

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Metropolitan) DOCKET NO. 960757-TP
Fiber Systems of Florida, Inc.) ORDER NO. PSC-96-1084-PHO-TP
for Arbitration with BellSouth) ISSUED: August 22, 1996
Telecommunications, Inc.)
Concerning Interconnection)
Rates, Terms, and Conditions,)
Pursuant to the Federal)
Telecommunications Act of 1996.)
_____)

PREHEARING ORDER

Pursuant to Notice, a Prehearing Conference was held on August 14, 1996, in Tallahassee, Florida, before Commissioner Julia L. Johnson, as Prehearing Officer.

APPEARANCES:

Morton J. Posner, Esquire, Swidler & Berlin, 3000 K Street, N.W., Suite 300, Washington, DC 20007.
On behalf of MFS Communications Company, Inc.

J. Phillip Carver, Esquire, BellSouth Telecommunications, Inc., 150 South Monroe Street, Room 400, Tallahassee, FL 32301.
On behalf of BellSouth Telecommunications, Inc.

Michael Billmeier and Donna Canzano, Esquires, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Commission Staff.

PREHEARING ORDER

I. CASE BACKGROUND

The Telecommunications Act of 1996 (the Act) became law on February 8, 1996. One of the purposes of the Act was to implement competition in the local telephone market. Section 252(a)(1) of the Act allows telecommunications companies to enter into negotiations and reach binding agreements with local exchange companies on the rates, terms, and conditions of interconnection, resale, and other elements necessary for local competition. Section 252(b)(1) of the Act allows a carrier to petition a state Commission to arbitrate unresolved issues if negotiations fail. The state Commission must, pursuant to Section 252(b)(4), resolve the issues within 9 months of the date a carrier enters into

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negotiations with a LEC. On February 8, 1996, MFS Communications Company, Inc. (MFS) began negotiations with BellSouth Telecommunications, Inc. (BellSouth). On June 28, 1996, MFS filed a petition requesting that the Commission arbitrate various issues in its negotiations with BellSouth. The Commission must, therefore, resolve the issues in this docket by November 8, 1996.

By Orders Nos. PSC-96-0817-PCO-TP, issued June 24, 1996, PSC-96-0918-PCO-TP, issued July 16, 1996, PSC-96-0980-PCO-TP, issued July 31, 1996, PSC-96-0988-PCO-TP, issued August 5, 1996, and PSC-96-1008-PCO-TP, issued August 6, 1996, the procedural schedule and issues list for this docket was established. The hearing in this docket is set for August 27 and 28, 1996.

II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183(2), Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7)

days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.

- 2) Failure of any party to comply with (1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of Records and Reporting confidential files.

Post-hearing procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. The rule also

provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

IV. ORDER OF WITNESSES

<u>WITNESS</u>	<u>APPEARING FOR</u>	<u>ISSUES</u>
<u>DIRECT</u>		
Timothy T. Devine	MFS	All
Robert Scheye	BellSouth	All
Daonne Caldwell	BellSouth	4, 10, 15
Dr. Richard Emmerson	BellSouth	1, 3, 4, 5, 7, 15, 16
<u>REBUTTAL</u>		
David N. Porter	MFS	All

Timothy T. Devine	MFS	All
Robert Scheye	BellSouth	2, 3, 16, 17 and 18
Daonne Caldwell	BellSouth	4
William Atherton	BellSouth	11
Alfonso Varner ¹	BellSouth	1, 3, 4, 5, 10, 11, 12, 14, 16, and 17

V. BASIC POSITIONS

MFS: MFS seeks Commission arbitration of interconnection rates, terms, and conditions between MFS and BST. In MFS' view, substantially all of the issues have previously been addressed by the Commission in Order Nos. PSC-96-0444-FOF-TP ("Unbundling Order") and PSC-96-0445-FOF-TP ("Interconnection Order") (recon. pending), in which the Commission ruled on MFS petitions for interconnection and unbundling terms with BST, or are addressed by the FCC's interconnection rules released August 8, 1996. MFS asks the Commission to take official notice of its prior decisions, consistent with the Telecommunications Act of 1996 ("1996 Act"), and incorporate the record of those proceedings in this proceeding including the testimony, transcripts, and Staff recommendations. To the extent that the FCC's new interconnection rules conflict with the Commission's prior rulings, MFS believes that the FCC rules must apply.

