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Legal Department

MICHAEL P. GOGGIN
General Attorney

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BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5561

RECORDS AND
REPORTING

March 9, 2000

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. 991237-TP (AT&T)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Pre-Hearing Statement, which we ask that you file in the captioned docket.

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.

Sincerely,

Michael P. Goggin
Michael P. Goggin
(2)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

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APP _____
CAE _____
CMU 1
CTR _____
EAG _____
LEG 1
MAS 3
OPC _____
RRR _____
SEC 1
WAV _____
OTH _____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING


**CERTIFICATE OF SERVICE
Docket No. 991237-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 9th day of March, 2000 to the following:

Diana Caldwell
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Tracy Hatch, Esq.
AT&T Communications of the
Southern States, Inc.
101 North Monroe Street
Suite 700
Tallahassee, FL 32301
Tel. No. (850) 425-6364
Fax No. (850) 425-6343


Michael P. Goggin
(2)

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of AT&T Communications)	
Of the Southern States, Inc. Against BellSouth)	Docket No. 991237-TP
Telecommunications, Inc. for Improper)	
Applications of Switched Access Charges)	Filed: March 9, 2000
_____)		

**PRE-HEARING STATEMENT OF BELL SOUTH
TELECOMMUNICATIONS, INC.**

BellSouth Telecommunications, Inc. ("BellSouth"), in accordance with the provisions of the Order Establishing Procedure (Order No. PSC-99-2465-PCO-TP), issued December 16, 1999, submits its Pre-hearing Statement as follows:

WITNESSES

BellSouth proposed to call the following witnesses to offer testimony on the issues in this docket, as enumerated in Appendix A of the Order Establishing Procedure:

<u>Witness</u>	<u>Issue(s)</u>
1. Jerry Hendrix (Direct and Rebuttal)	1, 2 and 3
2. Keith Milner (Direct and Rebuttal)	1, 2 and 3
3. Isaac Byrd (Rebuttal)	2(b) and 3(b)
4. David Scollard (Rebuttal)	2(b) and 3(b)

BellSouth reserves the right to call additional witnesses, witnesses to respond to Commission inquiries not addressed in direct or rebuttal testimony and witnesses to address issues not presently designated that may be designated by the Pre-hearing Officer at the pre-hearing conference to be held on March 23, 2000. BellSouth has listed the witnesses for whom BellSouth has filed testimony, but reserves the right to supplement that list if necessary.

EHXIBITS

Jerry Hendrix	JDH-1	E6. BellSouth SWA Service
	JDH-2	E3. Carrier Common Line Access
Keith Milner	No exhibits	
Isaac Byrd	INB-1	BellSouth Call-Forwarding Study (CF1 – CF6); (CF-A – CF-F)
	INB-2	BellSouth FX Study (FX-A – FX-B)
David Scollard	No exhibits	

BellSouth reserves the right to file exhibits to any testimony that may be filed under the circumstances identified above. BellSouth also reserves the right to introduce exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Evidence and Rules of this Commission.

STATEMENT OF BASIC POSITION

BellSouth is assessing the Carrier Common Line Charge (“CCLC”) charge appropriately in Florida. Specifically, BellSouth assesses the CCLC in accordance with Commission Orders and in accordance with BellSouth’s Commission-approved tariffs. Thus, AT&T is not entitled to the relief it is seeking in this proceeding. If the Commission concludes that it desires BellSouth to assess CCLC in a manner different from that set forth in the Commission Orders and BellSouth’s Commission-approved tariff, the Commission should conduct a proceeding to establish such procedures on a going-forward basis.

BELLSOUTH’S POSITION ON THE ISSUES OF LAW AND FACT

Issue 1: How does BellSouth apply the Carrier Common Line Charges (CCLC) to an AT&T transported toll call which involves interaction with any of the following BellSouth services?

