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FILE COPY



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November 13, 1996

Mrs. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Docket No. 960786-TP

Dear Mrs. Bayo:

Enclosed for filing in the above referenced docket are an original and fifteen (15) copies of the Joint Motion For Order Requiring Advance Notice of Filing on behalf of AT&T, MCI, LDDS and Florida Interexchange Carriers Association.

Copies of the foregoing are being served on all parties of record in accordance with the attached Certificate of Service.

Yours truly,

*Marsha E. Rule*  
Marsha E. Rule

Attachments

cc: Parties of Record

- ACK
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMH *Green*
- CTR \_\_\_\_\_
- EQG \_\_\_\_\_
- LEG 1
- LIN 5
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12090 NOV 13 1996

FPSC-RECORDS/REPORTING

FILE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Consideration of )  
BellSouth Telecommunications, )  
Inc.'s entry into interLATA )  
services pursuant to Section 271 )  
of the Federal Telecommunications )  
Act of 1996 )  
\_\_\_\_\_ )

Docket No. 960786-TL  
  
Filed: 11/13/96

JOINT MOTION FOR ORDER  
REQUIRING ADVANCE NOTICE OF FILING

AT&T Communications of the Southern States, Inc. (AT&T), MCI Telecommunications Corporation (MCI), WorldCom, Inc. d/b/a LDDS WorldCom (LDDS) and the Florida Interexchange Carriers Association (FIXCA) (collectively, the "Joint Movants") file this motion requesting an order of the Florida Public Service Commission as described herein. In support, Joint Movants show:

1. Pursuant to section 271(d)(3) of the Telecommunications Act of 1996, Bell Operating Companies may apply to the Federal Communications Commission (FCC) for authority to provide in-region interLATA service. The FCC has 90 days to issue a written determination approving or denying such an application, during which time it must consult with applicable state utilities commissions. The Florida Public Service Commission (Commission) opened this docket in June, 1996, to begin preparation for its role in BellSouth Telecommunications, Inc.'s (BellSouth's) eventual application for interLATA authority.

2. Tentative issues to be considered by the Commission in connection with BellSouth's application for interLATA authority

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FPSC-RECORDS/REPORTING

were established in Order No. PSC-96-0945-PCO-TL, issued in this docket on July 19, 1996. Since that time, the parties in this docket have been engaging in discovery in preparation for the future hearing.

3. The decision to be made by the Commission in this docket regarding its recommendation to the FCC is of tremendous importance to Florida's competitive providers of telecommunications service, and hence, to Florida consumers. In order to meet the deadlines established by the Telecommunications Act of 1966, the Commission must make its determination as to BellSouth's competitive position within a very short time period.

The magnitude of the task, combined with the brevity of the time period within which the Commission must make its recommendation, make advance preparation essential. The Commission as well as the parties to this docket would be aided by advance notice of BellSouth's intention to file an application for interLATA authority.

4. Other state Commissions have required BellSouth to provide such advance notice. For example, the South Carolina Public Service Commission recently ordered BellSouth to provide advance notification of its intention to apply for interLATA authority under the following conditions:

- BellSouth must notify the PSC "as soon as possible but not less than 120 days before" its FCC application;
- The advance notification must include testimony, information demonstrating compliance with specified portions of Section 271

of the Telecommunications Act of 1966 and responses to specific questions proposed by SCPSC staff;

- The SCPSC hearing will be held before BellSouth is to file its FCC application.

5. Similarly, the North Carolina Utilities Commission has ordered BellSouth to provide not less than 90 days advance notice of its FCC application, including notification of the evidence upon which it intends to rely to show compliance with Section 271 of the Telecommunications Act of 1996 and the extent to which it is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange service to residential and business subscribers. A copy of the orders of both Commissions are attached hereto.

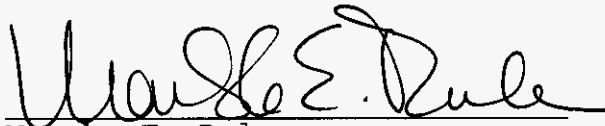
6. The Joint Movants request that the Commission order BellSouth to provide 120 days advance notice of its intention to file its FCC application for interLATA authority, along with supporting documentation similar to that ordered by the North Carolina Public Utilities Commission. Since BellSouth already is obligated to provide 120 days advance notice of its application and the proof upon which it intends to rely to at least one state commission, it will be no hardship for the company to provide similar advance notice, testimony and other information to this Commission.

