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May 2, 2001  
**VIA Hand Delivery**

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Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

Re: Docket No. 960786-TL

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and 15 copies of:

- The Florida Competitive Carriers Association and AT&T Communications of the Southern States, Inc.s' Motion for Reconsideration of Order No. PSC-01-1025-PCO-TL

in the above docket.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

Yours truly,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

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FPSC-RECORDS/REPORTING

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of	)	
BellSouth Telecommunications,	)	Docket No. 960786-TL
Inc.'s entry into interLATA	)	
services pursuant to Section 271	)	Filed: May 2, 2001
of the Federal Telecommunications	)	
Act of 1996.	)	
_____	)	

FLORIDA COMPETITIVE CARRIERS ASSOCIATION  
AND AT&T'S MOTION FOR RECONSIDERATION  
OF ORDER NO. PSC-01-1025-PCO-TL

The Florida Competitive Carriers Association (FCCA) and AT&T Communications of the Southern States, Inc. (AT&T) hereby move for reconsideration of the Prehearing Officer's Order Regarding Issues to Be Addressed at Hearing (Order No. PSC-01-1025-PCO-TL) insofar as it excludes certain issues proposed by FCCA and AT&T, as described below. In support of this motion, FCCA and AT&T state as follows:

1. At the Issue Identification conference held in this docket before Prehearing Officer Deason on April 24, 2001, FCCA and AT&T proposed three subissues in connection with the checklist item related to nondiscriminatory access to unbundled network elements: <sup>1</sup>

Does BellSouth currently provide nondiscriminatory access to all required network elements in accordance with Sections 251(c)(3) and 252(d)(1) of the Telecommunications Act of

<sup>1</sup> This issue was identified as Issue 6 in FCCA and AT&T's Preliminary Issue List filed on April 13, 2001, and the Revisions to Issue List, which was distributed at the issue ID meeting on April 24, 2001. A copy of the Preliminary Issue List is attached as Exhibit A. A copy of the Revisions to Issue list is attached as Exhibit B. Order No. PSC- 01-1025-PCO-TL identifies a different version of this issue as Issue 3.

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1996, pursuant to Section 271(c)(2)(B)(ii) and applicable rules promulgated by the FCC?

- (a) What performance measures should be used to evaluate whether BellSouth is providing nondiscriminatory access to network elements?
- (b) Does commercial experience show that BellSouth has provided access to network elements in a nondiscriminatory manner?
- (c) What OSS issues should the Commission consider that are beyond the scope of the KPMG test? Has BellSouth met its obligation as to those issues?

2. FCCA and AT&T proposed similar subissues in connection with the checklist item related to resale:<sup>2</sup>

Does BellSouth currently provide telecommunications services available for resale in accordance with the requirements of Sections 251(c)(4) and 252(d)(3) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC?

- (a) What performance measures should be used to evaluate whether BellSouth is providing nondiscriminatory telecommunications services for resale?
- (b) Does commercial experience show that BellSouth has provided telecommunications services for resale in a nondiscriminatory manner?
- (c) What OSS issues should the Commission consider that are beyond the scope of the KPMG test? Has BellSouth met its obligation as to those issues?

3. In Order No. PSC-01-1025-PCO-TL at page 4, the Prehearing Officer excluded subissues (a) and (b) from consideration in this docket, but failed to address subissue (c), above, addressing instead an issue that had been withdrawn.<sup>3</sup>

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<sup>2</sup> This issue was identified as Issue 18 in FCCA and AT&T's Preliminary Issue List and Revisions to Issue List. Order No. PSC-01-1025-PCO-TL identifies this issue as Issue 15.

<sup>3</sup> Order No. PSC-01-1025-PCO-TL erroneously addressed the following issue, which FCCA and AT&T had proposed earlier but withdrew during the Issue Identification conference: (d) Does BellSouth's OSS provide nondiscriminatory access to network elements? In FCCA and AT&T's original Preliminary Issues List, filed on April 13, 2001, this issue was identified as Issue 6(d) and 18 (d). In addition to addressing this withdrawn issue, Order No. PSC-01-1025-PCO-TL also addressed another subissue regarding commercial data that FCCA and AT&T withdrew, which originally was identified as Issue 6(c) and 18(c): What time frame and what volume of commercial data are necessary to

4. Order No. PSC-01-1025-PCO-TL provides the following rationale for the exclusion of these issues:

These issues need not be addressed in the hearing that is scheduled in this proceeding, because these issues are already being addressed in the third-party OSS testing being conducted in this same Docket.

This rationale is incorrect as to issue (c); items that are outside the scope of the test clearly are not “already being addressed” in the test. As will be shown below, not all OSS issues are being addressed in the third party test. Further, other items are being tested only on a limited basis. Therefore, the Prehearing Officer’s exclusion of the above issues was an error. In addition, issues related to performance metrics and commercial experience are crucial to this Commission’s consideration of BellSouth’s compliance with Section 271, and their exclusion inappropriately will limit the evidence available for the Commission’s review. FCCA and AT&T respectfully request reconsideration of this decision, for the reasons discussed below.

