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April 27, 1998

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

RE: Docket Nos. 971478-TP (WorldCom), 980184-TP (Teleport),
980495-TP (Intermedia) and 980499-TP (MCI)

Dear Ms. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Answer and Response to Complaint of MCImetro Access Transmission Services, Inc., which we ask that you file in the captioned dockets.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,
Nancy B. White
Nancy B. White (BW)

K _____
A _____
PP _____
AF _____
CMU *S. M. M. M.*
CTR _____
EAG _____
LEG 1
LIN 5
OPC _____
RCH _____
SEC 1
WAS _____
OTH *Lead dkt*

Enclosures

cc: All Parties of Record
A. M. Lombardo
R. G. Beatty
W. J. Ellenberg

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CERTIFICATE OF SERVICE

Docket Nos. 971478-TP, 980184-TP, 980495-TP and 980499-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express this 27th day of April, 1998 to the following:

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Nancy B. White *(BW)*

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of MCImetro Access) Docket No.: 980499-TP
Transmission Services, Inc. against)
BellSouth Telecommunications, Inc.)
For Breach of Approved)
Interconnection Agreement by Failure to)
Pay Compensation for Certain Local)
Traffic)
_____) Filed: April 27, 1998

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
ANSWER AND RESPONSE TO COMPLAINT OF MCIMETRO
ACCESS TRANSMISSION SERVICES, INC.**

BellSouth Telecommunications, Inc., ("BellSouth"), hereby files its Answer and Response, pursuant to Rule 1.110, Florida Rules of Civil Procedure and Rules 25-22.037 and 25-22.0375, Florida Administrative Code, to the Complaint of MCImetro Access Transmission Services, Inc. ("MCImetro"), which seeks a ruling that calls to information service providers ("ISPs") should qualify for reciprocal compensation under the terms of MCImetro Interconnection Agreement when such traffic is exchanged between BellSouth and MCImetro. There is no factual, legal or policy basis for such a ruling since calls to the Internet through ISPs that originate on one carrier's network do not "terminate" on the other's network, as would be required for reciprocal compensation to apply. To the contrary, a single such call may communicate with interstate, foreign, and local destinations simultaneously; thus, as a jurisdictional matter such traffic cannot be considered "local." Indeed, jurisdiction over ISP traffic is clearly vested with the Federal Communications Commission ("FCC"), which is presently considering the issues raised in MCImetro's Complaint. Furthermore, reciprocal compensation means that compensation flows in both directions; there is nothing

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“reciprocal” about ISP traffic, since such traffic all flows in one direction. Accordingly, MCImetro is not entitled to the relief it seeks in this proceeding, and the Commission should dismiss MCImetro’s Complaint.

For Answer to the specific allegations in the Complaint, BellSouth states the following:

1. BellSouth is without sufficient information or knowledge of the allegations in Paragraph 1 of the Complaint, and, therefore, these allegations are deemed to be denied.

2. BellSouth admits the allegations of Paragraph 2 of the Complaint.

3. BellSouth denies that the Commission has jurisdiction over ISP traffic because such traffic is interstate in nature, the jurisdiction over which is vested with the FCC.

4. BellSouth denies the allegations of Paragraph 4 of the Complaint and avers that the terms of Order No. PSC-97-1459-FOF-TL speak for themselves.

5. BellSouth admits that complaints were filed with the Commission and denies the remaining allegations of Paragraph 5 of the Complaint,

6. BellSouth denies the allegations of Paragraph 6 of the Complaint and avers that there are factual matters in dispute necessitating a formal hearing.

7. BellSouth denies the allegations of Paragraph 7 of the Complaint and avers that the terms of the BellSouth - MCImetro Interconnection Agreement speak for themselves.

8. BellSouth denies the allegations in Paragraph 8 of the Complaint and affirmatively asserts that calls to the Internet through ISPs that originate on BellSouth's network do not "terminate" on MCImetro's network, as would be required for reciprocal compensation under BellSouth's interconnection agreement with MCImetro. Such calls traverse MCImetro's facilities to the ISP and the Internet and communicate with multiple destinations, often simultaneously, that may cross state and national boundaries; thus ISP traffic cannot be considered "local" as a legal matter.

9. BellSouth denies that allegations of Paragraph 9 of the Complaint and avers that the terms of correspondence between BellSouth and MCImetro speak for themselves.

10. BellSouth denies the allegations of Paragraph 10 of the Complaint.

WHEREFORE, having fully answered, BellSouth respectfully requests that the Complaint of MCImetro be dismissed.

Respectfully submitted this 27th day of April 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

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