

ORIGINAL

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February 15, 2000  
VIA Hand Delivery

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Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

Re: Docket No.991838-TP

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and 15 copies of:

- BlueStar Networks, Inc.'s Prehearing Statement;
- BlueStar Networks, Inc.'s Request for Representation by A Qualified Representative.

Please acknowledge receipt of the above on the extra copies enclosed herein and return them to me. Thank you for your assistance.

Yours truly,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEEN, P.A.

**ORIGINAL**

In re:

Petition for Arbitration of BlueStar Networks, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996

Docket No. 991838-TP

Filed: February 15, 2000

**BlueStar Networks, Inc.'s  
Prehearing Statement**

BlueStar Networks, Inc. (BlueStar), pursuant to the Order Establishing Procedure, Order No. PSC-99-1991-PCO-TP, files its Prehearing Statement.

**A. APPEARANCES:**

**VICKI GORDON KAUFMAN**, McWhirter Reeves McGlothlin Davidson Decker Kaufman Arnold & Steen, P.A., 117 South Gadsden Street, Tallahassee, Florida 32301 and **HENRY C. CAMPEN** and **JOHN A. DOYLE**, Parker, Poe, Adams & Bernstein, LLP, First Union Capitol Center, 150 Fayetteville Street Mall, Suite 1400, Raleigh, North Carolina 27602 and **NORTON CUTLER**, General Counsel, and **MICHAEL BRESSMAN**, Associate General Counsel, BlueStar Networks, Inc., 401 Church Street, 24<sup>th</sup> Floor, North, Nashville, Tennessee 37201.

**On Behalf of the BlueStar Networks, Inc.**

**B. WITNESSES**

<u>Witness</u>	<u>Subject Matter</u>	<u>Issues</u>
<b><u>Direct</u></b>		
Carty Hassett	loop makeup information, expedited repair process, alternative dispute resolution, liquidated damages access to riser cable	3, 4, 6 (a), 9, 14-16
Michael Starkey	line sharing trial, electronic	

	ordering and provisioning trial, real time loop makeup information, loop rates, riser cable	2 (a), (b), 6(a), 10,11, 16
Pat Solon (adverse witness)	alternative dispute resolution	15
Gil Aguayo (adverse witness)	alternative dispute resolution	15

**Rebuttal**

Carty Hassett	information for rejected loops, when such information should be provided, real-time access to loop make-up databases, expedited repair procedures, alternative dispute resolution	3, 4, 6(a), 9, 15
Michael Starkey	TELRIC-based rates for loops, terms and conditions for access to riser cable	10,16

**C. EXHIBITS:**

<b><u>Exhibit</u></b>	<b><u>Witness</u></b>	<b><u>Description</u></b>
Exhibit No. ____ (CH-1)	Hassett	excerpt from Bell ordering guide
Exhibit No. ____ (CH-2)	Hassett	Bell liquidated damages proposal
Exhibit No. ____ (MS-1)	Starkey	resume
Exhibit No. ____ (MS-2)	Starkey	Diagram 1
Exhibit No. ____ (MS-3)	Starkey	Diagram 2

**D. STATEMENT OF BASIC POSITION:**

**BlueStar's Basic Position:** While BlueStar and BellSouth have settled many issues that led to BlueStar's arbitration petition, those that remain are critical to BlueStar's ability to provide DSL services in competition with BellSouth. For example, BlueStar must have access to information

concerning loop make up and availability in order to serve its customers efficiently. Similarly, BlueStar must have access to riser cable to enable it to serve a number of multi-tenant buildings. In addition, the FCC has recently ordered incumbents to provide line sharing. It is critical that the Commission set TELRIC-based prices for the loops BlueStar has requested from BellSouth as well as for the high frequency portion of a shared loop. An expedited repair process is critical because many of BlueStar's customers need 24 hour a day on line access. An expedited dispute resolution process (either privately or through the Commission) and provisions for consequences if BellSouth does not perform under the agreement are essential to ensure local competition.

**E. STATEMENTS OF ISSUES AND POSITIONS:**

1. **ISSUE:** How should an unbundled cooper loop ("UCL") be defined?

**BlueStar:** RESOLVED.

2. **ISSUE:** Should BellSouth be required to:

a) conduct a trial of line sharing with BlueStar, and if so, when?

b) conduct a trial of electronic ordering and provisioning of line sharing with BlueStar, and if so, when?

**BlueStar:** BlueStar agrees to move this issue to the generic region-wide negotiations on line sharing and any Commission proceeding commenced to resolve disputes in that process.

3. **ISSUE:** What information should BellSouth be required to provide to BlueStar on loop orders that are rejected because the requested facilities are unavailable?

**BlueStar:** BellSouth should be required to provide to BlueStar the information it uses to reject a loop order so that BlueStar can make appropriate arrangements to serve a customer's needs in a timely fashion. The information should be provided manually if it is not available electronically.

4. **ISSUE:** When should the information identified in Issue 3 be provided?

**BlueStar:** Manual access should be provided immediately. BlueStar should be provided electronic access to this information by July 1, 2000.

