

**BEFORE THE
FLORIDA
PUBLIC SERVICE COMMISSION**



In Re: Investigation into temporary)
local telephone number portability) Docket No. 950737-TP
solution to implement competition in)
local exchange telephone markets.) Filed: November 6, 1995

**METROPOLITAN FIBER SYSTEMS OF FLORIDA, INC.
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Metropolitan Fiber Systems of Florida, Inc. ("MFS"), through its undersigned counsel, files the following proposed findings of fact and conclusions of law.

Findings of Fact

1. Temporary number portability is defined as "an end user's ability at a given location to change service from a local exchange company (LEC) to an alternative local exchange company (ALECs) or vice versa, or between two ALECs, without changing their local telephone number."

Stipulation at 1-2.

2. Remote Call Forwarding ("RCF") is a temporary service provider number portability

mechanism that can be implemented in most LEC central offices at the present time using

existing switch and network technology. Stipulation at 2. This mechanism entails sending a call

to the old telephone number through the switch of the former local service provider, and then

forwarding the call to the switch of the new local service provider. Stipulation at 2.

3. RCF is the most appropriate method to provide temporary number portability by January

1, 1996. Stipulation at 2.

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4. Customers have indicated that they are extremely reluctant to change telephone service providers if they have to change their existing telephone numbers. Devine, Tr. at 15, 43.
5. A temporary number portability solution, such as RCF, is the only current means by which customers can retain their existing telephone numbers while exercising their option to choose an alternative local service provider. Devine, Tr. at 25, Engleman, Tr. at 208.
6. Flexible Direct Inward Dialing is an alternative temporary number portability mechanism the terms of which the LECs will continue to negotiate with ALECs who desire to use such a mechanism. Stipulation at 3-4. Parties can continue to negotiate other feasible options for temporary number portability that may be available in the future. Stipulation at 4.
7. LECs have agreed to offer RCF to certificated ALECs as a temporary number portability mechanism, effective January 1, 1996. Stipulation at 2. ALECs have agreed to offer RCF to LECs as a temporary number portability mechanism, effective on the date the ALECs begin to provide local exchange telephone service. Stipulation at 2.
8. The recurring price for RCF will be charged on a per-line, per-month basis and will be uniform throughout an individual LEC's existing service territory. Stipulation at 3. The price charged by an individual LEC for RCF shall not be below the costs of that LEC to provide RCF for the purposes of providing temporary number portability. Stipulation at 3. The price charged for RCF offered by an ALEC will mirror the price charged by the LEC. Stipulation at 3.
9. The costs associated with providing RCF, which primarily entails the routing and switching of RCF calls over the existing network, include processing and transport costs. Engleman, Tr. at 212-213, Price, Tr. at 250, Ex. 2 at 11.
10. There is an added recurring cost associated with RCF as a result of the "double routing"

of forwarded calls that is required under the RCF mechanism. Each call is first routed to the switch of the former local service provider, and then forwarded (ported) to the switch of the carrier actually serving the customer. This “double routing” imposes insignificant incremental switching costs on the carrier forwarding the call. Ex. 3 at 4.

11. RCF is not a “premium” service, such as “Caller ID” or “Call Trace”, made available to customers merely as a convenient, supplemental feature of telephone service. Devine, Tr. at 45.

Conclusions of Law

1. The purpose of RCF is to eliminate a substantial barrier to local exchange competition by enabling customers to retain their existing telephone numbers. Ex. 2 at 57.

2. Because interim number portability is a prerequisite for the development of local competition in Florida, the pricing of RCF also plays a critical role in the development of local competition. Devine, Tr. at 44-45, Price, Tr. at 253-254.

3. Given the essential nature of this service, the historical LEC monopoly which is still present, and the deficiencies in this temporary mechanism, the pricing of RCF should be based on the incremental direct cost to the LEC for providing RCF with no contribution. Price, Tr. at 254, Devine, Tr. at 44-46.

4. Pricing RCF to include a contribution to shared and common costs would stifle competition, not promote it. Devine, Tr. at 43, Price, Tr. at 258-259.