BELLSOUTH:

BellSouth has negotiated in good faith with MFS for several months in an effort to reach an interconnection agreement. As a result of the parties' inability to reach agreement on some critical issues, MFS has exercised its option under Section 252(b) of the Telecommunications Act of 1996 and petitioned the Commission for arbitration of those issues. BellSouth

¹Mr. Varner's testimony is confined to discussing the effect of the Order recently issued by the Federal Communications Commission in Docket No. 96-98. This testimony may relate to the issues identified above.

agrees that the five issues identified by MFS are thus far unresolved. BellSouth, however, believes that the Act is specific as to the issues that are to be arbitrated, and as such, three of the five issues (information services traffic, call guide pages, and liquidated damages) are beyond the scope of the Act and are not issues appropriate for this arbitration proceeding. The two remaining unresolved issues, reciprocal compensation arrangements, and pricing of unbundled loops are issues that BellSouth agrees are appropriate for the Commission to arbitrate.

Regarding reciprocal compensation, BellSouth believes that the local interconnection rate be set at an average per minute rate in Florida of \$0.01. This rate mirrors the traffic sensitive elements of the toll switched access rate and will facilitate the inevitable transition of all interconnection types to a single rate structure. BellSouth's proposed rate is consistent with the pricing standards of the Act and has been agreed to by other major competitors in agreements reached with BellSouth.

BellSouth also believes its proposal for pricing the 2-wire and 4-wire analog loops, the 2-wire ISDN digital grade loop, and the 4-wire DS-1 digital grade loop is consistent not only with the Act, but with Florida Statutes and with previous decisions by this Commission. BellSouth has submitted cost studies as required by Florida Statutes to support these rates. By contrast, MFS has proposed adoption of the original Benchmark Costing Model which is not an appropriate model for pricing. In addition, MFS has proposed a deaveraged loop rate which BellSouth has shown cannot feasibly be implemented in Florida until a complete restructure of local rates is accomplished. Such a restructure and the associated public policy issues go well beyond the scope of this proceeding.

BellSouth believes its positions on the individual issues in this case are reasonable, nondiscriminatory, and will lead to local competition in the state of Florida. Moreover, BellSouth's recommendations will allow BellSouth to remain a viable local exchange company. Overall, BellSouth's recommendations are in the public interest, comport with the provisions of Sections 251 and 252 of the federal Act, and should form the basis for a full interconnection agreement between BellSouth and MFS.

STAFF: 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.

VI. ISSUES AND POSITIONS

ISSUE 1: What is the appropriate reciprocal compensation rate and arrangement for local call termination between MFS and BellSouth?

MFS: Until BST produces a total element long run incremental cost ("TELRIC") based study as required by the FCC's interconnection rules, the Commission must apply the proxy range of reciprocal compensation rates set out in 47 C.F.R. § 51.513. Specifically, that range is \$0.002-0.004 per minute of use, with an additional \$0.015 per minute of use for tandems.

BELLSOUTH:

BellSouth has negotiated a number of agreements in Florida for interconnection based on switched access, minus the non-traffic sensitive rate elements, which are the Residual Interconnection Charge (RIC) and the Carrier Common Line (CCL) charge. Further, BellSouth has negotiated a cap of 105% on the number of minutes for which one party must compensate the other based on the lowest number of minutes carried between them. BellSouth has offered these terms, rates and conditions to MFS, and proposes that interconnection be priced at the switched access rate, minus the RIC and CCL.

STAFF: No position at this time.

ISSUE 2: What are the appropriate rates, terms and conditions, if any, for billing, collection and rating of information services traffic between MFS and BellSouth?

MFS: As written in § 7.1 of MFS' Comprehensive Interconnection Agreement, MFS proposes that the Originating Party on whose network information services traffic originates shall provide the Terminating Party recorded call detail information. The Terminating Party shall provide the

Originating Party with necessary information to rate information services traffic to the Originating Party's customers pursuant to the Terminating Party's agreements with each information services provider. The Originating Party shall bill and collect such information provider charges and remit the amounts collected to the Terminating Party, less certain adjustments.

BELLSOUTH:

BellSouth recommends that the Commission not decide this issue since it is not appropriate for an arbitration proceeding. In the alternative, BellSouth recommends that the Commission require MFS to negotiate its own contract(s) with information service providers in order to offer billing service to its end user customers. There is nothing to prevent MFS from this course of action. It appears that MFS' only reason for suggesting this arrangement is purely for the convenience of MFS.

STAFF: No position at this time.