- (a) call forwarding;**
- (b) call waiting;**

- (c) **three-way calling;**
- (d) **foreign exchange;**
- (e) **voice messaging that utilize call forwarding;**
- (f) **fax processing that utilize call forwarding;**
- (g) **routing to paging.**

Position: BellSouth applies the CCLC to AT&T transported toll calls which involve interaction with the identified BellSouth services per switched access minute of use. This application is in accordance with Commission Orders and BellSouth's Commission-approved tariff. BellSouth's Commission-approved tariff unambiguously provides for the assessment of CCLC on the relevant calls *per access minute*. See Section E3 of BellSouth's Access Tariff. Section E6, upon which AT&T relies, is not applicable to the CCLC. Rather, the CCLC is covered in Section E3 which is the tariff section that should be considered in this case. Thus, BellSouth's assessment of CCLC on AT&T is appropriate, and AT&T's claim should be dismissed under the filed tariff doctrine. Moreover, the Commission's access charge plan (Docket No. 820537-TP, Order Nos. 12765 and 14452) supports the application of the CCLC for each and every intrastate originating and terminating switched access minute of use, without regard to the identifiable use of a specific common line facility. Thus, BellSouth application of the CCLC is appropriate and consistent with Commission directives.

Issue 2(a): Is BellSouth's application of the CCLC to an AT&T transported toll call which involves interaction with any of the services provided by BellSouth identified in Issue 1 consistent with its access tariff and Section 364.08, Florida Statutes?

Position: BellSouth's application of the CCLC to an AT&T transported toll call which involves interaction with any of the services provided by BellSouth identified in Issue 1 is on a per switched access minute of use and therefore is consistent with its access tariff and Section 364.08, Florida Statutes. BellSouth's tariff section E3, Carrier

Common Line Access Service, provides that the CCLC will be assessed for every originating and terminating minute of use. Because BellSouth's assessment of the CCLC complies with the terms of BellSouth's tariff, AT&T's claim should be dismissed under the filed tariff doctrine.

Issue 2(b): If not, what action should the Commission take?

As set forth above, BellSouth's assessment of the CCLC is consistent with its access tariff and Section 364.08, Florida Statutes. If the Commission concludes otherwise, the Commission, rather than granting AT&T the relief it seeks, should initiate a proceeding in order to (1) provide proper notice and an opportunity for all concerned parties to comment; (2) weigh the tremendous burden such a change in the application of CCLC would have on the industry; and (3) solicit and consider alternative common line recovery mechanisms that could accomplish the Commission's purposes (such as flat charge) without creating the upheaval which AT&T's position would involve and which would be better aligned with the new local exchange and access environment.

If the Commission concludes that AT&T is entitled to monetary relief (which it should not), the Commission should determine such relief based on the studies submitted by BellSouth as opposed to the studies submitted by AT&T. AT&T's studies are unsubstantiated, and, in some cases, plainly incorrect. Thus, the Commission should not award AT&T relief based on such studies.

Issue 3(a): Are BellSouth's practices regarding the imposition of CCLC on an AT&T transported toll call which involves interaction with any of the services identified in Issue 1 unfair and anticompetitive in violation of Section 364.01(4)(g), Florida Statutes?

Position: BellSouth's application of the CCLC to an AT&T transported toll call which involves interaction with any of the services provided by BellSouth identified in

Issue 1 is on a per switched access minute of use and therefore is consistent with its access tariff and Commission Orders. Because BellSouth's practices are in compliance both with its tariff and with Commission Orders, BellSouth's practices are not unfair and/or anticompetitive.

Issue 3(b): If so, what action should the Commission take?

Position: As set forth above, BellSouth's assessment of the CCLC is consistent with its access tariff and Commission Orders. If the Commission concludes otherwise, the Commission, rather than granting AT&T the relief it seeks, should initiate a proceeding in order to (1) provide proper notice and an opportunity for all concerned parties to comment; (2) weigh the tremendous burden such a change in the application of CCLC would have on the industry; and (3) solicit and consider alternative common line recovery mechanisms that could accomplish the Commission's purposes (such as flat charge) without creating the upheaval which AT&T's position would involve and which would be better aligned with the new local exchange and access environment.

If the Commission concludes that AT&T is entitled to monetary relief (which it should not), the Commission should determine such relief based on the studies submitted by BellSouth as opposed to the studies submitted by AT&T. AT&T's studies are unsubstantiated, and, in some cases, plainly incorrect. Thus, the Commission should not award AT&T relief based on such studies.

STIPULATIONS

None.

PENDING MOTIONS

None.

OTHER REQUIREMENTS

None.

Respectfully submitted this 9th day of March, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

NANCY B. WHITE
MICHAEL P. GOGGIN (22)

c/o Nancy Sims

150 South Monroe Street, #400

Tallahassee, Florida 32301

(305) 347-5558

R. DOUGLAS LACKEY

LISA S. FOSHEE

675 West Peachtree Street, Suite 4300

Atlanta, Georgia 30375