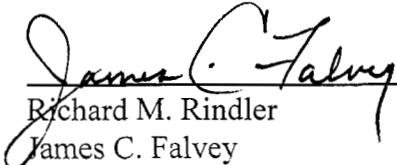
5. An effective RCF interim number portability pricing mechanism in a competitive market requires the LECs to price RCF interim number portability, as well as all other LEC-to-ALEC charges, at incremental direct cost without contribution. Price, Tr. at 254, Devine, Tr. at 44-46.

6. In light of the Stipulation that the costs of RCF be assessed on a per-line, per-month basis, the Commission shall adopt an RCF rate which assesses a monthly per number charge on all working telephone numbers (ported and nonported). Devine, Tr. at 32-33, Price, Tr. at 251. This surcharge will be determined by multiplying the total minutes of calls forwarded by the incremental costs of transport and switching required to provide RCF for the purposes of interim number portability. Devine, Tr. at 32-33, Price, Tr. at 251.
7. The recovery of the RCF costs in this manner reflects the policy that the costs of RCF, which is necessary to develop competition in local exchange services, must be borne by all who benefit from the service and from the resulting competition. Devine, Tr. at 17.
8. The opportunity for consumers to retain their telephone numbers when switching local telephone companies benefits not only those retaining their number but also those calling the consumer at the familiar retained number. Ex. 2 at 16-17.
9. The cost of the benefit of the availability of RCF for interim number portability should be spread evenly across the entire subscriber base. Devine, Tr. at 17, 31-32, Price, Tr. at 251-252.
10. While RCF is sufficient as an *interim* number portability solution, RCF should not be implemented as a permanent solution due to certain deficiencies. Devine, Tr. at 28-30, Price, Tr. at 247-248, Engleman, Tr. at 210-213.
11. Any interim number portability funding mechanism should create an incentive for LECs to take the initiative in establishing permanent number portability. Price, Tr. at 258.

12. The Commission should keep this docket open to ensure that implementation problems can be dealt with efficiently and effectively by the Commission. Devine, Tr. at 45-46.

Respectfully submitted,

Timothy T. Devine
MFS Communications Company, Inc.
250 Williams Street
Suite 2200
Atlanta, Georgia 30303
(404) 224-6600


Richard M. Rindler
James C. Falvey
SWIDLER & BERLIN, CHARTERED
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007
(202) 424-7500

**CERTIFICATE OF SERVICE
DOCKET NO. 950737-TP**

I hereby certify that on this 3rd day of November 1995, copies of Metropolitan Fiber Systems of Florida, Inc's. Proposed Findings of Fact and Conclusions of Law was served via overnight delivery and/or first class mail, postage prepaid, on the following:

Laurie A. Maffett
Manager, Regulatory Matters
Frontier Communications of the
South, Inc.
Frontier Telephone Group
180 South Clinton Avenue
Rochester, NY 14646-0400

F. B. (Ben) Poag
Sprint/United-Florida
Sprint/Centel-Florida
555 Lake Border Drive
Apopka, Florida 32716

Robert M. Post, Jr.
Indiantown Telephone System, Inc.
16001 Southwest Market St.
Indianatown, FL 34956-0277

Beverly Y. Menard
c/o Richard M. Fletcher
GTE Florida Incorporated
106 East College Avenue
Suite 1440
Tallahassee, FL 32301-7704

John A. Carroll, Jr.
Northeast Florida Telephone
Company, Inc.
P. O. Box 485
Macclenny, FL 32063-0485

Ferrin Seay
The Florala Telecommunications Co.
522 N. 5th Street
P. O. Box 186
Florala, AL 36442-0186

C. Everett Boyd, Jr.
Ervin, Varn, Jacobs, Odom
& Irvin
305 S. Gadsden St.
P. O. Drawer 1170
Tallahassee, FL 32302

Daniel V. Gregory
Quincy Telephone Company
107 W. Franklin Street
P. O. Box 189
Quincy, FL 32353-0189

