

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 21, 1999

RE: DOCKET NO. 990691-TP - Petition of ICG Telecom Group, Inc. for arbitration of unresolved issues in interconnection negotiations with BellSouth Telecommunications, Inc.

Issue 1: Until the FCC and the FPSC adopt a rule with prospective application, should dial-up access to the Internet through Internet Service Providers (ISPs) be treated as if it were a local call for purposes of reciprocal compensation?

Primary Recommendation: Yes. Until the FCC and the FPSC adopt a rule with prospective application, dial-up access to the Internet through Internet Service Providers (ISPs) should be treated as if it were a local call for purposes of reciprocal compensation.

DENIED

COMMISSIONERS ASSIGNED: DS CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

Susan Clark
Tom Pearson

DISSENTING

[Signature] (ONLY ISSUE 1)

REMARKS/DISSENTING COMMENTS:

Commissioner Jacobs dissented on issue 1.

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Alternative Recommendation: Staff recommends that the parties should continue to operate under the terms of their current contract until the FCC issues its final ruling on whether reciprocal compensation is due for ISP-bound traffic because the FCC has retained jurisdiction over this traffic.

APPROVED

The Commission reconsidered this issue and reaffirmed its original vote.

Commissioner Jacobs dissented.

Issue 2: Should the following packet-switching capabilities be made available as UNEs:

- a) user-to-network interface (UNI) at 56 kbps, 64 kbps, 128 kbps, 256 kbps, 384 kbps, 1.544 Mbps and 44.736 Mbps.
- b) network-to-network interface (NNI) at 56 kbps, 64 kbps, 1.544 Mbps and 44.736 Mbps
- c) data link control identifiers ("DLCIs") at committed information rates ("CIRs") of 0 kbps, 8 kbps, 9.6 kbps, 16 kbps, 19.2 kbps, 28 kbps, 32 kbps, 56 kbps, 64 kbps, 128 kbps, 192 kbps, 256 kbps, 320 kbps, 384 kbps, 448 kbps, 512 kbps, 576 kbps, 640 kbps, 704 kbps, 768 kbps, 832 kbps, 896 kbps, 960 kbps, 1.024 Mbps, 1.088 Mbps, 1.152 Mbps, 1.216 Mbps, 1.280 Mbps, 1.344 Mbps, 1.408 Mbps, 1.472 Mbps, 1.536 Mbps, 1.544 Mbps, 3.088 Mbps, 4.632 Mbps, 6.176 Mbps, 7.720 Mbps, 9.264 Mbps, 10.808 Mbps, 12.350 Mbps, 13.896 Mbps, 15.440 Mbps, 16.984 Mbps, 18.528 Mbps and 20.072 Mbps.

Recommendation: No. The packet-switching capabilities ICG has requested should not be provided as UNEs. However, BellSouth has agreed to provide these packet-switching capabilities to ICG; therefore, the parties should negotiate the price. Staff also recommends that the evidence of record is insufficient to determine whether interoffice transport should be provided as a UNE; therefore, it should not be provided as a UNE.

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Issue 3: Under the Telecommunications Act of 1996, should "Enhanced Extended Link" Loops (EELs) be made available to ICG in the interconnection agreement as UNEs?

Recommendation: No. Enhanced Extended Link Loops (EELs) should not be made available to ICG in the interconnection agreement as UNEs. However, BellSouth has agreed to provide EELs to ICG; therefore, the parties should negotiate the price for the EEL.

APPROVED

Issue 4: Should volume and term discounts be available to ICG for UNEs?

Recommendation: No. There is insufficient evidence in the record to require BellSouth to provide volume and term discounts for Unbundled Network Elements (UNEs) to ICG.

APPROVED

Issue 5: For purposes of reciprocal compensation, should ICG be compensated for end office, tandem, and transport elements of termination where ICG's switch serves a geographic area comparable to the area served by BellSouth's tandem switch?

Recommendation: No. The evidence of record does not show that ICG's switch will serve an area comparable to the area served by BellSouth's tandem switch. In addition, the evidence does not show that ICG's switch will perform the same functions as a BellSouth tandem switch. Therefore, staff recommends, for the purposes of reciprocal compensation, that ICG not

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be compensated for the tandem element of terminating calls on their network which originated on BellSouth's network. However, staff does recommend that ICG be compensated for the transport and end office elements of termination.

APPROVED

Issue 6: (A) Should BellSouth be required to enter into a binding forecast of future traffic requirements for a specified period?

(B) If so, are they then required to provision the requisite network buildout and necessary support?

Recommendation: (A) No. BellSouth should not be required to enter into a binding forecast of future traffic requirements for a specified period with ICG. There is no such requirement in the Telecommunications Act of 1996 nor in any FCC order or rule.

(B) If the Commission approves staff's recommendation in Issue 6(A), BellSouth would not be required to provision the requisite network buildout and necessary support, because 6(B) would be rendered moot.

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Issue 7: Should this docket be closed?

Recommendation: No. The parties should be required to submit a signed agreement that complies with the Commission's decisions in this docket for approval within 30 days of issuance of the Commission's order. This docket should remain open pending Commission approval of the final arbitration agreement in accordance with Section 252 of the Telecommunications Act of 1996.

APPROVED