

VOTE SHEET

MARCH 6, 2001

RE: DOCKET NO. 000907-TP - Petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc.

Legal Issue A: What is the Commission's jurisdiction in this matter? Recommendation: Staff believes that the Commission has jurisdiction pursuant to Section 252 of the Federal Telecommunications Act of 1996 (Act), which 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 nine 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 nine-month requirement set forth in the Act. Furthermore, pursuant to Section 364.01, Florida Statutes, the Commission has authority to exercise its independent state law authority so long as those requirements are not inconsistent with those imposed by the Act. Staff notes that, 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.

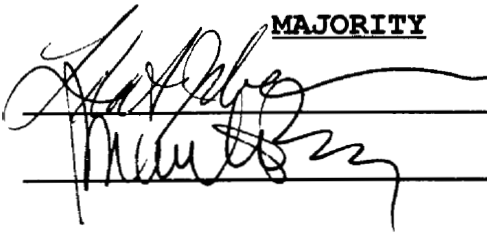
**APPROVED**

COMMISSIONERS ASSIGNED: JB BZ\*

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

  
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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

03040 MAR-8 01

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(Continued from previous page)

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

Recommendation: The FCC's orders, rules, and decisions vest in competitive local exchange companies the right to designate interconnection points (IPs) for the mutual exchange of traffic.

**APPROVED**

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

Recommendation: Staff recommends that Level 3 should be entitled to symmetrical compensation for each element of leased facility interconnection that Level 3 actually provides. Staff believes the evidence in the record shows that Level 3 does not provide Dedicated Interoffice Transport. Therefore, staff believes Level 3 should not be entitled to charge BellSouth for this element of leased facility interconnection.

**APPROVED**

Issue 3: For the purposes of the interconnection agreement between Level 3 and BellSouth, should each carrier be required to pay for the use of interconnection trunks on the other carrier's network? If so, what rates should apply?

Recommendation: No. The evidence presented in this proceeding does not support a determination that the parties should compensate each other for the use of interconnection trunks on the other carrier's network.

**APPROVED**

VOIÈ SHEET

MARCH 6, 2001

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(Continued from previous page)

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?

Recommendation: Both parties submitted a written stipulation, whereby they would agree to defer the resolution of this issue to the generic docket on reciprocal compensation, Docket No. 000075-TP. Staff supports the stipulation.

**APPROVED**

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?

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?

Recommendation: Both parties submitted a written stipulation, whereby they would agree to defer the resolution of Issue 7A and 7B to the generic docket on reciprocal compensation, Docket No. 000075-TP. Staff supports the stipulation.

**APPROVED**

Issue 9: Should this docket be closed?

Recommendation: No. The parties should be required to submit a signed agreement that complies with the Commission's decisions in this docket for approval within 30 days of issuance of the Commission's Order. This docket should remain open pending Commission approval of the final arbitration agreement in accordance with Section 252 of the Telecommunications Act of 1996.

**APPROVED**