John H. Vaughan
St. Joseph Telephone &
Telegraph Co.
502 Fifth St.
Port St. Joe, FL 32456-0220

Richard D. Melson
Hopping Green Sams & Smith
123 S. Calhoun Street
P. O. Box 6526
Tallahassee, FL 32301

Michael Tye
AT&T Communications of the
Southern States, Inc.
106 E. College Avenue
Suite 1410
Tallahassee, FL 32301-7733

Florida Interexchange Carriers
Association
c/o J.P. Gillan & Associates
P. O. Box 541038
Orlando, FL 32854-1038

Gina M. Lee
Hayes Telecommunications
Services, Inc.
1311-A Paul Russell Road
Suite 201
Tallahassee, FL 32301

Lee McDowell
Hyperion Telecommunications
of Florida, Inc.
5 W. 3rd Street
Coudersport, PA 16915

Donald D. Bowden
Gulf Telecommunications
P. O. Box 1120
Perry, FL 32347

Susan C. Langston
Florida Telephone Association
P. O. Box 1776
Tallahassee, FL 32302

Tony H. Key, Director
State Regulatory-South
Sprint
3100 Cumberland Circle
Atlanta, GA 30339

J. Phillip Carver
Robert G. Beatty
c/o Nancy H. Sims
Southern Bell Telephone &
Telegraph Co.
150 S. Monroe Street
Suite 400
Tallahassee, FL 32301

Richard H. Brashear
Harriet Eudy
ALLTEL Florida, Inc.
206 White Avenue
P. O. Box 550
Live Oak, FL 32060

Jill Butler
Digital Media Partners
Time Warner Communications
2773 Red Maple Ridge
Tallahassee, FL 32301

Angela Green
Florida Public
Telecommunications Assn.
125 S. Gadsden St.
#200
Tallahassee, FL 32301-1525

William H. Higgins, Esq.
McCaw Cellular Communications, Inc.
c/o Cellular One
250 S. Australian Avenue
Suite 900
West Palm Beach, FL 33401

Floyd R. Self, Esq.
Messer, Vickers, Caparello,
Madsen, Goldman & Metz, P.A.
215 S. Monroe Street, Ste. 701
P. O. Box 1876
Tallahassee, FL 32301

American Communications
Network Incorporated
919 Third Avenue
Suite 620
New York, NY 10022

Lynn B. Hall
Vista-United Telecommunications
3100 Bonnet Creek Road
Lake Buena Vista, FL 32830

Peter M. Dunbar, Esq.
Charles W. Murphy, Esq.
Pennington & Haben, P.A.
215 S. Monroe Street
2nd Floor
P. O. Box 10095
Tallahassee, FL 32301

Anthony P. Gillman
Kimberly Caswell
GTE Florida Incorporated
One Tampa City Center
201 N. Franklin Street
P. O. Box 110, FLTC0007
Tampa, FL 33602

Marsha Rule
Wiggins and Villacorta
501 E. Tennessee St.
Suite B
Tallahassee, FL 32302

Patrick K. Wiggins
Wiggins & Villacorta, P.A.
501 E. Tennessee St., Suite B
Tallahassee, FL 32302

Jacksonville Teleport, L.C.
2516 Edison Avenue
Jacksonville, FL 32204-2530

Laura L. Wilson, Esq.
Charles F. Dudley, Esq.
Florida Cable
Telecommunications
Association, Inc.
310 N. Monroe Street
Tallahassee, FL 32301

David B. Erwin
Young, Van Assenderp
Varnadoe & Benton, P.A.
225 S. Adams Street
Suite 200
Tallahassee, FL 32301

Charles Beck
Office of Public Counsel
House of Representatives
The Capitol
Tallahassee, FL 32301

Lee L. Willis

J. Jeffrey Wahlen
Ausley, McMullen, McGehee
Carothers & Proctor
227 S. Calhoun Street
Tallahassee, FL 32301

Alan N. Berg
United Telephone Company
Central Telephone Company
555 Lake Border Drive
Apopka, FL 32703

