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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc.

DOCKET NO. 000907-TP

FILED: November 1, 2000

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-00-1646-PCO-TP, filed September 15, 2000, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None.

b. All Known Exhibits

None.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

LEGAL ISSUE: What is the Commission's jurisdiction in this matter?

Position: Section 252 of the Federal Telecommunications Act of 1996 (Act) sets forth the procedures for negotiation, arbitration, and approval of agreements.

Section 252(b)(4)(C) states that the State commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions as required. This section requires this Commission to conclude the resolution of any unresolved issues not later than 9 months after the date on which the local

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exchange carrier received the request under this section. In this case, however, the parties have explicitly waived the 9-month requirement set forth in the Act. Furthermore, pursuant to Section 252(e)(5) of the Act, if a state commission refuses to act, then the FCC shall issue an order preempting the Commission's jurisdiction in the matter, and shall assume jurisdiction of the proceeding.

ISSUE 1: How should the parties designate the Interconnection Points (IPs) for their networks?

Position: Staff has no position at this time.

ISSUE 2: Under what circumstances is Level 3 entitled to symmetrical compensation for leased facility interconnection?

Position: Staff has no position at this time.

ISSUE 3: Should each party be required to pay for the use of interconnection trunks on the other party's network? If so, what rates should apply?

Position: Staff has no position at this time.

ISSUE 4: When should each party be required to provide notice errors on an Access Service Request (ASR)?

Position: Staff has no position at this time.

ISSUE 5: For purposes of the interconnection agreement between Level 3 and BellSouth, what provisioning intervals, if any, should apply to the following:

- a) New Trunk groups?
- b) Augmentation orders of greater than 96 trunks?
- c) Augmentation orders of 96 trunks or less?
- d) Trunks to relieve blocking situations?

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Position: Staff has no position at this time.

ISSUE 6: For purposes of the interconnection agreement between Level 3 and BellSouth, should ISP-bound traffic be treated as local traffic for the purposes of reciprocal compensation, or should it be otherwise compensated?

Position: Staff has no position at this time.

ISSUE 7A: Should BellSouth be permitted to define its obligation to pay reciprocal compensation to Level 3 based upon the physical location of Level 3's customers?

Position: Staff has no position at this time.

ISSUE 7B: Is BellSouth entitled to charge originating access on all calls to a particular Level 3 NPA/NXX when one or more numbers out of that NPA/NXX are assigned outside the boundaries of the BellSouth rate center or local calling area to which they are traditionally assigned?

Position: Staff has no position at this time.

ISSUE 8: Should Internet Protocol (IP) Telephony be addressed in the new Level 3/BellSouth Interconnection Agreement? If so, how?

Position: Staff has no position at this time.

e. Pending Motions

None.

f. Pending Confidentiality Claims or Requests

None.

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g. Compliance with Order No. PSC-00-1646-PCO-TP

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 1st day of November, 2000.

*Felicia R. Banks*

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FELICIA R. BANKS  
Staff Counsel  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0863  
Telephone No.: (850)413-6199

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing STAFF'S PREHEARING STATEMENT was furnished to **Kenneth A. Hoffman and John Ellis, Esquires**, Rutledge, Ecenia, Purnell & Hoffman, P.A., P.O. Box 551, Tallahassee, Florida 32302-0551, **Russell Blau and Tamar E. Finn, Esquires**, Swidler & Berlin, 3000 K St. NW, #300, Washington, DC 20007, **Ms. Nancy H. Sims**, BellSouth Telecommunications, Inc., 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301-1556, and **Michael R. Romano, Esquire**, Level 3 Communications, LLC, 1025 Eldorado Blvd., Bloomfield, Colorado 80021-8869, by U.S. Mail, on this 1st day of November, 2000.

*Felicia R. Banks*

FELICIA R. BANKS  
Staff Attorney  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
Telephone No. (850) 413-6199