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LAW OFFICES  
**MESSER, CAPARELLO & SELF**  
A PROFESSIONAL ASSOCIATION

215 SOUTH MONROE STREET, SUITE 701  
POST OFFICE BOX 1876  
TALLAHASSEE, FLORIDA 32302-1876  
TELEPHONE: (904) 222-0720  
TELECOPIERS: (904) 224-4359; (904) 425-1942

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 American Communications Services of Jacksonville, Inc. are an original and fifteen copies of the Prehearing Statement of American Communications Services of Jacksonville, 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
- CAF
- CMU
- CTR  NHH:amb
- EAG  Enclosures
- LEG  cc: James C. Falvey, Esq.
- LIN  Parties of Record
- OPC
- RCH
- SEC
- WAS
- OTH

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

07920 AUG-5 97

FPSC-RECOR

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FILED

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Consideration of BellSouth	)	
Telecommunications, Inc.'s entry into	)	
InterLATA services pursuant to Section	)	Docket No. 960786-TL
271 of the Federal Telecommunications	)	Filed: August 5, 1997
Act of 1996.	)	
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**PREHEARING STATEMENT OF  
AMERICAN COMMUNICATIONS SERVICES OF JACKSONVILLE, INC.**

American Communications Services of Jacksonville, Inc. ("ACSI"), through undersigned counsel, respectfully submits its prehearing statement.

**A. APPEARANCES**

Floyd R. Self, Esq. and Norman H. Horton, Jr., Esq.  
Messer, Caparello, & Self, P.A.  
Post Office Box 1876  
Tallahassee, FL 32302-1876

On behalf of American Communications Services of Jacksonville, Inc.

**B. WITNESSES**

Witness	Issues
Riley M. Murphy	1-18
(Direct and Rebuttal Testimony)	

**C. EXHIBITS**

Number	Witness	Description
Exhibit No. 1	Riley M. Murphy	Complaint of American Communication Services of Columbus, Inc. against BellSouth Telecommunications, Inc. before the Georgia Public Service Commission filed December 23, 1996

DOCUMENT NUMBER-DATE  
07920 AUG-55  
FPSC-RECORDS/REPORTING

Exhibit No. 2	Riley M. Murphy	Complaint of American Communications Services, Inc. against BellSouth Telecommunications, Inc. before the Federal Communications Commission filed January 6, 1997
Exhibit No. 3	Riley M. Murphy	Complaint of American Communications Services, Inc. against BellSouth Telecommunications, Inc. before the Federal Communications Commission filed February 15, 1996
Exhibit No. 4	Riley M. Murphy	BellSouth Telecommunications, Inc.'s Letter of Agreement for Property Management Services
Exhibit No. 5	Riley M. Murphy	BellSouth Telecommunications, Inc.'s Authorized Sales Representative Agreements

#### **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") as it is incumbent upon them to do. There is not a significant level of facilities-based competition in Florida and experience in other BellSouth service areas demonstrates that BellSouth has great strides to make before there is any significant level of local competition. The Commission should not recommend that BellSouth be permitted to reenter the interLATA market at this time given the low level of competition and difficulties encountered in entering the local market. It is premature for BellSouth to be seeking to reenter the market.

#### **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?**

ACSI's Position: No. ACSI and BellSouth have an interconnection agreement but BellSouth is not yet providing access and interconnection pursuant to this agreement. ACSI is currently offering services as a reseller.

**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)?**

ACSI's Position: No. BellSouth has received requests for access and interconnection and Track B is not available to BellSouth.

**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?**

ACSI's Position: No. BellSouth must meet the requirements through one or the other.

**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?**

ACSI's Position: No. BellSouth has not provided interconnection to ACSI pursuant to the Act and applicable rules in Florida.

**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?**

ACSI's Position: No. BellSouth has neither provided nondiscriminatory access nor has the company developed performance standards or 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?**

ACSI's Position: ACSI and BellSouth have an interconnection agreement which includes the requirement for nondiscriminatory access but ACSI is currently a reseller and has no experience as to whether BellSouth is in compliance with the Act and applicable rules.

**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?**

ACSI's Position: No, and ACSI has encountered difficulties obtaining unbundled loops in other BellSouth states.

**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?**

ACSI's Position: No.

**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?**

ACSI's Position: No.

**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?**

ACSI's Position: The interconnection agreement requires nondiscriminatory access to these services but ACSI does not have experience in Florida.

**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?**

ACSI's Position: Yes.

**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?**

ACSI's Position: The interconnection agreement requires nondiscriminatory access to these services but ACSI does not have experience in Florida.

**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?**

ACSI's Position: The interconnection agreement requires nondiscriminatory access to these services but ACSI does not have experience in Florida.

**ISSUE 12: Has BellSouth provided number portability, pursuant to section**

**271(c)(2)(b)(xi) and applicable rules promulgated by the FCC?**

ACSI's Position: No. BellSouth has not provided number portability to ACSI pursuant to the Act and applicable rules.

**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?**

ACSI's Position: The interconnection agreement requires nondiscriminatory access to these services but ACSI does not have experience in Florida.

**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?**

ACSI's Position: This is a part of the interconnection agreement.