Timothy T. Devine
MFS Intelenet, Inc.
250 Williams Street
Suite 2200
Atlanta, GA 30303

Michael J. Henry
MCI Telecommunications Corp.
780 Johnson Ferry Road
Suite 700
Atlanta, GA 30342

Dewayne Lanier
Gulf Telephone
115 West Drew Street
Perry, FL 32347

John McGlew
Northeast Florida Telephone Company
130 N. 4th Street
MacClenny, FL 32063

Charles L. Dennis
Indiantown Telecommunications System,
Inc.
15925 S.W. Warfield Boulevard
Indiantown, FL 34956

James W. Tyler
Vista-United Telecommunications
3100 Bonnet Creek Road
Lake Buena Vista, FL 32830

John Vaughan
St. Joseph Telephone and
Telegraph Co.
502 5th Street
Port St. Joe, FL 32456

AMNEX
Regulatory Affairs
101 Park Avenue
Suite 2507
New York, NY 10178

Robin Dunson
AT&T Communications
of the Southern States, Inc. (GA)
1200 Peachtree Street, N.E.
Atlanta, Georgia 30309-7733

Thomas Beard
Beard and Associates
5364 Appledore Lane
Tallahassee, FL 32308

BellSouth Mobility, Inc.
1100 Peachtree Street, N.E.
Suite 14-E06
Atlanta, Georgia 30309-4599

Gary T. Lawrence
City of Lakeland
501 East Lemon St.
Lakeland, FL 33801

J.D. Thomas
Cole Law Firm
1919 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Greg Krasovsky
Commerce & Economic
Opportunities
State Senate
426 Senate Office Building
Tallahassee, FL 32399

Data & Electronic Services, Inc.
P. O. Box 1585
Destin, FL 32540-1585

Carolyn Mason
Department of Management
Services
4050 Esplanade Way
Building 4030
Tallahassee, FL 32399

Nels Roseland
Office of Planning and Budget
The Capitol, Room 1502
Tallahassee, FL 32399

Bruce May
Holland Law Firm
P. O. Drawer 810
Tallahassee, FL 32302

Sam LaMartina
Independent Telecommunications
Network, Inc.
8500 W. 110th Street
Suite 600
Overland Park, KS 66210

Vice President, External Affairs
Intermedia Communications
of Florida, Inc. (TI857)
9280 Bay Plaza Blvd., Ste. 720
Tampa, Florida 33619

David Hickman
International Speedway Corp.
P. O. Box 2801
Daytona Beach, FL 32120

Don Price
MCI Telecommunications
701 Brazos, Suite 600
Austin, TX 78701

Woody Taylor
MCI Telecommunications
2400 N. Glenville Drive
Dept. 0415
Richardson, TX 75082

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Room 812
Tallahassee, FL 32399

Payphone Consultants, Inc.
3431 N.W. 55th Street
Ft. Lauderdale, FL 33309

Kenneth Hoffman
Rutledge Law Firm
P. O. Box 551
Tallahassee, FL 32302

Suncoast Payphone Company
7916 Edinburgh Drive
New Port Richey, FL 34653

Margaret Weaver
Tampa Payphones, Inc.
P. O. Box 291805
Tampa, FL 33687

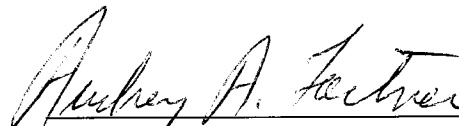
Jodie Donovan
TCG South Florida
1133 21st Street, N.W.
Suite 400
Washington, D.C. 20036

Andrew Isar
Telecommunications Reseller Assn.
4312 92nd Avenue, N.W.
Gig Harbor, WA 98335

Clay Phillips
Utilities and Telecommunications
State House
410 House Office Building
Tallahassee, FL 32399

Prentice P. Pruitt, Esq.
Gerald L. Gunter Bldg.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Monica M. Barone, Esq.
Gerald L. Gunter Bldg.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850


Audrey A. Fortner