

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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RECORDS AND REPORTING

In re: Complaint of Intermedia Communications Inc., against BellSouth Telecommunications, Inc., for Breach of Terms of Florida Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996, and Request for Relief

DOCKET NO. 991534-TP

FILED: May 3, 2000

INTERMEDIA COMMUNICATIONS INC.'S
PREHEARING STATEMENT

INTERMEDIA COMMUNICATIONS INC. ("Intermedia") hereby files its prehearing statement pursuant to Rule 25-22.038(3), Florida Administrative Code, and Order No. PSC-00-0193-PCO-TP.

(a) Witnesses to be called by Intermedia and the subject matter of their testimony

Intermedia will call Heather Burnett Gold, Vice President Industry Policy, and Edward L. Thomas, Director Voice Planning and Development, as its witnesses in this proceeding.

Intermedia 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 but that may be designated by the Prehearing Officer at the prehearing conference on May 18, 2000.

(b) Description of all known exhibits, whether they may be identified on a composite basis, and sponsoring witness

Intermedia's known exhibits are as follows:

Favors
Gold Exhibit No. HBG-1 (accompanying prefiled direct testimony). This exhibit consists of pertinent sections of the Intermedia and BellSouth Interconnection Agreement.

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Gold Exhibit No. HBG-2 (accompanying prefiled direct testimony.) This exhibit is the June 3, 1998, Amendment to the Intermedia and BellSouth Interconnection Agreement.

Gold Exhibit No. HBG-3 (accompanying prefiled direct testimony.) This exhibit is a letter written by Nancy B. White to Scott Sapperstein, dated August 27, 1999, responding to Heather Burnett Gold's letter dated July 26, 1999, and explaining the basis for BellSouth's reciprocal compensation payment.

Gold Exhibit No. HBG-4 (accompanying prefiled direct testimony.) This exhibit is the rebuttal testimony of Jerry Hendrix in Docket No. 990874-TP.

Gold Exhibit No. HBG-5 (accompanying prefiled direct testimony.) This exhibit is BellSouth's First Set of Interrogatories in this proceeding.

These exhibits will be sponsored by Heather Burnett Gold and may be identified as one composite exhibit.

Thomas Exhibit No. ELT-1 (accompanying prefiled direct testimony.) This exhibit is a diagram showing typical call flow between BellSouth and interconnected ALECs.

Thomas Exhibit No. ELT-2 (accompanying prefiled direct testimony.) This exhibit is a diagram showing single tandem architecture.

Thomas Exhibit No. ELT-3 (accompanying prefiled direct testimony.) This exhibit is a diagram showing multiple tandem architecture.

Thomas Exhibit No. ELT-4 (accompanying prefiled direct testimony.) This exhibit is a diagram showing Intermedia's interconnection arrangement with BellSouth in Jacksonville.

CONFIDENTIAL.

Thomas Exhibit No. ELT-5 (accompanying prefiled direct testimony.) This exhibit is a diagram showing Intermedia's interconnection arrangement with BellSouth in Orlando.

CONFIDENTIAL.

Thomas Exhibit No. ELT-6 (accompanying prefiled direct testimony.) This exhibit is a diagram showing Intermedia's interconnection arrangement with BellSouth in Miami.

CONFIDENTIAL.

Thomas Exhibit No. ELT-7 (accompanying prefiled direct testimony.) This exhibit is a diagram showing Intermedia's Florida voice network. **CONFIDENTIAL.**

These exhibits will be sponsored by Edward L. Thomas and may be identified as one composite exhibit.

Intermedia reserves generally the right to introduce additional exhibits as the need occurs and as permitted under the Florida Evidence Code.

(c) Statement of basic position in the proceeding

Under the parties' Interconnection Agreement, approved by this Commission on October 7, 1996, and the Commission's Order No. PSC-98-1216-FOF-TP, BellSouth is, and has been at all times, obligated to pay Intermedia reciprocal compensation for the exchange of local traffic in Florida on the basis of the composite tandem switching rate of \$0.01056 per MOU established in Attachment B-1 of the Interconnection Agreement. Intermedia has consistently remitted invoices to BellSouth for reciprocal compensation on this basis. BellSouth has fashioned an incorrect interpretation of the June 3, 1998, Amendment to the Interconnection Agreement to wrongfully withhold substantial amounts of reciprocal compensation from Intermedia. This Commission should find that BellSouth is in breach of the Interconnection Agreement and

require BellSouth to remit at once full reciprocal compensation payments, including interest, to Intermedia on the basis of Intermedia's invoices.

(d) Statement of each question of fact Intermedia considers at issue, Intermedia's position on each issue, and the witness that will address the issue

Issue 1. What is the applicable rate(s) that Intermedia and BellSouth are obligated to use to compensate each other for transport and termination of local traffic in Florida pursuant to the terms of their interconnection agreement approved by the Commission?

Intermedia's Position. The applicable rate to be used for reciprocal compensation for the transport and termination of local traffic is and always has been the composite tandem switching rate of \$0.01056 per MOU established in Attachment B-1 of the parties' Interconnection Agreement.

Intermedia Witnesses: Heather Burnett Gold and Edward L. Thomas.

(e)&(f) Statement of each question of law and policy Intermedia considers at issue, Intermedia's position on each issue, and the witness that will address the issue

Issue 1 implicates questions of law as well as questions of fact.

Intermedia's Position. Performance under the parties' Interconnection Agreement, as approved by this Commission on October 7, 1996, together with all amendments, requires reciprocal compensation payments on the basis of the composite tandem switching rate established in Attachment B-1 of the Interconnection Agreement.

(g) Statement of issues that have been stipulated to by the parties

As of the date of this filing, the parties have not reached a stipulation on the issue before the Commission in this proceeding.

(h) Statement of all pending motions or other matters Intermedia seeks action upon

As of the date of this filing, Intermedia is unaware of any pending motions in this proceeding or of any other like matters requiring the Commission's action.

(i) Statement identifying the parties' pending requests or claims for confidentiality

Intermedia has filed Thomas Exhibits ELT-4, ELT-5, ELT-6, and ELT-7 with a claim of confidentiality, pursuant to Rule 25-22.006 (5), Florida Administrative Code.

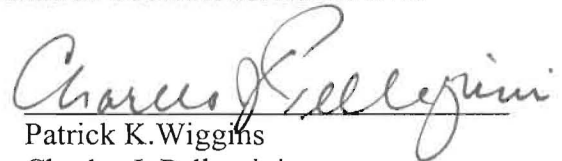
(j) Statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefor

There are no such requirements to Intermedia's knowledge.

Respectfully submitted,

INTERMEDIA COMMUNICATIONS INC.

By:



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CERTIFICATE OF SERVICE
Docket No. 991534-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by hand delivery* or by Federal Express for overnight delivery** this 3rd day of May, 2000 upon the following:

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