

ORIGINAL

Timolyn Henry

From: Smith, Debbie N. [Debbie.N.Smith@BELLSOUTH.COM]
Sent: Monday, September 20, 2004 12:43 PM
To: Filings@psc.state.fl.us
Cc: Culpepper, Robert; Fatool, Vicki; Linda Hobbs; Nancy Sims; Slaughter, Brenda ; Holland, Robyn P; Bixler, Micheale
Subject: Florida Docket No. 000121A-TP
Importance: High

A. Debbie Smith
 Legal Secretary for Robert A. Culpepper
 BellSouth Telecommunications, Inc.
 c/o Nancy Sims
 150 South Monroe, Rm. 400
 Tallahassee, FL 32301-1558
 (404) 335-0772
 debbie.n.smith@bellsouth.com

B. Docket No. 000121A-TP: In Re: Investigation into the Establishment of Operations Support Systems Permanent Performance Measures for Incumbent Local Exchange Telecommunications Companies (BellSouth Track).

C. BellSouth Telecommunications, Inc.
 on behalf of Robert A. Culpepper

D. 7 pages total in PDF format

E. BellSouth Telecommunications, Inc.'s Preliminary Issues List

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 MMS _____
 RCA _____
 SCR _____
 SEC 1
 OTH _____

Debbie Smith (sent on behalf of Robert A. Culpepper)
 BellSouth Telecommunications, Inc.
 Suite 4300 - Legal Department
 675 W. Peachtree Street
 Atlanta, GA 30375-0001
 Phone: (404) 335-0772

<<BST's Preliminary Issues List>>

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers. 113

DOCUMENT NUMBER-DATE

10114 SEP 20 3

FPSC-COMMISSION CLERK

ORIGINAL

Legal Department

Robert A. Culpepper
General Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0841

September 20, 2004

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

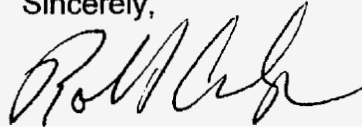
Re: Docket No. 000121A-TP

**In Re: Investigation into the establishment of operations support
systems permanent incumbent local exchange Telecommunications
companies**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Preliminary Issues List, which we ask that you file in the captioned docket. A copy of the same is being provided to all parties as reflected in the attached certificate of service.

Sincerely,



Robert A. Culpepper

Enclosures

cc: All parties of record
Marshall M. Criser, III
Nancy B. White
R. Douglas Lackey

DOCUMENT NUMBER-DATE

10114 SEP 20 04

FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 000121A-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and U.S. Mail this 20th day of September, 2004 to the following:

Patty Christensen
Jerry Hallenstein
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6248
Fax. No. (850) 413-6250
pchriste@psc.state.fl.us
jhallens@psc.state.fl.us

AT&T
Virginia C. Tate
Senior Attorney
1200 Peachtree Street
Suite 8100
Atlanta, GA 30309
Tel. No. (404) 810-4922
vctate@att.com

Verizon, Inc.
Kimberly Caswell
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110
Tel. No. (813) 483-2617
Fax. No. (813) 223-4888
kimberly.caswell@verizon.com

Nanette Edwards (+)
Regulatory Attorney
ITC^DeltaCom
4092 S. Memorial Parkway
Huntsville, Alabama 35802
Tel. No. (256) 382-3856
Fax. No. (256) 382-3936
nedwards@itcdeltacom.com

Peter M. Dunbar, Esquire
Karen M. Camechis, Esquire
Pennington, Moore, Wilkinson,
Bell & Dunbar, P.A.
Post Office Box 10095 (32302)
215 South Monroe Street, 2nd Floor
Tallahassee, FL 32301
Tel. No. (850) 222-3533
Fax. No. (850) 222-2126
pete@penningtonlawfirm.com

Brian Chaiken
Supra Telecommunications and
Information Systems, Inc.
2620 S. W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4248
Fax. No. (305) 443-1078
bchaiken@stis.com

Michael A. Gross
Vice President, Regulatory Affairs
& Regulatory Counsel
Florida Cable Telecomm. Assoc.
246 East 6th Avenue
Tallahassee, FL 32303
Tel. No. (850) 681-1990
Fax. No. (850) 681-9676
mgross@fcta.com

