

ORIGINAL



Tracy Hatch
Attorney

Suite 700
101 N. Monroe St.
Tallahassee, FL 32301
904 425-6364
FAX: 904 425-6361

May 26, 1998

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

Dear Mrs. Bayo:

Re: DOCKET NO. 960833-TP

You will find enclosed the original and fifteen (15) copies of AT&T Communications of the Southern States, Inc.'s Response to BellSouth Telecommunications, Inc.'s Motion for Reconsideration of Order No. PSC-98-0604-FOF-TP.

Copies of the foregoing are being served on all parties of record as indicated on the attached certificate of service.

Yours truly,

Tracy Hatch

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU
- CTR _____
- EAG _____
- LEG 1
- LIN 5
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

TH/mr
Enclosure

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05747 MAY 26 88

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by
Metropolitan Fiber Systems of
Florida, Inc. for arbitration
with BellSouth
Telecommunications, Inc.
concerning interconnection
rates, terms, and conditions,
pursuant to the Federal
Telecommunications Act of 1996.

DOCKET NO. 960757-TP

In re: Petition by AT&T
Communications of the Southern
States, Inc. for arbitration of
certain terms and conditions of
a proposed agreement with
BellSouth Telecommunications,
Inc. concerning interconnection
and resale under the
Telecommunications Act of 1996.

DOCKET NO. 960833-TP

In re: Petition by MCI
Telecommunications Corporation
and MCI Metro Access
Transmission Services, Inc. for
arbitration of certain terms
and conditions of a proposed
agreement with BellSouth
Telecommunications, Inc.
concerning interconnection and
resale under the
Telecommunications Act of 1996.

DOCKET NO. 960846-TP

Filed: May 26, 1998

RESPONSE OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.

TO

**BELLSOUTH TELECOMMUNICATIONS, INC. MOTION FOR RECONSIDERATION
OF ORDER NO. PSC-98-0604-FOF-TP**

AT&T Communications of the Southern States, Inc. (AT&T),
pursuant to Rule 25-22.060(3), Florida Administrative Code,
hereby files its response to BellSouth Telecommunications, Inc.'s

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

(BellSouth's) Motion for Reconsideration of Order No. PSC-98-0604-FOF-TP (the Order), filed May 14, 1998. The Order addresses issues regarding the setting of permanent rates that were previously set on an interim basis pursuant to Order No. PSC-96-1509-FOF-TP.

The purpose of a motion for reconsideration is to bring to the attention of the Commission some point which it overlooked or failed to consider when it rendered its Order in the first instance. It is not intended to be used to re-argue the whole case merely because the losing party disagrees with the order. Diamond Cab Co. of Miami v. King, 146 So.2d 889(Fla. 1962). Pingree v. Quaintance, 394 So.2d 161 (Fla. 1981).

BellSouth seeks reconsideration of certain portions of the Commission's decisions set forth in the Order relating to the elimination of certain nonrecurring costs for connecting and testing and engineering in connection with unbundled network elements. BellSouth's Motion for Reconsideration should be denied as set forth below.

First, BellSouth argues that the ACAC portion of the Connect and Turn-Up Test costs should be restored. BellSouth argues that the ACAC was not "explicitly formed to deal with ALECs" as stated in the Order and that the job function codes identified with ACAC describe provisioning functions and activities, not ordering functions. Notwithstanding BellSouth's claims that the exact words "explicitly formed to deal with ALECs" do not appear in the transcript, the Order accurately paraphrased the testimony of

BellSouth's witness. On cross-examination, Mr. Landry stated that the ACAC was "set up specifically to respond to ALEC needs as far as single points of contact." (Landry, T. 539)

BellSouth's TELRIC cost study input forms on Excel spreadsheets describe ACAC as a manual coordination and dispatch function (see, e.g., spreadsheets F2WADSL.XLS, FL2WHDSL.XLS, LCLCDS1.XLS). In his deposition, Mr. Landry described the function of the ACAC as follows: "They coordinate the turn up of the service; . . . and, in general, are set up for the CLEC, like I said, as a single point of contact to address issues about those specific services." (Ex. 16, Deposition of Mr. Landry, p. 42) He also testified: "And the ACAC center - that is now called the UNE, or U-N-E center - was established specifically as a response for that from a downstream contact..." (Ex. 16, Deposition of Mr. Landry, p. 228). This manual coordination role assigned by BellSouth to the ACAC/UNE center would be more efficiently performed by an automated OSS system. Therefore, it is appropriate to consider the ACAC/UNE function as an excluded OSS function. BellSouth has failed in this instance to reveal any matter which the Commission overlooked or failed to consider. Hence, its Motion on this point should be denied.

