

January 10, 2002

Ms. Blanca Bayó, Director
Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 011077-TP – Generic Investigation Into Whether Competitive Practices of Incumbent and Alternative Local Exchange Carriers Comply with Section 364.01(4)(g), Florida Statutes.

Dear Ms. Bayó,

Please find enclosed for filing in the above docket an original and seven (7) copies of Florida Digital Network, Inc.'s Notice of Filing Comments / Issue List.

This document is filed in accordance with the staff's memo of December 20, 2001.

If you have any questions regarding the enclosed, please call me at 407-835-0460.

Sincerely,



Matthew Feil
Florida Digital Network
General Counsel

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FPSC-COMMISSIONER

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Generic Investigation into Whether) Docket No. 011077-TL
Competitive Practices of Incumbent and)
Alternative Exchange Carriers Comply)
With Section 364.01(4)(g), Florida Statutes)
_____)

FLORIDA DIGITAL NETWORK, INC'S NOTICE OF FILING
COMMENTS / ISSUE LIST

Florida Digital Network, Inc. ("FDN") hereby provides notice that it has filed its comments / issue list, in the captioned docket this 10th day of January, 2002.



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LIST OF ISSUES

Florida Digital Network, Inc. ("FDN") hereby submits the following as anticompetitive issues that the Commission should address as part of this docket. Some of the issues below overlap those on the list attached to the December 20, 2001, staff memorandum filed in this docket.

FDN has undertaken good faith efforts to make certain that the list is complete and up-to-date, but wishes to reserve the right to add or delete items from this list as circumstances may require.

The issues below are broken down into several categories. "ILEC Generic Issues" pertain to BellSouth, Sprint and Verizon. Other issues are specific to one or more ILECs, as indicated.

ILEC Generic Issues:

1. Unavailability of ILEC (either ILEC-branded, UNE, or resold) DSL over CLEC voice service.
2. PSC review of collocation pricing. The PSC is yet to review the ILECs collocation pricing on a comprehensive basis, as it has been UNE prices.

ILEC Specific Issues:

3. BellSouth: Winback pricing, marketing, provisioning.
4. BellSouth: High incidence of bad cuts on SL-1 loops that are ordered without coordination. This forces ALECs like FDN to order and pay for coordination options or SL-2s.
5. BellSouth: Local freeze lifts properly authorized are not timely executed. Where BellSouth is the provider and has imposed a local freeze, the freeze is often not timely lifted when properly authorized by the customer. Problems have also arisen where BellSouth is not the carrier of record but is involved in executing the freeze and lifting the freeze where the customer is with another ALEC (typically a reseller). In either case, if the customer properly authorizes lifting the freeze, the freeze should be timely lifted so the customer's desired migration can be executed.
6. BellSouth: The experienced provisioning interval for data loops (ISDN loops in particular) is unreasonable.
7. BellSouth: High number of no dial tone (NTD) incidents, including NTDs caused by pulled jumpers/field pair.

8. BellSouth: Closing tickets as “no trouble found” when FDN’s tests show there was a problem with the circuit.
9. BellSouth: Clarifying local service requests (LSRs) in error. FDN will submit an LSR to BellSouth and Bell will respond with a clarification request based on an error, e.g. a request for a circuit ID when the order is for a new line. Although some errors are to be expected, the frequency with which these erroneous clarifications have occurred is a concern and should be cured.
10. BellSouth: BellSouth takes an unreasonable amount of time to provision orders where the customer has ADSL on a line or where ADSL simply appears on the customer service record (CSR). If a migrating customer has Bell ADSL and asks for ADSL to be moved (to another line) or removed or asks for the ADSL to be removed from the CSR, where ADSL is not in use, BellSouth takes an unreasonable amount of time to execute the customer’s request and update the CSR. This delays processing the LSR for the lines migrating to the ALEC.
11. BellSouth: BellSouth does not promptly update CSRs for completed service orders, and pending updates stall the preparation and processing of LSRs. When BellSouth has a service order (of any kind) pending on a migrating customer’s CSR, the migration will not be processed. BellSouth often takes an unreasonable amount of time to update the CSR, thereby unreasonably delaying the customer’s migration.
12. BellSouth: Where FDN has ordered a new loop to serve an existing ALEC customer migrating to FDN, BellSouth has improperly reused the existing loop, taking the customer out of service before FDN and the ALEC complete coordinated LNP activities for the conversion.
13. BellSouth: Premature disconnects. Where BellSouth does prematurely disconnect a customer, it typically occurs on an order BellSouth placed in pending facilities (PF) status. BellSouth’s systems have not protected the due date for the ALECs ordered loop while it’s in PF status but the disconnect order is executed, and the customer loses service. If the customer calls BellSouth’s business office, the customer is often informed that the customer should contact FDN even though the customer is still with BellSouth. Even when BellSouth understands the problem and attempts to cure, it is extremely difficult to get all of the customer’s old lines and features back up and running.
14. Verizon: General lack of reasonable provisioning intervals and parity. The experienced provisioning interval for voice loops and for data loops (ISDN loops in particular) is unreasonable.
15. Verizon: High number of no dial tone (NTD) incidents, including NTDs caused by pulled jumpers/field pair.

