

VOTE SHEET

DATE: December 2, 1996

RE: DOCKET NO. 960847-TP - Petition by AT&T Communications of the Southern States, Inc. for arbitration of certain terms and conditions of a proposed agreement with GTE Florida Incorporated concerning interconnection and resale under the Telecommunications Act of 1996.
DOCKET NO. 960980-TP - Petition by MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. for arbitration of certain terms and conditions of a proposed agreement with GTE Florida Incorporated concerning interconnection and resale under the Telecommunications Act of 1996.

Issue 1: What services provided by GTEFL, if any, should be excluded from resale?

Recommendation: GTEFL should be required to offer for resale any services it provides at retail to end user customers who are not telecommunications carriers. These services include all grandfathered services (both current and future), promotions that exceed 90 days, AIN Services (both current and future), Public Pay Telephone lines, Semi-Public Pay Telephone lines, non-LEC coin and coinless lines, Lifeline and LinkUp services, 911/E911 and N11 services, operator services, directory assistance, nonrecurring charges, and contract service arrangements (both current and future).

APPROVED

order should include language expressing concern over grandfathered services, Lifeline and LinkUp services, and contract service arrangements.

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of commissioners under the MAJORITY and DISSENTING columns.

REMARKS/DISSENTING COMMENTS:

PSC/RAR33 (5/90) Commissioner Deason dissented on Issue 2. Commissioners Clark and Kiesling dissented on Issue 25.

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Issue 2: Should GTEFL be prohibited from imposing restrictions on the resale of GTEFL services?

Recommendation: No restrictions should be allowed except for the resale of grandfathered services, residential services, and Lifeline/LinkUp services to end users who are eligible to purchase such service directly from GTEFL. Staff does not believe that GTEFL has sufficiently rebutted the FCC's presumption against tariff limitations in general, other than the ones specified.

**APPROVED**

*Commissioner Deason dissented.*

Issue 3: What are the appropriate wholesale rates for GTEFL to charge when AT&T or MCI purchase GTEFL's retail services for resale?

Recommendation: GTEFL should be required to offer retail services at a wholesale discount rate of 13.04%.

**APPROVED**

Issue 4a: Should GTEFL be required to implement a process and standards that will ensure that AT&T and MCI receive services for resale, interconnection, and unbundled network elements that are at least equal in quality to those that GTEFL provides itself and its affiliates?

Recommendation: Yes. GTEFL, AT&T and MCI should adhere to the service restoration intervals, direct measures of quality, service assurance warranties, and other quality assurance measures as delineated in AT&T's and MCI's proposed agreements in this proceeding. To the extent that the proposed agreements do not contain all the specific standards and quality measures requested or needed, the parties should jointly develop and implement processes and standards that will ensure that AT&T and MCI receive services for resale, interconnection, and unbundled network elements that are equal in quality to those that GTEFL provides itself and its affiliates. These processes and standards should be included, as completely as possible, in the arbitrated agreements submitted for approval in this proceeding, but in no event later than February 28, 1997.

**DENIED**

*Parties should provide some quality of service. Parties should resolve details and bring arbitration agreement before Commission. If no agreement is reached, Commission will address at a later date.*

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Issue 4b: Should GTEFL be required to provide AT&T and MCI loop testing information prior to the establishment of service to an AT&T or MCI customer?

Recommendation: Yes. To the extent GTEFL documents the results of its loop testing, GTEFL should provide those results to AT&T and MCI.

**APPROVED**

Issue 5: What are the appropriate contractual provisions for liability and indemnification for failure to provide service in accordance with the terms of the arbitrated agreement?

Recommendation: The Commission should decline to require or arbitrate liability and indemnification provisions in the AT&T and MCI interconnection contracts with GTEFL. The Commission should also find that it is without authority to require or arbitrate provisions for liquidated damages in those contracts.

