

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration
of unresolved issues in
negotiation of interconnection
agreement with BellSouth
Telecommunications, Inc. by
ITC^DeltaCom Communications,
Inc. d/b/a ITC^DeltaCom.

DOCKET NO. 030137-TP
ORDER NO. PSC-03-0534-PCO-TP
ISSUED: April 23, 2003

ORDER ESTABLISHING PROCEDURE

On February 7, 2003, ITC^DeltaCom Communications, Inc. (ITC^DeltaCom or DeltaCom) filed its Petition for Arbitration With BellSouth pursuant to the Telecommunications Act of 1996. On March 4, 2003, BellSouth Telecommunications, Inc. filed its response to the ITC^DeltaCom's Petition.

Part II of the Federal Telecommunications Act of 1996 (Act) sets forth provisions regarding the development of competitive markets in the telecommunications industry. Section 251 of the Act regards interconnection with the incumbent local exchange carrier and Section 252 sets forth the procedures for negotiation, arbitration, and approval of agreements.

Section 252(b) addresses agreements arrived through compulsory arbitration. Specifically, Section 252(b)(1) states:

(1) Arbitration. - During the period from the 135th to 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

Section 252(b)(4)(C) states that the State commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions as required. This section requires this Commission to conclude the resolution of any unresolved issues not later than nine months after the date on

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which the local exchange carrier received the request under this section.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Section 252(b)(4)(A) provides that this Commission shall limit its consideration of any petition to the issues set forth in the petition and in the response, if any. The hearing will be conducted according to the provisions of Chapter 120, Florida Statutes, and all administrative rules applicable to this Commission.

The scope of this proceeding shall be based upon the issues raised by the parties up to and during the prehearing conference, unless modified by the Commission.

Discovery

When discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within ten days of service of the discovery request. This procedure is intended to reduce delay in resolving discovery disputes.

The hearing in this docket is set for September 3, September 4, and September 5, 2003. Unless authorized by the Prehearing Officer for good cause shown, all discovery shall be completed by August 26, 2003. All interrogatories, requests for admissions, and requests for production of documents shall be numbered sequentially in order to facilitate their identification. The discovery requests will be numbered sequentially within a set, and any subsequent discovery requests will continue the sequential numbering system. Pursuant to Rule 28-106.206, Florida Administrative Code, unless subsequently modified by the Prehearing Officer, the following shall apply: interrogatories, including all subparts, shall be limited to 100, and requests for production of documents, including all subparts, shall be limited to 100.

Any party intending to provide information pursuant to a discovery request, which it is aware is deemed, or might be deemed, confidential by another party in this proceeding, shall notify that party prior to submitting such information for the purpose of ensuring conformance with this Commission's rules regarding the handling of such information and continued confidential treatment pending a formal ruling by the Commission. 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 made a part of the evidentiary record 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 period set forth in Section 364.183, Florida Statutes.

Due to the compressed time schedule for this proceeding, it is reasonable to require an expedited discovery process. Consequently, all discovery responses shall be served within twenty (20) days of receipt of the discovery request. There shall be no extra time for mailing throughout this proceeding. Furthermore, in view of the scope and expedited nature of this proceeding, parties shall serve discovery requests and responses by either express mail, facsimile, or hand delivery. A copy of all discovery responses shall be sent to Commission staff in addition to the requesting party. Parties shall avail themselves of the liberal discovery allowed by this Order within the time frames set forth above. Parties are cautioned against conducting discovery during cross-examination at the hearing.

Diskette Filings

See Rule 25-22.028(1), Florida Administrative Code, for the requirements of filing on diskette for certain utilities.

