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August 5, 1997

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

Docket No. 960786-TL

Dear Mrs. Bayo:

Enclosed for filing in the above referenced docket are an original and fifteen (15) copies of AT&T's Prehearing Statement.

Copies of the foregoing are being served on the parties of record in accordance with the attached certificate of service.

Yours truly,

Marsha E. Rule

cc: Parties of Record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of )  
BellSouth Telecommunications, ) DOCKET NO: 960786-TL  
Inc.'s entry into InterLATA )  
services pursuant to Section 271 ) FILED: AUGUST 5, 1997  
of the Federal Telecommunications )  
Act of 1996 )  
\_\_\_\_\_ )

AT&T's Prehearing Statement

AT&T Communications of the Southern States, Inc. (hereinafter "AT&T"), pursuant to Rule 25-22.038, Florida Administrative Code, and order of the Florida Public Service Commission (hereinafter the "Commission") hereby submits its Prehearing Statement in the above-referenced docket.

A. and B. Witnesses and Exhibits

AT&T intends to sponsor the testimony of the following witnesses, together with the listed exhibits:

<u>Witness</u>	<u>Issues</u>	<u>Exhibits</u>
John Hamman Direct & Rebuttal	1A(b), 1(A)(c), 2, 3, 4, 5, 6, 7, 8(a)(b)(c), 10, 11, 12 & 14	JMH-1 JMHR-1 & 2
Jay Bradbury Direct & Rebuttal	1A(b), 2, 3, 3(a), 9, 10, 12, 15 & 15(a)	JB-1 through 12
C. Michael Pfau Direct & Rebuttal	3(a) & 15(a)	CMP-1 & 2

AT&T also will co-sponsor the testimony of Don Wood and Dr. David Kaserman (with MCI) and Joseph Gillan (with FCCA). Information regarding the testimony and exhibits of these witnesses is listed on the prehearing statements of MCI and FCCA, respectively.

C. Basic Position

BellSouth has not met the requirements for entry into the Florida interLATA market under Section 271 of the Telecommunications Act of 1996. Section 271 provides two avenues for a Bell operating company to enter the long distance market: Track A or Track B. Both tracks require compliance with the 14-point competitive checklist found in Section 271(c)(2)(B). BellSouth is not eligible for Track B, as shown below, and cannot fulfill the requirements of Track A and the competitive checklist at this time.

Track A is available to a Bell operating company that "is providing access and interconnection to its network facilities", consistent with the 14-point checklist, to a competitor who provides local exchange service to business and residential subscribers. BellSouth currently is not providing all 14 elements of the checklist to a facilities-based provider and therefore cannot meet the requirements of Track A at this time. BellSouth is ineligible to proceed under Track B because several providers have made qualifying requests for interconnection and access under Section 252 of the Act.

Whether it approaches the competitive checklist via Track A or Track B, BellSouth presently is unable to prove that it has fulfilled all checklist requirements. In order to do so, it must demonstrate its ability to provide checklist elements through actual performance by showing that it is providing service to competitors, has implemented nondiscriminatory methods and procedures for provisioning service, and is able to measure such performance against its own internal processes. Without such proof, competitors are left with paper promises.

BellSouth's promises are not proof of compliance. BellSouth has, for example, promised this Commission and other Commissions that it is able to provide its competitors with nondiscriminatory access to unbundled switching, yet in the real world, cannot provide usage detail or billing information for such access -- information which is an essential component of local switching under 47 USC 153 (45).

This deficiency is fatal to BellSouth's case, but was not discovered until AT&T requested loop combinations for testing purposes. The Act requires BellSouth to prove - not just promise - that it can provide all checklist elements.

D.-F. Positions on the Issues

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

AT&T's Position: No. Although Section 271(c)(1)(A) (Track A) is the appropriate avenue under which BellSouth must apply for interLATA authority, it cannot meet Track A requirements at this time because it is not providing access and interconnection to a competitor who provides service to both residential and business subscribers exclusively or predominantly over its own facilities.