**APPROVED**

ISSUE 6a: Should GTEFL be required to provide real-time and interactive access via electronic interfaces to perform the following:

Pre-Service Ordering

Maintenance/Repair

Service Order Processing and Provisioning

Customer Usage Data Transfer

Local Account Maintenance

Recommendation: Yes. GTEFL should be required to provide real-time and interactive access via electronic interfaces to perform pre-service ordering, service trouble reporting, service order processing and provisioning, customer usage data transfer, and local account maintenance.

**APPROVED**

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Issue 6b: If this process requires the development of additional capabilities, in what time frame should they be deployed?

Recommendation: Processes that require the development of additional capabilities should be developed by GTEFL by January 1, 1997. If GTEFL cannot meet that deadline, it should file a report with the Commission by December 31, 1996, that outlines why it cannot meet the deadline, its plans for developing the real-time interactive electronic interface, the date by which such system will be implemented, and a description of the system or process which will be used in the interim. GTEFL, AT&T and MCI should also establish a joint implementation team to assure the implementation of the real-time and interactive interfaces. These electronic interfaces should conform to industry standards where such standards exist or are developed.

**APPROVED**

Issue 6c: What are the costs incurred, and how should those costs be recovered?

Recommendation: The parties should be responsible for their share of costs to develop and implement additional capabilities. However, where a carrier negotiates for the development of a system or process which is exclusively for itself, that carrier should pay the full costs on the basis of TSLRIC. GTEFL should provide cost studies for each interface as it is developed. The cost study should be filed with this Commission, along with a proposed recovery mechanism, 60 days before implementation of the interface.

**APPROVED**

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Issue 7a: When AT&T or MCI resells GTEFL's local exchange service, or purchases unbundled local switching, is it technically feasible: 1) to route 0+ and 0- calls to an operator other than GTEFL's; 2) to route 411 and 555-1212 directory assistance calls to an operator other than GTEFL's; or 3) to route 611 repair calls to a repair center other than GTEFL's?

Recommendation: Yes. When AT&T or MCI resells GTEFL's local exchange service, or purchases unbundled local switching, it is technically feasible for GTEFL to: 1) route 0+ and 0- calls to an operator other than GTEFL's; 2) route 411 and 555-1212 directory assistance calls to an operator other than GTEFL's. The Commission should require GTEFL to provide customized routing using line class codes, on a first-come, first-served basis.

**APPROVED**

Issue 7b: If this process requires the development of additional capabilities, in what time frame should they be deployed?

Recommendation: GTEFL should file with this Commission an implementation schedule by which customized routing, using line class codes, will be available to AT&T and MCI. The schedule should include deadlines for any network modifications that need to be made, along with the description and the purpose of each modification. This information should be filed within 60 days from the issuance date of the order in this proceeding.

**APPROVED**

Issue 7c: What are the costs incurred, and how should those costs be recovered?

Recommendation: GTEFL should file a TSLRIC cost study for implementing the switch's customized routing capabilities. The study should only include costs for providing customized routing that are beyond those capabilities that currently reside in the switch. Further, the cost study should be filed within 90 days from the issuance date of the order in this proceeding.

**APPROVED**

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Issue 8a: Should GTEFL be required to provide AT&T and MCI with the billing and usage recording services that AT&T and MCI have requested?

Recommendation: GTEFL should provide the carrier access billing system (CABS) or CABS-like billing services based on the local service billing standards adopted by the Open Billing Forum (OBF).

**APPROVED**

Issue 8b: If this process requires the development of additional capabilities, in what time frame should they be deployed?

Recommendation: Any additional capabilities should be developed when local service billing standards are adopted by the Open Billing Forum.

**APPROVED**

Issue 8c: What are the costs incurred, and how should those costs be recovered?