Prefiled Testimony and Exhibits

Each party shall prefile, in writing, all testimony that it intends to sponsor. Such testimony shall be typed on 8 ½ inch x 11 inch transcript-quality paper, double-spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

Each exhibit intended to support a witness' prefiled testimony shall be attached to that witness' testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1. All other known exhibits shall be marked for identification at the prehearing conference. After an opportunity for opposing parties to object to introduction of the exhibits and to cross-examine the witness sponsoring them, exhibits may be offered into evidence at the hearing. Exhibits accepted into evidence at the hearing shall be numbered sequentially. The pages of each exhibit shall also be numbered sequentially prior to filing with the Commission.

An original and 15 copies of all testimony and exhibits shall be prefiled with the Director, Division of the Commission Clerk and Administrative Services, by the close of business, which is 5:00 p.m., on the date due. A copy of all prefiled testimony and exhibits shall be served by mail or hand delivery to all other parties and staff no later than the date filed with the Commission. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony.

If a demonstrative exhibit or other demonstrative tools are to be used at hearing, they must be identified by the time of the Prehearing Conference.

Prehearing Statement

All parties in this docket shall file a prehearing statement. Staff will also file a prehearing statement. The original and 15 copies of each prehearing statement shall be prefiled with the Director of the Division of the Commission Clerk and Administrative Services by the close of business, which is 5:00 p.m., on the date due. A copy of the prehearing statement shall be served on all

other parties and staff no later than the date it is filed with the Commission. Failure of a party to timely file a prehearing statement shall be a waiver of any issue not raised by other parties or by the Commission. In addition, such failure shall preclude the party from presenting testimony in support of its position. Such prehearing statements shall set forth the following information in the sequence listed below:

- (a) The name of all known witnesses that may be called by the party, and the subject matter of their testimony;
- (b) a description of all known exhibits that may be used by the party, whether they may be identified on a composite basis, and the witness sponsoring each;
- (c) a statement of basic position in the proceeding;
- (d) a statement of each question of fact the party considers at issue, the party's position on each such issue, and which of the party's witnesses will address the issue;
- (e) a statement of each question of law the party considers at issue and the party's position on each such issue;
- (f) a statement of each policy question the party considers at issue, the party's position on each such issue, and which of the party's witnesses will address the issue;
- (g) a statement of issues that have been stipulated to by the parties;
- (h) a statement of all pending motions or other matters the party seeks action upon;
- (i) a statement identifying the party's pending requests or claims for confidentiality;

- (j) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore;
- (k) a statement identifying any decision or pending decision of the FCC or any court that has or may either preempt or otherwise impact the Commission's ability to resolve any of the issues presented or the relief requested in this matter; and
- (l) Any objections to a witness's qualifications as an expert must be identified in a party's Prehearing Statement. Failure to identify such objection may result in restriction of a party's ability to conduct voir dire.

Prehearing Conference

Pursuant to Rule 28-106.209, Florida Administrative Code, a prehearing conference will be held on August 18, 2003 at the Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida. Any party who fails to attend the prehearing conference, unless excused by the Prehearing Officer, will have waived all issues and positions raised in that party's prehearing statement.

Prehearing Procedure: Waiver of Issues

Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. A party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: it was unable to identify the issue because of the complexity of the matter; discovery or other prehearing procedures were not adequate to fully develop the issue; due diligence was exercised to obtain facts touching on the issue; information obtained subsequent to the issuance of the prehearing order was not previously available to enable the party to identify the issue; and introduction of the issue could not be to the prejudice or surprise of any party. Specific reference shall be made to the information received, and how it enabled the party to identify the issue.

Unless a matter is not at issue for that party, each party shall diligently endeavor in good faith to take a position on each issue prior to issuance of the prehearing order. When a party is unable to take a position on an issue, it shall bring that fact to the attention of the Prehearing Officer. If the Prehearing Officer finds that the party has acted diligently and in good faith to take a position, and further finds that the party's failure to take a position will not prejudice other parties or confuse the proceeding, the party may maintain "no position at this time" prior to hearing and thereafter identify its position in a post-hearing statement of issues. In the absence of such a finding by the Prehearing Officer, the party shall have waived the entire issue. When an issue and position have been properly identified, any party may adopt that issue and position in its post-hearing statement.

