Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:	)	
	)	
Review of the Section 251 Unbundling Obligations for Incumbent Local Exchange Carriers	)	CC Docket No. 01-338
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Deployment of the Wireline Services Offering Advanced Telecommunications Capability	)	CC Docket No. 98-147

NEWSOUTH COMMUNICATIONS CORP. AND COMPTEL/ASCENT ALLIANCE OPPOSITION TO BELLSOUTH'S PETITION FOR CLARIFICATION AND/OR PARTIAL RECONSIDERATION

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Dated: November 6, 2003

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NewSouth Communications Corp. ("NewSouth") and the CompTel/ASCENT Alliance[1/] ("CompTel"), pursuant to section 1.429 of the rules and regulations of the Federal Communications Commission ("Commission"), file this opposition to portions of the Petition for Clarification and/or Partial Reconsideration filed by BellSouth Corporation ("BellSouth")[2/] of the Commission's *Triennial Review Order*.[3/]

[1/] The CompTel/ASCENT Alliance was formed in November 2003 by the merger of the two leading trade associations in the competitive telecommunications industry, the Competitive Telecommunications Association ("CompTel") and the Association of Communications Enterprises ("ASCENT"). With 400 members, the Alliance is the largest association representing facilities-based carriers, providers using unbundled network elements, global integrated communications companies, and their supplier partners. Despite a wide variety of business models, Alliance members share a common objective: To create and sustain true competition in the telecommunications industry.

[2/] *Review of the Section 251 Unbundling Obligations for Incumbent Local Exchange Carriers*, BellSouth Corporation Petition for Clarification and/or Partial Reconsideration, CC Docket 01-338 (filed Oct. 2, 2003) ("Petition").

[3/] *Review of the Section 251 Unbundling Obligations for Incumbent Local Exchange Carriers*, 18 FCC Rcd 16978 (2003) ("*Triennial Review Order*" or "*Order*").

INTRODUCTION AND SUMMARY

NewSouth is an integrated service provider offering local and long distance voice and data services primarily to small and mid-sized businesses throughout BellSouth's service territory in the Southeast. NewSouth provides these services via a high-speed network consisting of the following main elements: (1) self-deployed voice and data switches; (2) multiplexing and related equipment located in 80 collocation arrangements; (3) back office billing and customer care platforms; (4) electronic operation support system bonding; and (5) leased intercity/interLATA fiber backbone.

Similarly, most of CompTel's members are engaged in providing either retail telecommunications services to enterprise customers, or providing wholesale transmission services to the CompTel members serving the enterprise market. All of these CompTel members are critically dependant on the continued availability of DS1 and DS3 last mile access, irrespective of the technology used to provision this access, in order to provide service to their customers and expand their networks.

Of particular concern is BellSouth's failure to limit the application of its various requests for further relief from unbundling obligations for fiber-based loops to specifically those fiber loops used to serve mass market customers. The Commission made a distinction between loops used to serve the mass market on the one hand, and high capacity (*i.e.*, DS1/DS3) loops used to serve the enterprise market on the other. BellSouth's Petition seeks to blur this distinction with potentially devastating anticompetitive consequences. The Commission should thus confirm its holding in the *Triennial Review Order* that competing carriers will have access to DS1 loops and single DS3 loops used to serve enterprise customers without regard to the technology used by the incumbent local exchange carrier ("ILEC") to generate such loops.

I. BELLSOUTH FAILS TO ACKNOWLEDGE THAT CARRIERS MAY OBTAIN ACCESS TO DS1 AND DS3 ENTERPRISE LOOPS WITHOUT REGARD TO THE TECHNOLOGY DEPLOYED BY THE ILEC

In a broadly worded portion of its Petition,[4/] BellSouth sweepingly asks the Commission to "ensure that its rules are not misconstrued to impose unbundling or network design requirements on next-generation networks."[5/] Bellsouth asserts that the Commission concluded that ILECs' next generation networks, "including fiber-to-the-home, packet switches and packet transmission capabilities, should not be subject to unbundling," and that the Commission "limited unbundling to existing, non-packetized TDM capabilities of hybrid loops."[6/] BellSouth requests that the Commission "ensure that ILECs are not required to provide unbundled access to their next-generation networks or to design, reconfigure, or modify those networks to facilitate an unbundling request for a TDM capability."[7/] BellSouth further requests that the Commission make clear that ILECs are "not required to deploy a new multiplexer that provides TDM functionality if it has no plans to do so for its own customers."[8/]

Nowhere in BellSouth's open-ended set of requests is there any acknowledgement that the Commission's restrictions on access to next-generation fiber-based networks, including limiting access to the TDM functionality of hybrid fiber-copper loops, apply only to mass market customers. The Commission specifically declined to impose any limitations on carriers' ability to access ILEC networks in order to obtain DS1 loops or DS3 loops for the enterprise market.[9/]

4/ Petition at 16-17.

5/ *Id*.

6/ *Id.* at 16.

7/ *Id.* at 17.

8/ *Id.* at 17.

9/ NewSouth and CompTel recognize that the Commission found that, while DS1 loops typically serve enterprise customers, such facilities may also be used by customers associated with the mass

To the contrary, the Commission concluded that high-capacity enterprise loops would be available regardless of the technology deployed by the ILECs:

> DS1 loops will be available to requesting carriers, *without limitation*, regardless of the technology used to provide such loops, *e.g.*, two-wire and four-wire HDSL or SHDSL, fiber optics, or radio, used by the incumbent LEC to provision such loops and regardless of the customer for which the requesting carrier will serve unless otherwise specifically indicated. The unbundling obligation associated with DS1 loops *is in no way limited* by the rules we adopt today with respect to hybrid loops typically used to serve mass market customers.[10/]

Thus, the ILECs must provide access to DS1 loops, and single DS3 loops, to serve enterprise customers, regardless of the technology deployed by the ILEC. If it is BellSouth's intent to disturb or overturn this finding, BellSouth has proffered no basis or new facts to warrant such relief.

