BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into pricing of unbundled network elements.

DOCKET NO. 990649-TP ORDER NO. PSC-99-2467-PCO-TP ISSUED: December 17, 1999

APPEARANCES:

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J. JEFFRY WAHLEN, Esquire, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida 32302 <u>On behalf of ALLTEL Communications, Inc.</u>

NANCY WHITE and J. PHILLIP CARVER, Esquire, 675 West Peachtree Street, N.E., Suite 4300, Atlanta, Georgia 30375

On behalf of BellSouth Telecommunications, Inc.

KIMBERLY CASWELL, Esquire, P.O. Box 110, FLTC0007, Tampa, Florida 33601-0110. <u>On behalf of GTE Florida Incorporated.</u>

CHARLES J. REHWINKEL, Esquire, P.O. Box 2214, Tallahassee, Florida 32316 and JOHN P. FONS, Esquire, Ausley & McMullen, P.O. Box 391, Tallahassee, FL 32302. <u>On behalf of Sprint-Florida, Incorporated and Sprint</u> <u>Communications Company, Limited Partnership</u>.

JOSEPH A. MCGLOTHLIN, Esquire, McWhirter, Reeves, McGlothlin, Davidson, Dekker, Kaufman, Arnold & Steen, P.A., 117 South Gadsden Street, Tallahassee, Florida 32301.

On behalf of Florida Competitive Carriers Association.

RICHARD D. MELSON, Esquire, Hopping Green Sams & Smith, P.A., Post Office Box 6526, Tallahassee, FL 32314 On behalf of Rhythms Links f/k/a ACI Corp. and MCI WorldCom, Inc.

STEVEN BOWEN, Esquire, and JEREMY MARCUS, Esquire, Blumenfeld & Cohen, 1625 Massachusetts Avenue N.W., Suite 300, Washington, D.C. 20036. (Appearance made on their behalf by RICHARD D. MELSON, Esquire, Hopping Green Sams & Smith, P.A., Post Office Box 6526, Tallahassee, FL 32314)

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On behalf of Rhythms Links, Inc. f/k/a ACI Corp.

TRACY HATCH, Esquire, AT&T, 101 North Monroe Street, Suite 700, Tallahassee, FL 32301 <u>On behalf of AT&T Communications of the Southern States,</u> <u>Inc.</u>

CHARLES PELLEGRINI, Esquire, Wiggins and Villacorta, P.A., 2145 Delta Boulevard, Suite 200, Tallahassee, FL 32303, also making an appearance for CHRISTOPHER V. GOODPASTOR, Esquire, Covad Communications Company, 9600 Great Hills Trail, Suite 150 W, Austin, TX 78759 On behalf of Covad Communications Company.

NORMAN H. HORTON, JR., Esquire, Messer, Caparello & Self P.A., P.O. Box 1876, Tallahassee, FL 32302 On behalf of Northpoint Communications, Inc.

MICHAEL A. GROSS, Vice President of Regulatory Affairs & Regulatory Counsel, 310 North Monroe Street, Tallahassee, FL 32301 <u>On behalf of Florida Cable Telecommunications</u> <u>Association.</u>

MORTON J. POSNER, Esquire, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW, Suite 300, Washington D.C. 20007-5116 On behalf of Florida Digital Network, Inc., KMC Telecom, Inc., KMC Telecom, II, Inc., and KMC Telecom, III, Inc.

SCOTT A. SAPPERSTEIN, Sr. Policy Counsel, Intermedia Communications, 3625 Queen Palm Drive, Tampa, FL 33619 <u>On behalf of Intermedia Communications</u>.

LAURA L. GALLAGHER, Esquire, 101 North College Avenue, Suite 302, Tallahassee, FL 32301 On behalf of MediaOne Florida Telecommunications, Inc.

DONNA CANZANO MCNULTY, Esquire, MCI WorldCom, Inc., 325 John Knox Road, The Atrium Building - Suite 105, Tallahassee, FL 32303 <u>On behalf of MCI WorldCom</u>.

