

**Dorothy Menasco**

**ORIGINAL**

**From:** Smith, Debbie N. [Debbie.N.Smith@BellSouth.COM]  
**Sent:** Monday, May 01, 2006 12:01 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Fatool, Vicki; Slaughter, Brenda ; Linda Hobbs; Bixler, Micheale; Holland, Robyn P; Nancy Sims; Carver, J  
**Subject:** Florida Docket No. 050419-TP  
**Importance:** High  
**Attachments:** prehearing.pdf

- A. Debbie Smith  
 Legal Secretary to J. Phillip Carver  
 BellSouth Telecommunications, Inc.  
 150 South Monroe Street  
 Suite 400  
 Tallahassee, Florida 32301  
 (404) 335-0772  
[debbie.smith@bellsouth.com](mailto:debbie.smith@bellsouth.com)
- B. Docket No.: 050419-TP Petition by MCImetro Access Transmission Services LLC for arbitration of certain terms and Conditions of proposed interconnection agreement with BellSouth Telecommunications, Inc.
- C. BellSouth Telecommunications, Inc.  
 on behalf of J. Phillip Carver
- D. 7 pages total (includes letter, certificate of service and pleading)
- E. Prehearing Statement of BellSouth Telecommunications, Inc.

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J. Phillip Carver  
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
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(404) 335-0710

May 1, 2006

ORIGINAL

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. 050419-TP**  
**In Re: Petition of MCImetro Access Transmission Services, LLC  
For Arbitration of Certain Terms and Conditions of Proposed  
Agreement with BellSouth Telecommunications, Inc. Concerning  
Interconnection and Resale Under the Telecommunications  
Act of 1996**

Dear Ms. Bayó:

In connection with the above-referenced docket, please find enclosed is the Prehearing Statement of BellSouth Telecommunications, Inc., which we ask that you file in the captioned docket.

A copy has been served to all parties of record.

Sincerely,



J. Phillip Carver

Enclosure

cc: All parties of record  
James Meza III

DOCUMENT NUMBER-DATE

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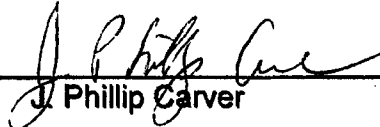
**CERTIFICATE OF SERVICE  
DOCKET NO. 050419-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
First Class U.S. Mail and Electronic Mail this 1<sup>st</sup> day of May, 2006 to the following:

Kira Scott  
Nancy Pruitt  
Staff Counsels  
Florida Public Service  
Commission  
Division of Legal Services  
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\_\_\_\_\_  
J. Phillip Carver

(+) SIGNED PROTECTIVE AGREEMENT

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Petition by MCImetro Access Transmission ) Docket No. 050419-TP  
Services, LLC for Arbitration of Certain Terms and )  
Conditions of proposed interconnection agreement )  
With BellSouth Telecommunications, Inc. )  
Concerning Interconnection and Resale Under the )  
Telecommunications Act of 1996 ) Filed: May 1, 2006

**PREHEARING STATEMENT OF  
BELLSOUTH TELECOMMUNICATIONS, INC.**

BellSouth Telecommunications, Inc. ("BellSouth"), hereby submits, in compliance with the Order Establishing Procedure (Order No. PSC-05-0927-PCO-TP), issued September 19, 2005, its Prehearing Statement.

**B. Witnesses**

BellSouth proposes to call the following witness to offer direct, rebuttal and supplemental testimony on the issues in this matter:

<u>Witness</u>	<u>Issues</u>
Pam Tipton (Direct, Rebuttal and Supplemental)	12, 26, and 34

BellSouth's witness presents both facts and policy considerations that support BellSouth's positions on these issues. Because a number of the issues in this arbitration have settled since the time that the testimony was pre-filed, BellSouth intends to introduce into the record only the portions of the testimony that relate to the unresolved issues (i.e., issues 12, 26 and 34).