Recommendation: The costs to develop and provide CABS as determined by the Open Billing Forum should be borne by GTEFL, but recovered in rates charged to all carriers requesting the service. Additional costs for other billing and recording service requirements specific to AT&T or MCI should be borne by AT&T or MCI. Further, GTEFL should provide TSLRIC cost studies for billing and usage recording services as requested by AT&T and MCI. The cost study should be filed, along with a proposed recovery mechanism, 60 days before implementation of the billing and usage recording service.

**APPROVED**

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Issue 9: What type of customer authorization is required for access to customer account information and transfer of existing services?

Recommendation: GTEFL should not require MCI and AT&T to obtain prior written authorization from each customer before allowing access to the operational support systems (OSSs). MCI and AT&T should issue a blanket letter of authorization to GTEFL which states that MCI and AT&T will obtain the customer's permission before accessing the OSSs. GTEFL should develop a real-time operational interface to deliver OSSs to ALECs, and the interface should only provide the customer information necessary for MCI and AT&T to provision telecommunications services.

Each party should bear its own share of the cost of developing and implementing such systems and processes because these systems will benefit all carriers. If a system or process is developed exclusively for a certain carrier, those costs should be recovered from the carrier who is requesting such customized system.

**APPROVED**

Issue 10: What are the appropriate rates, terms, and conditions, if any, for call guide pages, directory distribution, and inclusion of AT&T's and MCI's logos on the directory cover?

Recommendation: AT&T and MCI should pay \$2.49 for the secondary distribution of directories. In addition, GTEFL should include limited space for AT&T and MCI customer information in its directory, at no charge. GTEFL should allow AT&T and MCI to purchase one additional page for listing their product information, at the same rate GTEFL pays to list its product information. GTEFL should not be required to include MCI's logo on its directory cover.

**APPROVED**

Issue 11a: Should GTEFL be required to provide AT&T and MCI access to GTEFL's directory assistance database?

Recommendation: Yes. GTEFL should provide AT&T and MCI access to its directory assistance database.

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Issue 11b: If this process requires the development of additional capabilities, in what time frame should they be deployed?

Recommendation: GTEFL should be required to provide directory assistance database information via magnetic tape by January 1, 1997. GTEFL should file with this Commission a date by which access to its DA database will be provided via a real-time electronic interface. This information should be provided 60 days from the date of this order.

**APPROVED**

Issue 11c: What are the costs incurred, and how should those costs be recovered?

Recommendation: GTEFL should file a TSLRIC cost study dealing with access to its DA database, 120 days before access is provided.

**APPROVED**

Issue 12: How should PIC changes be made for AT&T's and MCI's local customers?

Recommendation: GTEFL should be prohibited from making any PIC change for a customer that receives its local exchange service from a local exchange carrier other than GTEFL. GTEFL should forward the request of the customer to their local exchange carrier and provide the customer a contact number for their local carrier.

**APPROVED**



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Issue 13(a): Are the following items considered to be network elements, capabilities, or functions? If so, is it technically feasible for GTEFL to provide AT&T and MCI with these elements?

- Network Interface Device
- Loop Distribution
- Local Switching
- Operator Systems
- Dedicated Transport
- Common Transport
- Tandem Switching
- Signaling Link Transport
- Signal Transfer Points
- Service Control Points/Databases
- Loop Concentrator/Multiplexer (AT&T only)
- Loop Feeder (AT&T only)
- Multiplexing/Digital Cross-connect (MCI only)
- DA Service
- 911 Service
- AIN Capabilities
- Operations Support Systems

Recommendation: Yes. All elements listed are considered to be network elements, as defined by §3(29) of the Act. The following items are technically feasible for GTEFL to provide on an unbundled basis:

- Network Interface Device
- Loop Distribution
- Local Switching
- Operator Systems
- Dedicated Transport
- Common Transport
- Tandem Switching
- Signaling Link Transport
- Signal Transfer Points
- Loop Concentrator/Multiplexer (AT&T only)
- Loop Feeder (AT&T only)
- Multiplexing/Digital Cross-connect (MCI only)
- DA Service
- 911 Service
- AIN Capabilities
- Operations Support Systems

With regard to the SS7 network, GTEFL should be allowed to use mediation mechanisms as necessary.