Second, BellSouth complains that, in conjunction with the ADSL and HDSL compatible loops, the Commission provided no explanation or description of certain engineering and connection costs eliminated. BellSouth states that neither the job function code nor the activity involved with these costs is discussed.

According to the Staff's recommendation in this case, these "eliminated" costs were those proposed by WorldCom, not BellSouth. WorldCom offered its proposed work times as an alternative to BellSouth's, not as a supplement.

On page 112 of the Staff Recommendation, Staff states: "Although WorldCom's work functions do not exactly parallel BellSouth's, staff includes the work times in the overall category. Staff's recommended work times reflect staff's recommendations concerning methodology, migration, testing, fallout, and the use of forward-looking technologies, and are computed identically to the work times in Issue 1(b)." On page 113, Chart 1 (h) -2, page 114 Chart 1(h) -3, page 120 Chart 1(i) -2 and page 121 Chart 1(I)-3, Staff includes the WorldCom work times for Engineering and for Connection and Testing which WorldCom had recommended be used in lieu of BellSouth's work times. These WorldCom work times were the work times eliminated by the Staff - not BellSouth's work times. If BellSouth wants to adopt WorldCom's work times, then BellSouth's work times should be eliminated completely with the adoption of WorldCom's. BellSouth has failed in this instance to reveal any matter which the Commission overlooked or failed to consider. Hence, its Motion on this point should be denied.

Third, BellSouth complains that the costs for engineering job function code 31XX were eliminated without explanation or rationale. Again, the explanation sought by BellSouth is found in the Staff's recommendation. On page 174 of the Staff's

recommendation, Table 1e-3 - note 1, the Staff observed that Engineering 31XX costs were "Recovered in recurring rates by applying Telco Labor Loading Factors (EXH 45)." Since these costs were recovered in the recurring rates, it was certainly appropriate to eliminate them from the non-recurring. The double recovery proposed by BellSouth is clearly inappropriate. BellSouth has failed in this instance to reveal any matter which the Commission overlooked or failed to consider. Hence, its Motion on this point should be denied.

CONCLUSION

For the foregoing reasons, the Commission should deny BellSouth's Motion for Reconsideration.

RESPECTFULLY SUBMITTED this 26th day of May, 1998.

**AT&T COMMUNICATIONS OF THE
SOUTHERN STATES, INC.**

By: 

Tracy Hatch, Esquire
AT&T Communications of the
Southern States, Inc.
Suite 700
101 North Monroe Street.
Tallahassee, Florida 32301
(904) 425-6364

Attorney for AT&T
Communications of the Southern
States, Inc.

CERTIFICATE OF SERVICE

Docket Nos: 960833-TP, 960757-TP and 960846-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties of record this 26th day of May, 1998:

Ms. Nancy H. Sims
BellSouth Telecommunications
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

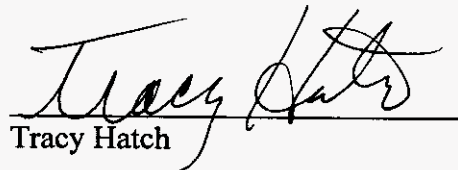
Norman Horton, Esquire
Messer Caparello & Self, P. A.
Post Office Box 1876
Tallahassee, Florida 32302

Richard Melson, Esquire
Hopping Boyd Sams and Smith
Post Office Box 6526
Tallahassee, Florida 32314

Charles Pellegrini, Esquire
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Floyd Self, Esquire
Messer Caparello & Self, P.A.
Post Office Box 1876
Tallahassee, Florida 32302

Thomas K. Bond, Esquire
MCI Telecommunications Corp.
780 Johnson Ferry Road - Suite 700
Atlanta, Georgia 30342


Tracy Hatch