BellSouth reserves the right to call additional witnesses, witnesses to respond to Commission inquiries not addressed in direct or rebuttal testimony and witnesses to

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address issues not presently designated that may be designated by the Prehearing Officer at the Prehearing Conference to be held on May 8, 2006.

**B. Exhibits**

Pam Tipton	PAT-1	MCI General Service Agreement
	PAT-2	BellSouth/MCI Interconnection Agreement
	PAT-3	BellSouth Tariff for Pinpoint Service
	PAT-8	Response to Staff's Interrogatory No. 117 in Docket No. 040130-TP
	PAT-9	Correspondence between BellSouth and MCI

The testimony of BellSouth's witness, Ms. Tipton, was originally pre-filed with a total of 10 attached exhibits (PAT 1-10). The exhibits identified above relate to the remaining unresolved issues. BellSouth does not intend to introduce Exhibits PAT 4-7, and 10 to the pre-filed testimony, which relate to issues that have been resolved.

BellSouth reserves the right to file exhibits to any testimony that may be filed under the circumstances identified in Section "A" above. BellSouth also reserves the right to introduce exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Evidence and the Rules of the Commission.

**C. Statement of Position**

The Commission should adopt each of BellSouth's positions on the issues identified in Section "D" below. BellSouth's positions are consistent with applicable law, and are both technically feasible and reasonable.

**D. BellSouth's Position on the Issues**

**Issue 12:      Should MCI Be Required To Indemnify BellSouth For BellSouth's Negligence for Claims by Third Parties who are not MCI Customers**

**in Conjunction With BellSouth's Provision of PBX Locate Service to MCI?**

Position: When BellSouth provides PBX Locate Service to MCI, MCI should be required to indemnify BellSouth for claims by third parties who are not MCI customers. BellSouth's retail end users indemnify BellSouth when they purchase the equivalent retail service. Also, under the terms of MCI's tariff, when MCI sells its customers BellSouth's PBX locate service, MCI's customers indemnify MCI from third party liability. Thus, if MCI prevails on this issue, BellSouth would be indemnified from third party claims when it provides PBX locate service to its retail customers; however, when MCI sells the BellSouth service, MCI would be indemnified from third party claims, but BellSouth would not be indemnified. BellSouth merely seeks the same level of protection from third party claims when MCI sells its PBX locate service to its customers as it has when it sells the service to a BellSouth end user.

**Issue 26: Is BellSouth Obligated to Act as a Transit Carrier? If so, what is the appropriate Transit Rate?**

Position: BellSouth is not required to provide the transit traffic function because this function is not a Section 251 obligation under the 1996 Act. The parties agree that providing transit service is not a 251 obligation. Therefore, the Commission can best resolve this issue by directing the parties to negotiate a rate, rather than setting an arbitrated rate. If, however, the Commission decides to set a rate, it should adopt the BellSouth proposed composite rate, which is a reasonable rate that is consistent with the rate other ILECs charge their customers for this function. Transit service is a value-added service for which BellSouth is entitled to be compensated at commercial rates.

**Issue 34: What Process Should be Used for the Discontinuing of Service?**

Position: If MCI receives a notice of suspension or termination from BellSouth as a result of MCI's failure to timely pay, then MCI should be required to pay all undisputed amounts that are past due as of the due date of the pending suspension or termination action. The Commission should reject MCI's position that BellSouth should be required to conduct a separate suspension and termination process for each past due account.

**E. Stipulations**

The parties have entered into no stipulations at this time.

**F. Pending Motions**

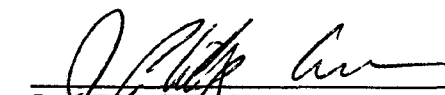
BellSouth has filed no motions that are currently pending.


**G. Other Requirements**

BellSouth knows of no requirements set forth in any Prehearing Order with which it cannot comply.

Respectfully submitted this 1st day of May 2006.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
\_\_\_\_\_  
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c/o Nancy H. Sims  
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