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RECEIVED AND  
REPORTING

November 20, 1998

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

**Re: Docket No. 980281-TP MCI Complaint**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion for Reconsideration, for Clarification, and for Extension of Time, which we ask that you file in the captioned matter.

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 to the parties shown on the attached Certificate of Service.

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FPSC-BUREAU OF RECORDS

Sincerely,

*Nancy B. White* (KR)  
Nancy B. White

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU Stavang
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 1
- LIN 5
- SFC \_\_\_\_\_
- ROH \_\_\_\_\_
- SEC 1
- NAS \_\_\_\_\_
- OTH \_\_\_\_\_

NBW:vf

cc: All parties of record  
A. M. Lombardo  
William J. Ellenberg II

DOCUMENT NUMBER- DATE

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FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE  
Docket No. 980281-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served  
via Federal Express this 20th day of November, 1998 to the following:

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MCI Metro Access Transmission  
Services, Inc.  
Dulaney L. O'Roark III  
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Nancy B. White (cc)  
Nancy B. White

DOCUMENT NUMBER-DATE

13163 NOV 20 88

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of MCImetro Access ) Docket No.: 980281-TP  
Transmission Services, Inc. against )  
BellSouth Telecommunications, Inc. )  
For Breach of Approved )  
Interconnection Agreement )  
\_\_\_\_\_ ) Filed: November 20, 1998

**BellSouth Telecommunications, Inc.'s Motion for Reconsideration,  
For Clarification, and for Extension of Time**

BellSouth Telecommunications, Inc. ("BellSouth"), files pursuant to Rule 25-22.060, Florida Administrative Code, its Motion for Reconsideration, for Clarification, and for Extension of Time of Order No. PSC-98-1484-FOF-TP ("Order"), issued on November 5, 1998 by the Florida Public Service Commission ("Commission") in the above referenced docket. Reconsideration is required because the Commission overlooked or failed to consider evidence affecting the outcome of this proceeding. Clarification is required on other issues. An extension of time is also required on various items. In support of its Motion, BellSouth states the following:

**I. Procedural Background**

On February 8, 1996, the Telecommunications Act of 1996 ("Act") became law. The Act required interconnection negotiations between incumbent local exchange carriers and new entrants. If negotiations were unsuccessful, the parties were entitled to seek arbitration of the unresolved issues from the appropriate state commission. 47 U.S.C. §252(b)(1). This process resulted in the issuance of various arbitration orders by the Commission (Order Nos. PSC-96-1579-FOF-TP, PSC-97-0298-FOF-TP, PSC-97-0606-FOF-TP, and PSC-98-

0810-FOF-TP) and in an interconnection agreement between BellSouth and MCI Metro Access Transmission Services, Inc. ("MCI"). This proceeding was instituted upon a Complaint filed by MCI against BellSouth for alleged breaches of the parties' interconnection agreement.

On November 5, 1998, the Commission issued its Order, holding, among other things, that BellSouth should supply MCI with the Regional Street Address Guide ("RSAG") download as well as daily updates at no charge. The Commission in reaching a decision on this issue, either overlooked or failed to consider certain evidence applicable to this docket. See. Diamond Cab Co. of Miami v. King, 146 So. 2d 889 (Fla. 1962). The Commission's decision lacks the requisite foundation of competent and substantial evidence.

With regard to the evidence, the Commission must rely upon evidence that is "sufficiently relevant and material that a reasonable man would accept it as adequate to support the conclusion reached." DeGroot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1<sup>st</sup> DCA 1957). See also Agrico Chem. Co. v. State of Fla. Dept. of Environmental Reg., 365 So. 2d 759, 763 (Fla. 1<sup>st</sup> DCA 1979); and Ammerman v. Fla. Board of Pharmacy, 174 So. 2d 425, 426 (Fla. 3d DCA 1965). The evidence must "establish a substantial basis of fact from which the fact at issue can reasonably be inferred." DeGroot, 95 So. 2d at 916. The Commission should reject evidence that is devoid of elements giving it probative value. Atlantic Coast Line R.R. Co. v. King, 135 So. 2d 201, 202 (1961). "The public service Commission's determinative action cannot be based upon speculation or supposition." 1 Fla. Jur. 2d, §174, citing Tamiami Trail Tours, Inc. v. Bevis, 299

So. 2d 22, 24 (1974). “Findings wholly inadequate or not supported by the evidence will not be permitted to stand.” Caranci v. Miami Glass & Engineering Co., 99 So. 2d 252, 254 (Fla. 3d DCA 1957).

In addition, the Order requires BellSouth to perform various tasks within 30 days from the date of the Order. In connection with these issues, BellSouth will request clarification and, in some cases, an extension of the 30 day deadline.

The sections below examine the grounds for reconsideration, clarification, and the requests for extension of time on an issue by issue basis.

