

ORIGINAL

HOPPING GREEN SAMS & SMITH  
PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS

JAMES S. ALVES  
BRIAN H. BIBEAU  
RICHARD S. BRIGHTMAN  
KEVIN B. COVINGTON  
PETER C. CUNNINGHAM  
RALPH A. D'AMEO  
WILLIAM H. GREEN  
WADE L. HOPPING  
GARY K. HUNTER, JR.  
JONATHAN T. JOHNSON  
LEIGH H. KELLETT  
ROBERT A. MANNING  
FRANK E. MATTHEWS  
RICHARD D. MELSON  
ANGELA R. MORRISON  
SHANNON L. NOVEY  
ERIC T. OLSEN

123 SOUTH CALHOUN STREET  
POST OFFICE BOX 6526  
TALLAHASSEE, FLORIDA 32314  
(850) 222-7500  
FAX (850) 224-8551  
FAX (850) 425-3415

GARY V. PERKO  
MICHAEL P. PETROVICH  
DAVID L. POWELL  
WILLIAM D. PRESTON  
CAROLYN S. RAEPPL  
DOUGLAS S. ROBERTS  
D. KENT SAFRIET  
GARY P. SAMS  
TIMOTHY G. SCHOENWALDER  
ROBERT P. SMITH  
DAN R. STENGLE  
CHERYL G. STUART  
W. STEVE SYKES

Writer's Direct Dial No.  
(850) 425-2313

OF COUNSEL  
ELIZABETH C. BOWMAN

July 17, 2000

BY HAND DELIVERY

Blanca Bayó  
Director, Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

RECEIVED-FPSC  
JUL 17 PM 3:58  
RECORDS AND REPORTING

Re: Complaint of MCImetro -- Docket No. 991755-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of MCI WORLDCOM are the original and fifteen copies of its Prehearing Statement.

By copies of this letter, this testimony has been furnished to the parties on the attached service list.

Very truly yours,

Richard D. Melson

cc: Parties of Record

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP ~~\_\_\_\_\_~~
- COM 3
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG 1
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC 1
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

142897.2  
RECEIVED & FILED  
*M. Lockard*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
08628 JUL 17 8  
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following by U.S. Mail or Hand Delivery (\*) this 17th day of July, 2000:

Tim Vaccaro (\*)  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Nancy B. White (\*)  
Michael P. Goggin  
c/o Nancy Sims  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301-1556



---

Attorney

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of MCImetro Access )  
Transmission Services, LLC and MCI )  
WorldCom Communications, Inc. against ) Docket No. 991755-TP  
BellSouth Telecommunications, Inc. )  
For Breach of Approved ) Filed: July 17, 2000  
Interconnection Agreement )  
\_\_\_\_\_ )

MCI WORLDCOM'S PREHEARING STATEMENT

MCImetro Access Transmission Services, LLC ("MCIIm") and MCI WORLDCOM Communications, Inc. ("MWC") hereby file their prehearing statement in accordance with the requirements of Order No. PSC-00-1000-PCO-TP.

A. Appearances. Richard D. Melson, Hopping Green Sams & Smith, P.A., P.O. Box 6526, Tallahassee, FL 32314, Dulaney L. O'Roark III, MCI WorldCom, Inc., Six Concourse Parkway, Suite 3200, Atlanta, Georgia 30328 and Donna C. McNulty, MCI WorldCom, Inc., 325 John Knox Road, The Atrium, Suite 105, Tallahassee, FL 32303, appearing on behalf of MCImetro Access Transmission Services, LLC and MCI WORLDCOM Communications, Inc.

B. Known Witnesses. MCIIm and MCW will present the direct and rebuttal testimony of the following witness:

<u>Witness</u>	<u>Testimony</u>	<u>Issues</u>
Mark Argenbright	Direct and Rebuttal	All

C. Known Exhibits. MCIIm and MWC intend to introduce the following exhibits:

<u>Witness</u>	<u>Exhibit</u>	<u>Description</u>
Mark Argenbright	MEA-1	Letter dated July 8, 1999 from Bryan Green to Pat Finlen
	MEA-2	Letter dated July 30, 1999 from Pan Finlen to Bryan Green
	MEA-3	Letter dated August 10, 1999 from Bryan Green to Pat Finlen
	MEA-4	Letter dated November 18, 1999 from Pat Finlen to Bryan Green
	MEA-5	MCI WORLDCOM Rate Centers and Switches in the Orlando Market
	MEA-6	MCI WORLDCOM Rate Centers and Switches in the Miami/Ft. Lauderdale Market
	MEA-7	North Carolina Recommended Arbitration Order in Docket No. P-500, Sub 10 (April 20, 2000)
	MEA-8	Ohio Arbitration Award in Case No. 96-888-TP-ARB (January 1, 1997)
	MEA-9	Washington Arbitrator's Report and Decision in Docket No. UT-980370 (March 22, 1999)

MCIIm and MWC reserve the right to introduce as exhibits

BellSouth's responses to discovery and to identify additional exhibits for purposes of cross-examination.