The Commission's determination that the ILECs cannot avoid (or limit to TDM technology) their obligation to provide unbundled access to DS1 or single DS3 enterprise loops[11/] through the expedient of deploying fiber in the loop is firmly grounded in the Commission's impairment findings. The Commission made a number of specific findings of impairment suffered by carriers without access to DS1 or DS3 enterprise loops. The Commission found that requesting carriers generally are impaired without access to unbundled DS1 loops because of the "extremely high economic and operational barriers" faced in deploying DS1 loops to serve enterprise customers.[12/] The primary basis for this impairment finding is that the revenues that can be generated from small and medium enterprise customers are insufficient

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market, such as very small business customers. *See Order* ¶ 326. NewSouth and CompTel do not seek to disturb that finding.

10/ *Order* ¶ 325 n.956 (emphasis added) (internal citations omitted).

11/ Requesting carriers may not obtain unbundled access to multiple DS3 loops to a customer premises. *See Order* ¶ 324.

12/ *Order* ¶ 325.

to make self-deploying DS1 loops economically feasible.[13/] The Commission found that competitive LECs "do not have the ability to recover the sunk costs of self-deploying DS1 loops."[14/]

The Commission made comparable findings with respect to single DS3 loops.[15/] The impairment finding for DS3 loops was, like that for DS1 loops, grounded in the inability of carriers to generate sufficient revenue from enterprise customers served with a single DS3 loop to overcome the "significant fixed and sunk construction costs of DS3 loops, coupled with the additional barriers to loop deployment associated with accessing rights-of-way; obtaining and paying for building access; and other service provisioning delays [that] impair the ability of requesting carriers to self-provision single DS3 loops."[16/]

The impairment found by the Commission with respect to DS1 and single DS3 enterprise loops is in no way lessened when the ILECs deploy next-generation fiber based networks. The Commission's impairment finding is based on the extent of revenue that can be generated from enterprise customers served at the DS1 or single DS3 capacity level compared with the costs to self-deploy those facilities. These revenue and cost factors do not change simply because the ILEC chooses to deploy a different technology in its network. The Commission no doubt recognized this fact when concluding that ILECs must provide DS1 and DS3 loops without regard to the technology deployed by the ILECs.

For this same reason, precluding access to the ILECs next-generation network cannot stimulate investment by competing carriers to deploy their own fiber to serve enterprise

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13/ *Order* ¶ 326.

14/ *Id.* ¶ 326.

15/ *Id.* ¶ 320 ("We make a national finding that requesting carriers are impaired on a customer-location-specific basis without access to unbundled DS3 loops.").

16/ *Id.* ¶ 320.

customers at the DS1 and single DS3 level. The Commission has made a finding, amply supported by the record, that such deployment is economically infeasible and it defies logic to suggest, in the face of such a finding, that competing carriers will somehow find a way to lay their own fiber to provide DS1 or DS3 loops if deprived of access to ILEC transmission facilities because the ILEC upgrades its network.

In fact, depriving competing carriers of access to transmission facilities to enterprise customer premises will result in less investment in broadband technologies and will slow the pace of broadband deployment to this customer class. As it reported in its Triennial Review Comments, by attaching its own equipment to ILEC DS1 loops and EELs, NewSouth has upgraded a significant portion of its small and medium-sized business customer base from the analog service previously received from the ILEC to digital broadband services.[17/] NewSouth stands poised to undertake further investment in next-generation equipment to be deployed both in NewSouth collocations and central office switching locations that can deliver even greater broadband services to its customers, such as dynamic bandwidth services. NewSouth cannot undertake such investment however, unless it can be reasonably assured of continued access to last mile transmission lines.

Moreover, competition from carriers such as NewSouth and other members of CompTel is critical in the small and medium sized enterprise market. Unlike broadband services in the mass market, where there is at least some "intermodal competition" from cable modem services in some areas, there is, to NewSouth's knowledge, virtually no intermodal competition available to its small and medium sized business customers. Service is provided either by the ILEC, or a competing landline carrier such as NewSouth.

17/ *Review of the Section 251 Unbundling Obligations for Incumbent Local Exchange Carriers*, Comments of NewSouth Communications Corp., CC Docket 01-338, at 5 (filed April 5, 2002).

II. APPLYING THE HYBRID FIBER/COPPER RULES TO ENTERPRISE CUSTOMERS COULD DEPRIVE COMPETITIVE CARRIERS OF THE ACCESS THEY RECEIVE TODAY

NewSouth currently obtains DS1 unbundled loops over various transmission mediums. As set forth in the attached affidavit of Amy L. Gardner, NewSouth's Senior Vice President of Network Planning and Provisioning, NewSouth obtains DS1 unbundled loops over all copper facilities and over hybrid fiber-copper loops.[18/] In either case, the incumbent LEC may use either TDM technology or HDSL technology, a packet-based transmission medium, to provide DS1 loops to NewSouth.[19/] In the case of hybrid fiber-copper loops, the incumbent LEC may use a combination of SONET, ATM or TDM based transmission media over the fiber-feeder portion of the loop from the central office to the remote terminal. When using HDSL to provide NewSouth with unbundled DS1 transmission, the ILEC converts the HDSL to TDM at or near the customer premises in order to "hand off" a TDM DS1 loop to NewSouth at the customer premises.[20/] This conversion from packet to TDM is not done at NewSouth's request, but rather is a requirement imposed by the ILEC.[21/]

Thus, NewSouth today obtains DS1 unbundled loops to serve its enterprise customers over the "packetized capabilities of [ILECs'] hybrid loops."[22/] The Commission's determination not to impose technological restrictions on access to DS1 and single DS3 loops is, therefore, fully consistent with current practice, at least as applied to NewSouth. Limiting NewSouth to

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18/ Affidavit of Amy L. Gardner ¶ 5.

