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ROBERT A. BUTTERWORTH
Attorney General
State of Florida
September 21, 1998

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850

Re: Docket No. 980696-TP

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen copies of the Attorney General's Amended Prehearing Statement.

Thank you for your courtesies.

Sincerely,

Michael A. Gross
Assistant Attorney General
Office of the Attorney General

- ACK _____
- AFA 2 PL-01 The Capitol
- APP _____ Tallahassee, FL 32399-1050
- CAF _____ (850) 414-3300
- CAF _____ (850) 488-6589 (Fax)
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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the Cost of)
Basic Local Telecommunications)
Service, Pursuant to Section 364.025,)
Florida Statutes)
_____)

Docket No. 980696-TP
Filed: September 21, 1998

ATTORNEY GENERAL'S AMENDED PREHEARING STATEMENT

Witnesses and Exhibits

The Attorney General has not prefiled testimony by a witness and has no exhibits to identify at this time.

Statement of Basic Position

The Attorney General is not taking a position at this time as to which cost proxy model the Florida Public Service Commission (FPSC) should adopt for Universal Service funding purposes. However, the Attorney General's statement of basic position deals with the proper and consistent matching of revenue sources to the costs of facilities which are used to produce those revenues. The Attorney General stresses to the FPSC that the costs of the major facilities used to provide the services included in the definition of Universal Service are shared/joint/common costs of each of those services. Specifically, the costs of the loop and non-traffic-sensitive central office equipment (NTS-COE) facilities represent costs that are joint/shared/common among many services, including intraLATA toll, intrastate switched access, interstate switched access, as well as local services like basic local exchange service and vertical services.

The appropriate revenues to use in any comparison analysis of Universal Service revenues and costs depends upon the portion of the cost of the joint/shared/common facilities (including the loop and NTS-COE facilities) included in the cost proxy model.

The Attorney General's position is that if the cost proxy model selected by the FPSC includes the entire costs of the loop and NTS-COE facilities, the applicable revenues to be used as a comparison (i.e. benchmark) to those costs must be the revenues from all services which use, share and benefit from the use of the loop and NTS-COE facilities. Both the FCC-State Joint Board¹ and the FCC properly concluded that recovery of the cost which includes the shared facilities costs should be benchmarked against the revenues earned from all of the services that share those facilities. The FCC specifically stated:

As the Joint Board recommended, the revenue benchmark should take account not only of the retail price currently charged for local service, but also of other revenues the carrier receives as a result of providing service, including vertical service revenue and interstate and intrastate access revenues.²

We include revenues from discretionary services in the benchmark for additional reasons. ... Revenues from services in addition to the supported services should, and do, contribute to the joint and common costs they share with the supported services.³

¹The FCC-State Joint Board is made up of both state commissioners and FCC commissioners.

²¶200, Report and Order, CC Docket No. 96-45, FCC 97-157, adopted May 7, 1997, released May 8, 1997 (hereinafter referred to as the *Universal Service Order*).

³¶261, *Universal Service Order*, FCC 97-157. The imputed access revenues associated with the facilities whose costs are included in the study should be included for toll services which do not actually pay an access charge (such as the toll services provided by the same LEC who is providing the local facility).

To give the FPSC an idea of the magnitude of these revenues, the FCC has found that the nationwide revenue benchmark for residential services should be approximately \$31. The FCC specifically stated:

[W]e have determined that the revenue benchmark should be calculated using local service, access, and other telecommunications revenues received by ILECs, including discretionary revenue. Based on the data we have received in response to the data request from the Federal-State Joint Board in CC Docket 80-286 (80-286 Joint Board) on universal service issues, it appears that the benchmark for residential services should be approximately \$31 and for single-line businesses should be approximately \$51.⁴ (Citation Omitted)

Issues and Positions

Issue 1 What is the definition of basic local telecommunications service referred to in Section 364.025(4)(b), Florida Statutes?

Position: The Attorney General believes that the definition of "Basic local telecommunications service" as contained in §364.02(2) of the Florida Statutes is an appropriate definition of basic local telecommunication service as it is referred to in Section 364.025(4)(b) of the Florida Statutes.