Susan Masterton
Charles J. Rehwinkel
Sprint
Post Office Box 2214
MS: FLTLHO0107
Tallahassee, Florida 32316-2214
Tel. No. (850) 599-1560
Fax. No. (850) 878-0777
susan.masterton@mail.sprint.com

Donna Canzano McNulty (+)
MCI WorldCom, Inc.
325 John Knox Road
The Atrium, Suite 105
Tallahassee, FL 32303
Tel. No. (850) 422-1254
Fax. No. (850) 422-2586
donna.mcnulty@mci.com

Brian Sulmonetti
MCI WorldCom, Inc.
6 Concourse Parkway, Suite 3200
Atlanta, GA 30328
Tel. No. (770) 284-5493
Fax. No. (770) 284-5488
brian.sulmonetti@wcom.com

William Weber, Senior Counsel
Covad Communications
1230 Peachtree Street, N.E.
19th Floor, Promenade II
Atlanta, Georgia 30309
Tel. No. (404) 942-3494
Fax. No. (508) 300-7749
wweber@covad.com
ibell@covad.com

John Rubino
George S. Ford
Z-Tel Communications, Inc.
601 South Harbour Island Blvd.
Tampa, Florida 33602
Tel. No. (813) 233-4630
Fax. No. (813) 233-4620
gford@z-tel.com

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Decker, Kaufman, et. al
117 South Gadsden Street
Tallahassee, Florida 32301
Tel. No. (850) 222-2525
Fax. No. (850) 222-5606
jmclathlin@mac-law.com
vkaufman@mac-law.com
Represents KMC Telecom
Represents Covad
Represents Mpower

Jonathan E. Canis
Michael B. Hazzard
Kelley Drye & Warren, LLP
1200 19th Street, N.W., Fifth Floor
Washington, DC 20036
Tel. No. (202) 955-9600
Fax. No. (202) 955-9792
jacanis@kelleydrye.com
mhazzard@kelleydrye.com

Tad J. (T.J.) Sauder (*)
Manager, ILEC Performance Data
Birch Telecom of the South, Inc.
2020 Baltimore Avenue
Kansas City, MO 64108
Tel. No. (816) 300-3202
Fax. No. (816) 300-3350

John D. McLaughlin, Jr.
KMC Telecom
1755 North Brown Road
Lawrence, Georgia 30043
Tel. No. (678) 985-6262
Fax. No. (678) 985-6213
jmclau@kmctelecom.com

Andrew O. Isar
Miller Isar, Inc.
7901 Skansie Avenue
Suite 240
Gig Harbor, WA 98335-8349
Tel. No. (253) 851-6700
Fax. No. (253) 851-6474
aisar@millerisar.com

Renee Terry, Esq. (*)
e.spire Communications, Inc.
7125 Columbia Gateway Drive
Suite 200
Columbia, MD 21046
Tel. No. (301) 361-4298
Fax. No. (301) 361-4277

Mr. David Woodsmall
Mpower Communications, Corp.
175 Sully's Trail
Suite 300
Pittsford, NY 14534-4558
Tel. No. (585) 218-8796
Fax. No. (585) 218-0635
dwoodsmall@mpower.com

Suzanne F. Summerlin, Esq.
Attorney At Law
2536 Capital Medical Blvd.
Tallahassee, FL 32308-4424
Tel. No. (850) 656-2288
Fax. No. (850) 656-5589
summerlin@nettally.com

Dulaney O'Roark III (+)
WorldCom, Inc.
Six Concourse Parkway
Suite 3200
Atlanta, GA 30328
Tel. No. (770) 284-5498
De.OROark@mci.com

Claudia E. Davant
AT&T
State President Legislative and
Regulatory Affairs
101 N. Monroe Street
Suite 700
Tallahassee, FL 32301
Tel. No. (850) 425-6360
Fax. No. (850) 425-6361
cdavant@att.com

Wayne Stavanja/Mark Buechele
Ann Shelfer
Supra Telecommunications
1311 Executive Center Drive
Suite 200
Tallahassee, FL 32301
Tel. No. (850) 402-0510
Fax. No. (850) 402-0522
ashelfer@stis.com



Robert A. Culpepper

**(+) Signed Protective
Agreement**

#502166

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the Establishment)
Of Operations Support Systems Permanent)
Performance Measures for Incumbent)
Local Exchange Telecommunications.)
Companies (BellSouth Track).)