19/ *Id.*

20/ *Id.* ¶ 6.

21/ *Id.*

22/ *Order* ¶ 288.

TDM technology in hybrid loops when obtaining DS1 loops would put NewSouth in a worse position than it is today.[23/]

Moreover, NewSouth intends to deploy voice over ATM technology by installing new equipment or upgrading existing equipment in collocations, NewSouth switch sites and customer premises.[24/] This packet-based technology will generate enormous efficiencies for NewSouth's network and bring expanded broadband offerings, such as dynamic bandwidth, to small and medium size businesses in the southeast. In order to undertake this investment, NewSouth must have reasonable, continued access to ILEC last mile transmission facilities.

III. THE COMMISSION SHOULD DENY BELLSOUTH'S REQUEST TO EXPAND THE FTTH DEFINITION OR, AT A MINIMUM, CONFIRM THAT THE FTTH RULE HAS NO APPLICATION TO DS1 OR DS3 LOOPS.

BellSouth seeks to expand the definition of the fiber-to-the-home ("FTTH") loop to include "fiber-to-the-curb" ("FTTC") and fiber to multi-unit premises. The Commission should reject this unwarranted expansion of the FTTH definition, but at a minimum, the Commission should confirm that the FTTH rules have no application to DS1 enterprise loops and DS3 enterprise loops.

Although, the Commission declined to unbundle FTTH loops and determined that requesting carriers are not impaired without access to such loops,[25/] the Commission limited these findings to scenarios where the ILEC deployed a full fiber loop to the premises of a mass

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23/ Affidavit of Amy L. Gardner ¶ 7.

24/ *Id.* ¶ 8.

25/ *Order* ¶ 273. NewSouth and CompTel do not agree with the Commission's conclusions regarding FTTH with respect to the mass market, but limits its comments herein to BellSouth's proposed expansion of the FTTH definition and the need, at a minimum, to confirm that requesting carriers access to DS1 and DS3 loops is in no way limited by the FTTH rules.

market customer.[26/] Unless carefully circumscribed, BellSouth's Petition threatens to obliterate these limitations, with potentially devastating impacts on NewSouth's and other Comptel members' ability to serve enterprise customers, especially those located in multi-unit premises.

BellSouth's proposed new rule defining the expanded FTTH appears to some extent to be limited to the "mass market."[27/] Nonetheless, both the definition itself and the language in BellSouth's Petition raise sufficient ambiguities that the Commission should affirm that the FTTH rule, particularly if expanded as BellSouth proposes, has no application to, and in no way limits the ability of, competing carriers to access FTTH loops to provide DS1 and single DS3 enterprise loops.

The need for the Commission to confirm that the FTTH rules have no application to DS1 and DS3 loops is most pressing with respect to BellSouth's proposal to include fiber to multi-unit premises. BellSouth does not define multi-unit premises nor limit such premises to those solely occupied by mass market consumers. The language in BellSouth's proposed new FTTH rule specifically adding fiber to MDUs is not expressly limited to mass market consumers.[28/]

[26/] Although the Commission, in its September 17, 2003 Errata, eliminated the word residential in the FTTH rules, the Commission has made clear that the intent of this deletion was to conform the text of the rule to the language of the *Order* that limited the FTTH provisions to the mass market, which could include very small businesses. *See United States Telecom Association v. FCC*, No. 03-1316 and consolidated cases, Opposition of the Federal Communications Commission to Allegiance Telecom's Motion to Stay Pending Review, at 12 (filed Oct. 21, 2003) ("FCC Allegiance Stay Opposition").

[27/] Petition at 8-9 ("A FTTH loop includes a fiber loop that provides a broadband transmission facility with capacity to deliver voice, multi-channel video, and data services to mass market customers"). Later in this same rule, however, BellSouth describes fiber loops to MDUs without an explicit reference to mass market customers. *See id.* ("Loops provided over fiber that connects to a fiber serving terminal in an MDU shall also be treated as fiber loops.") Additionally, in the text of its Petition, BellSouth appears to include enterprise customers within multi-unit premises. *See id.* at 9 ("new community developments increasingly include a mix of single family homes, *stand alone businesses*, and multi-unit buildings.").

[28/] Petition at 9 (proposing as part of its new FTTH rule that "[l]oops provided over fiber that connects to a fiber serving terminal in an MDU shall also be treated as fiber loops.").

BellSouth's proposed changes would dramatically affect carriers' ability to provide service to enterprise customers. As the Commission recognized in the *Triennial Review Order*, many enterprise customers are located in multi-unit premises.[29/] Indeed a significant percentage of NewSouth enterprise customer base is located in multi-unit premises such as commercial buildings, malls, and campus environments. Unless appropriately confined to the mass market, BellSouth's proposal to include fiber to MDUs within the definition of FTTH loops threatens to sever NewSouth's access to its current and potential small and medium sized business customers located in multi-unit premises.[30/]

Confirming in this proceeding that the FTTH rule has no application to DS1 and DS3 loops would conform with the Commission's recent filings with the D.C. Circuit Court of Appeals, in which the Commission made clear the FTTH rule was limited to mass market customers.[31/] Indeed, the Commission grounded its opposition to Allegiance Telecom's motion to stay on its finding that Allegience cannot be harmed by the FTTH rule when serving enterprise customers because Allegiance will have access to ILEC fiber to serve those with DS1 and DS3 loops.[32/] The Commission should thus confirm that requesting carriers may obtain access to DS1

29/ *See, e.g.*, *Order* ¶ 326 (noting that enterprise customers served with DS1 loops "are more concentrated in … multiunit premises").

