

SPECIAL COMMISSION CONFERENCE VOTE SHEET

NOVEMBER 3, 1997

RE: DOCKET NO. 960706-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996.

Issue 1A: 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?

Recommendation: No. BellSouth has not met the requirements of Section 271(c)(1)(A).

- (a) Yes. BellSouth has entered into one or more binding agreements approved under Section 252 with unaffiliated competing providers of telephone exchange service.
- (b) No. While BellSouth is providing access and interconnection to competing providers of business service, it is not providing access and interconnection to competing providers of residential service.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

<p><i>[Signature]</i></p> <hr/> <p><i>[Signature]</i></p> <hr/> <p><i>[Signature]</i></p> <hr/> <p><i>[Signature]</i></p> <hr/> <p><i>[Signature]</i></p> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/>
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

11353 NOV-5 97

FPSC-RECORDS/REPORTING

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- (c) No. Competing providers are providing telephone exchange service to business customers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities; however, competing providers are not providing telephone exchange service to residential customers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities.

MODIFIED

The Commission could not clearly determine whether residential service is being provided.

Issue 1B: 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)?

Recommendation: No, BellSouth has not met the requirements of Section 271(c)(1)(B).

- a. Yes, an unaffiliated competing provider has requested access and interconnection with BellSouth.
- b. No. A statement of terms and conditions that BellSouth generally offers to provide access and interconnection has not been approved or permitted to take effect under Section 252(f) in Florida.

APPROVED

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Issue 1C: 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?

Recommendation: No, BellSouth cannot 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)). Further, staff recommends that BellSouth should be permitted to use a state-approved SGAT to show that checklist items are available. BellSouth, however, is not eligible to do so at this time.

APPROVED

Issue 2: Has BellSouth provided interconnection in accordance with the 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?

Recommendation: No. While BST has provided interconnection to a number of ALECs who have requested it, staff does not believe that BST has done so in full compliance with the requirements of the applicable sections of the Act or the FCC rules.

MODIFIED

Approved with the modification that the order is to set out the requirements enumerated by the Commission at the conference.

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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?

Recommendation: Yes. BellSouth has been providing such access to cable television providers under § 224 of the Communications Act of 1934 since 1978. The 1996 Act expanded the access to include telecommunication carriers with no changes to the requirement on the owners of the poles, conduits, and rights-of-way.

APPROVED

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?

Recommendation: No. Based on the evidence in the record, BellSouth has not provisioned all of the unbundled local loops requested by the ALECs. BellSouth has experienced significant billing related problems (among others) in providing these unbundled local loops.

DENIED *yes. Based on the evidence in the record, BellSouth has provisioned unbundled local loops transmission.*

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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?

Recommendation: No. Based on the evidence in the record, BellSouth has not provisioned all of the unbundled local transport requested by the ALECs. BellSouth has experienced significant billing related problems in the provisioning of these unbundled local transport requested.

APPROVED

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?

Recommendation: No. Based on the evidence in the record, BellSouth has not provisioned all of the unbundled local switching requested by the ALECs. BellSouth has experienced significant billing related problems in the provisioning of these unbundled local switching.

APPROVED

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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 carriers' customers to obtain telephone numbers; and,
- (c) operator call completion services?

Recommendation: No. BellSouth has not provided nondiscriminatory access to directory assistance to allow the other telecommunications carriers' customers to obtain telephone numbers.

MODIFIED *Bellsouth passes on items (a) and (c). Selective routing is not being provided, but has not been requested in Fla. DA is not being provided to AECs for customers of an AEC where there is an agreement not to provide the number. Whether this constitutes a violation of nondiscriminatory access depends on whether there is a valid agreement.*

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

Recommendation: Yes. BellSouth has provided white page directory listings for customers of other telecommunications carriers telephone exchange services, pursuant to section 271(c)(2)(B)(viii) and applicable rules promulgated by the FCC.

