new entrant CLECs, generally deploys its individual switches to cover a large geographic area served by a common transport network. The advent of fiber optic technologies and multi-function switching platforms have, in many cases, allowed carriers like ICG to serve an entire statewide or LATA-wide customer base from a single switch platform. Likewise, the ability to aggregate unbundled loops from collocations within a number of ILEC central offices while transporting that traffic to a single location allows these carriers to originate, switch and terminate traffic between callers located many miles apart with a single switch.”¹ [emphasis added]

“In this way, the ICG switch provides services to customers in a geographic area at least as large as that serviced by the ILEC tandem.”²

“However, with the advent of relatively inexpensive fiber optic transport facilities and the enormous switching capacity available in today’s switching platforms, the economics of the switch/transport tradeoff have changed. CLECs today are able to perform many of the same functions with a single switch that may be performed by at least two switches in the BST network.”³

¹ See Prefiled Direct Testimony of Michael Starkey, NC Docket No. P-582, Sub 6 at p. 21 (dated May 27, 1999) See also Direct Testimony of Michael Starkey, LA Docket No. U-24206 at p. 24 (dated September 3, 1999)

² *Id.* NC Docket No. P-582, Sub 6 at p. 22; LA Docket No. U-24206 at p. 25

³ *Id.* NC Docket No. P-582, Sub 6 at p. 24; LA Docket No. U-24206 at p. 27

CLEC Testimony Regarding Geographic Reach of CLEC Switches

CLEC(s): WorldCom, Inc.

State/Docket: Georgia/Docket No. 11901-U

“WorldCom uses state-of-the-art equipment and design principles based on technology available today. Their local network has been built within the past few years using optical fiber rings with SONET transmission, which makes it possible to access and serve a large geographic area from a single switch.”¹ [emphasis added]

“WorldCom is currently providing local service to customers located in all but 4 of these 26 rate centers. While WorldCom uses 4 local switches and a transport network to serve these rate centers, BellSouth utilizes 5 local tandems and a multitude of end offices to serve this area.”²

¹ See Prefiled Rebuttal Testimony of Don Price at p. 48 (dated August 3, 2000)

² *Id.* at p. 49

CLEC Testimony Regarding Geographic Reach of CLEC Switches

CLEC(s): Intermedia Communications Inc.

State/Docket: Florida/Docket No. 991854-TP
Alabama/Docket No. 27385

“Intermedia is a full-service company, providing dial tone, intraLATA toll and interLATA toll services, using very sophisticated and capable switches to combine all of these functions, thereby performing the same duties as BellSouth tandems and end office switches.”¹

“First of all, without even looking at the areas served by Intermedia’s switches, it is safe to say that they cover area’s [sic] comparable in scope to BellSouth’s tandems, because Intermedia’s network design is entirely different than BellSouth’s. Instead of deploying a multiplicity of switches to cover an area, as is BellSouth’s custom, Intermedia deploys a single switch to cover a very large area. Intermedia can do this because the switches it deploys are very capable and have a very large capacity. As noted above, they perform both the functions of a tandem, such as remote traffic aggregation, and the functions of end office switches, such as providing dial tone.”² [emphasis added]

“From this map, it is clear that all of the areas we serve in Jacksonville, Orlando, Tampa and Miami are each served by a single switch. This is a great deal of territory, all covered by four Intermedia switches. My Exhibit No. 2 contains maps that show the local, extended and toll calling areas in various Florida jurisdictions that are covered by Intermedia’s large and capable switches. It is unquestionable that Intermedia’s switches cover areas that are comparable in scope or, frankly, exceed in scope, those covered by BellSouth’s tandems.”³ [emphasis added]

“Intermedia has deployed several sophisticated, multifunctional switches in Florida. The advent of fiber optic technologies and multi-functional switching platforms have allowed Intermedia to serve large geographic areas with fewer switches than would have been required under the old technology.”⁴