ISSUE 3: Is it appropriate to set a cross-connection rate separate from the loop rate when MFS is collocated at a BellSouth wire center? If so, what is the appropriate rate for such cross-connection?

MFS: Yes. MFS requests that the Commission declare the cross-connection to be a network element and require BST to develop a TELRIC based rate for this element. Until the required study is complete, MFS recommends adoption of rate no higher than \$0.21 per cross-connection as an interim rate.

BELLSOUTH:

There should be a rate for cross-connection separate from the loop rate when MFS is collocated at a BellSouth wire center. The appropriate rate for such cross-connection is being developed by BellSouth.

STAFF: No position at this time.

ISSUE 4: What is the appropriate rate for the following unbundled loops:

- a. 2-wire analog voice grade loop;
- b. 4-wire analog voice grade loop;
- c. 2-wire ISDN digital grade loop; and
- d. 4-wire DS-1 digital grade loop.

MFS: Until BST produces a TELRIC based study as required by the FCC's interconnection rules, the Commission should apply the FCC proxy ceiling of \$13.68 for unbundled loops in Florida, over three or more geographically deaveraged zones.

BELLSOUTH:

Loop	Recurring Price	Nonrecurring Price
a. 2-wire analog voice grade loop	\$17.00 per mo.	\$140.00 (1st) 45.00 (add'l)
b. 4-wire analog voice grade loop	\$31.90 per mo.	\$140.00 (1st) 45.00 (add'l)
c. 2-wire ISDN digital grade loop	\$43.00 per mo.	\$360.00 (1st) 325.00 (add'l)
d. 4-wire DS-1 digital grade loop	\$140.90 per mo.	\$745.00 (1st) 645.00 (add'l)

STAFF: No position at this time.

ISSUE 5: Is it appropriate for BellSouth to provide MFS with 2-wire ADSL compatible, and 2-wire and 4-wire HDSL compatible loops? If so, what are the appropriate rates for these loops?

MFS: Yes. The FCC interconnection order at ¶¶ 367-396 states that carriers must provide these lops if technically feasible. Ameritech provides these loops to MFS in Illinois, so they are technically feasible. Until BST produces a TELRIC based study, the Florida proxy ceiling should apply on deaveraged basis.

BELLSOUTH:

The 2-wire ADSL compatible and 2-wire and 4-wire HDSL compatible loops are additional loops that MFS has requested since the filing of its petition with the Commission in Docket 950984-TP. BellSouth has been working with MFS to clarify what is being requested. Once the rate structure is established and the technical

specifications of the loops are finalized, then cost studies will be conducted and rates proposed.

STAFF: No position at this time.

ISSUE 6: Should BellSouth be required to insert MFS's logo in its ALEC information section (call guide pages) of the white pages directory? If so, at what rate, if any?

MFS: Yes. Under 47 U.S.C. § 251(b)(3), all carriers are to have non-discriminatory access to directory listings. BST's logo appears in white pages directory. BST should provide insertion of MFS' logo at no cost.

BELLSOUTH:

BellSouth does not believe that the issue of Call Guide pages is subject to arbitration under Section 251 of the Act, and BellSouth requests that the Commission not arbitrate this issue. The Act requires inclusion of subscriber listings in White Pages directories. BellSouth has already agreed to ensure that MFS and other ALEC subscribers' listing are included in the White Pages directories. BellSouth believes that if MFS wants its logo placed in BellSouth Advertising and Publishing Company's ("BAPCO") directories, it should negotiate with BAPCO on unresolved issues since BAPCO is the publisher of the directories.

STAFF: No position at this time.

ISSUE 7: Should BellSouth provide directory services to MFS? If so, what are the appropriate rates, terms and conditions?

MFS: BST must provide MFS non-discriminatory access to directory assistance services under 47 U.S.C. § 251(b)(3). The appropriate rates, terms, and conditions for other directory services are set out in § 19.3 of MFS' Comprehensive Interconnection Agreement.

BELLSOUTH:

As noted in response to Issue No. 6, BellSouth will arrange for MFS to be able to include its customers in White Pages directories containing BellSouth subscriber listings. Beyond the provision of White Pages listing requirements specified by the Act for all customers, directory issues should be dealt with between MFS and BAPCO and are not subject to arbitration.

STAFF: No position at this time.

ISSUE 8: Is MFS's Most Favored Nation Clause (Section 24 of Exhibit D of its Petition) appropriate?

MFS: Yes. In fact this provision is now compelled by 47 C.F.R. § 51.809.

