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E. GARY EARLY

March 27, 1998

Ms. Blanca Bayo  
Director, Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RE: PSC Docket No. 971056-TX

Dear Ms. Bayo:

On behalf of BellSouth BSE, Inc. enclosed for filing in the above referenced docket are the original and fifteen (15) copies of the following documents

1. BellSouth BSE, Inc.'s Notice of Filing Responses to Staff's First Set of Interrogatories (No. 1)
2. BellSouth BSE, Inc.'s Response to Staff's First Request of Production of Documents (Nos. 1-6)
3. BellSouth BSE, Inc.'s Prehearing Statement 0:3653-98

*Responses forwarded leg + cmu*

If you have any questions please call me at (850) 222-3471. Thank you.

Sincerely,

*E. Gary Early*  
E. Gary Early

ACK \_\_\_\_\_  
AFA 1  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU 1  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG 2 EG/mcd  
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OPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

enclosure(s)

cc: All parties of record

FORT LAUDERDALE

MIAMI

ORLANDO

TALLAHASSEE

TAMPA

WEST PALM BEACH

DOCUMENT NUMBER-DATE

03653 MAR 27 98

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate )  
 to provide alternative local )  
 exchange telecommunications )  
 service by BellSouth BSE, Inc. )

Docket No. 971056-TX

Filed: March 27, 1998

**BELLSOUTH BSE, INC.'S PREHEARING STATEMENT**

Pursuant to Rule 25-22.038(3), Florida Administrative Code, BellSouth BSE, Inc. ("BSE") files its Prehearing Statement as follows:

- A. **Witness:** Robert C. Scheye will testify as to the managerial expertise, financial qualifications and technical capabilities of BSE, Mr. Scheye will also testify in response to issues raised by other parties and intervenors.
- B. **Exhibits:** Mr. Scheye may use two exhibits showing (1) geographically and textually where BSE and other ALECs who are affiliated with ILEC's have been certified to provide local exchange service and (2) orders in other states where BSE has been approved as an ALEC.
- C. **Basic Position:** BSE's basic position is that it has established, and it is undisputed, that BSE has appropriate managerial expertise, financial qualifications and technical abilities to be certified to provide local exchange service in the state of Florida as an alternative local exchange service provider. Therefore, under Section 364.337(1), Fla. Stat., the Commission should issue a certificate for the entire geographic area proposed to be served. Section 364.337(1), Fla. Stat. specifically states that the grant of certificates not be affected by the application of any criteria other than that specifically enumerated in that section. Therefore, the other issues raised by the petitioners and intervenors are irrelevant to this proceeding.

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D. **Issues of Fact:**

**Proposed Issue 1:** In light of the provisions of the Telecommunications Act of 1996 and Chapter 364, Florida Statutes, should the Commission grant BellSouth BSE a certificate to provide alternative local exchange service pursuant to Sections 364.335 and 364.337, Florida Statutes, in the territory served by BellSouth Telecommunications, Inc. as the incumbent LEC.

**BellSouth BSE Position:** Yes. The Florida Legislature has established explicit and specific standards by which the Commission is to grant certificates of authority in Section 364.337(1), Fla. Stat.

Robert C. Scheye

DOCUMENT NUMBER - DATE

03653 MAR 27 98

FPSC-RECORDS/REPORTING

**Proposed Issue 2:** In light of the provisions of the Telecommunications Act of 1996 and Chapter 364, Florida Statutes, if the Commission grants BellSouth BSE a certificate to provide alternative local exchange service in the territory served by BellSouth Telecommunications, Inc. as the incumbent LEC, what conditions or modifications, if any, should the Commission impose?

**BellSouth BSE Position:** The Commission should impose no conditions on BSE that it has not imposed on all other ALECs operating in the state of Florida.  
Robert C. Scheye

**Issue 3:** Does BSE have the managerial capability to be certificated as an alternative local exchange provider for the state of Florida?

**BellSouth BSE Position:** It does.  
Robert C. Scheye

**Issue 4:** Does BSE have the technical capability to be certified as an alternative local exchange service provider for the state of Florida?

**BellSouth BSE Position:** It does.  
Robert C. Scheye

**Issue 5:** Does BSE have the financial capability to be certified as an alternative local exchange service provider for the state of Florida?

**BellSouth BSE Position:** It does.  
Robert C. Scheye

**E. Questions of Law:**

**Issue 1:** Does Section 364.337(1), Fla. Stat. require the Commission to certify BSE as an alternative local exchange provider if it is undisputed that it has the requisite technical, financial and managerial capabilities without the application of any criteria other than that specifically enumerated in the statute?

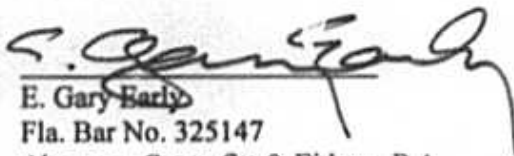
**BellSouth BSE Position:** Yes.

**Issue 2:** Should the Commission impose any conditions on the certification of BSE as an alternative local exchange provider that would single BSE out and treat it distinctly differently from all other companies certified to be alternative local exchange providers?

BellSouth BSE Position: No.

- F. Policy Questions at Issue: Given the explicit legislative direction regarding the certification of ALEC's provided in Section 364.337(1), Fla. Stat., there should be few, if any, policy questions at issue in this proceeding. BSE would expect that its factual and legal positions enumerated above would be contested. Robert C. Scheye will testify as to these matters.
- G. Statements of Issues Stipulated to by Parties: The issues identified herein as questions of law are the issues as stipulated to be the parties.
- H. Pending Motions: BSE has filed the following Motions that have not yet been resolved:
1. Motion to Dismiss Petition Filed by Florida Competitive Carriers Association.
  2. Motion to Dismiss Petition Filed by MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc.
  3. Motion to Dismiss Petition Filed by Teleport Communications Group, Inc. and TCG South Florida.
  4. Motion to Dismiss Petition Filed by Time Warner AxS of Florida, L.P.
  5. Motion to Dismiss Petition to Intervene Filed by AT&T Communications of the Southern States, Inc.
- I. Prehearing Order Requirements: BSE is unaware of any requirement in the Order Establishing Procedure or Order No. PSC-98-0088 PCO-TX in PSC Docket No. 971056 TX that cannot be complied with.

Dated this 22<sup>nd</sup> day of March, 1998.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by United States mail or hand delivery this 22<sup>nd</sup> day of March, 1998:

By Hand Delivery to:

Martha Carter Brown  
Division of Legal Services  
Florida Public Service Commission  
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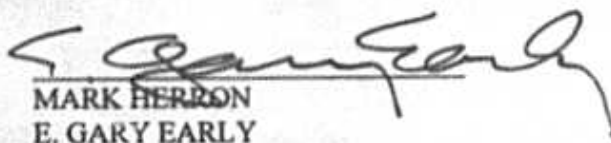
By U.S. Mail to:

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