¹ See Direct Testimony of J. Carl Jackson, Jr. at p. 11, FL Docket No. 991854-TP (filed February 14, 2000)
See also Direct Testimony of J. Carl Jackson, Jr. at p. 10, AL Docket No. 27385 (dated January 3, 1999)

² See Direct Testimony of J. Carl Jackson, Jr. at p. 11-12, FL Docket No. 991854-TP (filed February 14, 2000)

³ *Id.* at p. 12

⁴ See Rebuttal Testimony of J. Carl Jackson, Jr. at p. 8-9, FL Docket No. 991854-TP (dated March 6, 2000)

CLEC Testimony Regarding Geographic Reach of CLEC Switches

CLEC(s): Intermedia Communications, Inc. (continued from previous page)

State/Docket: Florida/Docket No. 991854-TP
Alabama/Docket No. 27385

“Attached collectively as Jackson Exhibit No. 3 are serving area maps, network illustrations, and other materials which, together, convincingly demonstrate that Intermedia’s switches serve geographic areas which are comparable to those served by BellSouth.”¹

“...Intermedia has existing, ubiquitous facilities in Florida. As one of the first ALECs to provide competitive services to the citizens of Florida, Intermedia has customers in virtually all parts of the State. It has deployed state-of-the-art switching platforms and will continue to do so as its business dictates (please refer to Jackson Exhibit No. 3 referenced above).”²

¹ See Rebuttal Testimony of J. Carl Jackson, Jr. at p. 9, FL Docket No. 991854-TP (dated March 6, 2000)

² *Id.* at p. 14

CLEC Testimony Regarding Geographic Reach of CLEC Switches

CLEC(s): US LEC

State/Docket: Florida/Docket No. 000084-TP

“Yes.” [response indicating that US LEC’s switches in Florida serve geographic areas comparable to BellSouth’s tandem switches] “US LEC has five switches in Florida: four are in BellSouth’s service territory and one is in GTE’s service territory in Tampa. The four switches in BellSouth’s territory are located in Jacksonville, Orlando, West Palm Beach and Miami. Each is a Lucent 5ESS switch. In Jacksonville, US LEC’s switch currently serves 129 customers throughout 23 rate centers in BellSouth’s territory. In Orlando, US LEC’s switch currently serves 337 customers throughout 12 rate centers in BellSouth’s territory. West Palm Beach is US LEC’s newest switch. To date, we have only 9 customers signed up in West Palm Beach, but the switch is capable of serving customers throughout 14 rate centers in that area. Finally, in Miami, US LEC’s switch currently serves 164 customers throughout 16 rate centers in BellSouth’s territory.”¹

“For example, in the Jacksonville market, our network is designed to facilitate traffic termination to the same market as 2 BellSouth tandem switches. Our central office acts as a tandem switch and as end office switch for the same 19 rate centers served by the two BellSouth switches.”²

¹ See Direct Testimony of Wanda Montano at p. 11 (dated October 13, 2000)

² *Id.*

CLEC Testimony Regarding Geographic Reach of CLEC Switches

CLEC(s): Sprint Communications Company Limited Partnership

State/Docket: Florida/Docket No. 000828-TP

“FCC Rule 51.711 and Paragraph 1090 of the First Report and Order do not require that the ALEC switch perform a specific functionality to entitle the ALEC to charge the tandem switching interconnection rate as long as the switch serves a comparable geographic area.”¹

“Sprint will self-certify that its switch(es) are capable of serving the requisite area to be entitled to the tandem interconnection rate.”²

“Comparable geographic area shall be determined by the capability of Sprint’s switch to serve an area of approximately equal size as the relevant BellSouth tandem switch. As clarification, Sprint’s switch will be deemed to serve a comparable geographic area if it is capable of serving the same number of local calling areas as the BellSouth tandem switch.

Sprint shall certify that its switches satisfy the above criteria.”³

¹ See Direct Testimony of Mark G. Felton at p. 24 (filed November 1, 2000)

² *Id.* at p. 25

³ See Rebuttal Testimony of Mark G. Felton at p. 15 (filed December 1, 2000)