BELLSOUTH:

No. Pursuant to Section 252(i) of the Act, MFS should only be allowed to select all of the provisions of an entire agreement, not individual rates, terms, or conditions.

STAFF: No position at this time.

ISSUE 9: Does the Commission have the authority and jurisdiction to require the inclusion of a clause for liquidated damages in an interconnection agreement between MFS and BellSouth?

Should the interconnection agreement between MFS and BellSouth include provisions for liquidated damages for specified performance breaches? If so, what provisions should be included?

MFS: Yes.

Yes. Section 23.0 of MFS' Comprehensive Interconnection Agreement specifies the types of performance breach which should be covered and the amount of liquidated damages.

BELLSOUTH:

The Commission does not have the authority and jurisdiction under Florida law or the Act to mandate the inclusion of a clause for liquidated damages in an agreement between BellSouth and MFS. Moreover, BellSouth does not believe that the application of liquidated damages as proposed by MFS is subject to arbitration under Section 251 of the Act and BellSouth requests that the Commission not arbitrate this issue. Should the Commission choose to address this issue, BellSouth points out that the amount MFS proposes for liquidated damages is arbitrary, has no relevance to whether actual damages have occurred, and is in the nature of a penalty or a fine.

STAFF: No position at this time.

ISSUE 10: What are the appropriate arrangements for the network interconnection architecture between MFS and BellSouth?

MFS: Under 47 U.S.C. § 251(c)(2)(B), BST must provide interconnection at any technically feasible point within its network. MFS proposes in § 4.0. of the Comprehensive Interconnection Agreement that interconnection be accomplished through mutually agreed upon meet points, with each carrier responsible for providing trunking to the meet points for the hand off of local and toll traffic and each carrier responsible for completing calls to all end users on its network. The Commission ordered similar arrangements in its Interconnection Order at 15-16,33-34. MFS requests that the Commission take official notice of its earlier decision and apply it in this case. (The FCC interconnection order ¶¶ 176-225 addresses network architecture, as well as 47 C.F.R. § 51.305.)

BELLSOUTH:

BellSouth believes that each company must have the right to build, operate, and maintain the transmission system required to deliver its traffic to the other company. While parties may mutually agree on a jointly provided network, and should try to accommodate the facilities of the other where reasonably possible, they should not be forced to adopt the technology of the other.

STAFF: No position at this time.

ISSUE 11: What are the appropriate arrangements for trunking between MFS and BellSouth?

MFS: MFS' proposal is set out in § 5.0 of the Comprehensive Interconnection Agreement. BST should exchange traffic between its network and MFS' network using reasonably efficient trunking arrangements. Interconnection using two-way groups would be required wherever technically feasible. The Commission ordered similar arrangements in its Interconnection Order at 33-34. MFS requests the Commission take official notice of its earlier decision and apply it in this case. 47 U.S.C. § 251(c)(2) requires that MFS receive the same favorable arrangements that BST offers other carriers. (The FCC interconnection rules require that BST interconnect using two-way trunk groups whenever technically feasible. 47 C.F.R. § 51.305(f).

BELLSOUTH:

The use of one way trunks between MFS's switch and BellSouth's switch is the model, long term trunking arrangement.

STAFF: No position at this time.

ISSUE 12: Who is the appropriate recipient of the Residual Interconnection Charge?

MFS: The end-office provider. The Commission ordered this arrangement in Order No. PSC-96-0668-FOF-TP, at 50. MFS requests the Commission take official notice of its earlier decision and apply it in this case. The FCC's recent number portability order at ¶ 140 compels this result.

BELLSOUTH:

The carrier who provides tandem switching should receive the RIC for toll calls which are terminated to another carrier's end user, regardless of whether the call is ported or not. This issue, however, has more applicability to interstate access and, as such, should not be an item to be decided in an arbitration proceeding.

STAFF: No position at this time.

ISSUE 13: Is it appropriate for BellSouth customers to be allowed to convert their bundled service to an unbundled service and assign such service to MFS, with no penalties, rollover, termination or conversion charges to MFS or the customers?

MFS: Yes. This is a common consumer protection procedure adopted by this Commission in Intermedia Communications of Florida, Inc., 1994 WL 118370 (Fla. PSC), reconsidered, 1995 WL 579981 (Fla. PSC., Sep. 21, 1995), the FCC, and in various circumstances by the Commissions in New Jersey, California, and Ohio.