**WHEREFORE,** AT&T, MCI, LDDS and FIXCA respectfully request that the Florida Public Service Commission order BellSouth

Telecommunications to provide the following no later than 120 days prior to its FCC application to provide in-region interLATA service:

1. Written notification to the Commission and the parties in this docket of its intent to apply to the FCC for interLATA authority;
2. All evidence, including prefiled testimony and exhibits, upon which BellSouth intends to rely in response to the issues identified in Order No. PSC-96-0945-PCO-TL and in any other procedural order issued before that date.

Respectfully submitted, this 13th day of November, 1996.



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STATES, INC.



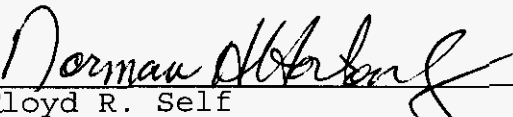
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ATTORNEYS FOR WORLDCOM, INC.  
d/b/a LDDS WORLDCOM

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. P-55, SUB 1022

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of BellSouth Telecommunications, Inc. )  
To Provide In-Region InterLATA Service Pursuant to ) PROCEDURAL ORDER  
Section 271 of the Telecommunications Act of 1996 )

BY THE CHAIRMAN: Section 271 of the Telecommunications Act of 1996 (TA96) provides for the entry of Bell Operating Companies (BOCs) into the in-region interLATA market upon the satisfaction of certain conditions. The relevant BOC must make an application to the Federal Communications Commission (FCC) for such authority. The FCC must act on this application within 90 days. Section 271(d)(2)(B) contains a provision that the FCC must consult with the relevant State commission regarding the application. Before the authority can be granted, the BOC must have satisfied the conditions set out in Section 271(c).

After careful consideration, the Chairman concludes that good cause exists to require BellSouth Telecommunications, Inc. (BellSouth) to do the following:

1. Within fourteen days of the issuance of this Order, BellSouth shall advise the Commission of its plans to file an application with the FCC to provide in-region interLATA service.

2. Not less than ninety days prior to the application to the FCC, BellSouth shall notify the Commission of its intent to file an application with the FCC. Such notification shall include:

a. The evidence to be relied upon to show that BellSouth has met either the requirements of Section 271(c)(1)(A) relating to the presence of a facilities-based carrier or Section 271(c)(1)(B) relating to a statement of generally available terms and conditions.

b. The evidence to be relied upon to show that each requirement of the Section 271 competitive checklist has been met.

c. The evidence to be relied upon to show the extent to which BellSouth is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange service to residential and business subscribers.



d. The evidence to be relied upon to show compliance with the public interest requirement of Section 271.

It is the Chairman's intent that the Commission conduct a proceeding so that the Commission will be prepared to respond to the FCC's request for consultation. Once BellSouth has made its filings in compliance with the provisions above, a further Order will promptly be issued detailing further procedure.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 21<sup>st</sup> day of August, 1996.

NORTH CAROLINA UTILITIES COMMISSION

*Gail L. Mount*

Gail Lambert Mount, Deputy Clerk

State of South Carolina

Docket No. 96-018-C-Order No.96-75  
Attachment A



Public Service Commission

RUDOLPH MITCHELL  
Chairman  
GUY BOTTSER  
Vice Chairman  
Cecil A. BOWERS  
Commissioner  
WARREN D. ARTHUR, IV  
Commissioner  
WILLIAM "BOB" SAUNDERS  
Commissioner  
C. DIXIE SCOTT  
Commissioner  
PHILIP T. HEATH, IV  
Commissioner

CHARLES W. BALLEWINE  
Executive Director  
(803) 737-5120

GARY E. WALSH  
Deputy Executive Director  
(803) 737-5133

TO: ALL COMMISSIONERS  
FROM: GARY E. WALSH, DEPUTY EXECUTIVE DIRECTOR *Jew*  
DATE: OCTOBER 4, 1996  
IN RE: SECTION 271 FEDERAL TELECOMMUNICATIONS ACT OF 1996

WITH THIS MEMO I AM PROVIDING ALL COMMISSIONERS WITH A COPY OF THE STAFF PROPOSED PLAN OF ACTION AS IT RELATES TO SECTION 271 OF THE FEDERAL TELECOMMUNICATIONS ACT OF 1996.

I PLAN ON PRESENTING THIS TO THE COMMISSION IN THE COMMISSION MEETING SCHEDULED FOR THE WEEK OF OCTOBER 14, 1996.

