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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Resolution of Petition(s) to Establish Right)
of Access of Telenet of South Florida, Inc.) Docket No. 961346-TP
to Call Forwarding Lines Offered by BellSouth)
Telecommunications, Inc., and for Arbitration)

**PREHEARING STATEMENT OF
TELENET OF SOUTH FLORIDA, INC.**

Docket No. 961346-TP

DOCUMENT NUMBER / DATE
00667 JAN 21 5
FPSC-RECORDS/REPORTING

**PREHEARING STATEMENT OF
TELENET OF SOUTH FLORIDA, INC.
Docket No. 961346-TP**

Pursuant to Rule 25-22.038(3), Florida Administrative Code, Telenet of South Florida, Inc. ("Telenet"), by its undersigned attorneys, hereby files this prehearing statement in the Commission's proceeding concerning Telenet's petition for arbitration of interconnection rates, terms, and conditions with BellSouth Telecommunications, Inc. ("BellSouth").

(a) the names of all known witnesses that may be called by the party, and the subject matter of their testimony;

Mitchell A. Kupinsky, Vice President and Chief Executive Officer of Telenet, will testify as to the reasons for and scope of the Call Forwarding features Telenet requires, the need for access to BellSouth services and equipment, and will testify as to the technology Telenet uses in its distribution network. William Demers, General Manager of Telenet, and Ruth Jordan, Office Manager for Telenet, will testify as to the course of negotiations on the issues.

(b) a description of all known exhibits that may be used by the party, whether they may be identified on a composite basis, and the witness sponsoring each;

The witnesses on behalf of Telenet will sponsor Exhibits MAK-1 through MAK-12. Exhibit MAK-1 is the diagram of the Telenet virtual network. Exhibit MAK-2 is the BellSouth November 3, 1995 letter re: service price quotations. Exhibit MAK-3 is the Telenet September 16, 1996 memorandum re: memorialization of telephonic negotiations with BellSouth. Exhibit MAK-4 is the BellSouth September 19, 1996 letter re: refusal of new service. Exhibit MAK-5 is the Telenet September 26, 1996 memorandum re: submission of ALEC license. Exhibit MAK-6 is the BellSouth October 4, 1996 memorandum re: special service arrangements. Exhibit MAK-7 is the Telenet October 1, 1996 memorialization re: memorialization of telephonic negotiations with BellSouth. Exhibit MAK-8 is the BellSouth October 15, 1996 letter re: threatened disconnection. Exhibit MAK-9 is the Telenet November 7, 1996 memorandum re: memorialization of service order chronology.

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Exhibit MAK-10 is the Telenet November 27, 1996 letter re: interim settlement agreement pending arbitration.

Exhibit MAK-11 is the BellSouth November 12, 1996 Memorandum re: refusal to provide additional service.

Exhibit MAK-12 is the Telenet December 11, 1996 letter re: BellSouth's failure to abide by the interim settlement agreement.

Telenet reserves the right to supplement its exhibit list with additional exhibits which may become necessary, with reasonable notice prior to the arbitration hearing. Telenet may further use such other exhibits as may be appropriate and necessary based upon, among other things, any and all exhibits listed by BellSouth, any responses to discovery requests, and any impeachment and rebuttal exhibits.

(c) a statement of basic position in the proceeding;

Telenet seeks Commission arbitration of a tariff dispute with BellSouth on resale rates, terms, and conditions of Call Forwarding service. These services should be provided to Telenet without existing unlawful use restrictions pursuant to the terms of the Telecommunications Act of 1996 and the applicable Florida Statutes.

(d-g) Telenet offers the following prehearing position on the question of law, fact and public policy identified for disposition in this docket.

1. Issue: May BellSouth Telecommunications, Inc. sell its Call Forwarding service subject to the restrictions of Section A13.9.1A.1 of BellSouth Telecommunications, Inc.'s General Subscriber Service Tariff?

Position: No. BellSouth's tariff restrictions on the use of call forwarding services are discriminatory, anticompetitive and violate Florida Statute Section 364.161(2) and the federal Telecommunications Act of 1996. As such the restrictions are not in the public interest of

providing competitive alternatives to Florida consumers. Moreover, BellSouth has an affirmative duty to resell call forwarding services to ALECs such as Telenet under 47 U.S.C. sections 251 (c)(4)(B) and (b)(1).

Consistent with the passage of the Telecommunications Act of 1996 and Florida Statutes Section 36, the Commission should remove anticompetitive and unreasonable use restrictions on call forwarding from BellSouth tariffs which hinder local exchange services competition. Allowing BellSouth to maintain its monopoly for intraLATA telephone toll traffic does not aid the development of competition, ensure universal service, or serve the public interest.

The Commission should reject any attempt by BellSouth to use the tariffed restrictions on the use of Call Forwarding services as a means of preventing new entrants from competing for its lucrative intraLATA toll market.

(h) a statement of issues that have been stipulated to by the parties;

None.

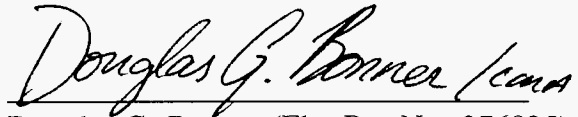
(i) a statement of all pending motions or other matters the party seeks action upon;

Telenet is unaware of any pending motions before the Commission.

- (j) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore.

None.

Respectfully submitted,



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Dated: January 20, 1997