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December 28, 1998

1998

Ms. June McKinney
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 981642-TP - Petition by Intermedia
Communications Inc. for Arbitration with BellSouth
Telecommunications, Inc., pursuant to the
Telecommunications Act of 1996

Docket No. 981745-TP - Petition by e.spire
Communications, Inc. for Arbitration with BellSouth
Telecommunications, Inc., pursuant to the
Telecommunications Act of 1996

Dear June:

Intermedia Communications Inc., e.spire Communications, Inc., and BellSouth Telecommunications, Inc. have agreed to consolidate the petitions for arbitration for hearing purposes. Consolidation of Intermedia's and e.spire's petitions for arbitration is consistent with Section 252(g) of the Act, because the matters involve similar issues of law and/or fact, and it will reduce the administrative burdens for the Commission and the companies.

It is the understanding of the companies that a consolidated hearing will be held March 18, 22, 23, and 24, 1999. With these hearing dates, it is expected that the Commission would render its decision beyond the nine-months required by Section 252(b)(4)(c) of the Act. The concurrence of Intermedia, e.spire, and BellSouth is predicated on the understanding that the Commission will render its decision by the end of April and that the post-hearing final order be issued by May 24, 1999. The parties also agree not to challenge in any venue the jurisdiction of this Commission regarding the timing of its decision in accordance with this paragraph.

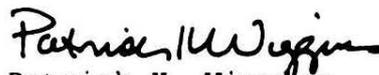
Moreover, the parties have agreed to abide by the guidelines set forth in the AT&T/MCI/BellSouth consolidated proceedings. (Order No. PSC-96-1039-PCO-TP, issued August 9, 1996, in Docket Nos. 960833-TP, and 960846-TP). Specifically, the guidelines are:

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- 1) The parties shall identify two categories of issues: those that are common to each petition and those that are unique to each petition.
- 2) All parties shall participate fully in the litigation of the issues that are common to both petitions. The Commission's decision on the common issues shall be binding on all parties.
- 3) Only the parties directly involved will participate in the litigation of the issues that are unique to only one of the petitions. The non-affected petitioner shall not present testimony, conduct cross-examination, or file a brief with respect to the issues that affect only the other petitioner. The Commission's decision on the unique issues shall be binding only on the parties who litigated the issue.

If you have any questions about this, please do not hesitate to call. Thank you for your assistance in this matter.

Sincerely,



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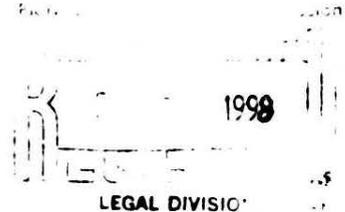
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LIST OF COMMON ISSUES

Dear June:

As contemplated in the guidelines for a consolidated arbitration, here is the list of common issues based on the issue identification meeting held on December 14, 1998.

A. Common Issues

1. Should BellSouth be required to provide the following items as network elements, features, functions or capabilities?

A. Unbundled Loops

1. Two-wire ISDN
2. Two-wire ADSL
3. Two-wire HDSL
4. Four-wire HDSL
5. Four-wire DSO
6. Four-wire DS1
7. DS3
8. OC3
9. OC12
10. OC48

e.spire only:

11. IDSL
12. SDSL
13. SL1
14. SL2
15. Bit Stream Unbundled Loops

B. Dedicated Interoffice Transport

1. DSO
2. DS1
3. DS3
4. OC3
5. OC12
6. OC48

C. Dedicated Local Channels

1. DSO
2. DS1
3. DS3
4. OC3
5. OC12
6. OC48

D. Packet Switching

1. User-to-Network Interface (UNI)
2. Network-to-Network Interface (NNI)
3. Data Link Control Identifiers (DLCI) at Committed Information Rates (CIRs)

E. Channelization/Multiplexing

F. Remote Terminals/Remote Terminal Equipment

H. Dark Fiber

1. Loops
2. Dedicated Interoffice Transport
3. Dedicated Local Channel

I. Enhanced Extended Link (EEL)

J. Loop Feeder (e.spire only)

K. Loop Distribution (e.spire only)

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2. What should be the rates, terms and conditions for the items considered in Issue 1 to be network elements, features, functions, or capabilities?
3. Should BellSouth be required to provide UNE combinations? If so, what should be the rates?
4. Should BellSouth be required to convert resale services to UNEs for current customers? If so, what should be the rates, terms, and conditions? **NEEDS TO BE REWORDED**
5. Should BellSouth be required to provide volume and term pricing for unbundled network elements and resold services? If so, what should be the rates, terms, and conditions of the specific unbundled network elements and resold services requested?
6. Should BellSouth be required to provide pricing parity? If so, what should be the terms and conditions? **NEEDS TO BE REWORDED**
7. What should be the rates, terms, and conditions for physical collocation?
8. What should be the rates, terms, and conditions for virtual collocation?
9. Should BellSouth be required to provide the following collocation arrangements? If so, what should be the rates, terms, and conditions?
 - A. Shared caged collocation
 - B. Cageless collocation
 - C. Remote Terminal
 - D. Other
10. Is BellSouth required to allow Intermedia/espire to interconnect with other ALECs also collocated in a BellSouth central office? If so, what should be the rates, terms, and conditions?
11. What performance measures should be included in the parties' respective agreements?
12. Should penalty provisions be included in the parties' respective agreements? If so, what penalties should be imposed?

13. a) What should be the appropriate reciprocal compensation rate level for transport and termination of local traffic?
- b) For purposes of reciprocal compensation, should the definition of local traffic include traffic that originates from or terminates to an Enhanced Service Provider (ESP) or Information Service Provider (ISP)? If so, what are the appropriate reciprocal compensation rate levels for ESP and ISP traffic?
14. What number portability requirements should be included in the parties' respective agreements?
15. What Frame Relay requirements should be included in the parties' respective agreements?

B. Intermedia's Proposed Rewording of Issues 4 and 6

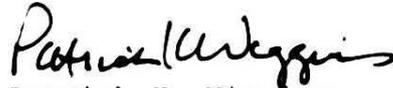
As reflected in the note accompanying Issues 4 and 6 above, they need to be reworded. Intermedia's suggested rewording follows. Neither BellSouth nor e.spire object to this rewording, although BellSouth maintains its objection to these and certain other issues being included for determination by the Commission.

4. Should BellSouth be required to convert special access services purchased from BellSouth's tariff to unbundled network elements for current customers? If so, what should be the rates, terms, and conditions?
6. Where BellSouth and Intermedia/e.spire are bidding for services for the same end-user, should BellSouth provide the same rates, terms, and conditions to Intermedia/e.spire for wholesale unbundled network elements and resold services that it provides to itself or an affiliate on a retail basis?

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