30/ Additionally, BellSouth seeks to expand the definition of FTTH loops to what it calls fiber to the curb (FTTC), which it describes as fiber deployed to serving terminals within 200 to 500 hundred feet of the customer. *See* Petition at 2. According to Bellsouth, each serving terminal could serve "eight-to-twelve households." *Id.* Such configurations could also include enterprise customers subtending the serving terminal.

31/ FCC Allegiance Stay Opposition at 12 ("The text [of the *Order*] makes clear that the FTTH rule applies to customers who, in the absence of fiber, would be served by a low capacity loop.").

32/ *Id.* at 2 ("it is not likely that the FTTH rule will have any significant impact on Allegiance's ability to serve its existing residential and small business customers . . . [w]ith respect to Allegiance's larger business customers, the Commission *preserved* access to incumbents' fiber loops and there can be no harm at all") (emphasis in original); *see also id*. at 12 ("The text, as well as the rules themselves, make it clear that DS1 and DS3 loops remain available as UNEs at TELRIC prices") (citing 51.319(c)(4), (a)(5)).

and DS3 loops over FTTH loops in order to provide service to enterprise customers residing in the premises to which the FTTH terminates.

IV. THE COMMISSION SHOULD MODIFY ITS DS1 AND DS3 RULES TO CONFIRM THAT ILECS MUST PROVIDE ACCESS TO SUCH LOOPS REGARDLESS OF TECHNOLOGY

In light of the foregoing, NewSouth and CompTel propose that the Commission modify its DS1 and DS3 rules in order to alleviate any question that ILECs are obligated to provide unbundled access to DS1 and DS3 regardless of the technology deployed by the ILEC. Specifically, NewSouth proposes that the following language be added to the Commissions rules on DS1 and DS3 loops, sections 51.319(a)(4) and (a)(5) respectively:

> DS1 [DS3] loops shall be available to requesting telecommunications carriers, without limitation, regardless of the technology used by the incumbent LEC to provide such loops, *e.g.*, two-wire and four wire HDSL and SHDSL, fiber optics, or radio. Access to DS1 [DS3] loops shall in no way be limited or restricted by the provisions of sections 51.319(a)(2) or 51.319(a)(3).

This proposed rule modification would conform the rule with the language in the text found at note 956 of the *Triennial Review Order*.

CONCLUSION

For the foregoing reasons, NewSouth and CompTel respectfully request that the Commission confirm its holding in the *Triennial Review Order* that competing carriers will have access to DS1 loops and single DS3 loops used to serve enterprise customers without regard to the technology used by the ILEC to generate such loops.

Respectfully submitted,

NEWSOUTH COMMUNICATIONS CORP.
and
COMPTEL/ASCENT ALLIANCE

/s/ Michael H. Pryor

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Dated: November 6, 2003

AFFIDAVIT OF AMY L. GARDNER

I, Amy L. Gardner, do hereby declare and state under penalty of perjury as follows:

1. I am the Senior Vice President of Network Planning and Provisioning for NewSouth Communications Corp. ("NewSouth"). I have been in this position since March 1998. I am responsible for planning, designing, and engineering NewSouth's network, including the installation and project management of NewSouth's switches throughout the Southeastern United States.

2. I have more than ten years experience in the telecommunications industry in various capacities with local and long distance companies such as LDDS Communications (now WorldCom), ACC Communications Corp., U.S. ONE Communications Corp., and Qwest Communications. I received by Bachelor of Science in Mathematics from Lambuth College.

3. The purpose of my Affidavit is to describe the methods by which NewSouth obtains access to incumbent LEC unbundled DS1 loops used by NewSouth to serve its enterprise customers. A key point is that incumbent LECs today provide DS1 loops to NewSouth using both TDM and packet-based technologies.

4. I have overseen the preparation of the attached diagrams that depict the various incumbent LEC network technologies used to provide DS1 loops to NewSouth. A DS1 loop is a digital transmission link with a signaling speed of 1.544 Mbps in both directions (send and receive). This link can be channelized by NewSouth for voice or data with 24 channels (DS0) at 64 Kbps or unchannelized as a bit stream for Broadband, ATM, IP, frame relay, video and Point to Point applications. Diagram 1 depicts an all copper facility utilizing TDM technology. This is the traditional T1 carrier facility. Diagram 2 depicts an all copper facility utilizing HDSL technology to generate the DS1 level signal in the ILEC network. Diagram 3 depicts an ILEC

hybrid fiber-copper loop using TDM technology over the loop portion and diagram 4 shows a hybrid fiber-copper loop using HDSL over the loop portion. (The last two pages of the attachment describe the various equipment depicted in the diagrams).

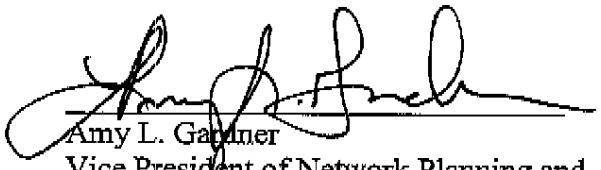
5. NewSouth thus obtains DS1 unbundled loops over copper only facilities and over hybrid fiber-copper loops. As shown on the attached diagrams, NewSouth obtains DS1 loops from the ILEC using both Time Division Multiplexing (TDM) technology or HDSL technology, and either technology can be deployed over copper only loops or hybrid fiber-copper loops. NewSouth today is not limited to obtaining DS1 loops over TDM T1 carrier facilities but also obtains DS1 loops HDSL, which is a packet-based transmission medium.