Attachment A  
Docket No. 96-018-C-Order No. 96-753  
Page One

**ISSUES, INFORMATION AND PROCEDURE FOR ORDER AND HEARING  
OF BELLSOUTH'S ENTRY INTO IN-REGION TOLL MARKET**

**PURPOSE** - To fulfill the Commission's responsibility under Section 271(d)(2)(B); to provide consultation to the FCC regarding BOC's compliance with Section 271 for providing in-region toll service.

The following statement requesting that BellSouth notify the Commission of its intent to submit an application to the FCC and instructing Staff to collect information as recommended by the FCC was taken from Docket No. 96-231-C, Order No. 96-469.

"We further hold that a public hearing may be held by the Commission relating to the provisions of Section 271 of the Act, and consistent with any guidelines or recommendations set forth regarding this matter by the Federal Communications Commission. BellSouth is to notify the Commission of its intent to submit an application to the Federal Communications Commission for certification under Section 271 of the Telecommunications Act of 1996 in sufficient time to allow the Commission to conduct their review and hearing. BellSouth is to provide such notification to the Commission in conjunction with any Section 251 or 252 filing which would trigger its application under Section 271. The burden of proof shall be on BellSouth to demonstrate compliance with all requirements of Section 271 of the Act. In addition, we instruct the Commission Staff to collect information as it pertains to requirements under Section 271 consistent with the information deemed necessary under that Section of the Act and as set forth through guidelines or recommendations of the Federal Communications Commission."

The Act requires the FCC to render a decision on a BOC's application within 90 days after receiving it. As stated in Section 271 (d)(2)(B) before making the determination, the FCC shall consult with the state Commission to verify the BOC's compliance.

" (B) Consultation with state commission.--Before making any determination under this subsection, the Commission shall consult with the State Commission of any State that is the subject of the application in order to verify the compliance of the Bell operating company with the requirements of subsection (c).

Attachment A  
Docket No. 96-018-C-Order No. 96-753  
Page Two

**SUGGESTED TIMETABLE AND FORMAT FOR ORDER AND HEARING  
OF BELLSOUTH'S ENTRY INTO IN-REGION TOLL MARKET**

- A. BellSouth will be asked to notify the PSC as soon as possible but not less than 120 days before they apply with the FCC for authority to enter into the interLATA market.
- B. BellSouth will file the responses to the questions that will be attached to the order on the same day when they notify PSC of their decision to apply for authority with the FCC.
- C. BellSouth will file their initial testimony with the application.
- D. A notice will issued to all interested parties within 5 days after BellSouth notification to the PSC.
- E. All interested parties will have 20 days to respond to notice.
- F. All interested parties will receive copy of the filing within 5 days of their response.
- G. All interested parties will have 20 days to identify issues and issue discoveries to BellSouth.
- H. A pre-hearing conference will be scheduled. A written list of issues will be presented.
- I. BellSouth will have 25 days to respond to discoveries.
- J. All interested parties will have 10 days for clarification of discoveries' issues.
- K. All other parties will pre-file their testimonies 20 days after clarification of issues.
- L. BellSouth will file supplemental testimony the same date when the other parties pre-file their testimonies.
- M. Hearing will be scheduled before filing with the FCC.
- N. At the time evidence is filed with this Commission, BellSouth should provide the material to the U.S. Department of Justice and the FCC. Bell South should work with the Commission to assure confidentiality of information as appropriate.

Attachment A  
Docket No. 96-018-C-Order No. 96-753  
Page Three

## APPENDIX A

1. Provide information to the Commission demonstrating that BellSouth meets the requirements of section 271(c)(1)(A) of the Telecommunication Act of 1996.
2. Provide information to the Commission demonstrating that BellSouth meets the requirements of section 271(c)(1)(B) of the telecommunications Act of 1996.
3. Provide information to the Commission demonstrating that BellSouth has provided interconnection in accordance with requirements of sections 251(c)(2) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(i) and applicable rules promulgated by the FCC.
4. Provide information to the Commission demonstrating that BellSouth has provided nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(ii) and applicable rules promulgated by the FCC.
5. Provide information to the Commission demonstrating that BellSouth has provided nondiscriminatory access to the poles, ducts, conduits, and right-of-way owned or controlled by BellSouth at just and reasonable rates in accordance with the requirements of sections 224 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(iii) and applicable rules promulgated by the FCC.
6. Provide information to the Commission demonstrating that BellSouth has unbundled the local loop transmission between the central office and the customer's premises from local switching or other services, pursuant to 271(c)(2)(B)(iv) and applicable rules promulgated by the FCC.
7. Provide information to the Commission demonstrating that BellSouth has unbundled the local transport on the trunk side of a wireline local exchange carrier switch from switching or other services, pursuant to 271(c)(2)(B)(v) and applicable rules promulgated by the FCC.
8. Provide information to the Commission demonstrating that BellSouth has unbundled local switching from transport, local loop transmission, or other services, pursuant to 271(c)(2)(B)(vi) and applicable rules promulgated by the FCC.