**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?**

ACSI's Position: Yes. BellSouth has provided service for resale but there are no performance standards or measurements. Further, ACSI has not had access to adequate OSS to



handle resale orders resulting in delays.

**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.**

ACSI's Position: Section 271(e)(2)(A) requires intraLATA toll dialing parity coincident with the exercise of interLATA service, if granted. ACSI does not have information to take a position 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?**

ACSI's Position: BellSouth has not met the requirements through a single agreement and cannot combine agreements to satisfy the checklist.

**ISSUE 18: Should this docket be closed?**

ACSI's Position: ACSI has no position.

**F. PENDING MOTIONS FILED BY  
AMERICAN COMMUNICATIONS SERVICES OF JACKSONVILLE, INC.**

American Communications Services of Jacksonville, Inc. has no pending motions at this time.

**G. REQUIREMENTS THAT CANNOT BE COMPLIED WITH**

American Communications Services of Jacksonville, Inc. knows of no requirements that cannot be complied with.

Dated this 5th day of August, 1997.

Respectfully submitted,  
MESSER, CAPARELLO, & SELF, P.A.  
Post Office Box 1876  
Tallahassee, FL 32302-1876  
(904) 222-0720

A handwritten signature in cursive script, appearing to read "Norman H. Horton, Jr.", written over a horizontal line.

FLOYD R. SELF, ESQ.  
NORMAN H. HORTON, JR., ESQ.

Attorneys for American Communications Services of  
Jacksonville, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the Prehearing Statement of American Communications Services of Jacksonville, 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:

Monica Barone, Esq.\*  
Division of Legal Services, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Ms. Nancy White\*  
c/o Ms. Nancy Sims  
BellSouth Telecommunications, Inc.  
150 S. Monroe Street, Suite 400  
Tallahassee, FL 32301

Joseph A. McGlothlin, Esq.\*  
Vicki Gordon Kaufman, Esq.  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 South Gadsden St.  
Tallahassee, FL 32301

Patrick K. Wiggins, Esq.\*  
Donna Canzano, Esq.  
Wiggins & Villacorta, P. A.  
501 E. Tennessee St., Suite B  
Tallahassee, Florida 32302

Patricia Kurlin, Esq.\*\*  
Intermedia Communications, Inc.  
3625 Queen Palm Drive  
Tampa, FL 33169-1309

Richard D. Melson\*  
Hopping Green Sams & Smith  
123 S. Calhoun St.  
Tallahassee, FL 32301

Thomas K. Bond\*\*  
MCI Telecommunications  
780 Johnson Ferry Road, Suite 700  
Atlanta, GA 30342

Tracy Hatch, Esq.\*  
AT&T  
101 N. Monroe St., Suite 700  
Tallahassee, Florida 32301

Marsha E. Rule, Esq.\*  
AT&T  
101 N. Monroe St., Suite 700  
Tallahassee, Florida 32301

Mr. Andrew O. Isar\*\*  
Director- Industry Relations  
Telecommunications Resellers  
Association  
4312 92nd Avenue, NW  
Gig Harbor, WA 98335

Benjamin Fincher\*\*  
Sprint Communications Co., L.P.  
3100 Cumberland Circle  
Atlanta, GA 30339

C. Everett Boyd, Jr.\*  
Ervin, Varn, Jacobs, Odom & Ervin  
305 S. Gadsden St.  
Tallahassee, FL 32301

Richard M. Rindler\*\*  
Swidler & Berlin, Chartered  
3000 K Street, N.W., Suite 300  
Washington, DC 20007

Sue E. Weiske, Esq.\*\*  
Time Warner Communications  
3rd Floor North  
160 Inverness Drive West  
Englewood, CO 80112

Peter M. Dunbar, Esq.\*  
Robert S. Cohen, Esq.  
Pennington, Culpepper, Moore, Wilkinson,  
Dunbar & Dunlap, P.A.  
215 S. Monroe St., 2nd Floor  
Tallahassee, FL 32301

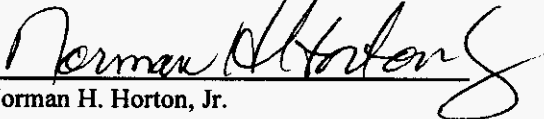
Ms. Carolyn Marek\*\*  
Vice President Regulatory Affairs, Southeast  
Time Warner Communications  
2828 Old Hickory Blvd, S.E., Apt. #713  
Nashville, TN 37221

Kenneth A. Hoffman\*  
Rutledge, Ecenia, Underwood,  
Purnell & Hoffman, P.A.  
215 S. Monroe St., Suite 420  
Tallahassee, FL 32301

Mr. Paul Kouroupas\*\*  
TCG - Washington  
2 Lafayette Centre, Suite 400  
1133 Twenty First Street, N.W.  
Washington, DC 20036

Laura Wilson\*  
Charles F. Dudley  
Florida Cable Telecommunications Association  
310 N. Monroe Street  
Tallahassee, FL 32301

James C. Falvey, Esq.\*\*  
American Communications Services, Inc.  
131 National Business Parkway, Suite 100  
Annapolis Junction, MD 20701

  
Norman H. Horton, Jr.