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MARK BUECHELE, Esquire, 2620 SW 27th Avenue, Miami, FL 33133-3001, On behalf of Supra Telecommunications and Information Systems, Inc.

KAREN CAMECHIS, Esquire, Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., Post Office Box 10095, Tallahassee, FL 32302 On behalf of Time Warner AxS d/b/a Time-Warner Telecom of

<u>On benair of time warner AxS d/b/a time-warner terecom of</u> <u>Florida.</u>

DONNA M. CLEMONS, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 On behalf of the Commission Staff.

ORDER ON PROCEDURAL STIPULATION, ON MOTIONS TO STRIKE AND ON MOTION TO ACCEPT LATE-FILED PREHEARING STATEMENT

I. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, Florida Administrative Code, this Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code, a Prehearing Conference was held on December 2, 1999, in Tallahassee, Florida, before Commissioner E. Leon Jacobs, Jr., as Prehearing Officer.

II. CASE BACKGROUND

On December 10, 1998, in Docket No. 981834-TP, the Florida Competitive Carriers Association (FCCA), the Telecommunications Resellers, Inc. (TRA), AT&T Communications of the Southern States, Inc. (AT&T), MCImetro Access Transmission Services, LLC (MCImetro), Worldcom Technologies, Inc. (Worldcom), the Competitive Telecommunications Association (Comptel), MGC Communications, Inc. (MGC), Intermedia Communications Inc. (Intermedia), Supra Telecommunications and Information Systems (Supra), Florida Digital Network, Inc. (Florida Digital Network), and Northpoint Communications, Inc. (Northpoint) (collectively, "Competitive

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Carriers") filed their Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory.

On May 26, 1999, the Commission issued Order No. PSC-99-1078-PCO-TP granting in part and denying in part the Competitive Carriers' petition. Specifically, the Commission granted the request to open a generic unbundled network element (UNE) pricing docket for the three major incumbent local exchange providers in Florida, BellSouth, Sprint-Florida, Incorporated, and GTE Florida Incorporated. Accordingly, this docket was opened to address the deaveraged pricing of UNEs, as well as the pricing of UNE combinations and nonrecurring charges. This matter had been set for an administrative hearing on December 13-15, 1999.

On November 5, 1999, prehearing statements from the parties were due to be filed in accordance with Order No. PSC-99-1078-PCO-TP. The FCCA, Intermedia, Covad Communications, Time Warner, AT&T, MCIWorldCom, FCTA, MediaOne, e.spire, Rhythms Links, KMC Telecom, Northpoint, Supra, and Florida Digital Network filed a Joint Prehearing Statement. For clarity and ease of reference, these parties' Joint Prehearing Statement is hereinafter referred to as the "Joint Statement."

In addition, by Order No. PSC-99-2237-PCO-TP, issued November 12, 1999, I provided the parties with an opportunity to file Supplemental Direct Testimony in this proceeding to address the FCC's recent Order No. 99-238 addressing the remand of its Rule 51.319. Because the FCC's Order was not released until November 5, 1999, the parties were given until December 6, 1999, to file their Supplemental Direct Testimony.

On December 2, 1999, I convened the prehearing conference, at which time the parties and Commission staff indicated that a procedural stipulation had been proposed, but that further discussion was necessary to clarify certain points in the proposal. As such, the prehearing conference was briefly recessed to provide the parties and Commission staff time to finalize the stipulation.

It became clear during those discussions that additional time was required in order to finalize the document. The parties and Commission staff indicated that they would try to finalize the stipulation as soon as possible. Thereupon the prehearing conference was reconvened and the other matters pending were then addressed. Thereafter, on December 7, 1999, the parties filed a

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Stipulation of Certain Issues and Schedule of Events. This Order addresses the stipulation and the motions addressed at the prehearing conference.

III. PROPOSED STIPULATION

The December 7, 1999, Stipulation of Certain Issues and Schedule of Events addresses procedural aspects of this proceeding and is responsive to the FCC's recent Order No. 99-238. All of the parties to this proceeding have signed the stipulation. The stipulation is attached and incorporated herein as Attachment A.