6. When using HDSL to provide NewSouth with unbundled DS1 transmission, the ILEC converts the HDSL to TDM at or near the NewSouth's customer premises. The ILEC installs equipment at the customer premises, called a Network Interface Unit (NIU). The NIU converts the HDSL signal to a TDM T1 signal that is handed off the NewSouth's Integrated Access Device (IAD). The IAD, which NewSouth installs at the enterprise customer's premise is used to provision voice and data services and is capable of handling multiple transmission protocols, including ATM, IP, Frame Relay and GR303. This conversion from packet to TDM is not done at NewSouth's request, but rather is a requirement imposed by the ILEC.

7. Thus, NewSouth today obtains DS1 unbundled loops to serve its enterprise customers over the packet-based capabilities of ILECs' hybrid loops. The Commission's determination not to impose technological restrictions on access to DS1 and single DS3 loops is consistent with current practice, at least as applied to NewSouth. Limiting NewSouth to TDM technology in hybrid loops when obtaining DS1 loops would put NewSouth in a worse position than it is today.

8. NewSouth intends to deploy voice over ATM technology by installing new equipment or upgrading existing equipment in collocations, NewSouth switch sites and customer premises. This packet-based technology will generate enormous efficiencies for NewSouth's network and bring expanded broadband offerings, such as dynamic bandwidth, to small and medium size businesses in the southeast. In order to undertake this investment, NewSouth must have reasonable, continued access to ILEC last mile transmission facilities.

With respect to factual statements made herein, other than those of which notice can be taken, the facts contained herein are true and correct to the best of my personal knowledge, information, and belief.

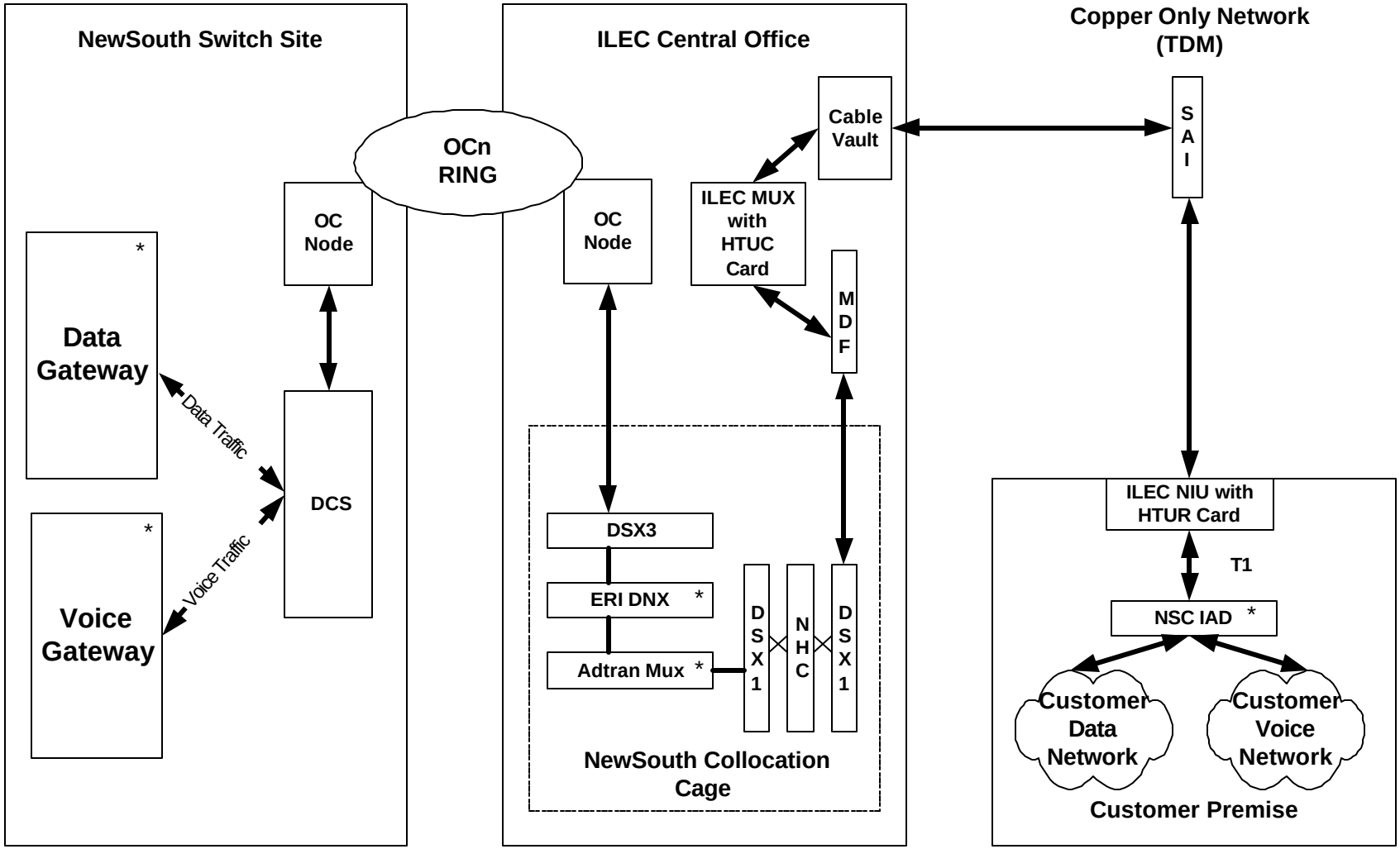


Amy L. Gardner
Vice President of Network Planning and Provisioning
NewSouth Communications Corp.