AT&T's Witness: None.

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

AT&T's Position: Yes. AT&T and BellSouth have entered into an arbitrated agreement approved by the Commission under Section 252 on June 10, 1997.

AT&T's Witness: None.

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

AT&T's Position: No. With regard to AT&T, BellSouth is providing only limited access and interconnection pursuant to a test. BellSouth has not been able to provide unbundled switching as requested and has not provided nondiscriminatory access to its operational support systems.

AT&T's Witness: Hamman, Bradbury.

(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?

AT&T's Position: No. AT&T is not providing telephone exchange service in Florida and is not aware of any other competitor presently providing service to residential and business customers exclusively or predominantly over its own facilities.

AT&T's Witness: Hamman.

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

AT&T's Position: No. Track B provides a limited avenue for entry under circumstances which are not present in this case. BellSouth is precluded from Track B because competing providers, including AT&T, have made qualifying requests for the access and interconnection described in Section 271(c)(1)(A).

AT&T's Witness: None.

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

AT&T's Position: Yes. A number of such providers, including AT&T, have timely requested access and interconnection with BellSouth pursuant to Section 271(c)(1)(A). Track B therefore is unavailable to BellSouth in Florida.

AT&T's Witness: None.

(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)?

AT&T's Position: No. Further, this issue is moot; Track B is unavailable to BellSouth in Florida because competitors have timely requested access and interconnection; thus, BellSouth is required to proceed under Track A.

AT&T's Witness: None.

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 these sections?

AT&T's Position: No. Section 271(c)(1) specifies that an agreement under 271(c)(1)(A) or a statement under 271(c)(1)(B) is required; under the Act, once BellSouth receives an interconnection request from a potential facilities based competitor, it must proceed under Track A. Nowhere in Section 271 is there authority for BellSouth to "pick and choose" Track A with Track B requirements.

AT&T's Witness: None.

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?

AT&T's Position: BellSouth has not provided such interconnection to AT&T.

AT&T's Witness: Hamman, Bradbury.

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)(ii) and applicable rules promulgated by the FCC?

AT&T's Position: No. In order to meet this checklist item, BellSouth must prove that it actually has provided access to all network elements at parity and on a nondiscriminatory basis. BellSouth has not done so. Among other things, BellSouth has not yet implemented nondiscriminatory access to its OSS to order network elements. Further, BellSouth cannot render a bill for usage sensitive elements of the local switch as required by the Act. 47 USC 251(c)(3), 47 USC 153(45).

AT&T's Witness: Hamman, Bradbury.

(a) Has BellSouth developed performance standards and measurements? If so, are they being met?

AT&T's Position: No. The performance standards and measurements proposed by BellSouth are insufficient to demonstrate parity or nondiscriminatory access.

AT&T's Witness: Pfau, Bradbury.

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?

AT&T's Position: BellSouth has not provided such access to AT&T and cannot demonstrate compliance with this checklist item until methods and procedures have been tested and implemented and it actually provides such access to competitors.

AT&T's Witness: Hamman.

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?

AT&T's Position: No. The testimony of other carriers in Georgia and Louisiana reveals that the methods and procedures for a CLEC desiring to provide customers with local loop clearly are not in place, nor have they been tested to ensure that service changes will happen in a nondiscriminatory time frame. BellSouth's systems are the same throughout the region; there is no reason to expect that BellSouth has capabilities in Florida that it does not have in other states.

AT&T's Witness: Hamman

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?

AT&T's Position: No. BellSouth has provided common transport for IXCs but CLECs cannot utilize it without additional work by BellSouth. Further, BellSouth has not put in place the methods and procedures that provide certainty that common transport can be provided between end offices and billed on a nondiscriminatory basis. For example, in Florida, AT&T ordered four test loop combinations but cannot confirm receipt of shared transport or how BellSouth will render a usage sensitive bill for this shared transport. Therefore, BellSouth cannot claim that it has met the Act's requirement to provide unbundled local transport.