Among other things, the stipulation essentially addresses ground rules by which UNEs should be considered for deaveraging in this proceeding and the type of cost studies upon which the prices for the deaveraged UNEs should be based. The stipulation also addresses the filing of cost studies for UNE combinations, cost studies for UNEs, the information that should be filed with the cost studies, and the time frames for filing these cost studies. In addition, the parties have emphasized that positions taken therein are not binding or precedential as to any position a party may take in appellate proceedings. Finally, the parties have included a proposed schedule for hearings in this proceeding.

Upon consideration, the stipulation appears to be acceptable. Our staff has indicated that proceeding in accordance with the time frames in the stipulation will enhance our ability to develop a full and accurate record in this case, and will provide the parties with the opportunity to refine the issues, as well as the information provided for our ultimate decision. Additionally, the revised schedule allows more time to fully consider the FCC's recent Order No. 99-238. Therefore, I hereby approve the stipulation. Having conferred with the Chairman's office, the December 13-15, 1999, hearing will be cancelled, and the hearing dates proposed in the stipulation will be scheduled. A revised Order on Procedure will be issued in due course setting forth new filing dates to coincide with the hearing dates identified in the stipulation.

IV. MOTIONS

A. Joint Motion to Strike Portions of Prefiled Testimony of Witnesses Varner, Emmerson, and Trimble

On September 10, 1999, the FCCA filed a Joint Motion to Strike Portions of Prefiled Testimony of Witnesses Varner, Emmerson, and Trimble. FCCA asserts that the testimony of these BellSouth and GTEFL witnesses addresses issues outside the scope of this proceeding. BellSouth and GTEFL indicate, however, that the testimony was submitted in an abundance of caution due to the decision to allow supplemental direct testimony on the FCC's Order No. 99-238 addressing the remand of its Rule 51.319. Both BellSouth and GTEFL indicate that the testimony was submitted in case other parties requested that UNEs, not included in the FCC's Order No. 99-238, be considered in this phase of the proceeding. BellSouth and GTEFL were concerned that other parties might make such a request in their supplemental direct testimony, in which case BellSouth and GTEFL would not have a chance to respond to such testimony.

I recognize that it is very likely that supplemental direct testimony will not be filed in the proceeding due to the stipulation and a new testimony filing schedule to be established. However, in as much as the testimony is currently on file in this docket, the Motion to Strike is hereby granted, in part, and denied, in part. The testimony at issue for these two witnesses shall be stricken, except for Witness Varner's direct testimony at page 4, lines 17 through 24; page 40, line 22 through page 41, line 12; and Witness Emmerson's direct testimony at page 6, lines 16 The testimony at issue filed by these witnesses through 19. clearly addresses issues outside the scope of the proceeding. The specific portions I have identified here, however, do address matters relevant to the issues in this proceeding and shall not be stricken. I note that this ruling is rendered moot if, as I expect, all testimony filed to this point is withdrawn and revised when the new filing schedule is established.

B. Joint Motion to Strike the Surrebuttal Testimony of Witness Don Wood

On November 18, 1999, GTEFL and BellSouth filed a Joint Motion to Strike the Surrebuttal Testimony of Witness Don Wood. GTEFL and BellSouth assert that Mr. Wood's testimony is not responsive to the rebuttal testimony of any witness. Instead, GTEFL and BellSouth

assert that Witness Wood's surrebuttal testimony is intended to reinforce the testimony of AT&T and MCI Witness Ankum. They also emphasize that Mr. Wood provides several hundred pages of documentation relating to the HAI5.1 model and advocates the Commission's acceptance of the Hatfield model. Thus, GTEFL and BellSouth argue that Witness Wood has not filed proper surrebuttal testimony, but has, instead, filed testimony that should have been filed on direct.

MCI and AT&T respond that Witness Wood's testimony is, in fact, responsive to certain witnesses' rebuttal testimony, and that simply because it includes additional details does not require that it have been filed as direct testimony.

