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February 25, 1997

VIA FEDEX

Ms. Blanca S. Bayó
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

In 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.

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FEDERAL PUBLIC SERVICE COMMISSION

Dear Ms. Bayó:

Enclosed for filing, is the original and fifteen (15) copies of Sprint's Response to Motion for Reconsideration as filed by BellSouth in the above proceeding.

We are enclosing an extra copy of this transmittal letter. We ask that you please acknowledge receipt thereon and return to the undersigned in the enclosed self addressed stamped envelope.

All parties of record have been served in accordance with the attached Certificate of

ACK _____ Service.

AFA _____

APP _____ Thank you for your cooperation.

CAF _____
CMU Reith

Sincerely,

CTR _____

Benjamin W. Fincher
Benjamin W. Fincher

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RCH _____ cc: Everett Boyd
Parties of Record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Sprint)
Communications Company Limited)
Partnership d/b/a Sprint for)
Arbitration with BellSouth) DOCKET NO. 961150-TP
Telecommunications, Inc.)
Concerning Interconnection) FILED: February 26, 1997
Rates, Terms, and Conditions,)
Pursuant to the Federal)
Telecommunications Act of 1996.)

**RESPONSE OF SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP
TO MOTION FOR RECONSIDERATION
OF
BELLSOUTH TELECOMMUNICATIONS, INC.**

COMES NOW, Sprint Communications Company Limited Partnership ("Sprint"), pursuant to Rule 25-22.060(3)(c), Florida Administrative Code, and responds to Motion of BellSouth Telecommunications, Inc. ("BellSouth") for reconsideration of Order No. PSC-97-0122-FOF-TP ("Order"), issued on February 3, 1997, by the Florida Public Service Commission ("Commission") in the above styled docket.

In its motion, BellSouth has challenged the Commission's decision determining that it was appropriate for BellSouth to provide direct on-line customer service records to Sprint for pre-ordering purposes. The Commission properly determined that Sprint should issue a blanket letter of authorization to BellSouth which states that Sprint will obtain the customer's permission before accessing customer service records. Further, the Commission found that BellSouth should not require Sprint to obtain prior written authorization for each customer before providing customer service

records. In addition, the Commission found that customer records must contain, at a minimum, information on the customer's current level of service. Neither BellSouth nor Sprint is required to make available additional information.

I. RESPONSE

A. BellSouth's Motion for Reconsideration presents no legal basis for reconsideration.

The Motion for Reconsideration filed by BellSouth is without merit and should be rejected out of hand. The limited purpose of a motion for reconsideration is to apprise the Commission of an error, or bring to its attention a matter it overlooked or misapprehended.¹ BellSouth's argument in support of its motion does neither. BellSouth's motion for reconsideration simply includes numerous random citations to case law, apparently in an effort to establish a nexus between its motion and the proper basis for a motion for reconsideration. However, its many case law cites notwithstanding, BellSouth's motion fails to establish the appropriate basis for reconsideration as set out in its citations.

BellSouth's Motion for Reconsideration: (1) does not point to a single error in the Commission's order; (2) does not bring to the Commission's attention any matter it overlooked or failed to consider; (3) does not show any instance of speculation or conjecture on the part of the Commission; (4) does not identify any evidence considered by the Commission that was not relevant or

¹Diamond Cab Co. of Miami v. King, 146 So.2d 889 (Fla. 1962).

material; (5) does not show that the Commission considered any evidence that was devoid of elements giving it probative value; (6) does not show that the Commission's determination was based on speculation or supposition; (7) does not show that the Commission ignored competent evidence that contradicted the Commission's underlying assumptions; and, (8) does not show that the Commission's findings were wholly inadequate or not supported by the evidence.

Clearly, BellSouth's motion fails to establish the minimum legal basis to warrant the Commission's reconsideration or its order.

Instead, BellSouth's motion is nothing more than an attempt to give it yet "another bite at the apple". BellSouth has thrown a number of case law "citations" against the wall, hoping something will stick. BellSouth, by its motion, is attempting to reargue this issue, and raise points it failed to present during the hearing of this matter. Clearly, this is not a proper motion for reconsideration and should be denied.

The issue here involved was presented through the testimony offered by both parties, briefed by both parties and fully considered by the Commission in making its decision. BellSouth has failed to demonstrate any basis to warrant reconsideration by the Commission.

B. BellSouth's Motion for Reconsideration presents no factual basis to warrant reconsideration.

BellSouth seeks reconsideration of that portion of the order that requires BellSouth to provide Sprint with direct on-line customer records for preordering purposes until protections against "roaming" are implemented.

This issue was thoroughly discussed and presented by BellSouth through its witness Calhoun.² The motion of BellSouth on this issue is nothing more than a restatement of Witness Calhoun's testimony and BellSouth's brief at pages 6-9.

The Commission fully considered this issue and all of the evidence presented during the course of this proceeding. The Commission recognized BellSouth's concern that providing direct, on-line access to its customer service records allows Sprint, or any other ALEC, free access to all BellSouth customer records. However, the Commission did not believe that on-line access should be denied to Sprint because BellSouth cannot at this time technically devise a way to provide CSR data without also giving access to all other customer records in its data base.