**APPROVED**

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Issue 13(b): What should be the price of each of the items considered to be network elements, capabilities, or functions?

Recommendation: The Commission should set the rates outlined in the analysis portion of staff's November 22, 1996 memorandum. GTEFL should file TSLRIC cost studies, for all rates that are designated interim, 60 days from the date of the order.

**APPROVED**

Issue 14: Should GTEFL be prohibited from placing any limitations on AT&T's and MCI's ability to combine unbundled network elements with one another, or with resold services, or with AT&T's, MCI's or a third parties' facilities, to provide telecommunications services to consumers in any manner AT&T or MCI chooses?

Recommendation: Yes. The Commission should require GTEFL to allow AT&T and MCI the ability to combine unbundled network elements in any manner they choose, including recreating existing GTEFL services as provided in Section 251(c)(3) of the Act and the FCC's Order.

**APPROVED**

Issue 15a: Should GTEFL be required to provide AT&T and MCI with access to GTEFL's unused transmission media?

Recommendation: No, except that GTEFL should be required to lease dark fiber to AT&T and MCI solely for interconnection purposes under the same terms and conditions as those contained in GTEFL's agreement with MFS and memorialized in Commission Order No. PSC-96-1401-FOF-TP. The Commission should take official recognition of Order No. PSC-96-1401-FOF-TP, issued November 20, 1996.

**APPROVED**

Issue 15b: What are the costs incurred, and how should those costs be recovered?

Recommendation: The cost for dark fiber should be recovered through a non-discriminatory tariff or contract terms from GTEFL.

**APPROVED**

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Issue 16: At what points should AT&T and MCI be permitted to interconnect with GTEFL?

Recommendation: GTEFL should be required to provide interconnection at any technically feasible point requested by AT&T and MCI.

# APPROVED

Issue 17: a) What access should be provided by GTEFL for its poles, ducts, conduits, and rights-of-way?

b) What are the costs incurred, and how should those costs be recovered?

Recommendation:

a) GTEFL should be required to provide nondiscriminatory access to its poles, ducts, conduits, and rights-of-way. GTEFL should allow AT&T and MCI to reserve capacity under the same time frames, terms and conditions it affords itself.

b) GTEFL should charge AT&T and MCI a pro rata share of the TSLRIC costs for supplying the facilities requested.

\* ~~MODIFIED~~ ~~DENIED~~ *Parties are to provide same quality of service, work out details of the agreement, and bring the agreement to the Commission for approval. \* Correction made 2/20/97 after review of tape of discussion. KF*

Issue 18: Does the term "rights-of-way" in Section 224 of the Act include all possible pathways for communicating with the end user?

Recommendation: No. The term "rights-of-way" in Section 224 of the Act does not include all possible pathways for communicating with the end user.

# APPROVED

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**Issue 19: Should GTEFL be required to provide interim number portability solutions, including remote call forwarding, flex-direct inward calling, route index portability hub, and local exchange route guide reassignment?**

**Recommendation: GTEFL should provide the following interim number portability solutions:**

- a. Remote Call Forwarding**
- b. Direct Inward Dialing**
- c. Directory Number Route Index**
- d. Route Index Portability Hub**
- e. Local Exchange Routing Guide to the NXX Level**

**APPROVED**

**Issue 20: What should be the cost recovery mechanism to provide interim local number portability in light of the FCC's recent order?**

**Recommendation: The Commission should address the cost recovery for interim number portability in Docket No. 950737-TP. Until completion of that proceeding, the Commission, on an interim basis, should require each carrier to pay for its own costs in the provision of the interim number portability solutions listed in Issue 20. Further, the Commission should require each telecommunications carrier to this proceeding to track its cost of providing the interim number portability solutions with sufficient detail to verify the costs in order to consider recovery of these costs in Docket No. 950737-TP.**

**APPROVED**

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Issue 21a: Should GTEFL be prohibited from placing any limitations on interconnection between two carriers collocated on GTEFL's premises, or on the types of equipment that can be collocated, or on the types of uses and availability of the collocated space?

