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September 25, 2002

Ms. Blanca S. Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Docket No. 000075-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of AT&T Communications of the Southern States, LLC ("AT&T"), TCG of South Florida ("TCG"), and AT&T Broadband Phone of Florida, LLC (formerly known as MediaOne Florida Telecommunications, Inc.) are the following documents:

1. Original and fifteen copies of the Motion for Reconsideration; and

2. Original and fifteen copies of a Request for Oral Argument; and

3. A disk containing a copy of the Motion in Word Perfect 6.0.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

Martin P. McDonnell

MPM/rl
Enclosures
cc: Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996.	))))	Docket No. 000075-TP (Phase II) Filed: September 25, 2002

REQUEST FOR ORAL ARGUMENT ON MOTION FOR RECONSIDERATION OF ORDER NO. PSC-02-1248-FOF-TP

Comes now AT&T Communications of the Southern States, LLC, TCG of South Florida and AT&T Broadband Phone of Florida, LCC (formerly known as MediaOne Florida Telecommunications, Inc.) (collectively "AT&T"), by and through undersigned counsel, and pursuant to Rule 25-22.0606, Florida Administrative Code respectfully requests oral argument on its Motion for Reconsideration of Order No. PSC-02-1248-FOF-TP, filed September 25, 2002. As grounds therefor, AT&T states as follows:

1. On September 10, 2002, the Commission issued Order No. PSC-02-1248-FOF-TP addressing, among other issues, the circumstances under which an ALEC is entitled to the tandem interconnection rate, and the appropriate mechanism when carriers assign telephone numbers to end uses physically located outside the rate center in which the telephone number is homed. Despite the fact that the Commission issued the above order September 10, 2002, the last chance that the parties had to orally present their position regarding these two issues was at the hearing that transpired July 5 and July 6, 2001. The briefs addressing the above issues were filed with the Commission on August 10, 2001, and the staff recommendation was first presented to the Commission on November 20, 2001. The Commission voted on the above issues on December 5, 2001. In the Order, the Commission erroneously placed onerous burdens on the ALECs to establish their entitlement to the

tandem interconnection rate. The Commission's decision is not consistent with federal law.

2. In the Order, the Commission also concluded that calls terminated to end users outside the local calling area in which their NPA/NXXs are homed are not local calls for purposes of intercarrier compensation, and held that carriers should not be obligated to pay reciprocal compensation for this traffic. This decision overlooked applicable FCC precedent on the payment of reciprocal compensation for traffic based on NPA/NXX comparison, overlooked the difficulty and expense associated with implementing the decision, and overlooked the impractical and unreasonable burdens placed on ALECs who attempt to receive any compensation for virtual NXX or FX traffic on their networks.

3. The Commission expressed concern in the Order regarding the lack of direction from the FCC regarding an ALEC's entitlement to reciprocal compensation at the tandem interconnection rate and stated:

> *Absent any direction from the FCC regarding what they meant by the word "serves" as contained in FCC Rule 51.711 we believe ...* Order, p. 17 (emphasis supplied).

4. Respectfully AT&T asserts that the FCC has given state commissions full and accurate direction regarding Rule 51.711 and has recently resolved any ambiguity regarding what is meant by the word "serves" in FCC Rule 51.711. The FCC has further considered and rejected a proposal by Verizon that compensation for traffic should be based upon the originating and terminating points of a phone call. In fact, the Commission ruled that the compensation mechanism for intercarrier compensation for telephone calls should be based on the NPA/NXX designation of the telephone numbers and *not* based on the geographic end points of the call. See *Petition of*

WorldCom, Inc. pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission regarding Interconnection Disputes with Verizon Virginia, Inc. and for Expedited Arbitration, CC Docket Nos. 00-218 et. al., Memorandum of Opinion and Order, DA 02-1731 (rel. July 17, 2002) ("*FCC Arbitration Order*"). In the *FCC Arbitration Order*, the FCC expressly announced that in order to be compensated at the tandem interconnection rate, an ALEC need only present evidence regarding its switch capability:

> In its brief Verizon states "at best, [AT&T] has shown that its switches may be capable of serving customers in areas geographically comparable to the area served by Verizon's tandem," and ([a]s with AT&T [WorldCom] offered only evidence relating to the capability of its switches." As we explain above, such evidence is sufficient under the tandem rate rule and Verizon fails to offer any evidence rebutting the evidence provided by the petitioners. *FCC Arbitration Order* at ¶309. (emphasis added)

5. Further, in the *FCC Arbitration Order*, the FCC recognized and retained the current industry-wide practice of rating calls based on an NPA/NXX comparison, contrary to the ruling in the instant case:

> We agree with the petitioners that Verizon has offered no viable alternative to the current system, under which carriers rate calls by comparing the originating and terminating NPA-NXx code. We therefore accept the petitioners proposed language and reject Verizon's language that would rate calls according to their geographical end points. Verizon concedes that NPA-NXX rating is the established compensation mechanism not only for itself, but industry-wide. Parties all agree that rating calls by their geographic starting and ending points raises billing and technical issues that have no concrete workable solutions at this time. Id. at ¶301, footnotes omitted.

6. The decisions of the Commission regarding the two above issues in the instant docket are erroneous and contrary to explicit FCC orders regarding the identical issues. Because the *FCC*

Arbitration Order was not released until July 17, 2002, the parties did not have an opportunity to present and argue that FCC decision at or before the July 5 and 6, 2001 hearing, or prior to the Commission's December 5, 2001 vote regarding the issues.

WHEREFORE, AT&T respectfully requests a fair opportunity to present an oral argument to the Commission addressing the recent *FCC Arbitration Order* in light of this Commission's decision in the instant docket.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail to the following this 25th day of September, 2002:

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