

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements.

DOCKET NO. 990649-TP  
ORDER NO. PSC-00-1335-PCO-TP  
ISSUED: July 24, 2000

ORDER MODIFYING PROCEDURE

On December 10, 1998, in Docket No. 981834-TP, the Florida Competitive Carriers Association (FCCA), the Telecommunications Resellers, Inc. (TRA), AT&T Communications of the Southern States, Inc. (AT&T), MCIMetro Access Transmission Services, LLC and WorldCom Technologies, Inc. (MCI WorldCom), the Competitive Telecommunications Association (Comptel), MGC Communications, Inc. (MGC), Intermedia Communications Inc. (Intermedia), Supra Telecommunications and Information Systems (Supra), Florida Digital Network, Inc. (Florida Digital Network), and Northpoint Communications, Inc. (Northpoint) (collectively, "Competitive Carriers") filed their Petition of Competitive Carriers for Commission Action to Support Local Competition in BellSouth's Service Territory. Among other matters, the Competitive Carriers' Petition asked that this Commission set deaveraged unbundled network element (UNE) rates.

On May 26, 1999, this Commission issued Order No. PSC-99-1078-PCO-TP, granting in part and denying in part the Competitive Carriers' petition. Among other decisions, the Commission granted the request to open a generic UNE pricing docket for the three major incumbent local exchange providers, BellSouth Telecommunications, Inc. (BellSouth), Sprint-Florida, Incorporated (Sprint), and GTE Florida Incorporated (GTEFL). Accordingly, this docket was opened to address the deaveraged pricing of UNEs, as well as the pricing of UNE combinations and nonrecurring charges. An administrative hearing was held on July 17, 2000, on several of the issues identified in Order No. PSC-00-2015-PCO-TP, issued June 8, 2000. The remaining issues identified in the Second Revised Procedural Order No. PSC-00-0540-PCO-TP, issued March 16, 2000, will be considered at the September 19-22, 2000, hearing.

On July 18, 2000, the United States Court of Appeals for the Eighth Circuit rendered its decision in Iowa Utilities Board, et al. v. Federal Communications Commission. In light of that decision, staff conducted a conference call with the parties. As

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a result of the call, the Parties agreed that additional time to file testimony would be appropriate. In addition, BellSouth indicated that it may need to file revisions to its cost studies but has not yet provided a list of the specific changes that may be made. Should BellSouth file changes to its cost studies, additional time will be needed for the parties to file testimony and for discovery. However, due to the proximity of the Phase II hearing, scheduling will have to be expedited in order to allow parties an opportunity to review the information prior to hearing. Therefore, I find it reasonable to make the following modifications to the schedule:

1. ALEC Direct and Rebuttal Testimony shall be due by noon on Monday, July 31, 2000. Service shall be made by hand delivery, facsimile, or overnight courier, and electronic service.
2. ILEC Rebuttal Testimony shall be due by noon on Monday, August 21, 2000. Service shall be made by hand delivery, facsimile, or overnight courier, and electronic service.
3. If BellSouth does submit changes to its cost studies, such changes shall be submitted by Wednesday, August 16, 2000. Service shall be made by hand delivery, facsimile, or overnight courier.
4. Any Supplemental Rebuttal testimony due to BellSouth's changes to its cost studies shall be due by noon on Wednesday, August 23, 2000. Service shall be made by hand delivery, facsimile, or overnight courier, and electronic service.
5. All discovery responses shall be due 15 days after service. Service shall be made by hand delivery, facsimile, or overnight courier, and electronic service.
6. Discovery pertaining to any modifications of BellSouth's cost studies and related information shall be extended to Friday, September 15, 2000.
7. All parties filing responses to discovery from any party shall serve Commission staff with a copy. Any party filing discovery responses after

September 12, 2000, shall provide 40 copies of the responses to Commission staff.

8. Should BellSouth file changes to its cost studies, BellSouth shall respond to all discovery pertaining to any modifications of its cost studies and related information within ten days of service. Service shall be made by hand delivery, facsimile, or overnight courier, and electronic service (where possible).

