

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.

DOCKET NO. 000828-TP

FILED: DECEMBER 4, 2000

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-00-1823-PCO-TP, issued October 5, 2000, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Gregory D. Fogleman on behalf of Commission staff.

b. All Known Exhibits

None.

c. Staff's Statement of Basic Position

Commission staff has prefiled testimony which summarizes prior Florida Public Service Commission and prior Federal Communications Commission action regarding the treatment of Internet Service Provider-bound (ISP-bound) traffic for purposes of reciprocal compensation. Non-testifying 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.

APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM 5 \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
LEG \_\_\_\_\_  
CPC \_\_\_\_\_  
PAI \_\_\_\_\_  
RGO \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
SER \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

d. Staff's Position on the Issues

ISSUE A: [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 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: In the event that a provision of this Agreement or an Attachment thereto, and a BellSouth tariff provision cannot be reasonably construed to avoid conflict, should the provision contained in this Agreement prevail?

POSITION: Staff takes no position at this time.

ISSUE 2: RESOLVED.

ISSUE 3: Should BellSouth make its Custom Calling features available for resale on a stand-alone basis?

POSITION: Staff takes no position at this time.

ISSUE 4: Pursuant to Federal Communications Commission ("FCC") Rule 51.315(b), should BellSouth be required to provide Sprint at TELRIC rates combinations of UNEs that BellSouth typically combines for its own retail customers, whether or not the specific UNEs have already been combined for the specific end-user customer in question at the time Sprint places its order?

POSITION: Staff takes no position at this time.

ISSUE 5: Should the Commission require BellSouth to provide access to packet switching UNEs under the circumstances specified in the FCC's UNE Remand Order on a location- or customer-specific basis?

POSITION: Staff takes no position at this time.

ISSUE 6: Should BellSouth be required to universally provide access to EELs that it ordinarily and typically combines in its network at UNE rates?

POSITION: Staff takes no position at this time.

ISSUE 7: In situations where an ALEC's end-user customer is served via unbundled switching and is located in density zone 1 in one of the top fifty Metropolitan Statistical Areas ("MSAs") and who currently has three lines or less, adds additional lines, should BellSouth be able to charge market-based rates for all of the customer's lines?

POSITION: Staff takes no position at this time.

ISSUE 8: Should BellSouth be able to designate the network Point of Interconnection ("POI") for delivery of BellSouth's local traffic?

POSITION: Staff takes no position at this time.

ISSUE 9: Should the parties' Agreement contain language providing Sprint with the ability to transport

multi-jurisdictional traffic over a single trunk group, including an access trunk group?

POSITION: Staff takes no position at this time.

ISSUE 10: Should Internet Service Provider ("ISP")-bound traffic be treated as local traffic for the purposes of reciprocal compensation in the new Sprint/BellSouth interconnection agreement, or should it be otherwise compensated?

POSITION: Staff takes no position at this time; however, staff has prefiled testimony which summarizes prior Florida Public Service Commission and prior Federal Communications Commission action regarding the treatment of ISP-bound traffic for purposes of reciprocal compensation.

ISSUE 11: Where Sprint's switch serves a geographic area comparable to the area served by BellSouth's tandem switch, should the tandem interconnection rate apply to local traffic terminated to Sprint?

POSITION: Staff takes no position at this time.

ISSUE 12: Should voice-over-Internet ("IP telephony") traffic be included in the definition of "Switched Access Traffic?"

POSITION: Staff takes no position at this time.

ISSUE 13: RESOLVED.

ISSUE 14: RESOLVED.

ISSUE 15: RESOLVED.

ISSUE 16: Regarding requests for collocation space availability reports on multiple BellSouth central offices, what is the appropriate time interval in which BellSouth must provide such reports to Sprint?

POSITION: Staff takes no position at this time.

ISSUE 17: RESOLVED.