Document Identification

Each exhibit submitted shall have the following in the upper right-hand corner: the docket number, the witness's name, the word "Exhibit" followed by a blank line for the exhibit number, and the title of the exhibit.

An example of the typical exhibit identification format is as follows:

Docket No. 12345-TL
J. Doe Exhibit No. _____
Cost Studies for Minutes of Use by Time of Day

Tentative Issues

Attached to this order as Appendix "A" is a tentative list of the issues which have been identified in this proceeding. Prefiled testimony and prehearing statements shall address the issues set forth in Appendix "A".

Controlling Dates

The following dates have been established to govern the key activities of this case.

- | | |
|------------------------------------|--------------------------------|
| 1) Direct testimony and exhibits | May 19, 2003 |
| 2) Rebuttal testimony and exhibits | June 18, 2003 |
| 3) Prehearing Statements | July 31, 2003 |
| 4) Prehearing Conference | August 18, 2003 |
| 5) Hearing | September 3, 4,
and 5, 2003 |
| 6) Briefs | October 10, 2003 |

Use of Confidential Information At Hearing

It is the policy of this 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. 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. Failure of any party to comply with the seven-day requirement described above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.

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. 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. 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 the Commission Clerk and Administrative Services' confidential files.

Post-Hearing Procedure

Each party shall 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. 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.


Pursuant to Rule 28-106.215, Florida Administrative Code, 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 40 pages, and shall be filed at the same time.

Based upon the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 23rd Day of April, 2003.

 for Commissioner Braulio L. Baez

BRAULIO L. BAEZ
Commissioner and Prehearing Officer

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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 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; or (2) 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 the Commission Clerk and

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Administrative Services, 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.

Attachment A
Tentative Issues List

ISSUE A: What is the Commission's jurisdiction in this matter?

ISSUE 1: Term of the Agreement

a) Should the new interconnection agreement provide that the parties continue to operate under that Agreement or under BellSouth's Standard Interconnection Agreement pending the determination of the Commission's ruling in any future arbitration?

b) What should be the length of the term of the agreement resulting from this arbitration?

ISSUE 2: Directory Listings

a) Should BellSouth provide DeltaCom, for the term of this Agreement, the same directory listing language found in the BellSouth/AT&T Interconnection Agreement?

b) Should BellSouth be required to provide an electronic feed of the directory listings of DeltaCom customers?

c) Should DeltaCom have the right to review and edit its customers' directory listings?

d) Should there be a credit or PMAP measure for accuracy of directory listings and, if so, what should be the credit or PMAP measure?

ISSUE 3: Advance Notice of Changes to Resold Offerings

Should BellSouth provide advance notice of changes to resale offerings? If so, how much advance notice should be given?

ISSUE 4: Tax Liability (CLOSED)

ISSUE 5: Access to Pending Order Information and Status of Order Information

a) Should BellSouth be required to provide the same amount of pending order service detail to DeltaCom that BellSouth provides to its retail representatives?

b) Should BellSouth be required to provide information regarding the status of an order to DeltaCom to the same degree as that it provides to its retail representatives?

ISSUE 6: Facility Check Information

Should BellSouth be required to provide to DeltaCom facility check information electronically in the same manner it does to BellSouth's retail operations?

ISSUE 7: Addition of Call Forwarding (CLOSED)

ISSUE 8: Universal or Integrated Digital Loop Carrier ("UDLC/IDLC") Technology

a) Should BellSouth be required to provide an unbundled loop using IDLC technology to DeltaCom which will allow DeltaCom to provide consumers the same quality of service (i.e., no additional analog to digital conversions) as that offered by BellSouth to its customers? If so, under what rates, terms and conditions should it be provided?

b) Should BellSouth be required to provide an unbundled loop using UDLC technology to DeltaCom? If so, under what rates, terms and conditions should it be provided?

