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December 20, 2005 – **VIA ELECTRONIC MAIL**

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 040156-TP
Petition for Arbitration of Amendment to Interconnection Agreements With Certain Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Florida by Verizon Florida Inc.

Dear Ms. Bayo:

Enclosed is Verizon Florida Inc.'s Petition for Reconsideration and Clarification for filing in the above matter. If there are any questions concerning this filing, please contact me at 813-483-1256.

Sincerely,

s/ Leigh A. Hyer

Leigh A. Hyer

LAH:tas
Enclosures

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via U.S. mail on December 20, 2005 to the parties on the attached list.

___s/ Leigh A. Hyer_____

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Arbitration of Amendment to Interconnection Agreements With Certain Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Florida by Verizon Florida Inc.	)	Docket No. 040156-TP Filed: December 20, 2005

VERIZON FLORIDA INC.'S
PETITION FOR RECONSIDERATION AND CLARIFICATION

In accordance with Florida Administrative Code section 25-22.060, Verizon Florida Inc. ("Verizon") asks the Commission to reconsider one ruling and clarify two other rulings in its December 5, 2005 Order ("Order") in this case. Verizon asks the Commission to reconsider its decision to allow competitive local exchange carriers ("CLECs") to certify their eligibility for enhanced extended links ("EELs") manually, by letter, instead of using Verizon's electronic ordering interface. *See* Order at 111. Verizon also asks the Commission to clarify that the "Business Line" definition it adopted for the Amendment is supposed to conform to the definition in the *Triennial Review Remand Order*,[1] and confirm that the Commission did not intend to eliminate any rates it previously established.

I. The Amendment Should Require CLECs to Use the Existing Ordering Process to Certify EEL Eligibility

As the Order observes, the principal EELs issue in this arbitration was whether or not the CLEC must provide information to support its certification of compliance with the FCC's service eligibility criteria when it orders an EEL. *See* Order at 109. A less

[1] Order on Remand, *Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 20 FCC Rcd 2533 (2005) ("*TRRO*").

prominent issue, but one that has considerable practical significance for Verizon's operations, concerned the method by which CLECs may certify that a requested EEL satisfies the eligibility criteria. The Commission found that CLECs "shall be required to submit a letter, either manually or electronically," to certify their compliance with these criteria when they order or re-certify EELs, or when they convert access services to EELs. *Id.* at 111. Verizon asks the Commission to reconsider this decision to the extent it gives CLECs the option of choosing not to certify their EELs through the same electronic process they use to order those EELs.

The Commission correctly found that the FCC did not require any particular method of certification.[2] It recognized the "need and desire for mechanization of processes" and acknowledged that "[m]anual processes may be more labor-intensive and may require more time than an electronic process." *Id.* Nevertheless, it found that requiring electronic certification would be "discriminatory" because "[s]ome CLECs may not have access to an electronic process." *Id.*

Verizon submits that the Commission overlooked or failed to consider that *all* CLECs have access to electronic EEL processing, so the assumption grounding its decision is incorrect. As Verizon explained in response to Staff Interrogatory 43, "CLECs place their EEL orders with Verizon today on the ASR [access service request] for both new requests and conversion requests, so the most efficient way for a CLEC to self-certify is right on its order for service, particularly given the FCC's circuit-specific criteria." Ex. 6, at 28.

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[2] *See* Order at 111 and Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 18 FCC Rcd 16978, ¶ 624 (2003) ("*TRO*"), ¶ 624 ("We do not specify the form for such a self-certification...").

CLECs have long been required to use Verizon's electronic ordering system and the electronic ASR form, in particular, to place orders for DS1 and DS3 loops, dedicated transport and high capacity EELs. As of May 2004, Verizon expanded the ASR-based process to apply to CLEC orders to convert existing leased facilities to EELs. This change was accomplished through the Change Management Process with the participation of CLECs, including some CLECs that are party to this proceeding, in order to streamline and improve the efficiency and accuracy of the ordering and provisioning process. Thus, the ASR is the sole method by which a CLEC may submit an order to Verizon for an EEL.

In response to the TRO, Verizon modified its electronic ordering system to allow CLECs to certify a requested EEL simply by filling in the "Remarks" section of the ASR. In light of the Commission's ruling that CLECs need not provide detail with their certification, the CLEC would complete the Remarks field by stating: "Certification: The circuit(s) requested in this ASR meet the eligibility criteria set forth in 47 C.F.R. § 51.318(b)(2)." Because CLECs must fill out and submit an ASR in order to order an EEL, there is no legitimate reason to refuse to certify EEL eligibility right on that ASR. Adding a simple certification statement on the ASR is far more efficient for all parties than providing certification in a separate letter.

Use of a separate certification letter would require Verizon to manually match each letter up to the proper ASR to ensure that each requested EEL has been duly certified. Not only would that be a time-consuming, expensive process, but it would also be difficult to perform and would be prone to error, with the likely result that some EEL orders would be provisioned even though not certified while others would be rejected for lack of certification even though the CLEC submitted a separate certification letter.

Verizon's longstanding electronic ordering system, familiar to all CLECs, is a much more accurate method of providing certification and should be required in the Amendment. There is no good reason for a CLEC to send a certification of eligibility for an EEL by letter when it must use the ASR process to order the EEL, anyway. The only possible reason for a CLEC to submit a manual certification would be to raise Verizon's costs in the ways the Commission identified in the order—that is, by making the process lengthier and more labor-intensive than it would be if the CLEC used the electronic ASR.

