

FLORIDA PUBLIC SERVICE COMMISSION

SPECIAL COMMISSION CONFERENCE AGENDA

VOTE SHEET

DATE: January 14, 1997

RE: DOCKET NO. 961150-TP - Petition by Sprint Communications Company Limited Partnership d/b/a Sprint for arbitration with BellSouth Telecommunications, Inc. concerning interconnection rates, terms, and conditions, pursuant to the Federal Telecommunications Act of 1996.

Issue 6: What are the appropriate standards, if any, for performance metrics, service restoration, and quality assurance related to services provided by BellSouth for resale and for network elements provided to Sprint by BellSouth?

Recommendation: This Commission should not specifically adopt performance standards in this proceeding. Instead, the Commission should adopt a policy requiring BellSouth to provide services for resale and access to unbundled network elements to Sprint, that are at least equal in quality to those which it provides to itself and/or its affiliates, subsidiaries, or any other party. The Commission should order the parties to jointly develop and implement specific processes and standards that will ensure that Sprint receives services for resale, interconnection, and unbundled network elements that are equal in quality to those that BellSouth 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 March 31, 1997.~~

MODIFIED *Approved as noted.*

COMMISSIONERS ASSIGNED: KS GR

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures in the Majority column]

REMARKS/DISSENTING COMMENTS:

Issue 7: What is the appropriate remedy for breach of the standards identified in Issue 6?

Recommendation: No standards were identified in Issue 6 in this proceeding. Moreover, staff recommends that the Commission find that it is without authority to arbitrate provisions for indemnification or liquidated damages in the interconnection agreement between Sprint and BellSouth.

APPROVED

Issue 11: Is it appropriate for BellSouth to provide customer service records to Sprint for preordering purposes?

Recommendation: Yes, it is appropriate for BellSouth to provide direct on-line customer service records to Sprint for pre-ordering purposes. Sprint should issue a blanket letter of authorization to BellSouth which states that it will obtain the customer's permission before accessing customer service records. BellSouth should not require Sprint to obtain prior written authorization for each customer before providing customer service records. The customer records must contain, at a minimum, information on the customer's current level of service. BellSouth and Sprint should not be required to make available additional information.

APPROVED

Issue 13: How should misdirected service calls be handled by BellSouth?

Recommendation: BellSouth should refer any misdirected Sprint customer to Sprint and offer to provide the customer with the appropriate Sprint contact number.

APPROVED

Issue 18: How many points of interconnection are appropriate and where should they be located?

Recommendation: Sprint should be allowed to establish at least one point of interconnection per LATA for routing local traffic within BellSouth's serving territory. BellSouth should be required to interconnect with Sprint at any technically feasible point within BellSouth's network serving territory, including mid-span meets.

APPROVED

Issue 21: Should jurisdictionally mixed traffic be allowed, with respect to trunking arrangements? If so, what are the appropriate terms and conditions?

Recommendation: Yes. Sprint should be allowed to jurisdictionally mix traffic over the same trunking facilities. Traffic should be reported to BellSouth using percent usage factors. Sprint should be required to share the necessary billing records with BellSouth, and reasonable audit rights should be granted for the purposes of ensuring the accuracy of the factors.

APPROVED

Issue 27: Should BellSouth make available any interconnection, service or network element provided under an agreement approved under 47 U.S.C. § 252, to which it is a party, to Sprint under the same terms and conditions provided in the agreement?

Recommendation: ~~Yes~~ Since BellSouth is required to comply with the terms of Section 252, there is no need for the Commission to require BellSouth to do so in this proceeding. Further, it is unnecessary for the Commission to interpret 47 U.S.C. § 252(i) since the Commission is not required to address this section to fulfill its arbitration responsibilities. Also, the Eighth Circuit Court of Appeals is expected to rule on the merits of the appeal of the FCC's interpretation of this section within the first six months of this year.

The Commission is not required to decide this issue.

MODIFIED

Approved with noted modification.

Issue 28: Should the agreement be approved pursuant to the Telecommunications Act of 1996?

Recommendation: Yes, the arbitrated agreement should be submitted by the parties for approval pursuant to the standards in Section 252(e)(2)(B). The resolution of the arbitrated issues should be approved under the standards of 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

Issue 29: 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 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.

APPROVED

Issue 30: Should this docket be closed?

Recommendation: No. In Issue 29 staff has requested that the parties submit a written agreement memorializing and implementing the Commission's decision. Therefore, this docket should remain open.

APPROVED