

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

JANUARY 11, 2000

RE: DOCKET NO. 990750-TP - Petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.

Issue 3(b): Pursuant to the definition of parity resolved in Issue 3(a), should BellSouth be required to provide the following:

(1) Operational Support Systems (OSS).

Recommendation: Yes. According to FCC Order 96-325, ¶523, the Commission should require BellSouth to provide ITC^DeltaCom access to OSS functionalities that is of the same quality, accuracy and timeliness to that which it provides to its retail operations for pre-ordering, ordering, provisioning, repair and maintenance, and billing for both unbundled network elements and resale services.

APPROVED

COMMISSIONERS ASSIGNED: CL JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Susan Clark
[Signature]

[Signature] **ISSUE 23**

REMARKS/DISSENTING COMMENTS:

Since there was a tie vote on Issue 23, it will be referred to the Chairman for a deciding vote.

DOCUMENT NUMBER-DATE
00540 JAN 12 8
FPSC-RECORDS/REPORTING

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Issue 3(b): Pursuant to the definition of parity resolved in Issue 3(a), should BellSouth be required to provide the following:

(2) UNEs.

Recommendation: Yes. According to FCC Order 96-325, ¶312, the Commission should determine that ITC^DeltaCom is entitled to receive the same quality of unbundled network elements and access to unbundled network elements as any other requesting carrier. In addition, unbundled network elements and access to unbundled network elements must be at parity with any equivalent functions which BellSouth performs in the provision of retail services.

APPROVED

Issue 3(b)(5): Pursuant to the definition of parity, should BellSouth be required to provide the following: an unbundled loop using Integrated Digital Loop Carrier (IDLC) technology?

Recommendation: Within the existing functionality and capacity of the serving switch, BellSouth should be required to provide an unbundled loop using IDLC technology. In addition, if it is within the existing functionality and capacity of the serving switch, BellSouth should be required to use a "side-door" method. If an unbundled loop using IDLC technology is not within the existing functionality and capacity of the serving switch, ITC^DeltaCom may submit its order for an unbundled loop using IDLC technology through the Bona Fide Request ("BFR") process.

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Issue 7: Until the Florida Public Service Commission and Federal Communications Commission make a decision regarding UNEs and UNE combinations, should BellSouth be required to continue providing those UNEs and combinations that it is currently providing to ITC^DeltaCom under the interconnection agreement previously approved by this Commission?

Recommendation: Yes. BellSouth should be required to continue providing those UNEs that it is currently providing to ITC^DeltaCom under the interconnection agreement previously approved by this Commission. See Issue 8 for recommendation regarding UNE combinations.

APPROVED

Issue 8(a): Should BellSouth be required to provide to ITC^DeltaCom extended loops or the loop/port combination?

Recommendation: No. BellSouth should not be required to provide ITC^DeltaCom extended loops or the loop/port combination. However, BellSouth has agreed to provide ITC^DeltaCom with extended loops and the loop/port combination.

APPROVED

Issue 8(b): If so, what should the rates be?

Recommendation: The parties should negotiate the rates for these combinations.

APPROVED

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Issue 23: Should BellSouth be required to pay reciprocal compensation to ITC^DeltaCom for all calls that are properly routed over local trunks, including calls to Internet Service Providers (ISPs)?

Recommendation: Staff recommends that the parties should continue to operate under the terms of their current interconnection agreement in regards to this issue until the FCC issues its final ruling on whether reciprocal compensation is due for ISP-bound traffic.

Since there is a tie vote on this issue, it will be referred to the Chairman for a deciding vote.

Issue 24: What should be the rate for reciprocal compensation?

Recommendation: The rate for reciprocal compensation should be \$0.009 per minute, which is the rate in BellSouth's and ITC^DeltaCom's current agreement.

APPROVED

Issue 36: Should BellSouth provide cageless collocation to ITC^DeltaCom 30 days after a firm order is placed?

Recommendation: No. There is insufficient evidence in the record to substantiate that BellSouth should provide cageless collocation to ITC^DeltaCom 30 days after a firm order is placed. Cageless physical collocation should be provisioned within three months in accordance with the conditions set forth in FPSC Order No. PSC-96-1579-FOF-TP.

APPROVED

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Issue 38: What charges, if any, should BellSouth be permitted to impose on ITC^DeltaCom for BellSouth's OSS?

Recommendation: No charges should be imposed at this time. The determination of the appropriate charges, if any, that BellSouth may impose for OSS cost recovery should be dealt with in a generic proceeding.

APPROVED

Issue 39: What are the appropriate recurring and non-recurring rates and charges for:

- a) two-wire ADSL/HDSL compatible loops,
- b) four-wire ADSL/HDSL compatible loops, or
- c) two-wire SL1 loops.

Recommendation: The appropriate rates are provided in Table 39-1 of staff's memorandum filed January 4, 2000. These rates should not be subject to true-up.

MODIFIED

*Approved with exclusion of
ACAC charge from SL2 Loop*

Issue 40(a): Should BellSouth be required to provide:

1. 2-wire SL2 loops or
2. 2-wire SL2 loop Order Coordination for Specified Conversion Time?

Recommendation: This issue has been resolved because BellSouth has agreed to provide (1) 2-wire SL2 loops and (2) 2-wire SL2 loop Order Coordination for Specified Conversion Time.

No vote was required on this issue.

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Issue 40(b): If so, what are the appropriate recurring and non-recurring rates and charges?

Recommendation: The appropriate recurring rate for the two-wire SL2 loop is \$20.52. The appropriate non-recurring rate for the two-wire SL2 loop is \$84.40 for the first loop, and \$81.56 for each additional loop. The appropriate non-recurring rate for two-wire SL2 loop Order Coordination for Specified Conversion Time is \$23.24. These rates should not be subject to true-up.

APPROVED

Issue 41: Should BellSouth be permitted to charge ITC^DeltaCom a disconnection charge when BellSouth does not incur any costs associated with such disconnection?

Recommendation: No. However, based on the record, BellSouth will incur at least an administrative cost related to disconnection. Therefore, staff believes a disconnection charge will always apply.

APPROVED

Issue 42: What should be the appropriate recurring and nonrecurring charges for cageless and shared collocation in light of the recent FCC Advanced Services Order No. FCC 99-48, issued March 31, 1999, in Docket No. CC 98-147?

Recommendation: The Commission should set rates as specified in Table I of the analysis portion of staff's memorandum.

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Issue 48: Should language covering tax liability be included in the interconnection agreement and, if so, whether that language should simply state that each party is responsible for its tax liability?

Recommendation: Tax issues are not addressed in Sections 251 or 252 of the Telecommunications Act of 1996 and are not appropriate for arbitration under those sections. Therefore, staff recommends that the Commission should not require that language covering tax liability be included in the interconnection agreement. However, the parties may decide through negotiation to include tax provisions in their agreement.

APPROVED

Information Issue 51: (No vote necessary) Pursuant to Order No. PSC-99-2217-PHO-TP (the Prehearing Order) parties were directed to address in their post-hearing briefs whether the Commission has jurisdiction to assess penalties pursuant to Section 364.285, Florida Statutes, if it appears that a party is failing to comply with a Commission-approved negotiated or arbitrated agreement.

No vote was necessary on this issue.

Issue 52: 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