Upon consideration, the motion to strike is granted, in part, and denied, in part. I agree that portions of Witness Wood's testimony extend beyond the scope of any rebuttal testimony filed in this proceeding. Therefore, I shall strike witness Wood's surrebuttal testimony from page 29, line 12, through page 35, line 17, and the exhibit to his testimony which includes the HAI input portfolio. The remainder of Witness Wood's testimony may remain. Again, I emphasize that this ruling is rendered moot in the event that all testimony filed to this point is withdrawn and revised when the new filing schedule is established.

C. Commission Staff's Motion to Accept Late-Filed Prehearing Statement.

On November 24, 1999, Commission staff filed a Motion to Accept Late-Filed Prehearing Statement. No responses to the Motion have been filed and none of the parties indicated any opposition at the prehearing conference. Commission staff's request does not appear to be unduly burdensome or prejudicial to any party; it is, therefore, granted.

V. PENDING CONFIDENTIALITY MATTERS

On November 5, 1999, BellSouth filed a request for confidential treatment of Document No. 13669-99. I will rule on this request at a later date.

It is therefore,

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that the Stipulation of Certain Issues and Schedule of

Events, attached and incorporated herein as Attachment A is approved as set forth in the body of this Order. It is further

ORDERED that the Joint Motion to Strike Portions of Prefiled Testimony of Witnesses Varner, Emmerson, and Trimble, filed September 10, 1999, is hereby granted in part, and denied, in part, as set forth in the body of this Order. It is further

ORDERED that the Joint Motion to Strike the Surrebuttal Testimony of Witness Don Wood, filed November 18, 1999, by GTE Florida, Inc. and BellSouth Telecommunications, Inc., is granted, in part, and denied, in part, as set forth in the body of this Order. It is further

ORDERED that the Motion to Accept Late-Filed Prehearing Statement, filed November 24, 1999, by Commission Staff is granted.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this <u>17th</u> day of <u>December</u>, <u>1999</u>.

LEON JACOBS, Ε. JR. Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into pricing) Docket No. 990649-TP of unbundled network elements) Filed: December 7, 1999

STIPULATION OF CERTAIN ISSUES AND SCHEDULE OF EVENTS

THIS JOINT STIPULATION (Stipulation) is entered into by and among the following parties (Parties) to this docket: ALLTEL Communications, Inc. (ALLTEL); AT&T Communications of the Southern States, Inc. (AT&T); BellSouth Telecommunications, Inc. (BellSouth); Covad Communications Company (Covad); Florida Cable Telecommunications Association, Inc. (FCTA); Florida Competitive Carriers Association (FCCA); Florida Digital Network, Inc. (Florida Digital); GTE Florida, Incorporated (GTE); Intermedia Communications, Inc. (Intermedia); KMC Telecom, Inc., KMC Telecom II, Inc., and KMC Telecom III, Inc. (KMC); MCI WorldCom, Inc. and its Operating Subsidiaries (MCI WorldCom); MediaOne Florida Telecommunications, Inc. (MediaOne); Northpoint Communications, Inc. (Northpoint); Rhythms Links Inc., f/k/a/ ACI Corp. (Rhythms); Sprint Communications Company Limited Partnership and Sprint-Florida, Incorporated (Sprint); Supra Telecommunications and Information Systems (Supra); and Time-Warner Telecom of Florida, L.P. (Time Warner Telecom).

WHEREAS, the Florida Public Service Commission (Commission) has established this docket for the purpose of establishing rates

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for unbundled network elements (UNEs), including deaveraged rates where required; and

WHEREAS, many parties have indicated a desire to bring this docket to resolution as quickly as practical; and

WHEREAS, this Stipulation has been entered into in a good faith attempt to resolve issues currently scheduled for hearing December 13-15, 1999, and in order to allow this docket to move ahead in a prompt and efficient manner; and

NOW THEREFORE, the Parties agree as follows:

STIPULATION

1. Deaveraging of UNEs

- (a) The Commission will consider in this proceeding whether the recurring rates for the following unbundled network elements should be deaveraged to reflect geographic cost differences:
 - (i) Loops (all)
 - (ii) Local switching
 - (iii) Interoffice transport (dedicated and shared)
- (b) Deaveraged UNE prices shall be based on geographicspecific cost studies. Parties will be allowed to advocate or oppose pricing proposals that also consider other factors.
- (c) Although three zones should be the target for pricing proposals, a party may offer proposals whose zones

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differ from three, as long as it is supported by the underlying cost data.