AT&T's Witness: Hamman.

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?

AT&T's Position: No. BellSouth cannot provide local switching on a bundled or unbundled basis because it cannot provide usage detail or billing information for such access -- information which



is an essential component of local switching under 47 USC 153 (45).

AT&T's Witness: Hamman.

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;

AT&T's Position: BellSouth has not provided such access to AT&T.

AT&T's Witness: Hamman.

(b) directory assistance services to allow the other telecommunications carrier's customers to obtain telephone numbers; and

AT&T's Position: No. Although nondiscriminatory access is technically feasible and can be provided by direct routing from the switch or other means, BellSouth continues to brand these services as its own even for AT&T customers.

AT&T's Witness: Hamman.

(c) operator call completion services?

AT&T's Position: No. Although nondiscriminatory access is technically feasible and can be provided by direct routing from the switch or other means, BellSouth continues to brand these services as its own even for AT&T customers.

AT&T's Witness: Hamman.

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?

AT&T's Position: BellSouth has not provided such listings to AT&T. BellSouth cannot meet this requirement until it provides competitors the same capability to submit orders as BellSouth enjoys. This capability is not yet available.

AT&T's Witness: Bradbury.

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?

AT&T's Position: No. AT&T cannot order telephone numbers on a nondiscriminatory basis. BellSouth must establish methods and procedures for assignment of telephone numbers that apply to all competitors, including BellSouth, and further must implement nondiscriminatory electronic ordering procedures and capabilities.

AT&T's Witness: Hamman, Bradbury.

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?

AT&T's Position: No. There are no methods and procedures in place for nondiscriminatory access to databases and associated signaling, nor has testing been conducted to determine how BellSouth will provide access to its Advanced Intelligent Network.

AT&T's Witness: Hamman.

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

AT&T's Position: BellSouth has not provided number portability to AT&T; and until it has methods and procedures in place to provide any requesting CLEC with number portability through a permanent or interim solution, it cannot meet this checklist requirement. At present, BellSouth provides only limited number portability options with no electronic ordering capability.

AT&T's Witness: Hamman, Bradbury.

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?

AT&T's Position: BellSouth has not provided such access to AT&T.

AT&T's Witness: None.

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?

AT&T's Position: Interconnection arrangements are satisfactory but have yet to be implemented. BellSouth must implement methods and procedures for billing in order to comply with this requirement. Further, without an agreement on a Percentage Local Usage factor for local traffic between BellSouth and AT&T the parties will be unable to bill each other properly and BellSouth will be unable to meet this requirement.

AT&T's Witness: Hamman.

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 271c(2)(B)(xiv) and applicable rules promulgated by the FCC?

AT&T's Position: BellSouth has not provided such services to AT&T and proposes ordering mechanisms which are discriminatory in nature.

AT&T's Witness: Bradbury.

(a) Has BellSouth developed performance standards and measurements? If so, are they being met?

AT&T's Position: No. The performance standards and measurements proposed by BellSouth are insufficient to demonstrate parity or nondiscriminatory access.

AT&T's Witness: Pfau, Bradbury.

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.

AT&T's Position: Section 271(e)(2)(A), requires a Bell operating company to provide *intraLATA* toll dialing parity "coincident with" its authorized provision of interLATA service.

AT&T's Witness: None.

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?

AT&T's Position: Not applicable because the answer to each of the above issues is "no".

AT&T's Witness: None.

ISSUE 18: Should this docket be closed?

AT&T's Position: Yes.

AT&T's Witness:       None.

G.           Stipulated Issues

None.

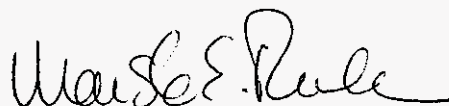
H.           Pending Motions

None.

I.           Other Requirements

None.

Respectfully Submitted



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**CERTIFICATE OF SERVICE**

**DOCKET NO. 960786-TL**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties of record this 5<sup>TH</sup> day of August, 1997:

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