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August 5, 1997

BY HAND DELIVERY

Ms. Blanca Bayo, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 960786-TL

Dear Ms. Bayo:

Enclosed for filing on behalf of Metropolitan Fiber Systems of Florida, Inc. and WorldCom, Inc. are an original and fifteen copies of the Prehearing Statement of Metropolitan Fiber Systems of Florida, Inc. and WorldCom, Inc. in the referenced docket. Also enclosed is a 3 1/2" diskette with the document on it in WordPerfect 6.0/6.1 format.

Please indicate receipt of this document by stamping the enclosed extra copy of this letter.

Thank you for your assistance in this matter.

Sincerely,

Norman H. Horton, Jr.
Norman H. Horton, Jr.

- ACK
- AFA _____
- APP _____
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- CTR _____
- EAG _____
- LEG 2
- LIN 5
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

NHH:amb
Enclosures
cc: Mr. Brian Sulmonetti
Parties of Record

RECEIVED & FILED
[Signature]
DIVISION OF RECORDS

DOCUMENT NUMBER-DATE
07919 AUG-5 97
FPSC-RECORDS/REPORTING

FILED

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: August 5, 1997

**PREHEARING STATEMENT OF
METROPOLITAN FIBER SYSTEMS OF FLORIDA, INC.
AND WORLDCOM, INC.**

Metropolitan Fiber Systems of Florida, Inc. and WorldCom, Inc. ("MFS/WorldCom"), through undersigned counsel, having merged since the initiation of this docket herewith jointly submit this prehearing statement.

A. APPEARANCES

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and

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On behalf of MFS/WorldCom, Inc.

B. WITNESSES

Witness
Robert W. McCausland
(Direct and Rebuttal Testimony)

Issues
1 - 18

DOCUMENT NUMBER-DATE

07919 AUG-5 97

FPSC-RECORDS/REPORTING

C. EXHIBITS

<u>Number</u>	<u>Witness</u>	<u>Description</u>
RWM-1	Robert W. McCausland	E-mail message from BellSouth to MFS dated May 5, 1997
RWM-2	Robert W. McCausland	Service Quality Measurements List

D. BASIC POSITION

BellSouth has not demonstrated that it has met each element of the checklist in section 271 of the Telecommunications Act of 1996 ("Act"). BellSouth has the responsibility to show that it has complied with each of the checklist items and until there is a satisfactory demonstration of compliance by BellSouth, the Commission should recommend that BellSouth's application be denied.

E. ISSUES AND POSITIONS

ISSUE 1.A. Has BellSouth met the requirements of section 271(c)(1)(A) of the Telecommunications Act of 1996?

- (a) Has BellSouth entered into one or more binding agreements approved under Section 252 with unaffiliated competing providers of telephone exchange service?
- (b) Is BellSouth providing access and interconnection to its network facilities for the network facilities of such competing providers?
- (c) Are such competing providers providing telephone exchange service to residential and business customers either exclusively

over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities?

MFS/WorldCom's Position: No. MFS and BellSouth have an interconnection agreement, and MFS intends to provide local service but BellSouth is not providing MFS with access and interconnection to BellSouth facilities at this time. Whether BellSouth has met the requirements of section 271 through arrangements with other carriers is for BellSouth to show.

ISSUE 1.B.: Has BellSouth met the requirements of section 271(c)(1)(B) of the Telecommunications Act of 1996?

- (a) Has an unaffiliated competing provider of telephone exchange service requested access and interconnection with BellSouth?**
- (b) Has a statement of terms and conditions that BellSouth generally offers to provide access and interconnection been approved or permitted to take effect under Section 252(f)?**

MFS/WorldCom's Position: No. BellSouth has received at least one request for access and interconnection thus section 271(c)(1)(B) is not available to BellSouth. Track B is a limited exception to Track A and available only in narrow circumstances. Since there have been qualifying requests of BellSouth and BellSouth must rely on Track A. Further, BellSouth has not filed and SGAT.

ISSUE 1.C.: Can BellSouth meet the requirements of section 271(c)(1) through a combination of track A (Section 271(c)(1)(A)) and track B (Section 271(c)(1)(B))? If so, has

BellSouth met all of the requirements of those sections?

MFS/WorldCom's Position: No. BellSouth either qualifies under one or the other and cannot combine requirements of the two tracks to make a third track of its choice and thereby claim compliance.

ISSUE 2: Has BellSouth provided interconnection in accordance with the requirements of section 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?

MFS/WorldCom's Position: No. Although MFS has an interconnection agreement with BellSouth, neither access nor interconnection is being provided to MFS thus BellSouth is not in compliance with the Act or applicable rules.

ISSUE 3: Has BellSouth 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?

(a) Has BellSouth developed performance standards and measurements?

If so, are they being met?

MFS/WorldCom's Position: No. BellSouth is not providing nondiscriminatory access to network elements. Moreover, BellSouth has not developed or produced any statistically valid performance measurements.

ISSUE 4: Has BellSouth provided nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by BellSouth at just and reasonable rates in

accordance with the requirements of section 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?

MFS/WorldCom's Position: No. Although MFS has an interconnection agreement with BellSouth, neither access nor interconnection is now being provided to MFS. MFS has no experience on which to make a determination as to whether BellSouth "has provided" nondiscriminatory access to poles, ducts, conduits, and rights-of-way.

ISSUE 5: Has BellSouth unbundled the local loop transmission between the central office and the customer's premises from local switching or other services, pursuant to section 271(c)(2)(B)(iv) and applicable rules promulgated by the FCC?