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Page Four

9. Provide information to the Commission demonstrating that BellSouth has provided nondiscriminatory access to the following, pursuant to 271(c)(2)(B)(vii) and applicable rules promulgated by the FCC:
  - (a). 911 and E911 services;
  - (b). directory assistance services to allow the other telecommunications carrier's customers to obtain telephone numbers; and
  - (c). operator call completion services.
10. Provide information to the Commission demonstrating that BellSouth has provided white pages directory listings for customers of other telecommunications carrier's telephone exchange services, pursuant to 271(c)(2)(B)(viii) and applicable rules promulgated by the FCC.
11. Provide information to the Commission demonstrating that BellSouth has provided nondiscriminatory access to the telephone numbers for assignment to the other telecommunications carrier's telephone exchange service customers, pursuant to 271(c)(2)(B)(ix) and applicable rules promulgated by the FCC.
12. Provide information to the Commission demonstrating that BellSouth has provided nondiscriminatory access to databases and associated signaling necessary for call routing and completion, pursuant to 271(c)(2)(B)(x) and applicable rules promulgated by the FCC.
13. Provide information to the Commission demonstrating that BellSouth has provided number portability, pursuant to 271(c)(2)(B)(xi) and applicable rules promulgated by the FCC.
14. Provide information to the Commission demonstrating that BellSouth has provided nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3) of the Telecommunication Act of 1996, pursuant to 271(c)(2)(B)(xii) and applicable rules promulgated by the FCC.
15. Provide information to the Commission demonstrating that BellSouth has provided reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2) of the Telecommunication Act of 1996, pursuant to 271(c)(2)(B)(xiii) and applicable rules promulgated by the FCC.

Attachment A  
Docket No. 96-018-C-Order No. 96-753  
Page Five

16. Provide information to the Commission demonstrating that BellSouth has provided telecommunications services available for resale in accordance with the requirements of section 251(c)(4) and 252(d)(3) of the Telecommunication Act of 1996, pursuant to 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC.

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Page Six

#### APPENDIX B

#### PROVIDE THE FOLLOWING INFORMATION TO THE COMMISSION:

1. Identify the entities that have requested interconnection; unbundled elements or to resell service from BellSouth.
2. Specify types of interconnection, unbundled elements requested, date request made, date BellSouth and entity entered into binding agreement, and provide complete copy of agreement (including prices charged) and proof of State approval.
3. Number of access lines in the state that are served by entity or entities that BellSouth considers to be local competitors compared to number of access lines that BellSouth serves in the state.
4. Scope of geographic areas, and the number and types of customers for which the competitor's services are available compared to BellSouth's scope of geographic area, and the number and types of customers in the state for which BellSouth services are available.
5. Extent to which each competitor is using own facilities, or using, unbundled elements or resold services obtained from BellSouth.
6. The average provisioning intervals and maintenance times for services that BellSouth provides to competitors compared with those it provides itself.
7. Number of locations of BellSouth switches in state that are connected to local loops served by competitors.
8. Number, type and location of switches that BellSouth has in the state.
9. Amount of revenues that BellSouth derived in the most recent year preceding that in which the application is filed, indicating the amounts derived from:
  - a. basic local residential services.
  - b. basic local business services.
  - c. intraLATA toll
  - d. access charges
  - e. other types of services.



TOTAL P.11

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Page Seven

10. Any reports, studies or analyses available, and created within the past year preceding the application, that contain market share information of BellSouth and local telephone service competitors; or compare volumes of traffic, revenues of BellSouth and local competitors; or evaluate the likely entry, success or rate of growth of competitors or potential competitors.
11. Description and current status of all complaints made to BellSouth, to the state Commission and FCC or to other governmental authorities by carriers, competitors, or entities that requested interconnection, access or the ability to resell BellSouth services in the state of South Carolina.

**CERTIFICATE OF SERVICE**

**DOCKET NO. 960786-TL**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail or hand-delivery to the following parties of record this 13<sup>TH</sup> day of November, 1996:

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A handwritten signature in cursive script that reads "Marsha E. Rule". The signature is written in black ink and is positioned above a horizontal line.

Marsha E. Rule