BELLSOUTH:

No. Any applicable termination charges, as specified in existing tariffs or contracts, should apply when a customer converts its bundled service to an unbundled service. Further, there are nonrecurring costs involved in making such changes. BellSouth should be allowed to recover costs from direct cost causers.

STAFF: No position at this time.

ISSUE 14: Should any services provided by BellSouth be excluded from resale? If so, what services should be excluded from resale?

MFS: No, 47 U.S.C. § 251(c)(4) requires that any telecommunications service available to a non-carrier customer at retail must be available for resale by other carriers. (The FCC interconnection rules at 47 CFR., Subpart G address resale obligations of ILECs).

BELLSOUTH:

Yes. BellSouth should make available all of its local exchange services for resale except grandfathered services, promotional plans, contract service arrangements, Lifeline, Link Up, installment billing options, commitment guarantee programs, 911/E911, N11, and mobile interconnection.

STAFF: No position at this time.

ISSUE 15: What is the appropriate rate for interim number portability via remote call forwarding provided by BellSouth to MFS pursuant to the order issued July 2, 1996 in FCC Docket 95-116?

MFS: MFS recommends the cost recovery mechanism based on that recently adopted in New York State and endorsed in ¶ 138 of the cited order.

BELLSOUTH:

The appropriate rate is that used in Florida Docket No. 950737-TP in which the Commission determined the following rates for interim number portability via remote call forwarding: \$1.00 per line, per month for one path, \$0.50 for each additional path per month; and, a nonrecurring charge of \$10.00 per customer. While the FCC recently released an order in Docket No. 95-116 which may have implications for interim number portability, the order has only recently been published in the Federal Register and remains subject to motions for reconsideration and judicial review.

STAFF: No position at this time.

ISSUE 16: What are the appropriate physical collocation terms, conditions and rates?

MFS: Subsequent to the filing of the Petition, the parties have agreed to § 12.0 of the Partial Interconnection Agreement. The agreement makes reference to tariff provisions which do not exist, however. The parties do not yet agree to terms, conditions, and rates, which should be priced according to the standard of 47 U.S.C. § 252(d). Section 252(c)(2) requires that MFS get at least as favorable treatment as BST officers to other carriers. MFS has submitted a proposed collocation agreement to BST.

BELLSOUTH:

The appropriate terms, conditions and rates for physical collocation are those set forth in the BellSouth Telecommunications Handbook for Collocation that is attached to the testimony of BellSouth's witness Mr. Scheye.

STAFF: No position at this time.

ISSUE 17: What is the appropriate rate for performing the intermediary function?

MFS: MFS is offering to pay \$0.00075 per minute for the intermediary function. The Commission ordered this rate in Order No. PSC-96-0668-FOF-TP, at 49. MFS requests the Commission take official notice of this decision and apply it in this case. Under 47 U.S.C. §§ 251 and 252, BST must offer non-discriminatory rates for transport and termination of traffic.

BELLSOUTH:

The appropriate rate for BellSouth to provide the intermediary function to allow local calls from an ALEC customer to transit through BellSouth's network to another ALEC's network is \$.002 plus the rates for transport and tandem switching.

STAFF: No position at this time.

ISSUE 18: Should the agreement be approved pursuant to Section 252(e) of the Telecommunications Act of 1996?

MFS: Any stipulation MFS and BST execute, as well as any arbitrated resolution of the Petition should be approved by the Commission under the standards set forth in the 1996 Act.

BELLSOUTH:

If the agreement is in the public interest, nondiscriminatory and complies with Sections 251 and 252 of the Telecommunications Act of 1996, the answer is yes.

STAFF: No position at this time.

VII. EXHIBIT LIST

<u>WITNESS</u>	<u>PROFFERED BY:</u>	<u>I.D. NO.</u>	<u>DESCRIPTION</u>
Timothy T. Devine	MFS	<u>(TTD-1)</u>	Examples of carrier logos contained with the call guide (information pages) of certain white page directories.
		<u>(TTD-2)</u>	Co-carrier agreement between Ameritech Illinois and an MFS subsidiary.
		<u>(TTD-3)</u>	Co-carrier agreement between New York Telephone Company and an MFS subsidiary.
		<u>(TTD-4)</u>	Co-carrier agreement between BST and Intermedia Communications, Inc.
		<u>(TTD-5)</u>	Stipulation entered into by BST and TCG
		<u>(TTD-6)</u>	Co-carrier agreement between and MFS subsidiary and GTE
		<u>(TTD-7)</u>	Co-carrier agreement between BST and MCImetro