Recommendation: GTEFL should be able to impose those limitations provided in §51.305 and §51.323 of the FCC's rules on interconnection and collocation. Further, the Commission should require GTEFL to comply with §51.323 of the FCC's rules on standards for physical collocation and virtual collocation. However, as stated in §251 (c) (6) of the Act, §51.323 of the FCC's Rules, and §§580 and 594 of the FCC's Order, AT&T and MCI should be granted the ability to:

1. Interconnect with other collocators that are interconnected with GTEFL in the same central office. (FCC 96-325, ¶594)
2. Purchase unbundled dedicated transport from GTEFL between the collocation facility and AT&T's or MCI's network. (§51.323(g))
3. Collocate transmission equipment such as optical terminating equipment and multiplexers in a GTEFL central office. (FCC 96-325, ¶580)
4. Select physical over virtual collocation, where space and/or other considerations permit. (§251 (c) (6) of the Act)

**APPROVED**

Issue 21b: What are the costs incurred, and how should those costs be recovered?

Recommendation: The party requesting collocation should bear the costs associated with the collocation request. The Commission should set permanent collocation rates based on GTEFL's TSLRIC cost studies. The following rates, shown in staff's memorandum dated November 22, 1996, cover GTEFL's TSLRIC costs and provide some contribution toward joint and common costs.

**APPROVED**

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Issue 22: What should be the compensation mechanism for the exchange of local traffic between AT&T and GTEFL?

Recommendation: A reciprocal rate of \$.00125 per minute for tandem switching and \$.0025 per minute for end office termination should be approved.

**APPROVED**

Issue 23: What intrastate access charges, if any, should be collected on a transitional basis from carriers who purchase GTEFL's unbundled local switching element? How long should any transitional period last?

Recommendation: Existing Florida law and policy should apply. No additional charges should be assessed for unbundled Local Switching over and above those approved in Issue 13(b) of this recommendation for that element. Under the Commission's toll default policy established in Order No. PSC-96-1231-FOF-TP in Docket No. 950985-TP, the company terminating a toll call should receive terminating switched access from the originating company unless the originating company can prove that the call is local.

**APPROVED**

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Issue 24: Should GTEFL be required to provide notice to its wholesale customers of changes to GTEFL's services? If so, in what manner and in what time frame?

Recommendation: Yes. If GTEFL provides internal notice 45 or more days in advance of a change, then GTEFL should provide 45 days notice to its wholesale customers. If GTEFL provides internal notice less than 45 days in advance of a change, wholesale customers should be noticed concurrently with GTEFL's internal notification process. GTEFL should not be held responsible if it modifies or withdraws the resold service after the notice is provided; however, GTEFL should notify the resellers of these changes as soon as possible.

# APPROVED

Issue 25: What should be the term of the agreement?

Recommendation: The Commission should establish the term of this agreement to be three years, with successive one-year renewal options.

# DENIED

*Parties will be given opportunity to set their own term. If parties can't agree, Commission will set term in final agreement. Commissioners Clark and Kidding dissented.*

Issue 26: Can the agreement be modified by subsequent tariff filings?

Recommendation: No. The Commission should not allow GTEFL to modify the agreement via subsequent tariff filings, unless the agreement specifically references the tariff.

# APPROVED

Issue 27(a): When MCI resells GTEFL's services, is it technically feasible or otherwise appropriate for GTEFL to brand operator services and directory services calls that are initiated from those resold services?

Recommendation: Yes. GTEFL should provide branding or unbranding for operator and directory service calls for MCI.