Docket No.: 000121A-TP

Filed: September 20, 2004

BELLSOUTH TELECOMMUNICATIONS, INC.'S PRELIMINARY ISSUES LIST

As requested by Florida Public Commission Staff ("Staff") at the close of the SQM workshop held on September 2, 2004, BellSouth Telecommunications, Inc. ("BellSouth") provided a list of preliminary issues to Staff's counsel and to counsel for the CLEC Coalition. As suggested by Staff counsel, BellSouth submitted its issues list in an informal manner and without filing and serving the same on all parties of record. Staff Counsel made this suggestion to accommodate the CLEC Coalition's repeated requests for additional time to formulate its issues list. Notwithstanding its request, on September 13, 2004, the CLEC Coalition filed and served its issues list (consisting of one issue) accompanied by nine pages of comments regarding its sole issue.

Given the CLEC Coalition action, BellSouth hereby files its preliminary issues list. However, it is BellSouth's position that the CLEC Coalition's submission of comments in support of its one stated issue is inappropriate, goes well beyond Staff's request, and is completely contrary to the position taken by the CLEC Coalition at the close of the workshop. Accordingly, BellSouth will not respond to the comments submitted by the CLEC Coalition other than to state that BellSouth disagrees with the CLEC Coalition comments and reiterates that the performance assessment plan ("Plan") is intended to ensure BellSouth's continued

DOCUMENT NUMBER-DATE

10114 SEP 20 3

FPSC-COMMISSION CLERK

compliance with its obligation arising under Section 251 of the Telecommunications Act of 1996.

The SQM and SEEM workshops are intended to be a collaborative forum wherein the parties review, discuss, and attempt to reach agreement regarding revisions to the Plan, based on the experience gained from operating under the current Plan for over two years. The workshop sessions should continue as scheduled, and at the appropriate time, or as otherwise ordered by the Commission or requested by the Commission Staff, BellSouth will fully brief the issue regarding the Plan's scope.

PRELIMINARY ISSUES LIST

SCOPE OF THE PLAN

SHOULD THE PLAN'S SCOPE EXTEND BEYOND ENSURING BELLSOUTH'S CONTINUED COMPLIANCE WITH ITS OBLIGATIONS ARISING UNDER SECTION 251 OF THE TELECOMMUNICATIONS ACT OF 1996 ("ACT")?

SHOULD THE PLAN'S SCOPE BE EXTENDED TO INCLUDE MONITORING AND ENFORCING OBLIGATIONS ARISING UNDER SECTION 271 OF THE ACT?

SHOULD THE PLAN'S SCOPE BE EXTENDED TO INCLUDE MONITORING AND ENFORCING ANY STATE LAW OBLIGATIONS?

II. JURISDICTION

DOES THE COMMISSION HAVE THE AUTHORITY TO ENFORCE OBLIGATIONS ARISING UNDER SECTION 271 OF THE ACT?

DOES FEDERAL LAW PREVENT (OR PREEMPT) ANY ATTEMPT TO ENFORCE STATE LAW OBLIGATIONS THAT ARE IN ADDITION TO, OR INCONSISTENT WITH, BELLSOUTH'S OBLIGATIONS ARISING UNDER SECTION 251 OF THE ACT?

III. CHANGE OF LAW

SHOULD THE PLAN BE REVISED SO THAT CHANGES IN OBLIGATIONS ARISING UNDER SECTION 251 OF THE ACT ARE INCORPORATED INTO THE PLAN WITHOUT UNDUE DELAY AND PREJUDICE TO ANY PARTY?

IV. AUTHORITY TO LEVY FINES

ABSENT BELLSOUTH'S CONSENT, DOES THE COMMISSION HAVE THE AUTHORITY TO IMPOSE A SELF-EXECUTING REMEDY PLAN?

Respectfully submitted this 20th day of September 2004.

Nancy White by RAC

NANCY B. WHITE
c/o Nancy H. Sims
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5555

R. DOUGLAS LACKEY
ROBERT A. CULPEPPER
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0841