D. Basic Position. MCI's and MWC's local switches terminate calls throughout geographic areas that are comparable in size to the areas served by BellSouth's tandem switches. MCI and MWC have therefore been entitled since the Supreme Court's January 25, 1999 decision to be compensated for terminating local calls from BellSouth customers to MCI or MWC customers at a rate equal to the sum of the tandem interconnection rate and the end office interconnection rate. The Commission should require BellSouth to amend its Interconnection Agreements with MCI and MWC to reflect this compensation provision and should require BellSouth to credit MCI and MWC for its underpayments to them since January 25, 1999.

E. Issues. MCI's and MWC's positions on the issues identified in Order No. PSC-00-1000-PCO-TP are as follows:

Issue 1. Under FCC Rule 51.711, would MCI and MWC be entitled to be compensated at the sum of the tandem interconnection rate and the end office interconnection rate for calls terminated on their switches if those switches serve a geographic area comparable to the area served by BellSouth's tandem switches?

MCI/MWC: Yes. Under FCC Rule 51.711 and the FCC's Local Interconnection Order, MCI and MWC are automatically entitled to receive the tandem interconnection rate in addition to the end office interconnection rate when their switches serve a geographic area comparable to the area served by BellSouth's tandem switch.

Issue 2. Do MCIIm's and MWC's switches serve geographic areas comparable to those served by BST tandem switches?

MCIIm/MWC: Yes. The geographic areas served by MCIIm's single switch in the Orlando area and the MCIIm and MWC switches in Miami and Pompano Beach areas are comparable to those served by BellSouth's tandem switches in those areas.

Issue 3. Should BellSouth be required, pursuant to Part A Section 2.2 or 2.4 of the interconnection agreement, to execute amendments to its interconnection agreements with MCIIm and MWC requiring BellSouth to compensate MCIIm and MWC at the sum of the tandem interconnection rate and the end office interconnection rate for calls terminated on their switches that serve a geographic area comparable to the area served by BellSouth's tandem switches?

MCIIm/MWC: Yes. The compensation provisions of the existing MCIIm/BellSouth and MWC/BellSouth Interconnection Agreements are unlawful under the reinstated FCC Rule 51.711 because they do not provide reciprocal compensation when MCIIm and MWC terminate calls throughout areas comparable to those served by BellSouth's tandem switches. These provisions must therefore be amended under the change-of-law provisions of the Interconnection Agreements.

Issue 4. Are MCIIm and MWC entitled to a credit from BellSouth equal to the additional per minute amount of the tandem interconnection rate from January 25, 1999 to the earlier of (i) the date such amendments are approved by the Commission, or (ii) the date the interconnection agreements are terminated?

MCIIm/MWC: Yes. The Supreme Court's decision on January 25, 1999 effected a change of law which entitled MCIIm and MWC have their Interconnection Agreements amended to provide for reciprocal compensation. BellSouth refused to agree to such amendments. The Commission should therefore require that the agreements be amended, and should require BellSouth to provide a credit for amounts underpaid since

January 25, 1999.

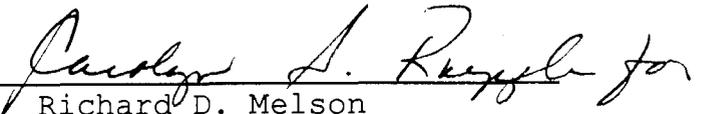
F. Stipulations. MCIIm and MWC are not aware of any issues that have been stipulated by the parties.

G. Pending Motions. MCIIm and MWC have no pending motions that require action at this time.

H. Requirements of Order. MCIIm and MWC believe that this prehearing statement is fully responsive to the requirements of the Order on Procedure.

RESPECTFULLY SUBMITTED this 17th day of July, 2000.

HOPPING GREEN SAMS & SMITH, P.A.

By:   
Richard D. Melson  
P.O. Box 6526  
Tallahassee, FL 32314  
(850) 425-2313

and

Dulaney L. O'Roark III  
MCI WorldCom, Inc.  
Six Concourse Parkway  
Suite 3200  
Atlanta, Georgia 30328  
(770) 284-5498

Donna Canzano  
MCI WorldCom, Inc.  
325 John Knox Road  
The Atrium, Suite 105  
Tallahassee, FL 32303  
(850) 422-1254

Attorneys for MCImetro Access  
Transmission Services, LLC and  
MCI WORLDCOM Communications, Inc.