No CLEC in the case claimed that it did not have access to Verizon's electronic ordering interface, nor did any CLEC raise a discrimination concern with respect to the dispute about electronic versus manual certification. Because all CLECs have access to the ASR process, an electronic certification requirement raises no discrimination issue. And because there is no discrimination issue, there is no basis for the Commission's decision that both electronic and manual certification should be permitted.

As the Rhode Island Commission ruled last week in granting a similar request to clarify that electronic EEL certification should be mandatory: "Because the FCC did 'not specify the form for such a self-certification,' VZ-RI's request for the mandatory use of an electronic ASR form for new requests appears reasonable and should be granted."[3] Verizon asks this Commission to, likewise, confirm that CLECs must submit their EEL certifications electronically, as part of the ASR they already have to use for EEL orders and conversions.

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[3] Supplemental Arbitration Decision, *Petition of Verizon-Rhode Island for Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers*, Docket No. 3588, at 1 (Dec. 13, 2005).

II. Verizon Asks the Commission to Clarify the Business Line Definition

For the definitions section of the Amendment, the Commission adopted all of Verizon's definitions, but found it necessary to add a number of others that were "rooted in sections of 47 CFR or the TRRO's Appendix B." Order at 49. "Business Line" is one of these additional terms the Commission approved for the Amendment. Verizon asks the Commission to confirm that the Business Line definition it approved conforms to the Business Line definition in TRRO Appendix B. This clarification is desirable in order to avoid unnecessary disputes during the conforming negotiations, because Table 9-3 of the Order stated only the first sentence of the FCC's definition from the TRRO--"An incumbent LEC-owned switched access line used to serve a business customer, whether by the incumbent LEC itself or by a competitive LEC that leases the line from the incumbent LEC." Order at 48. The "Business Line" definition in *TRRO* Appendix B includes two sentences in addition to the one quoted in the Order (at 48). These sentences include important details about the scope of the FCC's Business Line definition and the determination of the number of business lines in a wire center.[4]

Although the Staff Recommendation adopted by the Commission states that the source of the Business Line definition is "TRRO Appendix B, p. 145," this source citation does not appear in the Order itself.[5] Verizon asks the Commission to clarify that it intended for the Amendment's Business Line definition to track the FCC's entire definition (and only the FCC definition) in *TRRO* Appendix B, even though the whole

[4] *TRRO*, App. B, § 51.5. The second sentence of the FCC's definition reads: "The number of business lines in a wire center shall equal the sum of all incumbent LEC business switched access lines, plus the sum of all UNE loops connected to that wire center, including UNE loops provisioned in combination with other unbundled elements."

[5] The omission of the sources for the definitions was probably inadvertent. Although the Order states that it "include[s] the direct sources used in developing the above-noted definitions" and includes a "Source" heading, the sources referenced in the Recommendation do not appear in the Order.

definition is not stated in the Order. Otherwise, the CLECs may claim in negotiations that the Commission deliberately truncated the FCC definition and try to resurrect their arguments that calculation of the number of "Business Lines" in a wire center includes something less than the FCC-mandated "sum of all UNE loops connected to that wire center." *TRRO* App. B, at 145, § 51.5.

The Commission correctly rejected the CLECs' definitions because they "do not accurately track the [FCC's] Orders." *See* Order at 47, 49. To remove any opportunity for CLECs to try to re-introduce language in the Business Line definition that does not track the *TRRO*, Verizon asks the Commission to clarify that it intended for the Amendment to conform to the FCC's complete definition of Business Line in section 51.5 of its Rules.

III. Verizon Asks the Commission to Clarify that It Did Not Intend to Eliminate Any Conversion-Related Rates It Already Established

Verizon's original Amendment filing included proposed new rates for activities required in the *TRO*, including, among others, conversion of wholesale services to UNEs. However, as the Order notes, Verizon later withdrew all of its proposed new rates. Order at 115; Letter from the Parties to B. Bayo, April 26, 2005 ("Stipulation"). The Commission thus found that "[s]ince Verizon is not proposing to assess any charges for performing conversions in this proceeding, a decision on this issue is neither timely nor possible. Therefore, this issue is not ripe for consideration." Order at 115. However, the Order then states that "Verizon is presently precluded from assessing any charges for performing the conversions that are the subject of this issue." *Id.*

To avoid any confusion about the scope of the Commission's decision, Verizon asks the Commission to confirm that it did not intend to prohibit Verizon from charging any rates the Commission already established in Verizon UNE case or elsewhere, [6] or that may be in Verizon's existing interconnection agreements, but meant only to find that there was no need to rule on Verizon's proposed new rates for conversion-related items because Verizon withdrew those rates.

Respectfully submitted on December 20, 2005.

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[6] The parties' stipulation under which Verizon withdrew its rates expressly preserves any existing rates, including those established in its UNE case ("This stipulation does not affect Verizon's right to continue to apply any rates the Commission has already established, including those adopted in Docket No. 990649B-TP, Order No. PSC-02-1574-FOF-TP, or where such order has not established a particular rate, the rates set forth in particular interconnection agreements." Stipulation at 2.