## **II. Regional Street Address Guide**

In the Order, the Commission held that BellSouth should provide MCI with a download of the RSAG database and updates to the RSAG database on the same day as the changes occur, all at no cost to MCI. (Order, p. 13). BellSouth seeks reconsideration of that portion of the Order requiring the provision to be at no cost to MCI. It is undisputed that the interconnection agreement between BellSouth and MCI does not address the issue of cost. (Order, p. 12). While BellSouth and MCI disputed the meaning of the lack of such language, there was no dispute that the provision of the RSAG and updates thereto carry a cost. The Commission accepted MCI's argument that, if a price had been necessary, it would have been included in the agreement. The Commission erred in this respect.

There is no basis or rationale in the interconnection agreement or under the Act for the Commission's finding that BellSouth should provide the RSAG download and updates for free. Moreover, Florida law requires BellSouth to

recover its costs, as does Section 252(d) of the Act. Thus, the Commission's holding on this issue is contrary to law. It is also unreasonable. There is no question that there is a cost involved. At the very least, the Commission should require BellSouth and MCI to negotiate in good faith the price for the download and the updates. Another alternative would be to require BellSouth to provide the one time download of the RSAG at no cost to MCI but require the parties to negotiate the price of the daily updates. The fact remains that BellSouth must set up a process to perform the download, as well as to extract the updates on a daily basis. Cost is involved and should be recovered.

BellSouth seeks clarification of that part of the Order requiring BellSouth to provide updates to the RSAG to MCI on a daily basis (the same day as the change to the data is made). BellSouth provides RSAG updates to itself within 24 hours of the change being made to the data. BellSouth will provide updates within 24 hours of the change by sending MCI the entire RSAG download daily at MCI's request. BellSouth seeks clarification that the Commission's Order does not require BellSouth to treat MCI differently for purposes of the "daily" updates.

BellSouth also seeks an extension of time in which to provide the RSAG download and begin providing the daily updates. The Order requires BellSouth to comply within 30 days of the date of the Order, which is December 5, 1998. (Order, p. 47). BellSouth and MCI are currently negotiating the appropriate subset of the RSAG database to be provided. BellSouth thereby requests that it be given 30 days in which to comply, as measured from BellSouth's receipt of MCI's specifications as to exactly what subset is desired. The extension of time

is required because the negotiations are ongoing and, once completed, BellSouth will need a reasonable period of time for implementation.

### **III. Due Date Calculation**

The Commission held that BellSouth must provide MCI with the ability to calculate due dates in the inquiry mode of the Local Exchange Navigational System ("LENS") and to provide a due date calculation for unbundled network elements ("UNEs") in LENS. (Order, p. 17). The Order requires BellSouth to provide this function 30 days from the date of the Order on December 5, 1998. (Order, p. 47).

BellSouth seeks an extension of time in which to comply with this portion of the Order. The due date calculation for resale was made available in the inquiry mode of LENS on November 14, 1998. The due date calculation for UNEs will be available in July of 1999 as a part of Release 6.0. At that time, the due date calculation function will be available in the Telecommunications Access Gateway ("TAG"), one of the national standard interfaces. TAG will include LENS capabilities. The extension of time is required because of the complexity of the work (there is no retail analog) and the prioritization of various modifications to BellSouth's OSS systems required by this Commission and others. BellSouth asserts that this request is reasonable and fair.

### **IV. Number Reservation**

The Commission held that BellSouth was required to modify the LENS interface to provide the ability to reserve 25 numbers at one time. The Order also requires BellSouth to provide MCI with the capability to automatically assign

a new telephone number to a customer who requires one. BellSouth was also ordered to make available a list of the vacant NXX codes in LENS. (Order, p. 19). BellSouth was ordered to provide these modifications by December 5, 1998. (Order, p. 47).

The ability to reserve 25 telephone numbers at a time was made available in LENS on November 14, 1998. BellSouth, however, seeks an extension of time in which to modify its systems to accomplish the remainder of the Commission's Order on this issue. BellSouth expects to complete the modification to allow for the automatic assignment of telephone numbers in LENS by February, 1999. Vacant NXX codes will be provided by March, 1999 in TAG which includes LENS capabilities. The extensions of time are required because of the complexity of the work and the prioritization of various modifications to BellSouth's OSS systems required by this Commission and others. BellSouth asserts that this request is reasonable and fair.

#### **V. Universal Service Order Codes ("USOCs")**

The Commission ordered BellSouth to provide MCI with the Field Identifiers ("FIDs") and state validity information in the same comma-spaced value format that BellSouth currently provides to MCI for USOCs. (Order, p. 23). The Order required BellSouth to provide this function by December 5, 1998. (Tr. p. 47).

BellSouth seeks an extension of time in which to comply with this portion of the Order. BellSouth will provide this information to MCI via a downloadable

format on BellSouth's web site by the end of December, 1998. BellSouth avers that this request for extension of time is fair and reasonable.

#### **VI. Customer Service Record ("CSR") Information**

The Commission ordered BellSouth to provide pricing information on Customer Service Records ("CSRs"). Further, BellSouth is required to provide MCI with a schema of the CSR. (Order, p. 25). The Order requires BellSouth to provide this information by December 5, 1998. (Order, p. 47).