ISSUE 18: Should Sprint and BellSouth have the ability to negotiate a demarcation point different from Sprint's collocation space, up to and including the conventional distribution frame?

POSITION: Staff takes no position at this time.

ISSUE 19: RESOLVED.

ISSUE 20: RESOLVED.

ISSUE 21: Under what conditions, if any, should Sprint be permitted to convert in place when transitioning from a virtual collocation arrangement to a cageless physical collocation arrangement?

POSITION: Staff takes no position at this time.

ISSUE 22: Should Sprint be required to pay the entire cost of make-ready work prior to BellSouth's satisfactory completion of the work?

POSITION: Staff takes no position at this time.

ISSUE 23: Should the Agreement contain a provision stating that if BellSouth has provided its affiliate preferential treatment for products or services as compared to the provision of those same products or services to Sprint, then the applicable standard (i.e., benchmark or parity) will be replaced for that month with the level of service provided to the BellSouth affiliate?

POSITION: Staff takes no position at this time.

ISSUE 24: What is the appropriate level of geographic disaggregation for performance measurement reporting to Sprint?

POSITION: Staff takes no position at this time.

ISSUE 25: What performance measurement audit provision(s) should be included in the Agreement?

POSITION: Staff takes no position at this time.

ISSUE 26: Should the availability of BellSouth's VSEEM III remedies proposal to Sprint, and the effective date of VSEEM III, be tied to the date that BellSouth receives interLATA authority in Florida?

POSITION: Staff takes no position at this time.

ISSUE 27: Should BellSouth be required to apply a statistical methodology to the SQM performance measures provided to Sprint?

POSITION: Staff takes no position at this time.

ISSUE 28a: Should BellSouth be required to provide Sprint with two-way trunks upon request?

POSITION: Staff takes no position at this time.

ISSUE 28b: Should BellSouth be required to use those two-way trunks for BellSouth originated traffic?

POSITION: Staff takes no position at this time.

ISSUE 29: Should BellSouth be allowed to designate a virtual point of interconnection in a BellSouth local calling area to which Sprint has assigned a Sprint NPA/NXX? If so, who pays for the transport and multiplexing, if any, between BellSouth's virtual point of interconnection and Sprint's point of interconnection?

POSITION: Staff takes no position at this time.

ISSUE 30: Under what conditions, if any, should the parties be permitted to assign an NPA/NXX code to end

users outside the rate center in which the NPA/NXX is homed?

POSITION: Staff takes no position at this time.

ISSUE 31: Should Sprint be required to deliver switched access traffic to BellSouth for termination only over Sprint-ordered switched access trunks and facilities?

POSITION: Staff takes no position at this time.

ISSUE 32: Upon denial of a Sprint request for physical collocation, what justification, if any, should BellSouth be required to provide to Sprint for space that BellSouth has reserved for itself or its affiliates at the requested premises?

POSITION: Staff takes no position at this time.

ISSUE 33: In the event that obsolete unused equipment is removed from a BellSouth premises, who should bear the cost of such removal?

POSITION: Staff takes no position at this time.

ISSUE 34: Upon denial of a Sprint request for physical collocation, and prior to the walkthrough, should BellSouth be required to provide full-sized (e.g., 24-inch x 36-inch) engineering floor plans and engineering forecasts for the premises in question?

POSITION: Staff takes no position at this time.

ISSUE 35: What rate(s) should BellSouth be allowed to charge for collocation space preparation?

POSITION: Staff takes no position at this time.

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e. Pending Motions

None.

f. Pending Confidentiality Claims or Requests

None.

g. Compliance with Order No. PSC-00-1823-PCO-TP.

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

Respectfully submitted this 4th day of December, 2000.

  
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Tim Vaccaro  
Staff Counsel

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DATED: December 4, 2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Staff's Prehearing Statement  
has been furnished by U.S. Mail, this 4th day of December, 2000, to  
the following:

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c/o Ms. Nancy H. Sims  
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