5. **ISSUE:** Should BellSouth be required to implement a process whereby xDSL loop orders that are rejected are automatically converted to orders for UCLs without requiring BlueStar to resubmit the order?

**BlueStar:** RESOLVED.

6. **ISSUE:** For xDSL orders, should BellSouth be required to provide real time access to the following, and if so, when?

- a) OSS for loop makeup information qualification;
- b) preordering;
- c) provisioning;
- d) repair/maintenance, and
- e) billing.

**BlueStar:** a) BellSouth should be required to provide electronic access by July 1, 2000 to LFACs, MapViewer and any other electronic database which contains loop make-up information. LQS should be modified so that it can be searched by address instead of by telephone number.

b)-e) RESOLVED

7. **ISSUE:** Should the interconnection agreement include a time interval for BellSouth provisioning of x DSL loops and UCLs?

**BlueStar:** RESOLVED.

8. **ISSUE:** Can xDSL loops retain repeaters at the ALEC's option?

**BlueStar:** RESOLVED.

9. **ISSUE:** Should the interconnection agreement include expedited procedures for repairs?

**BlueStar:** Yes. Many of BlueStar's customers require 24 hour a day on line access due to the nature of their businesses. When their connection is down, they cannot conduct business. Therefore, in the case of these types of customers BellSouth should be required to at least attempt a repair within one hour.

10. **ISSUE:** What are the TELRIC-based rates for the following:

- a) 2-wire ADSL compatible loops, both recurring and nonrecurring;
- b) 2-wire HDSL compatible loops, both recurring and nonrecurring;
- c) "UCL" loops, both recurring and nonrecurring;
- d) loop conditioning for each of the loops listed above, as well as the 4-wire HDSL loop.

- BlueStar:** The rates should be those found in Mr. Varner's Exhibit AJV-1 and where no rates are provided by Mr. Varner, the Commission should adopt the rates provided in Mr. Starkey's direct testimony at pp. 26-27 as modified by his rebuttal testimony at pps 5-6..
11. **ISSUE:** What are the TELRIC-based recurring and nonrecurring rates for the high frequency portion of a shared loop?
- BlueStar:** BlueStar agrees to move this issue to the generic region-wide negotiations on line sharing and any Commission proceeding commenced to resolve disputes in that process.
12. **ISSUE:** For purposes of reciprocal compensation, should the parties be required to adopt bill and keep for transport and termination of local, intraLATA and interLATA voice traffic?
- BlueStar:** RESOLVED.
13. **ISSUE:** What, if any, provisions, should the agreement include for performance measures?
- BlueStar:** RESOLVED.
14. **ISSUE:** Should the interconnection agreement include the liquidated damages provisions filed by BellSouth in Tennessee in Docket Nos. 99430 and 99377 as Exhibit No. AJV-1 which relate to BellSouth's Service Quality Measurements (SQMs)?<sup>1</sup>
- BlueStar:** Yes. A liquidated damages provision is needed in order to ensure that BellSouth performs under the agreement.
15. **ISSUE:** What, if any, provisions should the agreement include for alternative dispute resolution?
- BlueStar:** Lack of an expedited dispute resolution process has interfered with BlueStar's ability to enter markets and obtain UNEs on a reasonable schedule. When there is a dispute, BellSouth often gains an advantage by failing to promptly resolve the situation. Therefore, the agreement should include provisions similar to those used to resolve consumer complaints so that disputes between

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<sup>1</sup>This issue was stricken by the Prehearing Officer in Order No. PSC-00-0185-PCO-TP. In addition, BellSouth suggested different wording of the issue. BlueStar has filed a Motion for Reconsideration.

BlueStar and BellSouth are quickly resolved.

16. **ISSUE:** What is the appropriate method for BlueStar to gain access to BellSouth's riser cables, allowing BlueStar to provision its digital subscriber line access multiplexer (DSLAM)?

**BlueStar:** BlueStar should be able to run its own cross connects between its DSLAM that is prewired to the NID and the riser cable used by both BellSouth and the other ALECs. This will cause no harm to BellSouth's network and will eliminate needless activity and expense.

**F. STIPULATED ISSUES:**

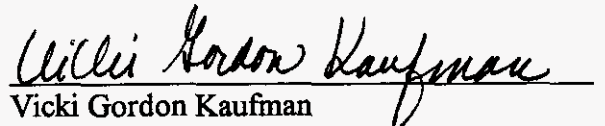
None at this time.

**G. PENDING MOTIONS:** BlueStar has the following motions pending:

- BlueStar's Motion to Compel;
- BlueStar's Motion for Reconsideration of Order No. PSC-00-0185-PCO-TP;
- BlueStar's Motion to File Supplemental Rebuttal Testimony;
- BlueStar's Request for Representation by A Qualified Representative (Norton Cutler).

**H. OTHER MATTERS:**

None at this time.

  
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Attorneys for BlueStar Networks, Inc.



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Prehearing Statement has been furnished by (\*) hand delivery or by U.S. mail to the following parties of record this 15<sup>th</sup> day of February, 2000:

(\*) Donna Clemons  
Florida Public Service Commission  
Staff Attorney  
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Vicki Gordon Kaufman