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# Kentucky Overview Loop and Transport

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# TRO Loop and Transport Findings

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## ➤ Findings of No Impairment

- Entrance Facilities
- OCn Loops and Transport

## ➤ Findings of Impairment

- General availability
  - Home run copper: ILECs still required to unbundle
  - Sub-Loop Copper
  - NID
  - Inside Wire
  - Remote terminal interconnection for access to subloop copper
  - Line Splitting
  - DS1, DS3, Dark Fiber Loops and Transport
    - » Subject to the state Commission's Granular Analysis (9 Month Proceedings)
- Modified availability
  - Fiber to the home – mass market: Unbundling eliminated except for 64 kbps channel
  - Hybrid fiber/coax: DS
    - » DS1 and DS3 loops still unbundled for enterprise market
    - » No unbundling of packet loops to mass market
  - Line Sharing – Three Year Phase Out

# Loop Impairment Analysis

## The Role of the States

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- **The FCC held that requesting carriers are impaired without access to unbundled DS1, DS3, and Dark Fiber loops (¶ 325, ¶ 320, and ¶ 311)**
  - The FCC delegated to the states the authority to conduct a granular analysis of impairment related to DS1, DS3, and Dark Fiber loops on a **customer location-specific** basis (¶ 328)
    - The FCC gave the states 9 months from the effective date of the TRO to finish their initial reviews applying the triggers (¶¶ 339-40).
    - For any follow-up proceedings, the FCC gave the states 6 months from the filing of a petition to complete the review.

# High Capacity Loops - Enterprise Customers

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- ▶ Optical Level (OCn) Loops. No unbundling
  
- ▶ DS3 Level Loops. Unbundling, unless
  - If two more carriers have self-provisioned DS3 level loops to a particular customer location, or two or more carriers provide wholesale DS3 access to the location
  - If a state determines whether carriers could economically deploy DS3 level loops to a specific customer location, using criteria specified by the Commission.
  - Maximum of 2 DS3 loops/location

# High Capacity Loops - Enterprise Customers

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- ▶ DS1 loops. Unbundling unless:
    - If there are two or more carriers providing wholesale DS1 loops to the location - No self-provisioning trigger or potential deployment test for DS 1 loops.
  
  - ▶ Dark Fiber Loops. Unbundling unless:
    - If two or more carriers have deployed dark fiber to a particular location or if there is the potential for self-deployment, based on criteria enumerated by the Commission.
  
  - ▶ Copper Loops. Full unbundling, including the requirement that ILECs “condition” copper loops.
  
  - ▶ Fiber to the Home (FTTH) Loops. ILECs are not required to provide unbundled access to FTTH loops for mass market.
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# Loop Impairment Analysis

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- ***State PUC Loop Impairment Analysis subject to multi-level analysis***
  - **This is NOT a counting exercise, the granular analysis requires consideration of other operational requirements and carrier obligations**
    - Granular Loop Impairment Analysis applies on three-levels
      - » **Level 1 – Loop Trigger Analysis (Either/Or Analysis)**
      - » **Level 2 – Analysis of Qualifying Wholesale Services Provider (where triggers are met)**
      - » **Level 3 – Certification/Waiver and Potential Deployment Analysis**

# Dedicated Transport

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- ▶ OCn level transport is eliminated.
- ▶ DS1 level transport.
  - ▶ ILECs must continue to provide DS1 level dedicated transport unless two or more wholesale carriers provide DS1 level transport on the specific route.
- ▶ DS3 level transport. Unbundling unless:
  - If state finds that 3 or more carriers have self-deployed DS3 level transport on the specific route or two or more carriers provide wholesale DS3 transport on the specific route.
  - If state finds there is the potential to economically self-deploy DS3 transport on the route based on criteria specified by the Commission.
  - Carriers may not obtain more than 12 DS3 unbundled transport links on a specific route.

# Dedicated Transport

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## – Dark Fiber Transport. **Unbundling unless;**

- If state finds that 3 or more carriers have deployed their own dark fiber or two or more carriers provide wholesale dark fiber on the route.
- If state finds that carriers could deploy dark fiber deployment, based on enumerated criteria.



# Transport Impairment Analysis

## The Role of the States

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- **The FCC found that requesting carriers generally are impaired without access to DS1, DS3, and Dark Fiber capacity transport. ¶ 381, ¶ 386, and ¶ 390**
- The FCC delegated authority to the states to collect and analyze more specific evidence of transport deployment on a **route-specific basis**
  - The FCC gave the states 9 months from the effective date of the TRO to finish their initial reviews applying the triggers (¶ 417).
  - For any follow-up proceedings, the FCC gave the states 6 months from the filing of a petition to complete the review.