(d) Any UNE deaveraging proposal must be accompanied by detailed, disaggregated cost data sufficient to confirm or disconfirm whether or not there are meaningful geographic cost differences associated with the provisioning of the given UNE. Loop cost data will be disaggregated at least at the wire center level. A party should also submit demand data (e.g., billing units) if used to derive the proposed rates for the specific zones.

2. UNE combinations

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- (a) Cost studies shall be filed for the following UNE combinations:
 - (i) loop, local switching(with signaling) and shared transport;
 - (ii) loop, DSO/1 multiplexing, DS1 interoffice
 transport
 - (iii)DS1 loop, DS1 interoffice transport
 - (iv) DS1 loop, DS1/3 multiplexing, DS3 interoffice
 transport

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3. UNE cost studies

- (a) In accord with the FCC's Third Report and Order in CC Docket No. 96-98, the revised Rule 51.319 (if and when effective) requires that the following UNEs must be unbundled and made available in certain circumstances:
 - (i) Loops (including high-capacity lines, xDSLcapable loops, and dark fiber)
 - (ii) Subloops (including intrabuilding cable owned by a LEC)
 - (iii) Network Interface Devices
 - (iv) Circuit Switching and Packet Switching
 - (v) Interoffice Transmission
 - (vi) Signaling networks and call-related databases
 - (vii) Operation support systems
 - (viii) OS/DA (where customized routing is unavailable)

A party may propose UNEs in addition to the list of UNEs established in the FCC's Third Report and Order in CC Docket No. 96-98. The standards set forth in Section 51.317 of the FCC's Rules and the foregoing Order for adding additional UNEs shall apply to any such proposal, unless the Rules or Order are modified by Court or further FCC action.

(b) BellSouth, GTE Florida and Sprint-Florida (the ILECs) shall submit recurring and nonrecurring cost studies, ų,

> on a staggered basis, for the UNEs listed in 2(a) and 3(a). The recurring cost studies for 3(a)(i), (ii), (iv) and (v) should also be sufficiently disaggregated to comply with the requirements and purposes of 1(a) and (b). These studies are to be submitted according to the following schedule:

FOR BELLSOUTH AND SPRINT

- (i) April 17, 2000: recurring cost studies for items 2(a) and 3(a)(i)-(vi) and (viii)
- (ii) May 1, 2000: nonrecurring cost studies
 associated with items 2(a) and 3(a)(i)-(vi) and
 (viii)

FOR GTE

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- (iii) April 17, 2000: recurring cost studies for items 3(a)(i), except dark fiber, 3(a)(iii)-(vi) and (viii)
- (iv) May 1, 2000: nonrecurring cost studies associated with items 3(a)(i), except dark fiber, 3(a)(iii)-(vi) and (viii)
- June 15, 2000: recurring and nonrecurring cost studies for item 2(a)
- (vi) June 30, 2000: recurring and nonrecurring cost studies for dark fiber and item 3(a)(ii)

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> Costing and pricing for access to operations support systems will be dealt with in a separate proceeding. This does not preclude consideration in the cost studies filed in this proceeding of costs such as service order processing and service inquiry costs.

- (c) At the time that cost studies are filed, LECs shall submit all work papers, cost models, and supporting documentation (including manuals and instructions), in both hard copy and electronic form (where available), sufficient to enable a reviewer to trace the sequence of calculations that culminates in the cost results. Such documentation should also enable a reviewer to identify the key assumptions underlying the cost analysis. For the xDSL-capable loop study, these include explicit assumptions about loop makeup.
- (d) Methodological guidelines for cost studies
 - (i) Studies submitted should comport with the TELRIC cost standard in Rules 51.501 - .511, subject to paragraph 8.
 - (ii) Studies submitted should comport with the general methodology described in ¶ 685 of the First Report and Order in CC Docket No. 96-98 (FCC 96-325), subject to paragraph 8.

