

ORIGINAL

Matilda Sanders

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 Sent: Friday, June 18, 2004 12:06 PM
 To: Filings@psc.state.fl.us
 Cc: Fatool, Vicki; Peters, Evelyn; Linda Hobbs; Nancy Sims; Holland, Robyn P.; Bixler, Micheale; Slaughter, Brenda ; Mays, Meredith
 Subject: 030851-TP and 030852-TP

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b. Docket Nos. 030851-TP and 030852-TP (implementation of requirements arising from Federal Communications

Commission Triennial UNE review: Local Circuit Switching for Mass Market Customers; and Location Specific-Review for

DS1, DS3 and Dark Fiber Loops and Route-Specific Review for DS1, DS3 and Dark Fiber Transport)

c. BellSouth Telecommunications, Inc.
 on behalf of Nancy White

d. 7 pages total (including attachment)

e. BellSouth Telecommunications, Inc.'s Responsive letter to Staff's series of questions resulting from the June 8, 2004,

conference call.

CMP _____
 COM _____ <<030851 and 52 response.pdf>>

CTR _____

ECR _____

GCL _____ *****

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FPSC-COMMISSION CLERK

Nancy B. White
General Counsel-Florida

BellSouth Telecommunications, Inc.
150 South Monroe Street
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June 18, 2004

Mrs. Blanca S. Bayó
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket Nos. 030851-TP and 030852-TP

Dear Ms. Bayó:

On June 8, 2004 a status conference took place in the above-listed dockets. During the conference call staff had a series of questions for BellSouth. At the time of the status call, BellSouth committed to provide responses to certain questions within ten days. This letter contains BellSouth's responses.

Question: Does BellSouth intend to give a notice period of its planned means of implementing the mandate? If so, what is the notice period and when will the period begin? (from June 16?) If no, why not?

Answer: *During the June 8, 2004 call, BellSouth outlined its four options for implementing the mandate as follows: (1) pursue change of law provisions in the ICAs; (2) participate in a generic proceeding before a state commission; (3) participate in a generic proceeding before the FCC; (4) pursue an action in a court with jurisdiction.*

BellSouth has now determined that it intends to implement changes resulting from the USTA II decision through change of law provisions in its interconnection agreements. Thus, BellSouth will follow the applicable notice provisions set forth in the change of law provisions of its interconnection agreements.

Question: In the Declaration of Keith O. Cowan and Jerry D. Hendrix filed with the D.C. Circuit to provide information about BellSouth's actions when the mandate is issued, it states that BellSouth will continue to provide an "equivalent service" to wholesale customers that currently obtain mass market switching, high-capacity loops and transport, and dark fiber as UNEs.

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Mrs. Blanca S. Bayó

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- a) What will be the equivalent service to mass market switching?
- b) Will BellSouth require that the CLEC move to the equivalent service on June 16? If not, when?
- c) Will BellSouth offer this equivalent service as a UNE?
- d) What are the replacement services BellSouth will offer for high-capacity dedicated transport, loops and dark fiber?
- e) Will BellSouth require that the CLEC move to these replacement services on June 16? If no, when?
- f) Will the replacement services be offered as UNEs?

Answer: The "equivalent service" language contained in the Declaration of Messrs. Cowan and Hendrix reflects the fact that now that the D.C. Circuit's mandate has been issued, certain services (e.g., UNE-P, high capacity loops, transport, and dark fiber) no longer constitute UNEs. BellSouth will make available wholesale switch port services and wholesale voice platform services pursuant to separate commercial agreements. BellSouth will provide high capacity loops, dedicated transport and dark fiber pursuant to existing tariffs. Until the change of law is implemented or a CLEC enters into a commercial agreement, BellSouth will continue to provide service to its CLEC customers with existing, valid interconnection agreements pursuant to those agreements.

Question: Assume a CLEC migrates from a UNE high-capacity loop to a comparable special access line. Will this only amount to a billing change? Will BellSouth assess any nonrecurring charges associated with this conversion? If so, for what functions?

Answer: When a CLEC migrates from a UNE high-capacity loop to a comparable special access line, it is BellSouth's intent not to bill nonrecurring charges. That intent is contingent upon BellSouth's ability to waive nonrecurring charges contained in its federal tariffs. Although this migration process is often incorrectly characterized as only being a billing change, it requires the issuance of a service order to effect all the changes required by a replacement of circuits in the systems through which the circuit is billed, inventoried, and maintained.

Question: Assume a CLEC migrates from a UNE-P to resale or commercially negotiated rates. Will this only amount to a billing change? Will BellSouth assess any nonrecurring charges associated with this conversion? If so, for what functions?

Answer: When a CLEC migrates its UNE-P embedded base to the wholesale platform service, BellSouth will not assess a nonrecurring charge.

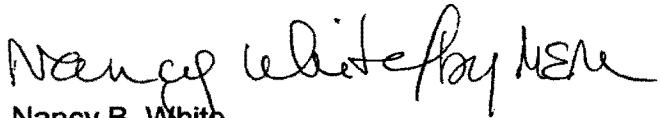
Mrs. Blanca S. Bayó
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Question: How do we resolve the issue of whether the vacatur relieved incumbents of the obligation to provide high-cap loops at TELRIC rates? Who makes this determination (FCC, D.C. circuit, or state commissions)?

Answer: *It is expected that the FCC will address high capacity loops in its permanent rules.*

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,


Nancy B. White

Enclosure

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Meredith Mays

541445

CERTIFICATE OF SERVICE
Docket Nos. 030851-TP and 030852-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail, Hand Delivery* and U.S. Mail this 18th day of June 2004 to the following:

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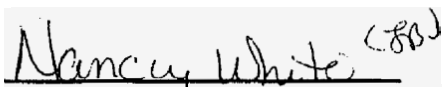
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**(+)signed Protective Agreement
(*) via Hand Delivery**

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