**FLORIDA PUBLIC SERVICE COMMISSION**

**Fletcher Building**

**101 East Gaines Street**

**Tallahassee, Florida 32399-0850**

**M E M O R A N D U M**

**March 4, 1993**

**TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING**

**FROM : DIVISION OF COMMUNICATIONS [BOYD]**

**DIVISION OF LEGAL SERVICES [KURLIN]**

**RE : DOCKET NO. 921214-TL: PROPOSED TARIFF FILING TO WAIVE SOME NON-RECURRING CHARGES (NRC) FOR SERVICE REARRANGEMENTS FOR IXCs TO RECONFIGURE THEIR SWITCHED ACCESS TRANSPORT FACILITIES BY BELLSOUTH TELECOMMUNICATIONS, INC. d/b/a SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY**

**AGENDA: MARCH 16, 1993 - CONTROVERSIAL - PARTIES MAY PARTICIPATE**

**CRITICAL DATES: 60 DAY TIME LIMIT WAS WAIVED**

**SPECIAL INSTRUCTIONS: I:PSC\CMU\WP\921214.RCM**

**Attachment 1**

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**CASE BACKGROUND**

This tariff was originally scheduled to go to agenda on January 19, 1993. On January 13, 1993 the FCC decided to defer the effective date of Southern Bell's federal tariff filing (that mirrors this tariff filing) until February 1, 1993. Several IXCs had petitioned the FCC to suspend and investigate the federal filing. This recommendation now incorporates the initial filing by Southern Bell and revisions submitted by SBT on February 4, 1993.

One of the switched access pricing requirements that the AT&T antitrust consent decree mandated was that Bell Operating Companies (BOCs) charges for transport traffic were to be "equal, per unit of traffic delivered or received, for all IXCs." The "equal charge" requirement was put into place to promote IXC competition by keeping AT&T from receiving deeply discounted access rates because of its much higher traffic volume. Basically, all IXCs were to pay the same rate (given equal mileage) whether the call went through a tandem office or via a direct trunk.

The Federal Communications Commission (FCC), however, found that the "equal charge" regime had "significant negative implications for both efficient use of the network and the possibility of local access competition."

In Report and Order and further notice of Proposed Rulemaking in CC Docket No. 91-213, adopted on September 17, 1992, the FCC initiated an interim cost-based rate structure for LEC transport charges. The FCC decided that a cautious approach in this area would be best to ensure that all IXCs could adapt to the new rate structure.

Under the interim rate structure for interstate access, the FCC allows the LECs to "break-up" the transport element and charge different distance-sensitive rates for entrance facilities, direct-trunked transport and tandem-switched transport. Now a call going through a tandem office, (given equal mileage) may be more (or less) expensive than a call being transported via a direct trunk. (Attachment 1 defines entrance facilities, direct-trunked transport, and tandem-switched transport.)

Because of the disparity in rates, SBT contends that the IXCs will, because of economic reasons, move some of their tandem switched traffic to direct-trunked transport (or vice-versa). While any trunk is used to transport both intrastate and interstate traffic, trunks are separated between intrastate and interstate for pricing and rate base purposes. The determination of interstate and intrastate trunks is made by an IXC's reporting of its percent interstate usage (PIU). As a result, an IXC will most likely have a greater amount of interstate trunks than intrastate. This explains why, of the 29,000 trunks that SBT has linked to IXCs, only 496 intrastate trunks are forecasted to be reconfigured.

Fundamental to this interim cost-based rate structure approach is a companion docket where the FCC has proposed rules for expanded interconnection for switched transport. Expanded interconnection (referred to also as collocation) will facilitate the ability of alternative access vendors (AAVs) to compete with the LECs in the provision of switched transport. The FCC decision to "break-up" the transport element stems from the competitive pressures the LECs will face from the AAVs via expanded interconnection.

With this tariff filing, Southern Bell proposes to allow IXCs to reconfigure their switched access transport facilities to their most efficient routing, without incurring the regular Service Rearrangement Charge, as set forth in Order No. 92-0199.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should Southern Bell's tariff proposal to waive some non-recurring charges (NRCs) for service rearrangements to permit IXCs to reconfigure their switched access transport facilities be approved?

**RECOMMENDATION:** Yes, Southern Bell's tariff proposal to waive some NRCs for service rearrangements to permit IXCs to reconfigure their switched access transport facilities, should be approved.