Dated: November 6, 2003

DS1 Loop Access: T1/TDM over Copper Only Loop

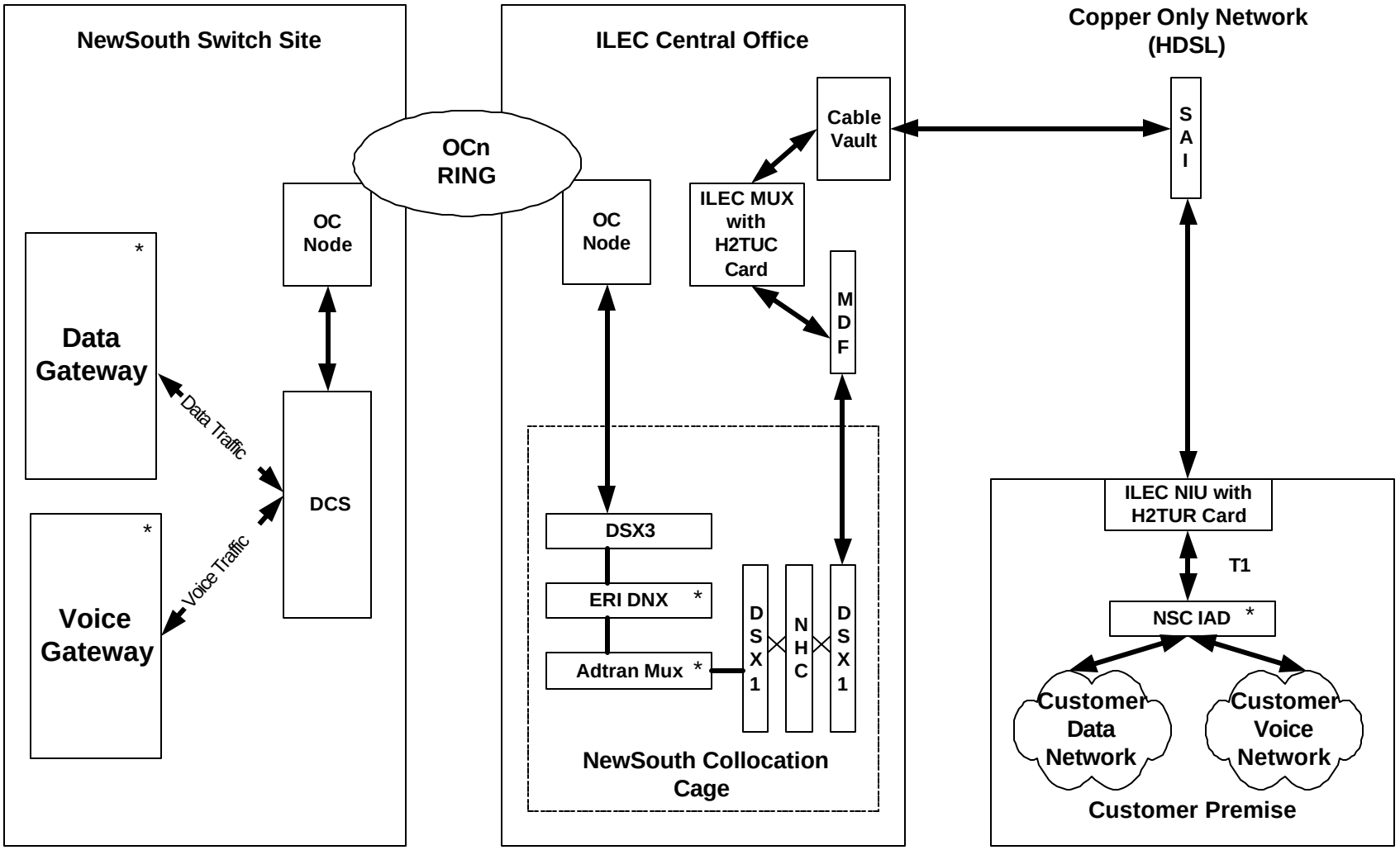
NewSouth offers high speed voice, Internet access and data services to its customers using non-channelized UNE DS1 Loops/EELs. All transmission protocols e.g. ATM, IP, etc. are generated through use of the equipment and technologies that NewSouth deploys at its switch sites, collocation spaces and customer's premises.



* Channelization functions are performed by the ERI while multiplexing, coding and framing for DS1s is perfomed by the Adtran. The IAD at the Customer Premise and the voice and data gateways generate the voice and data packets/streams that transit the Network.