# Transport Impairment Analysis

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- ***State PUC Transport Impairment Analysis is also subject to multi-level analysis***
  - **Again, this is NOT a counting exercise, the granular analysis requires consideration of other operational requirements and carrier obligations**
    - Granular Transport Impairment Analysis applies on three-levels
      - » **Level 1 – Transport Trigger Analysis (Either/Or Analysis)**
      - » **Level 2 – Analysis of Qualifying Wholesale Services Provider (where triggers are met)**
      - » **Level 3 – Certification/Waiver and Potential Deployment Analysis**

# Transport Impairment Level 1 Analysis

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- **Definition of a Route.** A route is the connection between wire center or switch “A” and wire center or switch “Z.” This remains the case regardless whether the ILEC’s facilities pass through an intermediate wire center “X.” CLECs are not required to cobble together multiple vendor circuits through intermediate points to connect the A and Z points. (¶ 401)
  
- **Self-Provisioning Trigger for (Applies to DS3 and Dark Fiber).** States may enter a finding of no impairment where it has evidence that three carriers have deployed transport facilities along one route. (¶ 405)
  
- **Competitive Wholesale Facilities Trigger (Applies to DS1, DS3, and Dark Fiber Transport).** States shall enter a finding of no impairment where two non-ILEC wholesale carriers have installed transport facilities along the route. (¶ 412)
  - Dark fiber UNE transport and dark fiber IRUs obtained by wholesale providers may be used to satisfy this trigger with respect to lit DS1 or DS3 transport. (¶ 413)
  - Lit fiber transport that a CLEC leases from an ILEC or another carrier does not count toward satisfaction of this trigger. (¶ 414)
  - ILEC dark fiber UNE transport lit and used by a CLEC may be used to satisfy the trigger with respect to DS1 or DS3 transport. (¶ 414, 416)
  - Intermodal transport facilities may satisfy the trigger. (¶ 406 n.1256)

# Transport Impairment Level 2 Analysis

## Self Provisioning Operational Analysis

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### ➤ **Level 2 – Self Provisioning Requirement Analysis**

- *A Qualified Self Provisioning Provider must meet the following criteria:*
  - Not be affiliated with the ILEC in any way or each other. ¶ 408.
  - Be collocated within the Central Offices at each end of the Transport Route. ¶ 406, 408.
  - Be “operationally ready to provide transport into or out of” the relevant central offices. ¶ 406.

# Transport Impairment Level 2 Analysis

## Wholesale Provider Operational Analysis

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- **A Qualified Wholesale Provider must meet demonstrate that it meets the following criteria:**
- Be unaffiliated with the ILEC in any way or with each other. ¶ 414.
  - Be physically collocated in both of the Central Offices defining the Transport Route and collocated within a location and be operationally ready and willing to provide the particular capacity transport on a wholesale basis along the specific route. ¶ 414
  - Have sufficient interconnection capacity for the exchange of traffic. ¶ 414
  - Be able to access cross connects at non-discriminatory cost-based rates.
  - Be “operationally ready” to provide wholesale service, including have a reasonable amount of additional, currently-installed capacity and have appropriate processes for receiving, processing and provisioning orders. ¶ 414.
  - Have ability to extend its network to CLEC premises. ¶ 415.
  - Offer circuits on generally available and nondiscriminatory rates, terms and conditions (e.g., on a tariffed or similar basis), not ICB. ¶ 414 (wholesale provider must make the specific capacity services “widely available”).
  - Be currently offering and able to continue to provide service. ¶415.
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# Transport Impairment Level 2 Analysis

## Wholesale Facilities Operational Analysis

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- **Qualifying Facilities must demonstrate that it meets the following criteria:**
- Must terminate in the provider's physical collocation space in each Central Office. ¶ 414.
  - Provide a DS1 or DS3 level transmission path, as requested by the CLEC; ¶ 414.
  - If the facility is not fiber transport, the non-fiber facility must provide "service comparable in quality to that of the incumbent LEC." 47 C.F.R. § 51.319 (e)(1)(ii).
  - For dark fiber, provide each competitor with the ability to attach electronics. See 47 C.F.R. § 51.319 (a)(5)(i)(B)(1).

# Scope of Unbundling Obligations

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## ▶ **New Combinations**

- ▶ The Commission reaffirms its existing rules regarding UNE combinations, which require ILECs to provide UNE combinations upon request.

## ▶ **EELs**

- ▶ On a going-forward basis, a requesting carrier may obtain a high-capacity EEL any time the underlying network elements are available and the service eligibility criteria, further described below, are met. Pre-audits and requirements to purchase special access and then convert to UNE are unlawful

## ▶ **Elimination of the Commingling Restriction.**

- ▶ The Commission modifies the rules to affirmatively permit requesting carriers to commingle UNES and combinations of UNES with tariffed services



# Scope of Unbundling Obligations

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▶ *Service Eligibility Criteria for EELS.*

(1) State certification of authority to provide local voice service;

(2) CLEC provides a local voice service to the customer over every DS1 circuit by showing that it has at least one local number assigned to each circuit and provides 911 or E911 capability to each circuit; and

(3) additional circuit-specific architectural safeguards

-- each circuit must terminate into a collocation governed by section 251(c)(6) at an ILEC central office within the same LATA as the customer premises

-- each circuit must be served by an interconnection trunk in the same LATA as the customer

-- and each circuit must be served by a Class 5 switch or other switch capable of providing local voice traffic.

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# Key Points

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- **State review of granular analysis is not a counting exercise.**
- **Establishing conditions necessary for wholesale transport market**
- **Procedures and timelines for transitioning of de-listed UNE**
  - De-listed UNEs per the TRO Order (OCn loops, OCn Transport, Call Related Databases, and Operator Services)
  - State must establish a transition plan