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May 15, 1998

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. 980253-TX

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Teleport Communications Group Inc./TCG South Florida ("TCG") are the original and fifteen copies of TCG's Comments Regarding the Proposed Fresh Look Rules.

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

ACK \_\_\_\_\_ Thank you for your assistance with this filing.

AFA \_\_\_\_\_

APP Chadwell

CAF \_\_\_\_\_

CMU 2

CTR \_\_\_\_\_

EAG \_\_\_\_\_

LEG \_\_\_\_\_ KAH/rl

LIN \_\_\_\_\_ Enclosures

OPC \_\_\_\_\_

RCH \_\_\_\_\_ cc: All Parties of Record

SEC 1

WAS \_\_\_\_\_ Trib.3w

OTH \_\_\_\_\_

Sincerely,

  
Kenneth A. Hoffman

DOCUMENT NUMBER-DATE  
**05449 MAY 15 98**  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to Initiate Rulemaking )  
pursuant to Section 120.54(5), )  
Florida Statutes, to Incorporate )  
"Fresh Look" Requirements to all )  
Incumbent Local Exchange )  
Company (ILEC) Contracts. )  
\_\_\_\_\_)

Docket No. 980253-TX

Filed: May 15, 1998

**TELEPORT COMMUNICATIONS GROUP INC./TCG SOUTH FLORIDA'S  
COMMENTS REGARDING PROPOSED FRESH LOOK RULES**

Teleport Communications Group Inc. and its Florida affiliate, TCG South Florida ("collectively "TCG"), by and through undersigned counsel, hereby submit TCG's comments regarding the proposed fresh look rules submitted by Time Warner AxS of Florida, L.P. ("Time Warner") and the Florida Competitive Carriers Association ("FCCA") at the April 22, 1998 workshop in the above-referenced docket.

TCG welcomes the opportunity to participate in the development of a fresh look rule which will promote competition in the local telecommunications services markets and thereby bring price and service benefits to Florida customers. TCG believes that both FCCA and Time Warner have offered sound conceptual proposals for a fresh look rule. TCG favors the proposal submitted by the FCCA as it appears to be clear, concise and relatively straight-forward in its application. TCG offers the following additional comments concerning the FCCA's proposed fresh look rule:

1. A fresh look period of less than four years would be acceptable to TCG.
2. TCG believes that the FCCA proposal would be enhanced by incorporation of the bundling/non-severability principles set forth in Section (3)(b) of the Time Warner proposal. Specifically, the term "local telecommunications services" referenced under the definition of

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FPSC-RECORDS/REPORTING

"Eligible Contracts" in the FCCA proposed rule should include any services tariffed by an incumbent local exchange company ("ILEC") as local exchange services including bundled services if not severable for the purpose of termination liability. Similarly, the proposed fresh look rule ultimately adopted by the Commission should recognize that services such as intraLATA toll which are offered by an ILEC pursuant to a flat rated pricing plan are essentially part of an expansion of the ILEC's local calling area, and, therefore, should be included within the scope of the rule. Finally, as specifically stated in the Time Warner proposal, the fresh look provisions should apply to non-local services where local termination liability is not severable from non-local services.

At the April 22 workshop, a representative of BellSouth Telecommunications, Inc. asserted that Chapter 364, Florida Statutes, may prohibit the filing and provision of contracts between ILECs and their customers. TCG disagrees with the notion that the provision of information necessary to implement a fresh look rule would violate any provision of Chapter 364, Florida Statutes. To the contrary, a fresh look rule would clearly foster the Legislature's goal of promoting competition reflected in Sections 364.01(3) and (4), Florida Statutes. TCG will expand its position on this issue if and when BellSouth or any other participant in this rulemaking points to a specific provision in Chapter 364, Florida Statutes, purporting to support the notion that the provision of the information necessary to implement a fresh look rule would violate Chapter 364.

Respectfully submitted,

  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Teleport Communications Group Inc./TCG South Florida's Comments Regarding Proposed Fresh Look Rules was furnished by U. S. Mail to the following this 15th day of May, 1998:

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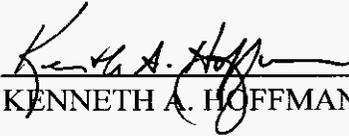
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By:   
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