

ORIGINAL
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Arbitration, Pursuant to Section 252(b) of the Communications Act of 1934 as Amended by the Telecommunications Act of 1996, of Rates, Terms, and Conditions for Interconnection and Related Arrangements with Sprint-Florida, Incorporated by KMC Telecom Inc.

DOCKET NO. 970242-TP

FILED: APRIL 14, 1997

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-97-0364-PCO-TP, the Staff of the Florida Public Service Commission files its Prehearing Statement.

- A. All Known Witnesses: Staff does not intend to sponsor a witness at this time.
- B. All Known Exhibits: Staff has not yet identified a tentative list of exhibits which it intends to utilize in this proceeding. Staff will supply a tentative list of such exhibits at or prior to the Prehearing Conference.
- C. Staff's Statement of Basic Position:
None pending discovery.
- D. Staff's Tentative Positions on the Issues:

ISSUE 1: Is the issue raised by KMC an issue the Commission can arbitrate under §252 of the Telecommunications Act of 1996?

3 STAFF: No. The FPSC has already determined in Docket No. 961173-TL that Section 252 (i) is not an arbitratable issue.

ISSUE 2: Under 252(i) of the Telecommunications Act of 1996, is Sprint permitted to refuse to allow a carrier to opt into a provision in a previously approved interconnection agreement?

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STAFF: No. Sprint is required under 252 (1) to allow at a minimum telecommunications carriers to have any agreement entered into by an incumbent LEC or any ALEC.

ISSUE 2: If the answer to Issue 1 is yes, should Sprint be required to pay KNC for tandem switching and/or transport if KNC does not perform those functions for Sprint?

STAFF: In light of its positions on Issues 1 and 2, Staff believes it is unnecessary to address Issue 3.

E. Stipulations:

There have been no stipulations.

F. Pending Motions:

None.

G. Requirements That Cannot be Complied With

Staff is unaware of any requirements that cannot be complied with.

RESPECTFULLY SUBMITTED,


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