ISSUE 9: OSS Interfaces

Should BellSouth be required to provide interfaces for OSS to DeltaCom which have functions equal to that provided by BellSouth to BellSouth's retail division?

ISSUE 10: Completion Notifier

Should BellSouth be required to provide DeltaCom a completion notifier?

ISSUE 11: Access to UNES

a) Should the interconnection agreement specify that the rates, terms and conditions of the network elements and combinations of network elements are compliant with state and federal rules and regulations?

b) Should all network elements be delivered to DeltaCom's collocation arrangement?

c) (CLOSED)

ISSUE 12: Reciprocity of UNE Services and Conditions (CLOSED)

ISSUE 13: Testing of UNES

a) Should BellSouth be required to provide UNE testing results to DeltaCom? (CLOSED)

b) How long should the parties have to perform cooperative testing once a request is received from the other party?

ISSUE 14: Prohibition of Use of UNES to Provide Wireless Service (CLOSED)

ISSUE 15: DADAS

Should the rates, terms and conditions for DADAS be included in the interconnection agreement?

ISSUE 16: Does Inside Wire Include Both Wire Owned and Controlled by BellSouth (CLOSED)

ISSUE 17: Provisioning and Cutovers

What terms and conditions should apply to provisioning and cutovers?

ISSUE 18: Testing of NXXs, Call Forwarding Variable and Remote Access to Call Forwarding Variable

a) Should DeltaCom be allowed to use the call forwarding, call forwarding variable, and remote access to call forwarding variable for testing whether NXXs are being correctly translated in the BellSouth network?

b) If so, what rates should apply?

ISSUE 19: Unbundled Remote Call Forwarding ("URCF") (CLOSED)

ISSUE 20: SS7

a) Should BellSouth provide the option of a high speed link for SS7? (CLOSED)

b) Where should the parties' interconnection point be for the exchange of SS7 traffic?

ISSUE 21: Dark Fiber Availability

Does BellSouth have to make available to DeltaCom dark fiber loops and transport at any technically feasible point?

ISSUE 22: Dark Fiber Parity (CLOSED)

ISSUE 23: Dark Fiber Holding Period

Should BellSouth hold the dark fiber for DeltaCom after receiving a valid, error-free LSR? If so, for how long?

ISSUE 24: Rate and Provision of Performance Data

a) Should BellSouth be required to provide performance data for end-user customer line, traffic characteristics and common (shared) transport? If so, should BellSouth be required to provide performance data on BellSouth's common (shared) transport when DeltaCom traffic is routed through it?

b) If required to provide such performance data, what rate should BellSouth charge DeltaCom for the performance data?

ISSUE 25: Provision of ADSL Where DeltaCom is the UNE-P Local Provider

Should BellSouth continue providing an end-user with ADSL service where DeltaCom provides UNE-P local service to that same end user on the same line?

ISSUE 26: Local Switching - Line Cap and Other Restrictions

a) Is the line cap on local switching in certain designated MSAs only for a particular customer at a particular location?

b) Should the Agreement include language that prevents BellSouth from imposing restrictions on DeltaCom's use of local switching?

c) Is BellSouth required to provide local switching at market rates where BellSouth is not required to provide local switching as a UNE? Does the Florida Public Service Commission have the authority to set market rates for local switching? If so, what should be the market rate?

ISSUE 27: Treatment of Traffic Associated with Unbundled Local Switching but Using DeltaCom's CIC

Should calls originated by a DeltaCom end-user or BellSouth end-user and terminated to either DeltaCom or BellSouth be treated as local if the call originates and terminates within the LATA?

ISSUE 28: Local Switching

What local switching provisions should be in the interconnection agreement?

ISSUE 29: AIN Triggers

Should BellSouth be required to offer AIN triggers on a stand-alone basis via DeltaCom's STPS?