16. Verizon: Failure to call ALEC prior to closing trouble tickets, refusal to reopen tickets when problem persists.

17. Verizon: Premature disconnections. Although reduced in frequency over the last year, Verizon does prematurely disconnect some customers porting to FDN. The problem is made worse if Verizon tells a customer calling about the outage that the customer is now with FDN even though Verizon did not properly execute the order.

18. Verizon: Improper execution or reporting completion of loop orders.

19. Verizon: Failure to consistently meet FDN technicians at time agreed for coordinated activities.

20. Verizon: General lack of coordination and communication between and among repair technicians and wholesale repair center representatives causing FDN to engage in inefficient repeat contacts for instruction and information.

21. Verizon: Verizon does not properly test ISDN loops at turn-up or on troubles. More often than not, Verizon only conducts short, 40K and ceiling current tests on ISDN loops, and those tests -- geared for testing continuity and voltage of voice loops -- do not check or trial the ability of the ISDN loop to function as an ISDN loop and properly transport data packets. Installation problems and multiple trouble tickets result from Verizon's failure or refusal to consistently execute 2B+D loop cooperative testing on ISDN loops. FDN has also experienced administrative difficulty dealing with Verizon's help centers when calling in a trouble ticket on a new ISDN loop that did not work at turn-up because of the lack of such proper cooperative testing. Verizon should be required to perform 2B+D loop tests on ISDN loops from the customer demarcation and the ALEC pair at the frame during turnups and for resolving trouble tickets. These test should be performed while conferenced in with an FDN technician, so the FDN technician can correctly diagnose any issue the tests reveal. Only after the FDN technician has received the loop and accepted the circuit should the Verizon order be closed.

22. Verizon: Collocation power and cross connect rates. Verizon's power rates (interstate and intrastate tariffed) are high and Verizon improperly charges for power on both primary and redundant power feeds even though the collocation equipment cannot pull more than the rated capacity of a single feed. Verizon's interstate tariffed cross connect charges are exorbitant.

23. Verizon: When an FDN customer has all lines down, Verizon does not attach priority to the trouble ticket, as it would for its own customers.

24. Verizon: Closing tickets as "no trouble found" when FDN's tests show there was a problem with the circuit.

25. Sprint and Verizon: The Commission must review the applicable law and policies regarding treatment of ILEC collocation tariffs. Contrary to the position of the parties in docket no. 010795-TP (Sprint – Verizon arbitration) FDN maintains that ILEC collocation tariffs are not entitled to presumptive validity pursuant to Chapter 364. Further, ILECs should not be permitted to implement collocation price increases to ALECs simply by filing a tariff.

26. Sprint: Large numbers of Sprint customers are served through remote switching facilities, but BFR prices for connectivity to remote switches is exorbitant.

27. Sprint: The experienced provisioning interval for data loops (ISDN loops in particular) is unreasonable. Further, Sprint is typically late in meeting even its announced due dates for such loops.

28. Sprint: Improper execution and reporting of completion for loop orders.

COMMENTS

FDN believes that the four highest priority issues on this or staff's list are (not necessarily in order of priority): (1) the unavailability of xDSL over CLEC voice, (2) BellSouth's winback programs, (3) Sprint's remote switching as an obstacle to facilities-based competition and BFR pricing, (4) ILEC collocation pricing and tariffing.

While many of the above issues have been raised in the Commission collaborative, to date, none have been addressed.

FDN recognizes that a number of the issues raised are operational matters that the ILECs could (and should) correct. While some ILECs have improved services in some areas, the above issues have persisted for some time and have not been corrected although brought to the ILECs' attention on an informal basis, often more than once. Such issues are raised as anticompetitive concerns in this docket due to the persistence of the problems, the cumulative nature of the problems, and, most importantly, the deleterious effects of these problems on ALECs and their customers.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by U.S. Mail or by overnight mail (if designated with a *) on January 10, 2002.

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A large, stylized handwritten signature in dark ink, appearing to read "Matthew J. Feil". The signature is written over a horizontal line.

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