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June 4, 1996

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

via Hand Delivery

Re: Resolution of Petition(s) to establish 1995 rates, terms, and conditions for interconnection involving local exchange companies and alternative local exchange companies pursuant to Section 364.162, Florida Statutes; Docket No. 950985-TP

Dear Ms. Bayo:

Enclosed for filing please find an original and fifteen copies of Time Warner AxS of Florida, L.P.'s and Digital Media Partners' Motion for Reconsideration for the above-referenced docket. You will also find a copy of this letter enclosed. Please date-stamp this copy to indicate that the original was filed and return to me.

ACK If you have any questions regarding this matter, please feel free to contact me.

AFA

APP

CAF

CMH chance

CTR

EAG

LEG 1

LIN 5

OPC RSC/tmz Enclosure

RCH cc: All Parties of Record (w/ enclosure)

SEC 1

Respectfully,

PENNINGTON, CULPEPPER, MOORE,
WILKINSON, DUNBAR & DUNLAP, P.A.



Robert S. Cohen

WAS RECEIVED & FILED
OTH
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DOCUMENT NUMBER-DATE

06122 JUN -4 96

FPS-C-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of Petition(s)) Docket No. 950985-TP
to establish nondiscriminatory) Filed: June 4, 1996
rates, terms, and conditions for)
interconnection involving local)
exchange companies and alternative)
local exchange companies pursuant)
to Section 364.162, Florida Statutes)
_____)

MOTION FOR RECONSIDERATION

Time Warner AxS of Florida, L.P. and Digital Media Partners (collectively known as "Time Warner") hereby file the following Motion for Reconsideration of Order No. PSC-96-0668-FOF-TP. In support hereof, Time Warner would show the following:

1. Time Warner is largely in agreement with the Commission's decision in this proceeding, however, one aspect of the Commission's order is troubling from a public policy perspective. One of the strongest arguments made by Time Warner witness Mr. Wood and MCI Metro witness Dr. Cornell supporting a bill and keep arrangement for the termination of local traffic between new entrants and the LECs is that the costs of initial tracking, billing, collecting and auditing of the termination of such traffic certainly would outweigh the benefits. (Tr. 353-56, 390-94, 918-19) In fact, Dr. Cornell estimated that with a traffic exchange of 50 million minutes of use a month, and a minimum threshold of a net of 5 million minutes of use a month (priced at .0025 per minute of use) if the traffic is out of balance by 10% then the potential harm is only \$12,500 per month. Dr. Cornell advocated that such a dollar impact is minimal and did not warrant tracking such traffic from a cost benefit analysis. (Tr. 922-24, 942-43, 945)

DOCUMENT NUMBER-DATE

06122 JUN-4 2801

FPSC-RECORDS/REPORTING

2. The Commission's solution in the event that either an ALEC or a LEC believes that traffic is imbalanced to the point of being detrimentally affected is to require the LECs and new entrants to provide monthly MOU data for terminating local traffic which will reflect the trends in the flow of traffic; to provide the financial impact to their respective firms due to the traffic imbalance since the implementation of mutual traffic exchange; and to provide the estimated costs which would be incurred due to the additional processing and software required to measure usage.

3. Such a potential requirement defeats the entire public policy and competitive benefits of a bill and keep arrangement. (Tr. 943) If there is the possibility that a new entrant will be required to respond to a LEC complaint and provide such data, the new entrant must be tracking the three elements of data from the beginning of the exchange of local traffic. As was already testified to, such an ordering paragraph will unnecessarily inflate the costs for new entrants in a manner that does not benefit consumers, does not promote competition or the advantages of innovative technology and lower prices. (Tr. 918-19, 931-32) Clearly, this cannot be the intent of the Commission in its Order.

WHEREFORE, for the reasons and based upon the record evidence and testimony cited above, Time Warner respectfully requests that its Motion for Reconsideration be granted.

RESPECTFULLY SUBMITTED this 4th day of June, 1996.



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CERTIFICATE OF SERVICE
DOCKET NO. 950985-TP

I HEREBY CERTIFY that a true and correct copy of the Motion for Reconsideration on behalf of Time Warner AxS of Florida, L.P. and Digital Media Partners has been served by either *Federal Express or Hand Delivery on this 4th day of June, 1996, to the following parties of record:

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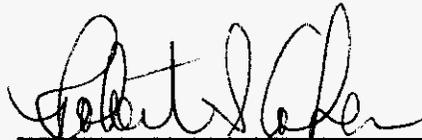
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