APPROVED

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

Recommendation: Yes. Based on the testimony, staff believes that BellSouth has met the checklist item (ix) for providing nondiscriminatory access to telephone numbers for assignment to other telecommunications carriers telephone exchange service customers.

APPROVED

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?

Recommendation: Yes, BellSouth has 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.

APPROVED

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

Recommendation: No. Based on the testimony, staff does not believe that BellSouth has met the requirements to satisfy check list item (xi).

DENIED

There is testimony in the record that indicates BellSouth can provide number portability although this service is yet to be requested.

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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?

Recommendation: Yes. Subscribers in BellSouth's territory in Florida have the ability to dial the same number of digits to place a local call, without the use of access codes, regardless of the local service provider.

APPROVED

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 251(c)(2)(B)(xiii) and applicable rules promulgated by the FCC?

Recommendation: No. BST has violated the terms in ALEC agreements in its handling of the ISP traffic controversy. The Commission should advise BST and the ALECs to try to resolve this dispute or, in the alternative, to bring it to the Commission for resolution. Otherwise, where requested and provided, BellSouth has provided reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2) of the Act, pursuant to section 251(c)(2)(B)(xiii) and the applicable FCC rules.

DENIED *yes. BellSouth has provided reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2) of the Act, pursuant to section 251(c)(2)(B)(xiii) and the applicable FCC rules. However, a dispute has arisen as to the character of ISP service and whether it is local. This issue will be resolved at a later date. There is concern over unilateral interpretation of certain agreements.*

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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?

Recommendation: No. BellSouth has not provided tele-communications 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. BellSouth has failed to demonstrate that access to operational support system functions that it provides to competing carriers is equivalent to the access it provides to itself.

MODIFIED

*Approved consistent with discussion
in clarification*

Issue 15a: Has BellSouth developed performance standards and measurements? If so, are they being met?

RECOMMENDATION: Yes. BellSouth has developed performance standards and measurements. These performance standards and measurements are in the form of performance target intervals. However, the performance target intervals that BellSouth has established are not adequate to monitor post-entry nondiscriminatory performance for Resale Services and OSS functions.

MODIFIED

See vote on issue 3a:

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

Recommendation: BellSouth has provided 1+ intraLATA presubscription in all of its end offices in Florida since the end of March 1997.

APPROVED

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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?

Recommendation: Since BST has not met the requirements in Issues 2-15, staff believes this issue is moot. However, if BST had met the requirements in Issues 2-15, staff believes BST can meet the requirements of the checklist with a combination of agreements approved by this Commission.

Moot

Issue 18: Should this docket be closed?

Recommendation: No. This docket should remain open. With respect to Issue 18A only, if no party whose substantial interests are affected by the Commission's proposed agency action in that issue files a protest within 21 days of issuance of the order, the proposed agency action should become final.

APPROVED

Issue 18A: Should the Commission approve BellSouth's statement of generally available terms and conditions (SGAT) pursuant to Section 252(f) of the 1996 Telecommunications Act?

Recommendation: No. BellSouth's SGAT is not in compliance with Section 252(f) of the 1996 Telecommunications Act.

MODIFIED

*Approved with modifications discussed.
Comments in SGAT will be consistent
with the Commissioner's decision
regarding 271.*

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Issue 3: Has BellSouth provided nondiscriminatory access to network elements in accordance with the requirements of section 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?

Recommendation: No. BellSouth has failed to demonstrate that it provides nondiscriminatory access to unbundled network elements requested by competing carriers. In addition, BellSouth has not demonstrated that it has provided access to Operations Support System functions in essentially the same time and manner as it does for itself.

MODIFIED

*Approved consistent with discussion
on clarification*

Issue 3a: Has BellSouth developed performance standards and measurements? If so, are they being met?

Recommendation: Yes. BellSouth has developed performance standards and measurements. These performance standards and measurements are in the form of performance target intervals. However, the performance target intervals that BellSouth has established are not adequate to monitor post-entry nondiscriminatory performance for UNEs and OSS functions.

MODIFIED

*BellSouth should provide measurements
that will allow for meaningful
comparisons*