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- (iii) LECs submitting cost studies are required to demonstrate that they comport with 3(d)(i) and (ii).
- (iv) A cost study for line conditioning, where required to provide an xDSL-capable loop, will be submitted.
- (v) The recurring and nonrecurring studies should assume the same network design. An ILEC may submit a cost study that does not meet this criterion provided that the supporting documentation clearly identifies how the assumptions can be adjusted by a model user to produce a cost study that meets this criterion.

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4. Proposed Schedule

- (a) For cost studies due to be filed by May 1, 2000: July 17-21, 2000 Hearing mid- September 2000 Staff Recommendation early October 2000 Order
- (b) For additional GTE cost studies due to be filed by June30, 2000:

September 20-22, 2000	Hearing
mid-November 2000	Staff Recommendation
early December 2000	Order

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5. The Parties agree that there shall be no length restriction on loops (including xDSL-capable loops) that can be ordered from the ILECs, regardless of what loop length assumptions are made in the cost studies for such loops; provided, however, that the ILECs will not be responsible for the xDSL functionality of loops that do not conform to industry standards. ILECs will, however, be obligated to maintain electrical continuity and to provide balance relative to tip and ring on all loops ordered. Notwithstanding the foregoing, all issues regarding line-sharing will be addressed in a separate proceeding.

6. This Stipulation will take effect as soon as the Parties have reached agreement.

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This Stipulation will be submitted to the Prehearing
 Officer for approval as soon as it takes effect under Paragraph
 If this Stipulation is not accepted by the Prehearing Officer
 in its entirety and without modification, it shall have no
 further force and effect.

8. Each party agrees that if this Stipulation is approved, it will not challenge in any forum the Commission Order approving the Stipulation. In the event of a reversal by the Eighth Circuit (that is not stayed) of the FCC's pricing rules, the basic terms of this Stipulation will be conformed to that

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decision. Moreover, the Stipulation shall have no precedential value and the parties retain the right to challenge in any forum any Commission decisions issued in this or other proceedings, including (but not limited to) rulings on cost methodology, pricing and the nature or extent of the ILECs' unbundling or combination obligations. This Stipulation does not preclude any party from taking any position in this or any other proceeding regarding the appropriate costing methodology, the appropriate pricing approach, or the UNEs or UNE combinations that the ILECs are obligated to provide.

** SIGNATURES FOLLOW ON SEPARATE PAGES **

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SIGNED THIS 6 DAY OF DECEMBER, 1999.

Joseph A. McGlothlin Vicki Conder

Vicki Gordon Kaufman McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A. 117 South Gadsden Street Tallahassee, Fl 32301

Attorneys for Florida Competitive Carriers Association

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SIGNED THIS $2^{\frac{1}{2}}$ DAY OF DECEMBER, 1999.

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Peter M. Dunbar Marc W. Dunbar Pennington, Moore, Wilkinson, Bell & Dunbar, P.A. Post Office Box 10095 Tallahassee, FL 32302

Attorneys for Time Warner AxS d/b/a Time-Warner Telecom of Florida, L.P.

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SIGNED THIS 6 DAY OF DECEMBER, 1999.

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Tracy Hat, ćh

AT&T V 101 North Monroe Street, Suite 700 Tallahassee, Fl 32301

Attorney for AT&T Communications of the Southern States, Inc.

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SIGNED THIS 6th DAY OF DECEMBER, 1999.

augune Mchulty Oma 1 Donna Canzano McNulty

MCI WorldCom, Inc. 325 John Knox Road The Atrium Building - Suite 105 Tallahassee, FL 32303

Attorney for MCI WorldCom, Inc. and its Operating Subsidiaries

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SIGNED THIS <u>CT</u> DAY OF DECEMBER, 1999.

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Michael A. Gross, Vice President of Regulatory Affairs & Regulatory Counsel 310 North Monroe Street Tallahassee, FL 32301

Attorney for Florida Cable Telecommunications Association, Inc.

