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August 5, 1997

HAND DELIVERED

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 960786-TP, In re: Consideration of BellSouth Telecommunications, Inc. entry into InterLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and fifteen copies of the Florida Competitive Carriers Association's Prehearing Statement in the above docket.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

Sincerely,

Joseph A. McGlothlin

- ACK
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EPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Consideration of BellSouth)
Telecommunications, Inc. entry into)
InterLATA services pursuant to Section)
217 of the Federal Telecommunications)
Act of 1996.)
_____)

Docket No. 960786-TP

Filed: August 5, 1997

**THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S
PREHEARING STATEMENT**

Pursuant to Order No. PSC-97-0792-PCO-TL, The Florida Competitive Carriers Association ("FCCA") submits its Prehearing Statement.

A. ALL KNOWN WITNESSES: FCCA will sponsor the testimony of Joseph Gillan and Douglas Kinkoph.

B. EXHIBITS:

Witness	Description of Exhibit	Exhibit No.
Joseph Gillan	Matrix of steps required to assure entry to local exchange market	Exhibit __ (JPG-1)
Douglas Kinkoph	State of Michigan's consultation to the FCC	Exhibit __ (DWK-1)
Douglas Kinkoph	LCUG's proposed performance standards and measurements	Exhibit __ (DWK-2)

C. FCCA'S STATEMENT OF BASIC POSITION:

Based on the benefits which competition has provided to users of long distance service, Congress enacted the Telecommunications Act of 1996 to extend competition to the local exchange market. To achieve that end, Congress required local exchange companies such as BellSouth to open their networks to competitors. Congress realized that this is a necessary first step toward the objective of a telecommunications industry in which multiple providers may compete to provide both local and long distance services. To ensure that the RBOC's would not thwart the intent of the Act by combining their local monopoly with long distance service before local competition is established, Congress required each RBOC that receives a request for interconnection and access to fully implement a 14-point competitive checklist

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designed to ensure that competitors are using the RBOC's network on the same terms that the RBOC uses it prior to seeking a removal of the present restriction on in-region interLATA service from the FCC.

BellSouth acknowledges it has received such requests for access and interconnection. However, it is not providing the items of the competitive checklist as required by the Act. BellSouth's petition is a concerted effort to gain interLATA authority before it has supplied the tools that will make local competition possible. In support of its attempt, BellSouth essentially claims that Congress intended RBOCs to be able to enter the long distance business whether or not the means for local competition have been established. BellSouth's "interpretation" turns the 1996 Act on its head. The FCC has already expressly rejected it. BellSouth also attempts to support its entry in the long distance market by addressing in a written "statement" the hypothetical future availability of checklist items it has not delivered -- and in the case of some checklist items cannot deliver -- in the real world. The Act requires a demonstration of actual performance by BellSouth, not promises on paper. If the objectives of the Act are to be achieved, BellSouth must be held to the standards of the law. The Commission should report to the FCC that BellSouth has not complied with the competitive checklist.

D. FCCA's POSITION ON THE ISSUES:

ISSUE 1.A: Has BellSouth met the requirements of section 271(c)(1)(A) of the Telecommunications Act of 1996?

FCCA: No.

(a) Has BellSouth entered into one or more binding agreements approved under Section 252 with unaffiliated competing providers of telephone exchange service?

FCCA: Yes, BellSouth has acknowledged that it has entered into arbitrated agreements which encompass all of the items of the competitive checklist.

(b) Is BellSouth providing access and interconnection to its network facilities for the network facilities of such competing providers?

FCCA: BellSouth acknowledges that it is not presently providing access and interconnection in Florida in the manner required by the Act. The testimony of individual carriers demonstrates specific deficiencies.

(c) Are such competing providers providing telephone exchange service to residential and business customers either exclusively over their own

telephone exchange service facilities or predominantly over their own telephone exchange service facilities?

FCCA: FCCA is not aware of any competitor that meets the requirements.

ISSUE 1.B: Has BellSouth met the requirements of section 271(c)(1)(B) of the Telecommunications Act of 1996?

FCCA: No.

(a) Has an unaffiliated competing provider of telephone exchange service requested access and interconnection with BellSouth?

FCCA: Yes, BellSouth has received such requests. Accordingly, BellSouth cannot proceed under Section 271(c)(1)(B), which is a limited exception governing circumstances not applicable to this case.