MFS/WorldCom's Position: No. Although covered in the interconnection agreement, BellSouth has not yet provided unbundled local loop transmission as required by the Act and applicable rules.

ISSUE 6: Has BellSouth unbundled the local transport on the trunk side of a wireline local exchange carrier switch from switching or other services, pursuant to section 271(c)(2)(B)(v) and applicable rules promulgated by the FCC?

MFS/WorldCom's Position: No. Although covered in the interconnection agreement, BellSouth has not yet provided unbundled local transport as required by the Act and applicable rules.

ISSUE 7: Has BellSouth provided unbundled local switching from transport, local loop transmission, or other services, pursuant to section 271(c)(2)(B)(vi) and applicable rules promulgated by the FCC?

MFS/WorldCom's Position: No. Although covered in the interconnection agreement, BellSouth has not yet provided unbundled local loop transmission as required by the Act and applicable rules.

ISSUE 8: Has BellSouth provided nondiscriminatory access to the following, pursuant to section 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?**

MFS/WorldCom's Position: Yes, BellSouth has provided access but there has not been ample opportunity to evaluate the access.

ISSUE 9: Has BellSouth provided white pages directory listings for customers of other telecommunications carrier's telephone exchange service, pursuant to section 271(c)(2)(B)(viii) and applicable rules promulgated by the FCC?

MFS/WorldCom's Position: Although covered by the Interconnection Agreement, BellSouth has not yet provided these services.

ISSUE 10: Has BellSouth provided nondiscriminatory access to telephone numbers for assignment to the other telecommunications carrier's telephone exchange service customers, pursuant to section 271(c)(2)(B)(ix) and applicable rules promulgated by the FCC?

MFS/WorldCom's Position: Although covered by the Interconnection Agreement, BellSouth has not yet provided these services.

ISSUE 11: Has BellSouth provided nondiscriminatory access to databases and associated signaling necessary for call routing and completion, pursuant to section 271(c)(2)(B)(x) and applicable rules promulgated by the FCC?

MFS/WorldCom's Position: Although covered by the Interconnection Agreement, BellSouth has not yet provided these services.

ISSUE 12: Has BellSouth provided number portability, pursuant to section 271(c)(2)(b)(xi) and applicable rules promulgated by the FCC?

MFS/WorldCom's Position: Although covered by the Interconnection Agreement, BellSouth has not yet provided these services.

ISSUE 13: Has BellSouth 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 Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xii) and applicable rules promulgated by the FCC?

MFS/WorldCom's Position: Although covered by the Interconnection Agreement, BellSouth has not yet provided these services.

ISSUE 14: Has BellSouth provided reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xiii) and applicable rules promulgated by the FCC?

MFS/WorldCom's Position: The interconnection agreement contains arrangements for reciprocal compensation but MFS has no experience to determine compliance.

ISSUE 15: Has BellSouth provided telecommunications services available for resale

in accordance with the requirements of sections 251(c)(4) and 252(d)(3) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC?

(a) Has BellSouth developed performance standards and measurements? If so, are they being met?

MFS/WorldCom's Position: No, not to MFS. Moreover, BellSouth has not developed or produced any statistically valid performance measurements.

ISSUE 16: By what date does BellSouth propose to provide interLATA toll dialing parity throughout Florida pursuant to section 271(e)(2)(A) of the Telecommunications Act of 1996.

MFS/WorldCom's Position: MFS/WorldCom does not have sufficient information to respond to this issue at this time.

ISSUE 17: If the answer to issues 2-15 is "yes", have those requirements been met in a single agreement or through a combination of agreements?

MFS/WorldCom's Position: BellSouth has the responsibility to prove it has met the requirements. MFS has an interconnection agreement but that alone does not satisfy the requirements of section 271. BellSouth has not met the requirements through a single agreement and cannot meet the requirements through a combination of agreements.

ISSUE 18: Should this docket be closed?

MFS/WorldCom's Position: The docket should be closed when appropriate.

F. PENDING MOTIONS FILED BY MFS/WorldCom, INC.

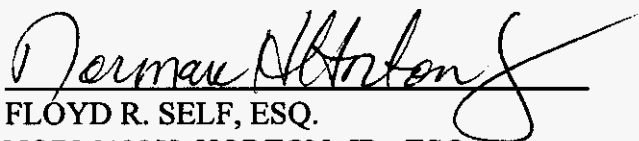
MFS/WorldCom, Inc. has no pending motions at this time.

G. REQUIREMENTS THAT CANNOT BE COMPLIED WITH

MFS/WorldCom, Inc. knows of no requirements that cannot be complied with.

Dated this 5th day of August, 1997.

Respectfully submitted,
MESSER, CAPARELLO, & SELF, P.A.
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FLOYD R. SELF, ESQ.
NORMAN H. HORTON, JR., ESQ.

Attorneys for MFS/WorldCom, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the Prehearing Statement of Metropolitan Fiber Systems of Florida, Inc. and WorldCom, Inc. in Docket No. 960786-TL have been served upon the following parties by Hand Delivery (*) and/or Overnight Delivery (**) this 5th day of August, 1997:

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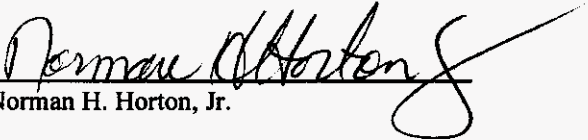
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