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SIGNED THIS 6th DAY OF DECEMBER, 1999.

Scott A. Sapperstein Intermedia Communications Inc. 3625 Queen Palm Drive Tampa, FL 33619

Attorney for Intermedia Communications Inc.

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SIGNED THIS 6th DAY OF DECEMBER, 1999.

Aun Halladan

Laura L. Gallagher 101 East College Avenue, Suite 302 Tallahassee, FL 32301

Attorney for MediaOne Florida Telecommunications, Inc.

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SIGNED THIS <u>6</u>DAY OF DECEMBER, 1999.

Male E Brenha

Mark Buechele 2620 SW 27th Avenue Miami, FL 33133-3001

Attorney for Supra Telecommunications and Information Systems, Inc.

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SIGNED THIS <u>6th DAY</u> OF DECEMBER, 1999.

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Richard D. Melson Hopping Green Sams & Smith. P.A. P.O. Box 6526 Tallahassee, FL 32314

Attorneys for Rhythms Links Inc. f/k/a ACI Corp.

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ORDER NO. PSC-99-2467-FCO-TP

DOCKET NO. 990649-TP PAGE 28

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SIGNED THIS ______ DAY OF DECEMBER, 1999.

Christopher V. Goodpastor Covad Communications Company 9600 Great Hills Trail, Suite 150

Austin, TX 78759

Attorney for Covad Communications Company ų.

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DAY OF DECEMBER, 1999. SIGNED THIS

Eric J. Branfman Morton J. Posner Swidler Berlin Shereff Friedman, LLP 3000 K Street, NW, Suite 300 Washington D.C. 20007-5116

Attorneys for Florida Digital Network, Inc.

and

Attorneys for KMC Telecom, Inc., KMC Telecom, II, Inc., and KMC Telecom, III, Inc.

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SIGNED THIS 6th DAY OF DECEMBER, 1999.

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Nancy B. White c/o Nancy H. Sims BellSouth Telecommunications, Inc. 150 South Monroe Street, Suite 400 Tallahassee, FL 32301

Attorney for BellSouth Telecommunications, Inc.

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SIGNED THIS DAY OF DECEMBER, 1999.

Kimberly) Caswelf GTE Florida Incorporated P.O. Box 110, FLTC0007 Tampa, FL 33601-0110

Attorney for GTE Florida, Incorporated

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SIGNED THIS UNDAY OF DECEMBER, 1999.

J. Jeffry Wahlen Ausley Law Firm P.O. Box 391 Tallahassee, FL 32301

Attorneys for ALLTEL Communications, Inc.

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SIGNED THIS AND DAY OF DECEMBER, 1999.

John

Ausley Law Firm S27 South Calhoun Street P.O. Box 391 Tallahassee, Fl 32302-0391

Attorneys for Sprint Communications Company Limited Partnership and Sprint-Florida, Incorporated

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SIGNED THIS <u>6</u> DAY OF DECEMBER, 1999.

Norman H. Horton, Jr.

Floyd R. Self Messer, Caparello & Self P.A. P.O. Box 1876 Tallahassee, FL 32302

Attorneys for Northpoint Communications, Inc.

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MEMORANDUM

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December 16, 1999

RECOLDS AND REPORTING

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TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING)

RE: DOCKET NO. 990649-TP - INVESTIGATION INTO PRICING OF UNBUNDLED NETWORK ELEMENTS.

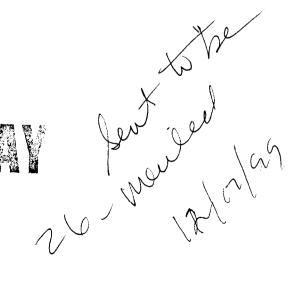
2467- PES

Attached is an <u>ORDER ON PROCEDURAL STIPULATION, ON MOTIONS TO</u> <u>STRIKE AND ON MOTION TO ACCEPT LATE-FILED PREHEARING STATEMENT</u>, to be issued in the above-referenced docket. (Number of pages in order - 34 MTTACHMENT(S) NOT ON-LINE BK/anc Attachment cc: Division of Communications

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