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RECORDS AND  
REPORTING

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October 12, 2000

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket No. 000636-TP Sprint-Florida, Incorporated's  
Prehearing Statement

Dear Ms. Bayó:

Enclosed for filing is the original and seven (7) copies of Sprint-Florida, Incorporated's Prehearing Statement in Docket No. 000636-TP.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

Sincerely,

*Susan S. Masterton*

Susan S. Masterton

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FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Sprint Communications )  
Company Limited Partnership against ) Docket No. 000636-TP  
BellSouth Telecommunications, Inc. for its )  
Failure to comply with its Interconnection ) Filed: October 12, 2000  
Agreement. )

SPRINT'S PREHEARING STATEMENT

Sprint Communications Company Limited Partnership ("Sprint"), pursuant to Order No. PSC-00-1480-PCO-TP, submits the following Prehearing Statement:

A. WITNESSES: At this time, Sprint has submitted prefiled testimony on the issue in this docket for the following witnesses:

Richard A. Warner            Direct  
Melissa L. Cloz             Direct and Rebuttal

B. EXHIBITS: Sprint has submitted the following exhibits:

Richard A. Warner            RAW-1 (CONFIDENTIAL)  
   Interconnection Usage Invoices to BellSouth and  
   Disputed Descriptions

Sprint reserves the right to file additional exhibits.

C. BASIC POSITION: Sprint's basic position on the issue in this docket is that under the plain meaning of the terms of the Interconnection Agreement between Sprint and BellSouth, ISP-bound traffic is local traffic for the purposes of reciprocal

compensation. Because the meaning of local traffic as defined in the Interconnection Agreement is unambiguous, it is Sprint's position that, as a matter of law, the Commission should, consistent with prior decisions, order BellSouth to pay Sprint reciprocal compensation for such traffic under the terms of their Interconnection Agreement.

**D-F. ISSUES AND POSITIONS:**

**Issue 1: Under their Florida Interconnection Agreement, are Sprint Communications Company Limited Partnership and BellSouth Telecommunications, Inc. required to compensate each other for delivery of traffic to Internet Service Providers (ISPs)? If so, what actions, if any should be taken?**

**Position:** In the Parties' Interconnection Agreement, Local Traffic is defined as

any telephone call that originates and terminates in the same LATA and is billed by the originating Party as a local call, including any call terminating in an exchange outside of BellSouth's service area with respect to which BellSouth has a local interconnection agreement with an independent LEC, with which Sprint is not directly interconnected.

When BellSouth originates a call to an ISP that is a Sprint local service customer, BellSouth bills that call as a local call. Clearly, BellSouth's originated IPS-bound traffic fits the plain meaning of the definition of local traffic set forth the Parties' Interconnection Agreement. The Commission has consistently determined that ISP traffic is local traffic for the purposes of reciprocal compensation under the terms of interconnection agreements with substantially equivalent relevant provisions to the provisions in the Parties' Agreement.

Since the Interconnection Agreement is unambiguous as to whether ISP-bound traffic is included in the definition of local traffic for the purposes of reciprocal compensation, it is Sprint's position that, as a matter of law, it is unnecessary for the Commission to consider the Parties' intent regarding the treatment of ISP-bound traffic as local traffic. However, Sprint's position is that nothing that occurred during the negotiations of the Parties' Interconnection Agreement demonstrates an intent to exclude ISP-bound traffic from the definition of local traffic for the purposes of reciprocal compensation.

Because the plain meaning of the Parties' interconnection agreement includes ISP-bound traffic under the definition of local traffic for the purposes of reciprocal compensation, it is Sprint's position that it is due reciprocal compensation for ISP-bound traffic for which it has billed to BellSouth, and that BellSouth has refused to pay, dating back to the first bill Sprint submitted to BellSouth in April 1999 for local interconnection usage beginning in January 1998.

- G. STIPULATIONS:** Sprint is not aware of any issues that have been stipulated at this time.
  
- H. PENDING MOTIONS:** Sprint has no motions pending at this time.
  
- I. PENDING REQUESTS FOR CONFIDENTIALITY:** Sprint has no requests for confidentiality pending at this time.

J. **COMPLIANCE WITH ORDER ON PREHEARING PROCEDURES:**

There is no requirement set forth in Order No PSC-00-1480-TP with which Sprint cannot comply.

Respectfully submitted this 12<sup>th</sup> day of October 2000.



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CERTIFICATE OF SERVICE

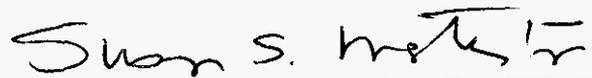
Docket No. 000636-TP

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail, or hand delivery (\*) this 12th day of October, 2000, to the following:

Mr. Timothy Vaccaro  
Division of Legal Services  
Florida Public Service Comm.  
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Nancy B. White  
c/o Nancy H. Sims  
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150 S. Monroe St., Suite 400  
Tallahassee, FL 32301-1556

Michael P. Goggin  
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Miami, Florida 33130



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Susan S. Masterton