DS1 Loop Access: HDSL over Copper Only Loop

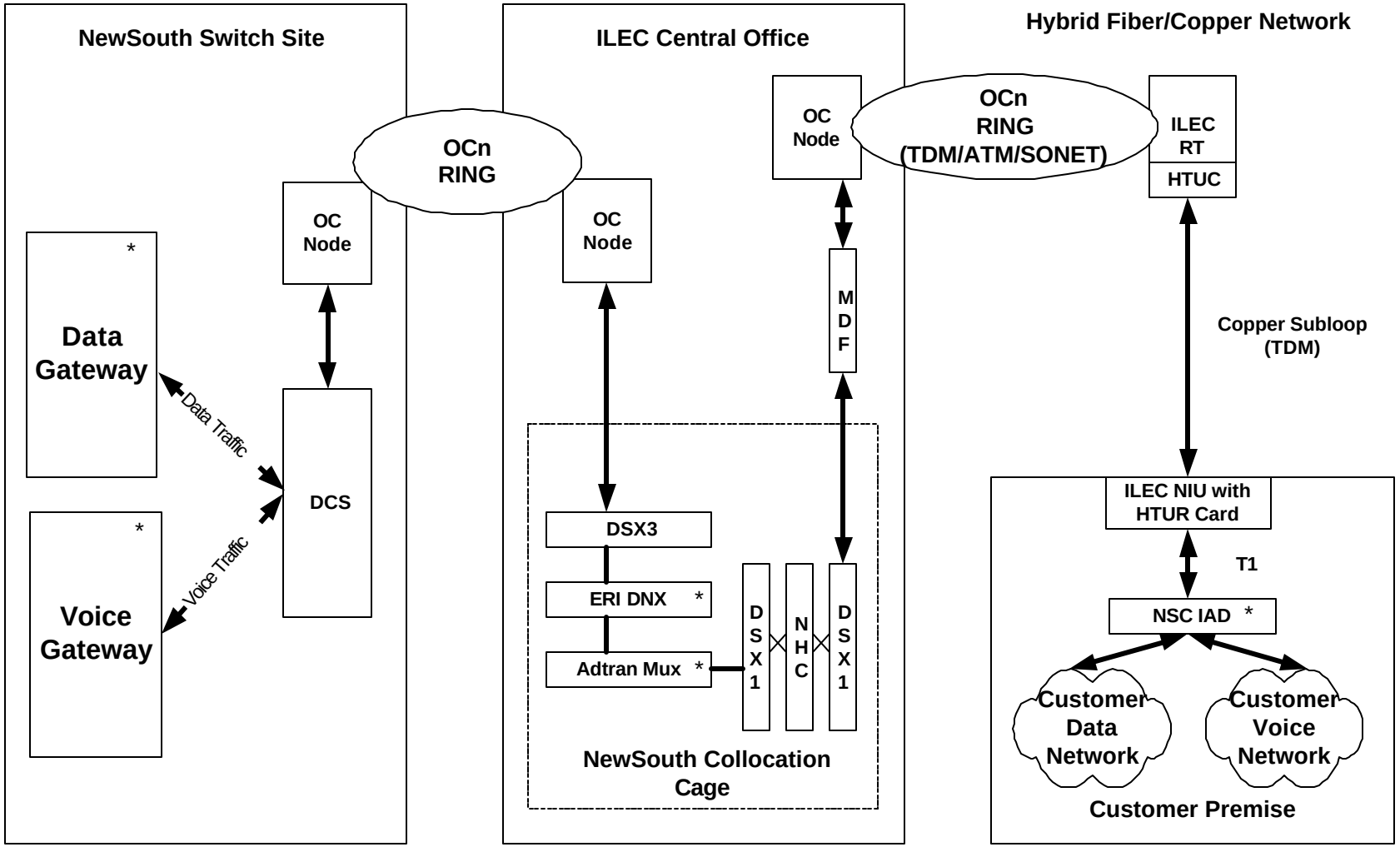
NewSouth offers high speed voice, Internet access and data services to its customers using non-channelized UNE DS1 Loops/EELs. All transmission protocols e.g. ATM, IP, etc. are generated through use of the equipment and technologies that NewSouth deploys at its switch sites, collocation spaces and customer's premises.



* Channelization functions are performed by the ERI while multiplexing, coding and framing for DS1s is perfomed by the Adtran. The IAD at the Customer Premise and the voice and data gateways generate the voice and data packets/streams that transit the Network.

DS1 Loop Access: T1/TDM over Hybrid Fiber Copper Loop

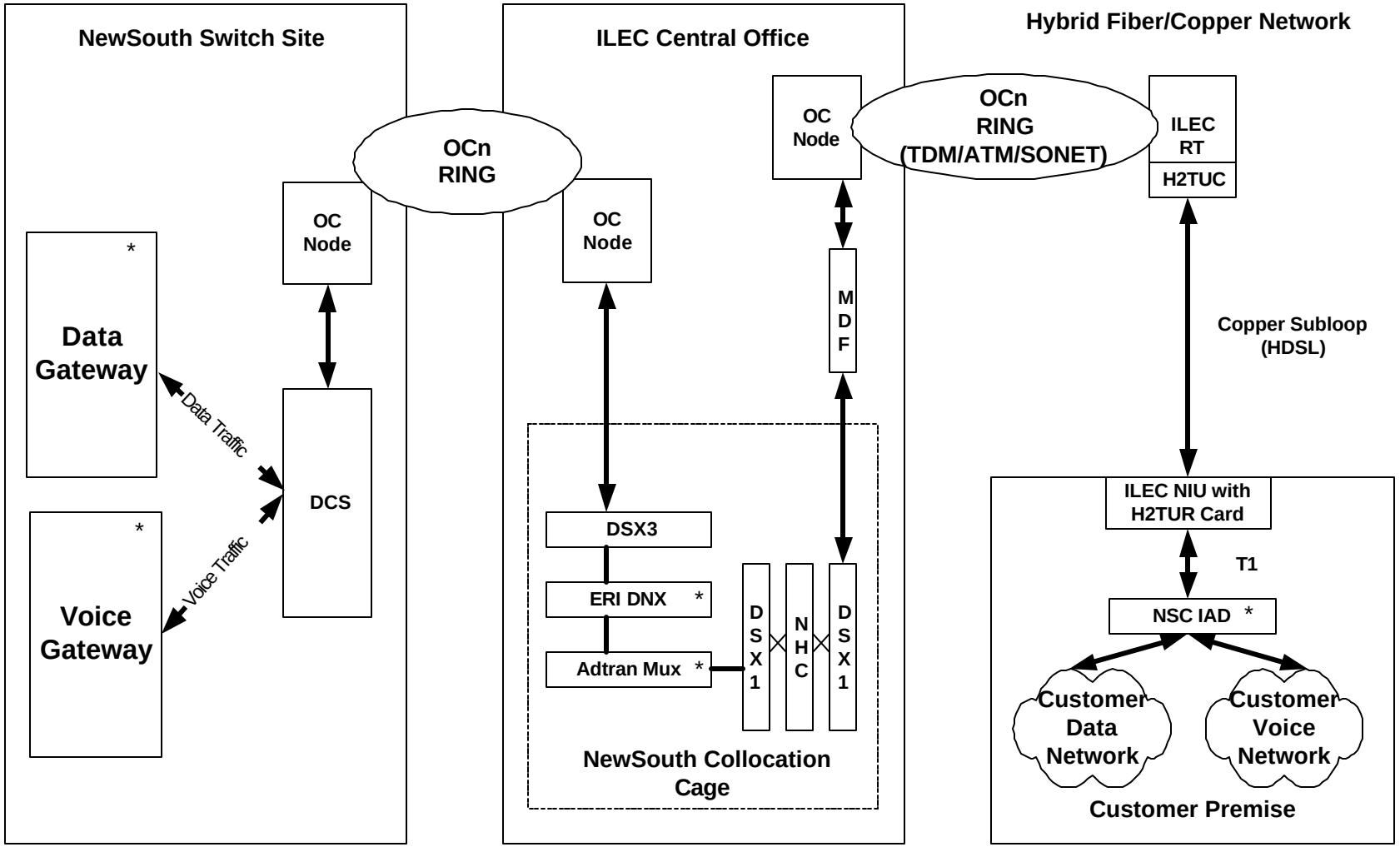
NewSouth offers high speed voice, Internet access and data services to its customers using non-channelized UNE DS1 Loops/EELs. All transmission protocols e.g. ATM, IP, etc. are generated through use of the equipment and technologies that NewSouth deploys at its switch sites, collocation spaces and customer's premises.