(b) Has a statement of terms and conditions that BellSouth generally offers to provide access and interconnection been approved or permitted to take effect under Section 252(f)?

FCCA: Whether such a statement has been approved or permitted to take effect under Section 252(f) is irrelevant to the issue of whether BellSouth complies with §271, because, as stated above, BellSouth has received requests for interconnection and access that require BellSouth to proceed under Section 271(c)(1)(A).

ISSUE 1.C: Can BellSouth meet the requirements of section 271(c)(1) through a combination of track A (Section 271(c)(1)(A)) and track B (Section 271(c)(1)(B))? If so, has BellSouth met all of the requirements of those sections?

FCCA: No. The language of the Act clearly establishes that the two tracks are mutually exclusive. Even if that were not the case, such an approach would hold arguable theoretical plausibility only in a situation in which (1) no competitor had asked for all of the items on the checklist and (2) the Act permitted a competitor to construct an interconnection agreement by combining individual components of different, previously approved agreements. In this case, it is not even necessary to reach (2) (although the result would be to reject the approach), because BellSouth has received requests that encompass all of the items of the checklist. For that reason the (impermissible) concept is not relevant to BellSouth's petition.

ISSUE 2: Has BellSouth provided interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(i) and applicable rules promulgated by the FCC?

FCCA: Based on the testimony of individual carriers, BellSouth has not actually provided interconnection in Florida as required by the Act and applicable rules.

ISSUE 3: Has BellSouth provided nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(i) and applicable rules promulgated by the FCC?

FCCA: No. As a significant example of BellSouth's deficiencies, FCCA witness Joseph Gillan identifies BellSouth's failure to provide *nondiscriminatory access to unbundled switching*, as a separate element and in combination with other fundamental elements ("the platform"). BellSouth fails to acknowledge that a competitor that *utilizes unbundled switching becomes the provider of exchange access service*. Because of BellSouth's acknowledged inability to provide automated billing for unbundled switching on terms of parity, ALEC's *cannot compete with BellSouth's service*, and BellSouth cannot even assure its own bills for access are accurate. BellSouth's proposal to prepare hundreds of thousands of bills for usage of unbundled switching manually is *preposterous on its face*. It illustrates the premature nature of BellSouth's petition and the febleness of its claim of compliance with §271.

Other ALEC witnesses collectively provide overwhelming evidence that BellSouth has failed to provide nondiscriminatory access to other items. Until BellSouth develops the support systems needed to provide nondiscriminatory access to UNE's -- and, in the course of doing so, also develops parallel systems necessary to fully support resale and facilities-based competition, -- the local competition envisioned by Congress will not materialize.

ISSUE 3.A: Has BellSouth developed performance standards and measurements? If so, are they being met?

FCCA: No, BellSouth has not developed sufficient performance standards and has not provided measurements of its own performance. Absent sufficient standards and information concerning BellSouth's own performance, neither ALECs nor this Commission can begin to assess

whether BellSouth is providing parity to its competitors, as required by the Act and FCC rules. For this reason alone, the Commission must inform the FCC that BellSouth has not complied with Section 271.

ISSUE 4: Has BellSouth provided nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by BellSouth at just and reasonable rates in accordance with the requirements of section 224 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(iii) and applicable rules promulgated by the FCC?

FCCA: The testimony of individual carriers demonstrates that BellSouth has not actually provided these in Florida, in compliance with the Act.

ISSUE 5: Has BellSouth unbundled the local loop transmission between the central office and the customer's premises from local switching or other services, pursuant to section 271(c)(2)(B)(iv) and applicable rules promulgated by the FCC?

FCCA: The testimony of individual carriers demonstrates that BellSouth has not actually provided this item in Florida in compliance with the Act and applicable rules.

ISSUE 6: Has BellSouth unbundled the local transport on the trunk side of a wireline local exchange carrier switch from switching or other services, pursuant to section 271(c)(2)(B)(v) and applicable rules promulgated by the FCC?

FCCA: The testimony of individual carriers demonstrate that BellSouth has not actually provided unbundled local transport in Florida in compliance with Act and applicable rules.

