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July 28, 1997

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Docket No. 960786-TL

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Teleport Communications Group, Inc. are an original and fifteen copies of Teleport Communications Group, Inc.'s Answer to the Petition of BellSouth Telecommunications, Inc.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

*Kenneth A. Hoffman*  
Kenneth A. Hoffman

KAH/rl

cc: All Parties of Record

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Alternative Local Exchange Carriers (“ALECs”) -- will have on the ILECs with whom they will compete. Indeed, as the competitive local telecommunications industry has developed, it has, ironically, become even more dependent on the ILEC.<sup>1</sup>

Now, as competitive access providers (“CAPs”) and others evolve into ALECs, their degree of dependence on the ILEC has grown exponentially, to a point where virtually every switched call that comes into or leaves an ALEC network is critically dependent on the technical and economic terms for interconnection with the ILEC, and that dependence will only grow as ALEC businesses develop in the future. Because of this permanent dependence on ILECs to complete calls destined to ILEC customers, Congress recognized the need to prevent anti-competitive abuses and the *illusion* of competition by creating specific requirements for ILECs to meet. The Telecommunications Act of 1996 (the “Act”) defines in Section 251 “general duties” of ILECs, including the duty to provide interconnection. Section 271 imposes additional obligations which the ILECs must fulfill prior to their entry into interLATA markets (the so-called “271 checklist”). These two provisions of the Act are directly relevant to the Commission’s consideration of BellSouth’s Petition.

TCG has spent the last ten years laying the foundation to be a significant facilities-based local exchange service competitor. TCG already has alternative local networks

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<sup>1</sup> For example, when Competitive Access Providers (“CAPs”) initially entered local markets, they were private line carriers whose services were entirely independent of the ILEC and, because they were private line services, did not necessarily even need to interconnect with the ILEC network. Over time, the opportunity to establish collocation arrangements permitted composite private line and special access services to be offered, where limited interconnection with the ILEC was required but the CAP was dependent on the ILEC for only a small portion of the end to end service. The advent of switched services competition increases this dependence further because the majority of calls originated by the ALEC must be terminated by the ILEC.

operating in twenty two metropolitan areas and is authorized to operate as an ALEC (or Competitive Local Exchange Carrier) in twenty-five states.<sup>2</sup> Because this proceeding will significantly impact BellSouth's provision of carrier to carrier service, this proceeding should be carefully considered by the Commission.

## II. TCG's ANSWER TO BELLSOUTH'S PETITION

In its Petition filed July 7, 1997, BellSouth asks the Commission to (1) approve its Statement of Generally Available Terms and Conditions ("SGAT"); (2) find that it has "fully implemented each requirement of the Competitive Checklist set out in Section 271(c)(2)(B) of the Telecommunications Act of 1996;" (3) find that BellSouth is providing intraLATA toll dialing parity; and (4) develop a record so that "as of the date BellSouth applies to the FCC for authority to enter the interLATA business in Florida," the Commission may offer an opinion regarding BellSouth's compliance with Section 271. TCG responds to BellSouth's Petition as follows:

1. TCG takes no position at this time as to whether BellSouth has met its burden of proving the reasonableness of its SGAT. TCG submits, however, that under Section 271(c)(1)(B) of the Act, BellSouth cannot be permitted to meet the requirements of Section 271(c) through a combination of Track A (Section 271(c)(1)(A)) and Track B (SGAT approval). TCG will provide more detail on this legal issue in its Posthearing Brief.

2. TCG submits that BellSouth has failed to establish its compliance with the

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<sup>2</sup> TCG is authorized to operate as an alternative or competitive local exchange carrier in Arizona, California, Colorado, Connecticut, the District of Columbia, Florida, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington State, and Wisconsin.

Competitive Checklist set forth in Section 271(c)(2)(B) of the Act. TCG's testimony will show, inter alia, that BellSouth has not established that it is providing "[i]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)." Under Section 252(c)(2), BellSouth must establish prior to its entry into the interLATA market that it provides interconnection services to its competitors that is at least equal to that provided by BellSouth to itself, its own customers and its affiliates. The performance reports provided by BellSouth fail to provide sufficient information for this Commission to determine whether the required parity is being provided.

Moreover, because BellSouth is not properly sizing interconnection trunk groups, a significant amount of traffic destined for TCG is being blocked. BellSouth's failure to present data regarding the percentage of call blockage it experiences for its own internal traffic as compared to the percentage of TCG's traffic which is being blocked is a serious deficiency in BellSouth's Section 271 application. Unless BellSouth can prove that the percentage of call blocking is the same for itself as well as for other carriers, BellSouth is not providing interconnection services consistent with Section 251(c)(2)(C) of the Act.

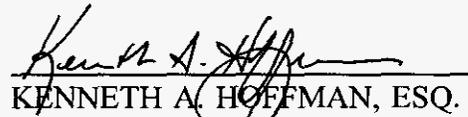
Furthermore, BellSouth has been slow or unresponsive to TCG in implementing the TCG/BellSouth interconnection agreement. For example, BellSouth has not provided TCG the records necessary for issuing meet point billing bills to interexchange carriers, nor has BellSouth confirmed the opening of SS7 point codes for TCG. These and other examples suggest that BellSouth is not yet in compliance with the Section 271 checklist.

3. TCG takes no position at this time as to whether BellSouth is providing intraLATA toll dialing parity that meets the requirements of Section 272(e)(2)(A).

4. TCG agrees that this proceeding will provide BellSouth with a full opportunity to establish its compliance with the Section 271 checklist requirements. TCG emphasizes that the burden of proof is on BellSouth. In addition, BellSouth must establish that it is **presently meeting** the checklist requirements. Future promises are insufficient to establish Section 271 compliance.

WHEREFORE, for the foregoing reasons, TCG requests that the Commission deny BellSouth's Petition.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing was furnished by U. S. Mail and/or hand delivery(\*) to the following this 28th day of July, 1997:

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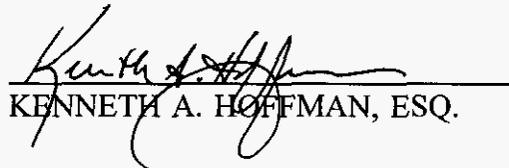
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