Issue 2 For purposes of determining the cost of basic local telecommunications service appropriate for establishing a permanent universal service mechanism, what is the appropriate cost proxy model to determine the total forward-looking cost of providing basic local telecommunications service pursuant to Section 364.025(4)(b), Florida Statutes?

Position: No position at this time.

⁴¶267, Universal Service Order, FCC 97-157.

Issue 3 For purposes of determining the cost of basic local telecommunications service appropriate for establishing a permanent universal service mechanism, should the total forward-looking cost of basic local telecommunications service pursuant to Section 364.025(4)(b), Florida Statutes, be determined by a cost proxy model on a basis smaller than a wire center. If so, on what basis should it be determined?

Position: No position at this time.

Issue 4 For purposes of determining the cost of basic local telecommunications service appropriate for establishing a permanent universal service mechanism, for each of the following categories what input values to the cost proxy model identified in Issue 2 are appropriate for each Florida LEC?

- (a) Depreciation rates
- (b) Cost of Money
- (c) Tax rates
- (d) Supporting Structures
- (e) Structure sharing factors
- (f) Fill factors
- (g) Manholes
- (h) Fiber cable costs
- (i) Copper cable costs
- (j) Drops
- (k) Network interface devices
- (l) Outside plant mix

- (m) Digital loop carrier costs
- (n) Terminal costs
- (o) Switching costs and associated variables
- (p) Traffic data
- (q) Signaling system costs
- (r) Transport system costs and associated variables
- (s) Expenses
- (t) Other inputs

Position: No position at this time.

- Issue 5**
- (a) For purposes of determining the cost of basic local telecommunications service appropriate for establishing a permanent universal service mechanism, for which Florida local exchange companies must the cost of basic local telecommunications service be determined using the cost proxy model identified in Issue 2?
 - (b) For each of the LECs identified in (a), what cost results from using the input values identified in Issue 5 in the cost proxy model identified in Issue 2?

Position: No position at this time.

- Issue 6**
- (a) For purposes of determining the cost of basic local telecommunications service appropriate for establishing a permanent universal service mechanism, should the cost of basic local telecommunications service for each of the LECs that serve fewer than 100,000 access lines be computed

using the cost proxy model identified in Issue 2 with the input values identified in Issue 4?

- (b) If yes, for each of the LECs that serve fewer than 100,000 access lines, what cost results from using the input values identified in issue 4 in the cost proxy model identified in Issue 2?
- (c) If not, for each of the Florida LECs that serve fewer than 100,000 access lines, what approach should be employed to determine the cost of basic local telecommunications service and what is the resulting cost?

Position: No position at this time.

Stipulated Issues

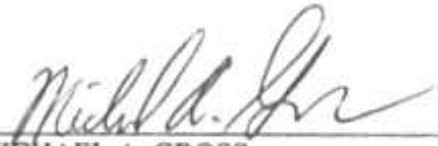
The Attorney General has not stipulated to any issues.

Pending Motions

The Attorney General has no pending motions.

Respectfully submitted,

ROBERT A. BUTTERWORTH
ATTORNEY GENERAL



MICHAEL A. GROSS
Assistant Attorney General
Fla. Bar No. 0199461

Office of the Attorney General
PL-01 The Capitol
Tallahassee, Florida 32399-1050
(850) 414-3300
(850) 488-6589 (Fax)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail this 21st day of September 1998 to the following:

William P. Cox
Division of Legal Services
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Edward Paschall
AARP
1923 Atapha Nene
Tallahassee, FL 32301

Tracy Hatch
AT&T
101 N. Monroe St. Suite 700
Tallahassee, FL 32301

Robert Beatty/Nancy White
c/o Nancy H. Sims
BellSouth Telecommunications
150 S. Monroe St. Suite 400
Tallahassee, FL 32301

Everett Boyd
Ervin Law Firm
P.O. Drawer 1170
Tallahassee, FL 32302

David B. Erwin
127 Riversink Road
Crawfordville, FL 32327

Laura Gallagher
FCTA
310 N. Monroe St.
Tallahassee, FL 32301

Benjamin Ochshorn
Florida Legal Services, Inc.
2121 Delta Blvd.
Tallahassee, FL 32303

