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Legal Department

E. EARL EDENFIELD JR.
General Attorney

00 OCT 12 PM 4:30

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0763

RECORDS AND
REPORTING

October 12, 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. 000636-TP (Sprint Complaint)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of the Pre-Hearing Statement of BellSouth Telecommunications, Inc., 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,

E. Earl Edenfield Jr.
E. Earl Edenfield Jr. *(EW)*

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

APP _____
CAE _____
CMP 1 *Walt*
COM 3
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EOR _____
LEG 1
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[Signature]
FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

13019 OCT 12 8

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CERTIFICATE OF SERVICE
Docket No. 000636-TP

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

U.S. Mail this 12th day of October, 2000 to the following:

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

Susan S. Masterton, Esq.
Charles J. Rehwinkel, Esq.
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E. Earl Edenfield, Jr. (pd)

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of Sprint Communications Company)
Limited Partnership against BellSouth)
Telecommunications, Inc. for its failure)
To Comply with Its Interconnection Agreement)
_____)

Docket No. 000636-TP

Filed: October 12, 2000

**PRE-HEARING STATEMENT OF
BELLSOUTH TELECOMMUNICATIONS, INC.**

BellSouth Telecommunications, Inc. ("BellSouth"), in accordance with the provisions of the Order Establishing Procedure (Order No. PSC-00-1480-PCO-TP), issued August 16, 2000, submits its Pre-hearing Statement.

Witnesses

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

<u>Witness</u>	<u>Issue</u>
1. Jerry Hendrix (Direct and Rebuttal)	1
2. David Scollard (Direct)	1
3. Richard McIntire (Rebuttal)	1

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 October 23, 2000. BellSouth has listed the witnesses for whom BellSouth filed testimony, but reserves the right to supplement that list if necessary.

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Exhibits

Jerry Hendrix (Direct)

JDH-1

BellSouth's comments in CC Docket
96-263 dated April 23, 1997

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

The issue in this docket represents a specific dispute between BellSouth and Sprint Communications Company Limited Partnership ("Sprint") as to the proper interpretation of the provisions of the Interconnection Agreement between BellSouth and Sprint ("BellSouth/Sprint Agreement"). BellSouth's position is a rational and reasonable interpretations of the BellSouth/Sprint Agreement and should be sustained by the Commission.

BellSouth's Position on the Issues of Law and Fact

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: No. The plain language of the contract clearly states that reciprocal compensation will only apply to local traffic. Under the provisions of the 1996 Act and FCC rules, only local traffic is subject to reciprocal compensation obligations. Thus, reciprocal compensation is clearly not applicable to ISP-bound traffic. In addition to being contrary to the law, treating ISP-bound traffic as local for reciprocal compensation purposes is contrary to sound public policy.

As ISP traffic is clearly interstate, the only issue arguably remaining is whether BellSouth voluntarily agreed to pay reciprocal compensation for ISP traffic under the reciprocal

compensation provisions of the BellSouth/Sprint Agreement. At the time of the execution of the BellSouth/Sprint Agreement, BellSouth had stated publicly and repeatedly that reciprocal compensation was not due for ISP traffic under the provisions of BellSouth's interconnection agreements. Thus, Sprint was well aware that the reciprocal compensation language in the BellSouth/Sprint Agreement did not encompass interstate traffic such as that bound for the Internet through ISPs. Notwithstanding this knowledge, Sprint executed the BellSouth/Sprint Agreement and now seeks to be compensated for ISP traffic. The Commission should reject Sprint's interpretation of the BellSouth/Sprint Agreement and rule that reciprocal compensation is not due for ISP traffic.

Stipulations

None.

Pending Motions

None.

Other Requirements

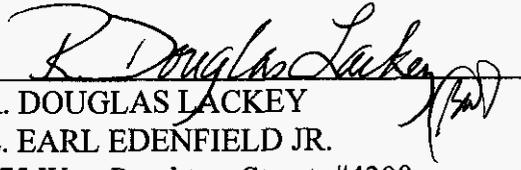
None.

Respectfully submitted this 12th day of October 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



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