ISSUE 30: Provision of Combinations

a) What terms and conditions should apply to the provision of UNE combinations?

b) Should BellSouth be required to provide DeltaCom the same conditions for network elements and combinations that BellSouth has provided to other carriers?

ISSUE 31: EELs

Are new EELs ordered by DeltaCom subject to local use restrictions?

ISSUE 32: Availability of EELs

Should BellSouth be required to make EELs available everywhere?

ISSUE 33: Special Access Conversions to EELs

Can DeltaCom provide a blanket certification that refers to all three safe harbors for special access conversions?

ISSUE 34: Audits

Under what circumstances would DeltaCom be required to reimburse BellSouth for the full cost of an audit?

ISSUE 35: Conversion of DS3 Special Access to EELs (CLOSED)

ISSUE 36: UNE/Special Access Combinations

a) Should DeltaCom be able to connect UNE loops to special access transport?

b) Does BellSouth combine special access services with UNEs for other CLECs?

ISSUE 37: Conversion of a Special Access Loop to a UNE Loop that Terminates to DeltaCom's Collocation

Where DeltaCom has a special access loop that goes to DeltaCom's collocation space, can that special access loop be converted to a UNE loop?

ISSUE 38: Hours of UNE/LCSC Center (CLOSED)

ISSUE 39: Definition and Treatment of Local Traffic and Tandem Switching

a) Should local traffic be defined as any call that originates and terminates within the LATA, is originated by either a DeltaCom or BellSouth end-user, and is terminated to a DeltaCom or BellSouth end-user?

b) Does DeltaCom's switch perform tandem switching?

ISSUE 40: Point of Interconnection ("POI")

a) Can DeltaCom select a single POI per LATA?

b) If so, should each party pay its own costs to reach that POI within the LATA?

c) Should DeltaCom's existing POIs be grandfathered (i.e., not moved to an end office)?

ISSUE 41: Percent Local Facilities ("PLF")

Should DeltaCom be required to report a PLF to BellSouth?

ISSUE 42: Audits of PIU/PLU

Should a party have to pay for an audit when their reported factors are more than 20 percentage points overstated?

ISSUE 43: Trunk Group Service Request ("TGSR") (CLOSED)

ISSUE 44: Establishment of Trunk Groups for Operator Services, Emergency Services, and Intercept

Should the interconnection agreement set forth the rates, terms and conditions for the establishment of trunk groups for operator services, emergency services, and intercept?

ISSUE 45: Switched Access Charges Applicable to BellSouth

Should DeltaCom be able to charge BellSouth switched access charges where BellSouth is the interexchange carrier?

ISSUE 46: BLV/BLVI

Does BellSouth have to provide BLV/BLVI to DeltaCom? If so, what should be the rates, terms and conditions?

ISSUE 47: Compensation for the Use of DeltaCom's Collocation Space ("Reverse Collocation")

Should BellSouth be required to compensate DeltaCom when BellSouth collocates in DeltaCom's collocation space? If so, should the same rates, terms and conditions apply to BellSouth that BellSouth applies to DeltaCom?

ISSUE 48: Provision of Terminations in Excess of Capacity of Equipment (CLOSED)

ISSUE 49: Requirement to Provide List of Entities with an Interest in DeltaCom's Collocation Equipment (CLOSED)

ISSUE 50: Subsequent Application Fee and Application Modification

Can BellSouth charge a subsequent application fee and/or other charges when no work is actually required?

ISSUE 51: Reciprocity of Charges (OSS Charges, Expedite Charges, "Change in Service Provider or Disconnect Charges", and any other Charges)

- a) Is DeltaCom entitled to assess charges to BellSouth for work performed on LSRs sent from BellSouth to DeltaCom (i.e., an OSS charge)?
- b) Should DeltaCom be able to assess against BellSouth a "Change in Service Provider" charge?
- c) Should DeltaCom be able to assess charges for work or performance for BellSouth?