# APPROVED

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Issue 27(b): When GTEFL's employees or agents interact with MCI's customers with respect to a service provided by GTEFL on behalf of MCI, what type of branding requirements are technically feasible or otherwise appropriate?

Recommendation: When providing repair services on behalf of MCI, GTEFL should use unbranded leave-behind materials.

**APPROVED**

Issue 28: In what time frame should GTEFL provide CABS-like billing for services and elements purchased by MCI?

Recommendation: The Commission should require GTEFL to provide CABS-formatted billing for both resale and unbundled elements within 120 days of issuance of the order in this proceeding. GTEFL can continue to use its CBSS billing system, but the output from the CBSS system should be translated into the CABS-like format. In the interim, GTEFL should provide bills for resale and unbundled elements to MCI using its CBSS and CABS billing systems.

**APPROVED**

Issue 29: What are the appropriate rates, terms, and conditions for access to code assignments and other numbering resources?

Recommendation: GTEFL should be required to furnish competing LECs access to code assignments on a non-discriminatory basis. There should be no charge for this service.

**APPROVED**



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Issue 30: Should the agreement be approved pursuant to the Telecommunications Act of 1996?

Recommendation: Yes, the arbitrated agreements should be submitted by the parties for approval under the standards in Section 252(e)(2)(B). The Commission's determination of the unresolved issues should comply with the standards in Section 252(c), which include the requirements in Section 252(e)(2)(B).

# APPROVED

Alternative Recommendation: Yes. The Commission's arbitration of the unresolved issues in this proceeding has been conducted pursuant to the directives and criteria of Sections 251 and 252 of the Telecommunications Act of 1996. Pursuant to Section 252(e), the parties should submit a written agreement memorializing and implementing the Commission's decision within 30 days of issuance of the Commission's arbitration order. The agreement shall include the issues on which the parties were able to negotiate agreement, as well as the unresolved issues arbitrated by the Commission. In their submission, the parties should identify those portions of the agreement that they negotiated and those portions that the Commission arbitrated. In the post-hearing procedure described in Issue 31, the Commission should review the negotiated portions of the agreement under the standards of Section 252(e)(2)(A) and the arbitrated portions of the agreement under the standards of Section 252(e)(2)(B) and Section 252(c). In Issue 31, the Commission should review the negotiated portions of the agreement under the standards of Section 252(e)(2)(A) and the arbitrated portions of the agreement under the standards of Section 252(e)(2)(B) and Section 252(c).

# DENIED

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Issue 31: What are the appropriate post-hearing procedures for submission and approval of the final arbitrated agreement?

Recommendation: The parties should submit a written agreement memorializing and implementing the Commission's decision within 30 days of issuance of the Commission's arbitration order. Staff should take a recommendation to agenda so that the Commission can review the submitted agreements pursuant to the standards in Section 252(e)(2)(B) within 30 days after the agreements are submitted.

If the parties cannot agree to the language of the agreement, each party should submit its version of the agreement within 30 days after issuance of the Commission's arbitration order, and the Commission should decide on the language that best incorporates the substance of the Commission's arbitration decision.

**APPROVED**

Alternative Recommendation: The parties should submit a written agreement memorializing and implementing the Commission's decision within 30 days of issuance of the Commission's arbitration order. Staff should take a recommendation to agenda so that the Commission can review the negotiated portions of the submitted agreements pursuant to the standards in Section 252(e)(2)(A) and the arbitrated portions of the submitted agreements pursuant to the standards in Sections 252(e)(2)(B) and 252(c) within 30 days after they are submitted.

If the parties cannot agree to the language of the agreement, each party should submit its version of the agreement within 30 days after issuance of the Commission's arbitration order, and the Commission should decide on the language that best incorporates the substance of the Commission's arbitration decision.

**DENIED**

Issue 32: Should these dockets be closed?

Recommendation: No. These dockets should remain open until permanent rates are established for all interim rates.

**APPROVED**