ISSUE 7: Has BellSouth provided unbundled local switching from transport, local loop transmission, or other services, pursuant to section 271(c)(2)(B)(vi) and applicable rules promulgated by the FCC?

FCCA: No. See response to Issue 3, above.

ISSUE 8: Has BellSouth provided nondiscriminatory access to the following, pursuant to section 271(c)(2)(B)(vii) and applicable rules promulgated by the FCC:

(a) 911 and E911 services;

- (b) directory assistance services to allow the other telecommunications carrier's customers to obtain telephone numbers; and,
- (c) operator call completion services?

FCCA: The testimony of individual carriers demonstrates that BellSouth has not actually provided these items in Florida as required by the Act and applicable rules.

ISSUE 9: Has BellSouth provided white pages directory listings for customers of other telecommunications carrier's telephone exchange service, pursuant to section 271(c)(2)(B)(viii) and applicable rules promulgated by the FCC?

FCCA: The testimony of individual carriers demonstrates that BellSouth has not actually provided these elements in Florida as required by the Act and applicable rules.

ISSUE 10: Has BellSouth provided nondiscriminatory access to telephone numbers for assignment to the other telecommunications carrier's telephone exchange service customers, pursuant to section 271(c)(2)(B)(ix) and applicable rules promulgated by the FCC?

FCCA: The testimony of individual carriers demonstrates that BellSouth has not actually provided this item in Florida as required by the Act and applicable rules.

ISSUE 11: Has BellSouth provided nondiscriminatory access to databases and associated signaling necessary for call routing and completion, pursuant to section 271(c)(2)(B)(x) and applicable rules promulgated by the FCC?

FCCA: The testimony of individual carriers demonstrates that BellSouth has not actually provided this item in Florida as required by the Act and applicable rules.

ISSUE 12: Has BellSouth provided number portability, pursuant to section 271(c)(2)(B)(xi) and applicable rules promulgated by the FCC?

FCCA: The testimony of individual carriers demonstrates that BellSouth has not actually provided this element in Florida as required by the Act and applicable rules.

ISSUE 13: Has BellSouth provided nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xii) and applicable rules promulgated by the FCC?

FCCA: In his testimony addressing BellSouth's failure to provide nondiscriminatory access to unbundled switching, Mr. Gillan demonstrates that BellSouth must provide the competition with all of the features and functionality of the switch. BellSouth has not actually provided the services necessary to implement local dialing parity in accordance with the Act and applicable rules.

ISSUE 14: Has BellSouth provided reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xiii) and applicable rules promulgated by the FCC?

FCCA: The testimony of individual carriers demonstrates that BellSouth has not actually provided this item in Florida as required by the Act and applicable rules.

ISSUE 15: Has BellSouth provided telecommunications services available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC?

FCCA: No. ALECs have demonstrated that the operational support systems necessary to support resale are insufficient to provide parity with BellSouth's own service, as required by the Act and applicable FCC rules.

ISSUE 15.A: Has BellSouth developed performance standards and measurements? If so, are they being met?

FCCA: No, BellSouth has not developed sufficient performance standards and has not provided measurements of its own performance. Absent sufficient standards and information concerning BellSouth's own performance, neither ALECs nor this Commission can begin to assess whether BellSouth is providing parity to its competitors, as required by the Act and FCC rules. For this reason alone, the Commission must inform the FCC that BellSouth has not complied with Section 271.

ISSUE 16: By what date does BellSouth propose to provide interLATA toll dialing parity throughout Florida pursuant to section 271(e)(2)(A) of the Telecommunications Act of 1996?

FCCA: FCCA is without sufficient information to state a position.

ISSUE 17: If the answer to issues 2-15 is "yes", have those requirements been met in a single agreement or through a combination of agreements?

FCCA: Not applicable, because the answers are not "yes".

ISSUE 18: Should this docket be closed?


FCCA: Upon formulating the advice to the FCC that BellSouth has not complied with the competitive checklist of §271 the Commission should close the docket.

D. STIPULATED ISSUES:

FCCA is aware of none.

E. PENDING MOTIONS:

FCCA has no pending motions.


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Attorneys for the Florida
Competitive Carriers
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S PREHEARING STATEMENT** has been furnished by U.S. Mail, by hand delivery(*), or by overnight delivery(**) on this 5th day of **August, 1997**, to the following:

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