BellSouth has argued that it must have advance notice from Sprint as to customers and customer records which Sprint would need to review to initiate service. As a practical matter, this is impossible. There is no way Sprint can determine this information beforehand. This is an excellent example of why real time, on-line interface is so important in providing competitive parity between

²Tr. 316; Exhibit 3, pages 169-172.

the parties. If Sprint and other ALECs are restricted to limited access to these records, subject to advance notice requirements, then BellSouth should be subject to the same limitations and restrictions. This would ensure that no competitor, especially the incumbent, such as BellSouth, would have a competitive advantage over the other providers.

Moreover, the Commission did not feel that the alternatives proposed by BellSouth provided for a level playing field in this competitive market. As the Commission noted, if new entrants are to compete effectively, there must be immediate access to customer information, and if BellSouth wants to prevent disclosure of all customer information it should continue to work toward devising a method to prevent access to all customer information.³

BellSouth's reliance on the FCC Order is misplaced. There is no requirement in that order that CSR information should not be provided at all if the data contains more information than the new entrant needs to conduct business. This was thoroughly considered and discussed by the Commission.

Secondly, BellSouth seeks reconsideration of that portion of the Commission's order that authorizes Sprint to issue a blanket letter of authorization to BellSouth which states that Sprint will obtain the customer's permission before accessing customer service records.

This position, as set out in BellSouth's motion, is not consistent with testimony presented by BellSouth during the course

³Order, page 10.

of these proceedings. BellSouth witness Calhoun stated that BellSouth and Sprint had agreed to use a blanket letter of authorization.⁴ Moreover, BellSouth's brief in this proceeding did not even raise the blanket letter of authorization as an issue. Specifically, at page 7 of the brief, BellSouth candidly admitted that BellSouth had agreed that Sprint should have access to the customer service records, when it has secured the appropriate consent from the customer. The blanket letter of authorization was approved by the Commission. BellSouth's brief did not raise the issue of whether or not a blanket letter of authorization was appropriate.

Clearly, this is a case of BellSouth attempting to change its previous position, as shown in this record, and restate its position and arguments through a motion for reconsideration.

Sprint agrees that Section 222 of the Telecommunications Act of 1996, ("Act") and Section 364.24(2), Florida Statutes, protect customer proprietary network information. However, neither Section 222 of the Act nor Section 364.24(2), Florida Statutes prohibit the use of blanket letter of authorization.

Section 222(b) of the Act imposes on all carriers the obligation to use customer account information responsibly. That is to say only for provisioning telecommunications services from which the CPNI is derived. ALECs also have duty to act as guardian of a customer's privacy. Incumbent LECs are not the only guardians of the customer's privacy. Section 222(d)(1) provides for access

⁴Exhibit 3, page 185.

to CPNI for purposes of initiating telecommunication services without mention of customer approval. Therefore, clearly a blanket letter of authorization meets these requirements.

The testimony presented by Sprint in this case addressed this issue. If Sprint does not have timely order status information, it is not in a position to answer questions from the customer. Sprint's access to "as is" customer information, without the necessity of a signed Letters of Authorization, for each customer, to BellSouth, is critical to the smooth and accurate initial transaction with its customer. The inability to identify and offer to the customer the same services the customer enjoyed with BellSouth at time of sale will create an obstacle in obtaining the customer's business.

Not having access to "as is" information will require the Sprint sales representative to take the customer through a menu of services, features, etc., while the customer may or may not recall what services were subscribed when service was provided by BellSouth. This creates a level of customer service confusion and complexity that can only interfere with Sprint's ability to provide service to new customers in a quality manner. It most certainly creates an unlevel playing field and a disparity situation in relation to BellSouth. This was discussed by Sprint witness Hunsucker at Tr. 45-46.

It is important that Sprint have access to this "as is" information at this critical point in the relationship between Sprint and its new customer in order to avoid an inconvenience to

the customer from the very beginning of the relationship, or worse yet, losing the relationship before it begins.

Accordingly, as properly found by this Commission, Sprint is not required to obtain prior written authorization from each customer before BellSouth allows access to the customer service records. Sprint is permitted to issue a blanket letter of authorization to BellSouth which would state that Sprint will obtain a customer's permission before accessing the Customer Service Records. As the Commission noted, this is required in order that there be a level playing field among the competitors.

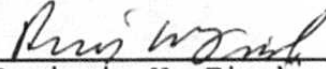
II. CONCLUSION

Sprint respectfully requests that the Commission deny BellSouth's Motion for Reconsideration on the grounds that:

- (1) The motion fails to show a legal basis for reconsideration;
- (2) The motion fails to show a factual basis for reconsideration;
- (3) The motion simply restates the arguments previously made in this proceeding;
- (4) The Commission fully considered all of the evidence and its findings and order were fully supported by the evidence.

Respectfully submitted,

Sprint Communications Company
Limited Partnership



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Attorneys for Sprint Communications
Company Limited Partnership

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the within and foregoing **Response of Sprint Communications Company Limited Partnership to Motion for Reconsideration of BellSouth Telecommunications, Inc.** has been served upon the following via United States Mail, first class postage prepaid, this 25th day of February, 1997.

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