**STAFF ANALYSIS:** On September 17, 1992, the FCC initiated an interim LEC transport rate structure and pricing plan. (All LECs are required to implement this new rate structure on or about November 1, 1993 - the same time that the FCC hopes to have established rules for expanded interconnection. This interim rate structure is to be in effect until November 1, 1995).

Under the interim rate structure, the LECs will be permitted to "break-up" and charge distance-sensitive rates for entrance facilities, direct-trunked transport, and tandem-switched transport. By "breaking-up" transport and allowing LECs to charge a flat rate for the direct-trunked option, the FCC is positioning the IXCs and LECs for expanded interconnection and promoting a more efficient use of the LEC network.

Unlike the current "equal charge per minute" rate structure, the interim rate structure will allow the IXCs to decide, based on economics and traffic volumes, whether direct-trunked transport or a tandem-switched transport is more feasible. If an IXC determines that the disparity in rates and the traffic volumes warrant a change, then with the passing of this tariff, IXCs will be allowed to make that change at no cost.

Due to the separations process, the changes mentioned above can affect the intrastate arena. To the extent direct-trunking is used in lieu of tandem switched transport, or vice-versa, the intrastate portion of these trunks will be subject to intrastate rearrangement charges. The intrastate changes appear to be small if, according to SBT's forecast, only 496 trunks will be reconfigured.

The proposed filing will allow IXCs to perform this reconfiguration without incurring the Service Rearrangement Charges consisting of an Access Service Request (ASR) service order charge at $92.00 plus $5.00 for the first trunk and $5.00 per each additional trunk on the same ASR.

The IXCs will be exempt from non-recurring charges for Service Rearrangements until May 1, 1994. In order for Service Rearrangements to be waived, all Access Service Requests (ASR) order activity must be completed by May 1, 1994.

In the initial filing by SBT there were conditions that had to be met by the IXCs in order to have the NRCs waived. It was these conditions that the IXCs petitioned in SBT's federal tariff. The IXCs that petitioned maintained that a one-to-one relationship between the number of trunks installed and the number of trunks disconnected in order to qualify for a waiver of NRC, was unfair. The FCC found that the one-to-one policy was a reasonable one in that it ensures that an IXC's re-routing would increase their network efficiency, but not the capacity of their existing facilities. This tariff reflects the one-to-one policy, but also allows the IXCs to provide justification in those instances where the number of installed trunks exceeds the number of disconnected trunks. This revision will allow SBT to work with an IXC to ensure that trunks, as rearranged, will meet the IXC's current traffic volume.

Another revision to the tariff is the connect/disconnect Access Service Request (ASR) timing. Originally the tariff stated that the disconnect ASR must be placed within 90 days of the completion of the connect ASR. Thus, a connect/disconnect time gap could create a charge on the IXC's account, to be eliminated by a credit only after the IXC placed an offsetting order (a connect order with a corresponding disconnect order). Allnet petitioned on the federal level that there should be no time limit on placing the disconnect order, arguing that carriers need time to assess whether the new trunking arrangements are adequate to handle the traffic volumes. The FCC ruled that the connect/disconnect ASR must be placed at the same time, however, the disconnect order must be completed within 90 days after the connect date. SBT revised their federal and pending state tariffs accordingly. Now the NRCs are waived "up front" and no charges will appear on the IXC's account thereby eliminating IXC confusion and unnecessary administrative procedures for SBT.

According to Southern Bell, the IXCs are expected to rearrange a small percentage of their switched access trunks to take advantage of possible cost savings associated with this reconfiguration. Using August 1992, in-service quantities of Feature Group D trunks (FGD) and the estimated number of service rearrangements to be requested by the IXCs (496 of 29,000 trunks), the estimated revenue foregone is expected to be $4,412.00

Staff believes that Southern Bell's filing is reasonable considering the FCC's long-term rate structure and pricing approach with regard to expanded interconnection and the accompanying increasingly competitive environment in the transport arena. This non-recurring charge waiver has a minimal revenue effect and will foster more economic utilization of the network which will improve SBT's competitive positioning. SBT will be better able to retain local transport business in the face of increased competition from AAVs and IXCs collocating in SBT end offices. Retention of local transport business is important to the general body of ratepayers as this helps hold down basic local rates.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, if Issue 1 is approved this tariff should become effective on March 16, 1993. If a timely protest is filed, this tariff should remain in effect with any increase in revenues held subject to refund pending resolution of the protest. If no timely protest is filed, this docket should be closed.

**STAFF ANALYSIS:** At the conclusion of the protest period, if no protest is filed, this docket should be closed.

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