

FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850

M E M O R A N D U M

AUGUST 1, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CANZANO) *MCB*
DIVISION OF COMMUNICATIONS (CHASE) *HC* *W*

RE: DOCKET NO. 950984-TP - RESOLUTION OF PETITION(S) TO
ESTABLISH NONDISCRIMINATORY RATES, TERMS, AND CONDITIONS
FOR RESALE INVOLVING LOCAL EXCHANGE COMPANIES AND
ALTERNATIVE LOCAL EXCHANGE COMPANIES PURSUANT TO SECTION
364.161, F.S.

AGENDA: AUGUST 13, 1996 - REGULAR AGENDA - PARTIES MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\LEG\WP\950984TP.RCM

CASE BACKGROUND

This matter came to hearing as a result of petitions filed by Metropolitan Fiber Systems of Florida, Inc. (MFS-FL) and MCI Metro Access Transmission Services, Inc. (MCImetro) for unbundling and resale of BellSouth Telecommunications, Inc. (BellSouth) network elements and services. Section 364.161, Florida Statutes, provides that upon request, each local exchange telecommunications company shall unbundle all of its network features, functions, and capabilities, and offer them to any other telecommunications provider requesting them for resale to the extent technically and economically feasible. If the parties to this proceeding are unable to successfully negotiate the terms, conditions, and prices of any feasible unbundling request, the Commission, pursuant to Section 364.162(3), Florida Statutes, is required to set nondiscriminatory rates, terms, and conditions for resale of services and facilities within 120 days of receiving a petition.

By Order No. PSC-96-0444-FOF-TP (Order), issued March 29, 1996, the Commission decided various issues regarding rates, terms, and conditions for unbundling and resale of BellSouth facilities to MFS-FL and MCImetro. This Order required BellSouth to file cost studies for certain loops and ports requested by MFS-FL. BellSouth

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filed those cost studies within the time required by the Order except for the study of the four-wire analog port. On June 28, 1996, BellSouth filed a Motion to Waive Requirement of Order No. PSC-96-0444-FOF-TP that requires BellSouth to file cost studies for the four-wire analog port requested by MFS-FL.

DISCUSSION OF ISSUES

ISSUE 1: Should BellSouth Telecommunications, Inc.'s Motion to Waive Requirement of Order No. PSC-96-0444-FOF-TP, which requires BellSouth to file cost studies for the four-wire analog port requested by Metropolitan Fiber Systems of Florida, Inc., be granted?

RECOMMENDATION: Yes. BellSouth Telecommunications, Inc.'s Motion to Waive Requirement of Order No. PSC-96-0444-FOF-TP, which requires BellSouth to file cost studies for the four-wire analog port requested by Metropolitan Fiber Systems of Florida, Inc., should be granted.

STAFF ANALYSIS: By Order No. PSC-96-0444-FOF-TP (Order), issued on March 29, 1996, the Commission required BellSouth Telecommunications, Inc. (BellSouth) to file cost studies for certain loops and ports requested by Metropolitan Fiber Systems of Florida, Inc. (MFS-FL) within sixty days from the issuance of the Order.

On June 28, 1996, BellSouth filed a Motion to Waive Requirement of the Order, which requires BellSouth to file cost studies for the four-wire analog port requested by MFS-FL. BellSouth filed cost studies within the time required by the Order except for the study of the four-wire analog port. MFS-FL advised BellSouth that it has no immediate need for the four-wire analog ports and that should a future application arise, MFS-FL reserves that right to request them as unbundled elements through the use of a Bona Fide Request Process currently under discussion with BellSouth. MFS-FL's letter is attached to BellSouth's motion. Thus, BellSouth requests that the Order's requirement that BellSouth submit a cost study for the four-wire analog port be waived since it is no longer being requested by MFS-FL.

Upon review, staff recommends that BellSouth's Motion to Waive Requirement of Order No. PSC-96-0444-FOF-TP, which requires BellSouth to file cost studies for the four-wire analog port requested by MFS-FL, is reasonable and should be granted.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open to review the cost studies submitted by BellSouth.

STAFF ANALYSIS: No. This docket should remain open to review the cost studies submitted by BellSouth.