* Channelization functions are performed by the ERI while multiplexing, coding and framing for DS1s is perfomed by the Adtran. The IAD at the Customer Premise and the voice and data gateways generate the voice and data packets/streams that transit the Network.

DS1 Loop Access: HDSL over Hybrid Fiber Copper Loop

NewSouth offers high speed voice, Internet access and data services to its customers using non-channelized UNE DS1 Loops/EELs. All transmission protocols e.g. ATM, IP, etc. are generated through use of the equipment and technologies that NewSouth deploys at its switch sites, collocation spaces and customer's premises.



* Channelization functions are performed by the ERI while multiplexing, coding and framing for DS1s is perfomed by the Adtran. The IAD at the Customer Premise and the voice and data gateways generate the voice and data packets/streams that transit the Network.

DS1 Loop Access

Equipment Legend

NewSouth communications

NewSouth Switch Site

Data Gateway

NewSouth's Data Gateway performs the ATM and IP routing and switching functions in the NewSouth network. This is the heart of the NewSouth data network allowing us to provide packet switching and high speed data services to our customers.

Voice Gateway

NewSouth's Voice Gateway, in concert with its Data Gateway enables NewSouth to provide integrated solutions to its customers over a single DS1 UNE/EEL Loop.

DCS

The DCS is NewSouth's software configurable Digital Crossconnect System. NewSouth uses the DCS to separate data and voice channels for termination to either the Voice and Data Gateway.

OC Node

The Optical Node in NewSouth's Switch Site is our point of interface with the ILEC Network. High speed optical connection to the ILEC allows NewSouth to exchange traffic and provides the path for termination of our customer's facilities to our voice and data gateways.

ILEC Central Office

ILEC MUX with HTUC Card

The ILEC Mux with HTUC card generates DS1 signal out of the ILEC Central Office.

ILEC MUX with H2TUC Card

The ILEC Mux with H2TUC card generates HDSL signal out of the ILEC Central Office.

OC Node

The Optical Node at the ILEC Central Office is the point of interface with the NewSouth network.

MDF

The MDF, or Main Distribution Frame, is the metalic interface carrying signal between various pieces of equipment in the ILEC Central Office.

NewSouth Collocation Cage

DSX3

The DSX3 provides a hard-wired crossconnect to DS3/ STS1 signals from the ILEC OC Node.

ERI DNX

The ERI DNX is an edge grooming device which allows efficient transport or data and voice separately. Performs channelization functions.

Adtran Mux

The Adtran performs muxing, framing and coding functions allowing NewSouth to break DS3/STS1 signals into DS1s.

NHC

The NHC provides remotely configurable "many-to-many" metallic crossconnect capability.

DSX1

The DSX1 provides a hard-wired crossconnect to the BellSouth Main Distribution Frame (MDF).

Public Network

OCn RING TDM/ATM/SONET

The ILEC employs Optical Carrier in the network as a means of efficient transport for TDM, ATM and SONET.

ILEC RT

The RT, or Remote Terminal, is used to convert High Speed Optical signals, DS1s and POTS lines for end user applications. The ILEC also places equipment in the RT that enables them to provision xDSL services.

SAI

The SAI, or Serving Area Interface is used to crossconect Central Office Feeder Cable (F1) to Distributed Feeder Cable (F2).

DS1 Loop Access

Equipment Legend (cont.)

Customer Premise

NewSouth provides Video and Teleconferencing, Point to Point Voice and Data, VPN as well as Firewall and Security applications through its integrated platform.

NewSouth also provides traditional voice applications including PBX, DID, DOD and combination voice trunking.

IAD

NewSouth uses an Integrated Access Device (IAD) at the customer premise to provision voice, data and broadband applications. This device can handle multiple protocols including IP, ATM, PPP, ISDN, Frame Relay and GR303.

ILEC NIU with H2TUR Card

The ILEC Network Interface contains an H2TUR Card to receive the HDSL signal from the Remote Terminal or Central Office. Communication between the NewSouth IAD and the NIU is via TDM and/or ATM.

ILEC NIU with HTUR Card

The ILEC Network Interface contains an HTUR Card to receive the DS1 signal from the Remote Terminal or Central Office. Communication between the NewSouth IAD and the NIU is via TDM and/or ATM.

CERTIFICATE OF SERVICE

I, Angela F. Collins, hereby certify that on this 6th day of November, a copy of the foregoing Opposition to BellSouth's Petition for Clarification and/or Partial Reconsideration was filed with the Federal Communications Commissions via ECFS and served via U.S. first-class mail, postage prepaid, on the following:

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