Angela Green
FPTA
125 S. Gadsden, Suite 200
Tallahassee, FL 32301

Susan Langston
FTIA
P.O. Box 1776
Tallahassee, FL 32302

Kelly Goodnight
Frontier Communication
180 S. Clinton Ave.
Rochester, NY 14646

GTC, Inc.
C/o St. Joe Communications
P. O. Box 220
Port St. Joe, FL 32456

Kimberly Caswell
GTE Florida
P. O. Box 100 FLTC0007
Tampa, FL 33601

Patricia Greene
Holland Law Firm
315 S. Calhoun St. Suite 600
Tallahassee, FL 32301

Richard Melson
Hopping Law Firm
P. O. Box 6526
Tallahassee, FL 32314

Charlie Murphy/Booter Imhof
House Committee on Utilities
and Communications
428 House Office Building
Tallahassee, FL 32399-1300

David Daniel
House Democratic Office
316, The Capitol
402 S. Monroe Street
Tallahassee, FL 32399-1300

Steven Brown
Intermedia Communications
3625 Queen Palm Drive
Tampa, FL 33619

Jim McGinn
ITS Telecommunications
P. O. Box 277
Indiantown, FL 34956

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

Joseph McGlothlin
McWhirter Law Firm
117 S. Gadsden Street
Tallahassee, FL 32301

Floyd Self
Messer Law Firm
P. O. Box 1876
Tallahassee, FL 32302

Office of Public Counsel
c/o The Florida Legislature

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., Suite 812
Tallahassee, FL 32399-1400

Peter Dunbar
Barbara D. Auger
Pennington Law Firm
P. O. Box 10095
Tallahassee, FL 32301

Carolyn Marek
Time Warner Communications
P. O. Box 210706
Nashville, TN 37221

John Guthrie/Susan Masterton
Senate Committee on Reg. Ind.
418 Senate Office Building
Tallahassee, FL 32399

Julie S. Myers
Smith, Bryan & Meyers
311 E. Park Ave.
Tallahassee, FL 32301

Richard L. Spears
Community Assoc. Institution
9132 Ridge Pine Trail
Orlando, FL 32819

Jennifer Uhal
1911 N. Ft. Meyer Dr., Suite 702
Arlington, VA 22209

Thomas M. McCabe
TDS Telecom/Quincy Telephone
P. O. Box 189
Quincy, FL 32353

Michael Twomey
8903 Crawfordville Road
Tallahassee, FL 32310
Patrick Wiggins/Donna Canzano
Wiggins Law Firm

P. O. Drawer 1657
Tallahassee, FL 32302

Brian Sulmonetti
WorldCom Technologies
1515 S. Federal Hwy., Suite 400
Boca Raton, FL 33432

Lynne G. Brewer
Northeast Florida Telephone
P. O. Box 485
Macclenny, FL 32063

Bill Huttenhower
Vista-United Telecommunications
P. O. Box 10180
Lake Buena Vista, FL 32830

Monica Barone
Sprint
3100 Cumberland Circle
Atlanta, GA 30339

Charles Rehwinkel
Sprint-Florida, Inc.
1313 Blair Stone Road
Tallahassee, FL 32301

Norman H. Horton Jr.
Messer, Caparello & Self
215 S. Monroe, Suite 701
Tallahassee, FL 32301-1876

James C. Flavey, Esq.
e.spire Communications
133 National Business Parkway, Suite 200
Annapolis Junction, MD 20701

Lynn B. Hall
Vista-United Telecommunications
P. O. Box 10180
Lake Buena Vista, FL 32830

J. Jeffery Wahlen
Ausley & McMullen
P. O. Box 391
Tallahassee, FL 32302

Frankie Callen
Vice President of Governmental Affairs
The Greater Orlando Assoc. Of REALTORS
P. O. Box 587
Orlando, FL 32802-0587

Debra K. Mink
Mink & Mink, Inc.
Sunnyvale Building
3081 East Commercial Blvd.
Ft. Lauderdale, FL 33308

Ken Hoffman
P. O. Box 551
Tallahassee, FL 32302-0551

Harriet Eudy
ALLTEL
206 White Ave.
Live Oak, FL 32060

John L. Brewerton, III
250 North Orange Avenue
Penthouse Suite
Orlando, FL 32801



MICHAEL A. GROSS
Assistant Attorney General