BellSouth has indicated that it will file all revisions of its filings in this proceeding no later than August 16, 2000. If there is any anticipated slippage in this date, BellSouth is to notify staff immediately; at such time, I will decide what actions are appropriate.

In addition, while it is meritorious that BellSouth seeks to provide this Commission and the parties with the most correct information, I find it disturbing that such information may come at such a late date in this process. Therefore, to afford due process to all parties, I find it necessary to require BellSouth to provide the parties the following information within the specified time frames.

1. BellSouth shall notify all parties promptly of what information may be impacted should it file any changes to its cost studies or other information.
2.
  - a. BellSouth shall file a list of each aspect of its filing that it knows it will be changing and describe each of the changes it intends to make.
  - b. BellSouth shall also file a list of each aspect of its filing it may change and describe each of the changes it may make.
3. BellSouth shall describe the probable impacts and effects of each of these changes on each affected rate element and cost component, and describe the direction that the cost of change will take (e.g., reduction or increase).
4. BellSouth shall provide an initial list of information described in items 1, 2, and 3 above on

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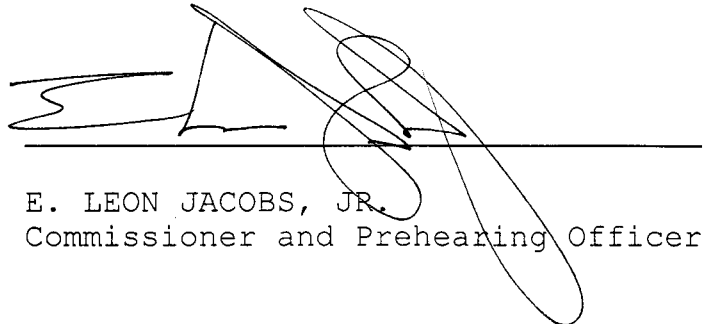
Wednesday, July 26, 2000. BellSouth shall provide an update of the above listed information on Tuesday, August 1, 2000, and BellSouth shall provide a final list by Monday, August 7, 2000. The information shall be served by hand delivery, facsimile, or overnight courier and e-mail.

I find that these modifications are necessary and reasonable. Based upon the foregoing, it is therefore,

ORDERED by Commissioner Leon E. Jacobs, Prehearing Officer, that the modified schedule and procedures outlined in the body of this order shall be followed. It is further

ORDERED that all other aspects of Orders Nos. PSC-99-1397-PCO-TP and PSC-00-0540-PCO-TP are reaffirmed.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 24th Day of July, 2000.



E. LEON JACOBS, JR.  
Commissioner and Prehearing Officer

( S E A L )

DWC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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

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hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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.

**004401**

M E M O R A N D U M

July 21, 2000

RECORDS AND  
REPORTING

00 JUL 21 PM 4:50

RECEIVED: 1900

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *DWC*  
RE: DOCKET NO. 990649-TP - INVESTIGATION INTO PRICING OF  
UNBUNDLED NETWORK ELEMENTS.

*1335-PCO*

Attached is an ORDER MODIFYING PROCEDURE, to be issued in the above-referenced docket.

(Number of pages in order - 5)

**MUST GO TODAY**

DWC/dm

Attachment

cc: Division of Economic Regulation  
(Iyamu, Lee, Lester)  
Division of Competitive Services  
(Ollila, Arant, Davis, Dowds, King, Marsh)  
Division of Policy Analysis & Interagency Liaison  
(Fogleman, Smitha, Watts, Yu)

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*m-*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 7/26/00  
 Number of Originals 5 Copies Per Original 16  
 Requested By Ruth

Item Presented

Agenda For (Date) \_\_\_\_\_ Order No. 00-1335 In Docket No. 990649  
 Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
 Other \_\_\_\_\_

Special Handling Instructions

Distribution/Mailing

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<u>3</u>	Docket Mailing List - Mailed	_____	_____
<u>31</u>	Docket Mailing List - Faxed	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 267 Verified By Michael  
 Date and Time Completed 7/27 Job Checked For Correctness and Quality (Initial) U

Mail Room Verification

Date Mailed \_\_\_\_\_ Verified By \_\_\_\_\_