BellSouth seeks an extension of time in which to comply with this portion of the Order. BellSouth will be able to provide pricing information on CSRs by December 19, 1998. The CSR schema will be available by this date as well. BellSouth asserts that its request for an extension of time is fair and reasonable and should be granted.

#### **VII. Jeopardy Notification**

BellSouth was required by the Commission to provide MCI with missed appointment and service jeopardy notification via the Electronic Data Interchange ("EDI") by December 5, 1998. (Order, pp. 29 and 47). BellSouth seeks an extension of time in which to comply with this portion of the Order. Customer caused missed appointment notifications are currently available via EDI. Service jeopardy notifications for resale and UNEs will be available via EDI by December 19, 1998. The exception to that availability is connected with local number portability service. Local number portability service jeopardy notifications will be available via EDI by August, 1999. The basis for BellSouth's extension of time with regard to local number portability service jeopardy notification is the

relatively low volume of such jeopardies and the prioritization of various modifications to BellSouth's OSS systems required by this Commission and others. BellSouth asserts that this request is reasonable and fair.

#### **VIII. Firm Order Confirmations ("FOCs")**

The Commission ordered BellSouth to provide MCI with FOCs for off-net T-1s ordered through the Interexchange Carrier Service Center ("ICSC") within 24 hours for manual orders and within four hours for electronic orders. BellSouth is required to comply with this portion of the Order by December 5, 1998. (Order, pp. 47-48).

BellSouth requests an extension of time in which to comply with this portion of the Order. At this point in time, MCI is placing its orders via facsimile, therefore, the 24 hour return requirement would apply. (Order, p. 33). BellSouth expects to have the capability by February 15, 1999 to provide FOCs on off-net T-1s within 24 hours of a complete and accurate Access Service Request ("ASR") faxed to the ICSC. The FOC so received by MCI will be the equivalent of that provided by the Local Carrier Service Center ("LCSC") for a Local Service Request ("LSR"). The commitment date in the off-net T-1 FOC will be based on BellSouth's standard intervals for unbundled network elements, without verification of available resources or facilities. An accurate and complete order is one that has been manually entered by ICSC personnel and accepted by the EXACT system. The basis for BellSouth's request for extension of time is the need to ensure the identification and implementation of process changes and the

need to train personnel on those changes. BellSouth avers that its request is fair and reasonable.

### **IX. Network Blockage Information**

The Commission ordered BellSouth to provide MCI with blockage data on the trunks that serve MCI in the same manner and for the same threshold levels as currently provided to interexchange carriers. The data is to be provided on diskette on a monthly basis. (Order, p. 37). The Order requires this data to be provided by December 5, 1998. (Order, p. 47).

BellSouth plans to post this information on its web site. All blockage information greater than zero will be so posted. The web site will be updated monthly and the format will be similar to the XC-100 report. The MCI or ALEC specific trunk blockage information on the web site can be downloaded by MCI to a diskette by clicking on the "Save As" function and saving it to either a file on the hard drive or a disk on the "A" drive. The regional report will be in Excel format. It will automatically download when opened and can be saved to an Excel file on the hard drive or to a disk on the "A" drive. BellSouth seeks clarification from the Commission that BellSouth's plans comport with the Order.

BellSouth also seeks an extension of time in which to comply with this portion of the Order. BellSouth will have the data collected by December 1, 1998 and the uploading of this data is expected to be completed by December 14, 1998. BellSouth submits that this request is fair and reasonable.

## **X. Recorded Usage Data**

The Commission ordered BellSouth, where BellSouth has switches with the capability to record usage data and where MCI is providing service using those switches, to provide the recorded usage data for billable and non-billable completed calls at the same frequency and to the same extent BellSouth provides such information to itself. (Order, pp. 41-42). The Order requires BellSouth to provide such information by December 5, 1998. (Order, p. 47).

BellSouth requests an extension of time within which to comply with this portion of the Order. BellSouth expects this capability to be available with the December 31, 1998 Customer Record Information System ("CRIS") update due out on that date. BellSouth avers that this request is fair and reasonable.

## **XI. Local Tandem Interconnection**

The Order requires BellSouth to provide to MCI all existing independent telephone company local and EAS routes served by the tandems, as well as a complete list of Common Language Location Identifier ("CLLI") codes for the local tandems by December 5, 1998. (Order, pp. 38 and 47). BellSouth has already complied with this portion of the Order.

## **XII. Soft Dial Tone Service ("SDTS")**

The Order requires BellSouth to provide MCI with unbranded SDTS during a temporary disconnection of MCI's subscriber for non-payment of local residential service. The Order supplies suggested language for the unbranded SDTS. (Order, p. 46). BellSouth is required to comply with this portion of the Order by

December 5, 1998. (Order, p. 47). BellSouth will comply with this portion of the Order by that date.

**XIII. Directory Assistance ("DA") Listings Database**

The Commission held that BellSouth is required to provide all listings included in BellSouth's DA database, excluding the identity of subscribers' local service providers. (Order, p. 44). The Order requires BellSouth to comply with this portion of the Order by December 5, 1998. (Order, p. 47). BellSouth intends to make every effort to comply with this portion of the Order by that date.

Respectfully submitted this 20th day of November, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

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