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July 24, 1998

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

RECEIVED-PPSC  
98 JUL 24 PM 4:01  
RECORDS AND  
REPORTING

Re: MCI -- Docket No. 971140-TL

Dear Ms. Bayó:

Enclosed herein for filing on behalf of MCI  
Telecommunications Corporation and MCI Metro Access Transmission  
Services, Inc. (collectively MCI), are the original and 15 copies  
of MCI's Response to BellSouth's Motion for Extension of Time.

By copy of this letter these documents have been provided to  
the parties on the attached service list.

RECEIVED & FILED

  
FPSC-BUREAU OF RECORDS

Very truly yours,



Richard D. Melson

- ACK \_\_\_\_\_
- AFA 1
- APP \_\_\_\_\_ RDM/kcg
- CAF \_\_\_\_\_ Enclosures
- CMU \_\_\_\_\_ cc: Per Certificate of Service
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 2
- LIN 5
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_ 104888.1
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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Motions of AT&T )  
Communications of the Southern )  
States, Inc. and MCI )  
Telecommunications Corporation and )  
MCImetro Access Transmission )  
Services, Inc. to compel BellSouth )  
Telecommunications, Inc. to comply )  
with Order PSC-96-1579-FOF-TP and )  
to set non-recurring charges for )  
combinations of network elements )  
with BellSouth Telecommunications, )  
Inc, pursuant to their agreement. )  
\_\_\_\_\_ )

Docket No. 971140-TP

Filed: July 24, 1998

MCI'S RESPONSE IN OPPOSITION TO  
BELLSOUTH'S MOTION FOR EXTENSION OF TIME  
TO FILE INTERCONNECTION AGREEMENT

MCI Telecommunications Corporation and MCImetro Access  
Transmission Services, Inc. (collectively referred to as MCI)  
hereby file their response in opposition to the motion of  
BellSouth Telecommunications, Inc. (BellSouth) for an extension  
of time to file an amendment to the parties' Interconnection  
Agreement (Motion for Extension). As grounds for its opposition,  
MCI states:

1. By Order No. PSC-98-0810-FOF-TP issued June 12, 1998  
(Order) the Commission (i) construed the provisions of the  
Interconnection Agreement relating to the pricing of combinations  
of unbundled network elements, (ii) construed the provisions of  
the Interconnection Agreement related to switched access usage  
data, (iii) approved non-recurring charges for various loop-port

combinations, and (iv) directed the parties to submit a written agreement memorializing and implementing the Commission's decisions within 30 days of the date of the Order, or by July 13, 1998. In addition, the Commission refrained from deciding what services provided by means of unbundled network elements (if any) constitute the recreation of a BellSouth retail service and directed the parties to negotiate this issue.

2. On July 13, 1998, BellSouth filed its Motion for Extension, asking that the deadline for filing an amendment to the Interconnection Agreement be extended until 14 days after the issuance of an order resolving BellSouth's pending Motion for Reconsideration of the Order. As grounds for this request, BellSouth asserted that (i) the parties have been unable to successfully negotiate the issue of what network element combinations recreate an existing BellSouth service<sup>1</sup> and (ii) resolution of the "migration" issue raised by BellSouth's motion

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1 BST has also taken this position with MCI to frustrate MCI's efforts to order interconnection services out of its existing Interconnection Agreement with BST. Since the announcement of the Commission's decision in this Docket, MCI has been attempting to enforce the terms of the Interconnection Agreement as interpreted by the Commission. By letter dated June 1, 1998, MCI requested one particular unbundled network element (UNE) combination under the Agreement -- i.e. a 4 wire DS1 loop and DS1 digital transport -- to connect its customers to the MCI switch at the UNE prices approved by the Commission and contained in the Agreement. BST has refused to provide this UNE combination at UNE prices, claiming that the combination recreates a BST Private Line offering - MegaLink service. By letter dated July 14, 1998, MCI specified the serving arrangement sought and how it would be used to provision "dial tone" to MCI's customers and requested that BST reconsider its decision. By letter dated July 21, 1998, BST confirmed that it would not change its position. It appears that the parties have reached an impasse on this issue. MCI anticipates that it will file a complaint with the Commission in the near future requesting that the Commission enforce its Order No. PSC-98-0810-FOF-TP.

for reconsideration is needed before the parties can conclude negotiation of such an amendment.

3. Neither of these is a valid basis for the requested extension. First, the Order did not require that the amendment to be filed within 30 days of the Order incorporate the parties' agreement on what network element combinations (if any) recreate an existing BellSouth service. The amendment to be filed on that date was required only to reflect the Commission's "decisions" (i.e. the pricing decisions and the contract interpretation decisions.) It was not required to address the recreation issue, which the Commission expressly *refrained* from deciding.

4. Second, the migration issue raised by BellSouth's Motion for Reconsideration relates only to an alleged inconsistency in the Commission's discussion and decisions related to the Interconnection Agreement between BellSouth and AT&T. This part of the Motion for Reconsideration has nothing to do with the Commission's decisions regarding the Interconnection Agreement between BellSouth and MCImetro. Therefore nothing in the order on reconsideration will affect any issues between MCI and BellSouth.

5. On July 13, 1998, MCI filed with the Commission a partially executed amendment to the BellSouth/MCImetro Interconnection Agreement which properly incorporates all of the Commission's decisions in the Order. That filed amendment is

executed by MCImetro. As indicated in the letter transmitting the amendment, BellSouth refused to execute this document. Instead, BellSouth chose to file its Motion for Extension.

WHEREFORE, BellSouth has stated no valid basis to extend the time for filing an amendment to the parties' Interconnection Agreement. Its Motion for Extension should be denied and BellSouth should be ordered to immediately execute and file the amendment in the form previously submitted by MCImetro.

RESPECTFULLY SUBMITTED this 24th day of July, 1998.

HOPPING GREEN SAMS & SMITH, P.A.

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and

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Attorneys for MCI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by hand delivery this 24th day of July, 1998.

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*Ries D. Mesa*

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ATTORNEY