ISSUE 52: Sharing of Cost of Facilities for Transit Traffic

- a) Should BellSouth share 50% of the cost of the interoffice dedicated transport and local channel when BellSouth routes its originating local traffic over the transit trunk group?
- b) Should DeltaCom be compensated for common transport and compensation minutes for this traffic?

ISSUE 53: Rates and Charges not Ordered by the Commission

- a) Should BellSouth be permitted to impose charges related to UNEs that have not been ordered by the Commission in its recent Order in the generic docket for setting UNE rates?
- b) Should BellSouth provide rate sheets for its contracts that specifically and separately identify those rates that have been approved by a Commission from those rates that BellSouth is proposing?

ISSUE 54: Reimburse Costs to Accommodate Modifications

Can BellSouth impose a charge that has not been approved by the Commission for changes to an order after an FOC has been issued?

ISSUE 55: Resend of CFA Fee

Should DeltaCom pay for BellSouth having to resend a CFA? If so, how much?

ISSUE 56: Cancellation Charges

- a) May BellSouth charge a cancellation charge which has not been approved by the Commission?
- b) Are these cancellation costs already captured in the existing UNE approved rates?

ISSUE 57: Rates and Charges for Conversion of Customers from Special Access to UNE-based Service

- a) Should BellSouth be permitted to charge for DeltaCom for converting customers from a special access loop to a UNE loop?
- b) Should the Agreement address the manner in which the conversion will take place? If so, must the conversion be completed such that there is no disconnect and reconnect (i.e, no outage to the customer)?

ISSUE 58: Unilateral Amendments to the Interconnection Agreement

- a) Should the Interconnection Agreement refer to BellSouth's website address to Guides such as the Jurisdictional Factor Guide?
- b) Should BellSouth be required to post rates that impact UNE services on its website?

ISSUE 59: Payment Due Date

Should the payment due date begin when BellSouth issues the bill or when DeltaCom receives the bill? How many days should DeltaCom have to pay the bill?

ISSUE 60: Deposits

- a) Should the deposit language be reciprocal?
- b) Must a party return a deposit after generating a good payment history?

ISSUE 61: Method of Filing Billing Disputes

Should BellSouth use the same form and procedure for submitting a billing dispute to DeltaCom that BellSouth imposes on DeltaCom?

ISSUE 62: Limitation on Back Billing

Should there be a limit on the parties' ability to back-bill for undercharges? If so, what should be the time limit?

ISSUE 63: Audits

Should the Agreement include language for audits of the parties' billing for services under the interconnection agreement? If so, what should be the terms and conditions?

ISSUE 64: ADUF

What terms and conditions should apply to the provision of ADUF records?

ISSUE 65: Notification of Changes to OSS and Changes of Business Rules/Practices

a) Should BellSouth provide notice via telephone or e-mail when there are going to be changes to OSS with less than 60 days advance notice? (CLOSED)

b) Should BellSouth be required to provide notice 60 days in advance of deployment of OSS changes that would impact DeltaCom?

ISSUE 66: Testing of End-User Data

Should BellSouth provide testing of DeltaCom end-user data? If so, what are the rates, terms, and conditions for such testing?

ISSUE 67: Availability of OSS Systems

Should BellSouth be allowed to shut down OSS systems during normal working hours (8 a.m. to 5 p.m.) without notice or consent from DeltaCom?

ISSUE 68: Provision of Customer Service Records (CLOSED)

ISSUE 69: Inadvertent Transfer of Customers

Should there be a process to allow a carrier to return an end-user to its preferred provider in situations where the end-user was inadvertently transferred to DeltaCom from BellSouth or to BellSouth from DeltaCom? If so, what should that process be?

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ISSUE 70: Reimbursement of Costs for Trouble Analysis and Error Resolution

Can DeltaCom recover its costs from BellSouth where BellSouth's errors require DeltaCom to do trouble analysis and error resolution? If so, what rates should apply?

ISSUE 71: Reciprocity of Porting Procedures

Should the parties utilize the same porting procedures?