

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida  
Digital Network, Inc. for  
arbitration of certain terms and  
conditions of proposed  
interconnection and resale  
agreement with BellSouth  
Telecommunications, Inc. under  
the Telecommunications Act of  
1996.

DOCKET NO. 010098-TP  
DATED: JULY 18, 2001

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-01-1273-PCO-TP, as modified by Orders Nos. PSC-01-1452-PCO-TP and PSC-01-1470-PCO-TP, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None.

b. All Known Exhibits

None.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

A. [LEGAL ISSUE] What is the Commission's jurisdiction in this matter?

DOCUMENT NUMBER-DATE

08737 JUL 18 2001

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**POSITION**

**STAFF:** Section 252 of the Federal Telecommunications Act of 1996 (Act) sets forth the procedures for negotiation, arbitration, and approval of agreements. Section 252(b)(4)(C) states that the State commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions as required. This section requires this Commission to conclude the resolution of any unresolved issues not later than 9 months after the date on which the local exchange carrier received the request under this section. In this case, however, the parties have explicitly waived the 9-month requirement set forth in the Act. Furthermore, this Commission has jurisdiction pursuant to Chapter 364, Florida Statutes, and Section 252 of the Federal Telecommunication Act of 1996 (Act) to arbitrate interconnection agreements, and may implement the processes and procedures necessary to do so in accordance with Section 120.80(13)(d), Florida Statutes. However, pursuant to Section 252(e)(5) of the Act, if a state commission refuses to act, then the FCC shall issue an order preempting the Commission's jurisdiction in the matter, and shall assume jurisdiction of the proceeding.

**ISSUE 1:** For purposes of the new interconnection agreement, should BellSouth be required to provide xDSL service over UNE loops when FDN is providing voice service over that loop?

**STAFF:** Staff has no position at this time.

**ISSUE 2:** For the purposes of the new BellSouth/FDN interconnection agreement, should reciprocal compensation payments be made for ISP-bound traffic? If so, at what rates?

**This issue has been withdrawn.**

**ISSUE 3A:** Should BellSouth be required to consult with FDN prior to closing a trouble ticket?

**STAFF:** Staff has no position at this time.

ISSUE 3B: When FDN reports a trouble ticket, should BellSouth charge FDN for that trouble ticket when BellSouth reports "no trouble found" and the trouble is resolved while the ticket is open?

STAFF: Staff has no position at this time.

ISSUE 4A: Is the issue regarding due dates for move orders as stated in 4(B) below, a performance measure issue? If so, is it appropriate to arbitrate the issue in this proceeding?

**This issue has been withdrawn.**

ISSUE 4B: For purposes of the new BellSouth/FDN interconnection agreement, in the event BellSouth misses a due date for a customer move order, should BellSouth be required to provide retail phone service to FDN at the new address at no charge until the move order is completed?

**This issue has been withdrawn.**

ISSUE 5: For purposes of the new BellSouth/FDN interconnection agreement, should BellSouth be required to tag all FDN UNE loops at no charge? If so, where?

**This issue has been withdrawn.**

ISSUE 6: For the purposes of the new BellSouth/FDN interconnection agreement, should BellSouth be required to test dial tone up to the NID on all UNE SL-1 and SL-2 loops without additional charge?

**This issue has been withdrawn.**

ISSUE 7: For the purposes of the new interconnection agreement, should BellSouth be required to notify FDN of all loop modifications that involve a change in the circuit ID?

**This issue has been withdrawn.**

ISSUE 8A: Is the issue regarding a FDN- dedicated BellSouth frame attendant, as stated in 8(B) below, a performance measure issue? If so, is it appropriate to arbitrate the issue in this proceeding?

**This issue has been withdrawn.**

ISSUE 8B: For the purposes of the new BellSouth/FDN interconnection agreement, should BellSouth be required to allow FDN the option of a BellSouth frame attendant who works exclusively on FDN orders, if FDN agrees to fully fund this frame attendant?

**This issue has been withdrawn.**

ISSUE 9: Should the Commission address any unresolved issues between BellSouth and FDN regarding rights-of-way, conduit and pole attachments?

**This issue has been withdrawn.**

ISSUE 10: Should BellSouth be required to provide FDN a service order option for all voice-grade UNE loops (other than SL-1 and SL-2) whereby BellSouth will (1) design circuits served through an integrated subscriber loop carrier (SLC), where necessary and without additional requirements on FDN, (2) meet intervals at parity with retail service, (3) charge the SL-1 rate if there is no integrated SLC or the SL-2 rate if there is, and (4) offer the order coordination option?

STAFF: Staff has no position at this time.

e. Pending Motions

On July 12, 2001, BellSouth Telecommunications, Inc. filed an Objection to Florida Digital Network, Inc.'s Request for New UNEs Or Unbundled Packet Switching and Motion to Strike Testimony.

f. Pending Confidentiality Claims or Requests

None.

g. Compliance with Order No. PSC-01-1273-PCO-TP

Staff has complied with all requirements in this docket as required by Order No. PSC-01-1273-PCO-TP, Order Establishing Procedure, as modified by Orders Nos. PSC-01-1452-PCO-TP and PSC-01-1470-PCO-TP.

Respectfully submitted this 18th day of July, 2001.

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FILED: JULY 18, 2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Staff's Prehearing Statement has been served VIA-U.S. MAIL, this 18th day of July, 2001, to the following:

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