Timothy T. Devine MFS

(TTD-8) Co-carrier agreement between BST and Time Warner

(TTD-9) Excerpts from the Benchmark Cost Model

(TTD-10) FCC interconnection rules to be codified in Title 47, Code of Federal Regulations

(TTD-11) A co-carrier agreement between MFS and Southwestern Bell

(TTD-12) A co-carrier agreement between MFS and Bell Atlantic-Maryland

(TTD-13) A proposed MFS-BST collocation agreement

(TTD-14) A co-carrier agreement between MFS and Pacific Bell

David N. Porter

(DNP-1) Loop deaveraging worksheet

(DNP-2) DNP-2 is a summary of the FCC's August 8, 1996 interconnection order

Robert Scheye BellSouth

(RCS-1) Reply Comments of BSC in FCC Docket 96-45

Robert Scheye BellSouth

(RCS-2) Documents
produced in
response to
Order No. PSC-
96-0444-FOF-TP

(RCS-3) BellSouth
Telecommuni-
cations
Negotiations
Handbook for Co-
location

Daonne Caldwell BellSouth

(DDC-1) Illustrative
example of
Unbundled Voice
Grade and 2-wire
ISDN Loop
Components

(DDC-2) Unbundled 2-wire
Analog Voice
Grade Loop Cost
Development
Procedures

(DDC-3) BellSouth
Telecommunicatio
ns Negotiations
handbook for
Collocation

(DDC-4) Unbundled 2-wire
Analog and 2-
wire ISDN
Digital Ling
Ports

(DDC-5) Illustrative
Local Exchange
Network

(DDC-6) Loop
Channelization
System and
Central Office
Channel
Interface

Daonne Caldwell BellSouth

(DDC-7) Unbundled Loops
2-wire Analog
Voice Grade
Loop; 4-Wire
Analog Voice
Grade Loop; 2-
Wire ISDN
Digital Grade
Loop

(DDC-8) Unbundled 4-Wire
DS1 Digital
Grade Loop

(DDC-9) Unbundled
Exchange Ports

(DDC-10) Unbundled Loop
Channelization
System And
Central Office
Channel
Interface

Alfonso Varner

(AVJ-1) Amendments To
The Code Of
Federal
Regulations
(selected
sections).

William Atherton

(WVA-1) Interoffice
Interconnection

(WVA-2) MFS/BellSouth
Interconnection
Architecture

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

VIII. PENDING MOTIONS

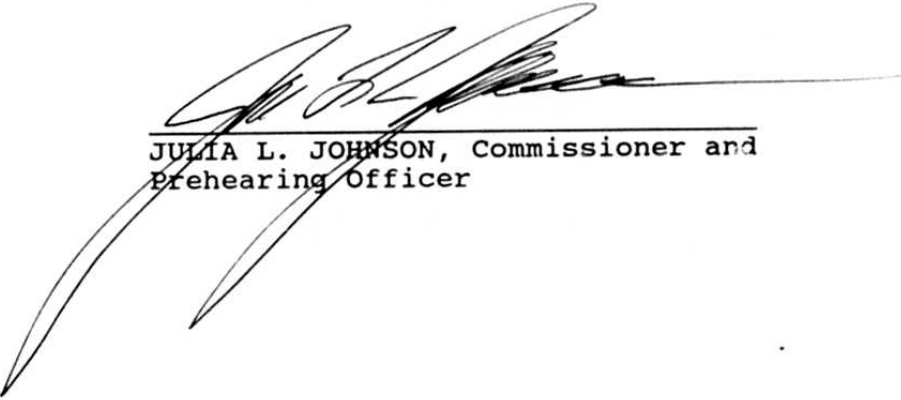
BellSouth filed a Motion to Dismiss on July 22, 1996, claiming that certain issues are not the appropriate subject of this arbitration. MFS filed a response in opposition to that motion. The Commission will vote on this motion at the beginning of the hearing.

MFS filed a Motion for Clarification of the Effect of the Commission's Prior Orders on August 8, 1996. The Motion asks that the Commission take official recognition of orders entered in the state interconnection proceedings and that the Commission incorporate the record of the state proceedings into this proceeding. The Commission will vote on this motion at the beginning of the hearing.

It is therefore,

ORDERED by Commissioner Julia L. Johnson, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 22nd day of August, 1996.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

(S E A L)

LMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2),

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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.