

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

_____)	
In Re:)	
_____)	
Investigation Into Temporary Local)	Docket No. 950737-TP
Number Portability Solution to)	
Implement Competition in Local)	
Exchange Telephone Markets)	
_____)	

PREHEARING STATEMENT OF MFS COMMUNICATIONS COMPANY, INC.

Pursuant to Order No. PSC-96-1121-PCO-TP, issued September 4, 1996, MFS Communications Company, Inc. ("MFS"), by its undersigned attorneys, hereby files its Prehearing Statement in the above-captioned proceeding.

- A. **All Known Witnesses:** Alex J. Harris will testify as to the appropriate local number portability cost recovery mechanism to be adopted by the Commission.
- B. **All Known Exhibits:** MFS has not yet identified a tentative list of exhibits which it intends to use in this proceeding. MFS will supply such a list at or prior to the Prehearing Conference.
- C. **MFS' Statement of Basic Position:** MFS, like most of the other parties, believes that the each carrier should absorb their own costs of providing portability. If, however, the Commission decides to adopt an alternate mechanism for the recovery of portability costs recovery, it should adopt MFS' "net revenue" approach.

D. **MFS' Position on the Issues:**

ISSUE 1: Is Order No. PSC-95-1604-FOF-TP inconsistent with the Federal Communications Commission's First Report and Order and Further Notice of Proposed Rulemaking in the Matter of Telephone Number Portability in CC Docket No. 95-116?

POSITION: Yes. The FCC ruled that any cost recovery mechanism that requires new entrants to bear all of the costs of portability does not comply with the 1996 Act. As such, the tariffed charges currently imposed in Florida by incumbent LECs on purchasers of portability are inconsistent with the Act and must be suspended immediately.

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ISSUE 2: What is the appropriate cost recovery mechanism for temporary number portability?

POSITION: MFS, like most of the other parties, believes that the each carrier should absorb their own costs of providing portability. This approach not only fully complies with the "competitive neutrality" requirement of the Telecommunications Act of 1996 and the Portability Order, but is by far the easiest method to administer and most efficient and cost-effective alternative.

If, however, the Commission decides to adopt an alternate mechanism for the recovery of portability costs recovery, it should adopt MFS' "net revenue" approach, which is the only proposed alternate approach consistent with the 1996 Act.

ISSUE 3: Should there be any retroactive application of the Commission's decision in this proceeding, if so what should be the effective date?

POSITION: MFS believes that under the Portability Order and the Telecommunications Act it is permissible for the Commission to apply its decision retroactively. Of course, the Commission will need to resolve the effect of such action under Florida law.

E. Stipulations: None.

F. Pending Motions: None.

Respectfully submitted,



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