OSS Issues Beyond the Scope of the Test

5. FCCA/AT&T’s subissues (c), above, are limited to OSS matters that are outside the scope of the ongoing KPMG third party test. The third party test report to be provided by KPMG therefore will not provide the Commission with any evidence upon which to base a decision that these omitted areas either do, or do not, meet the requirements of Section 271. FCCA and AT&T have long supported the third party test in Florida and appreciate the rigor and dedication Commission Staff have applied to its implementation. The third party test results represent a significant source of information for this Commission, but it would be inappropriate to exclude relevant evidence on matters that simply are not covered by the test and upon which

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appropriately evaluate whether BellSouth has provided telecommunications services for resale in a nondiscriminatory manner?

KPMG therefore is unable to draw a conclusion for this Commission's consideration.

Additionally, other items, while included in the test, are not being tested fully. Exclusion of subissues (c) will prevent the Commission from having a full picture of BellSouth's OSS functions and capabilities and inappropriately will limit the evidence available for Commission scrutiny as part of its review of BellSouth's Section 271 compliance.

6. Items not being tested at all: Although the third party test is quite comprehensive, there are numerous items that are not being tested, and others that are being tested to only a limited degree. For example, KPMG is conducting no test whatsoever of the following services or products offered by BellSouth:

- No test will be conducted of interface installation or customer-specific sub-loop unbundling at multi-tenant environments, both areas that are vital to the facilities-based cable telephony business. Large numbers of Florida citizens reside or work in multiple tenant environments, yet the test will not provide the Commission with a basis to determine whether BellSouth provisions these locations in a nondiscriminatory fashion.<sup>4</sup> Multi-tenant environments pose unique provisioning challenges, so a report of test results regarding (for example) BellSouth's provisioning of single-family residential service will not aid the Commission in determining BellSouth's ability to provide nondiscriminatory access to multi-tenant environments.
- KPMG will make no evaluation of BellSouth's OSS for ordering and provisioning line-splitting, because BellSouth has not offered the service -- despite its obligation to do so. OSS for line-splitting has been identified by the FCC as an essential 271 issue. In its

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<sup>4</sup> Multi-tenant environments are particularly plentiful in Florida's major metropolitan areas (Miami-Dade, Broward, Palm Beach and Orlando); in some service areas, apartments constitute 40% or more of all households. The ability to

Line Splitting Order, the FCC stated:

We expect Bell operating companies to demonstrate, in the context of 271 applications, that they permit line splitting, by providing access to network elements necessary for competing carriers to provide line-split services.

CC Docket No. 98-147, 96-98 at 11, fn 36. The fact that line splitting is not available in Florida, and thus is not included in the test, would have the perverse result of removing it from Commission consideration, despite the fact that it is an FCC requirement! It is part of the Commission's 271 responsibility to consider whether this important requirement has been met. Yet without ALEC testimony, the Commission will have no basis to conclude that BellSouth has or has not met its line-splitting obligations.

7. Items being tested with limitations or restrictions: As stated above, additional items are being tested with limitations that should concern the Commission. For example:

- **KPMG will test manual ordering processes, but will not (and cannot, within the scope of the test) determine whether these orders should be able to be sent electronically.**

Neither will KPMG conduct a parity review of the effect upon ALECs of lack of electronic ordering. Thus, the test report can make no determination about whether

BellSouth's decision to require ALECs to engage in manual ordering processes is

acceptable or adequate. The Commission already has ruled that BellSouth should

provide electronic ordering interfaces, and ALECs should be able to address BellSouth's

failure to do so in the current 271 proceeding. Order No. PSC-97-1459-FOF-TL at 99,

178, 179.

- **KPMG will evaluate both BellSouth and ALEC flow-through, but it is unclear if an**

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access this market on a non-discriminatory basis is crucial to the development of local telecommunications competition.

exception will be issued when KPMG finds differences between BellSouth retail flow-through and ALEC flow-through.<sup>5</sup> Flow-through is vital to order timeliness and accuracy, and is a requirement of the Commission's previous 271 order. ALECs should be able to present evidence regarding BellSouth's performance on this critical issue.

- Adequacy of BellSouth's change control process is a key 271 issue, but this will not be addressed in the test. KPMG's change control evaluation criteria consist almost entirely of "completeness and consistency" reviews. That is, there will be no test of whether the change control process is adequate to meet the needs of ALECs or to ensure that ALECs receive fair and reasonable treatment in this essential bottleneck function. Rather, KPMG will simply determine whether such a process exists and is being followed. The only adequacy review listed in the test evaluation criterion is "tracking", an important, but entirely administrative process. Meanwhile, ALECs vigorously are contesting numerous elements of the change control process on the grounds that they are insufficient, unwieldy, and anticompetitive, yet these issues will not be addressed in the test. If the Prehearing Officer's issue list is not revised, the Commission will not have the benefit of any evidence on this key issue.
- The content of change requests will not be addressed in the test. ALECs have made numerous requests to BellSouth to improve or just plain fix its OSS, but the problems revealed in these change requests are not being reviewed by KPMG, nor is the substance of BellSouth's response to the requests being reviewed. Thus, BellSouth's failure to address some change requests, and its failure to fix underlying problems, will not

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<sup>5</sup> Issuance of an exception is extremely important; once an exception is issued, it must be satisfied under the Commission's "military style" approach to testing.

be evaluated by KPMG.

- KPMG is making no evaluation of which AT&T and FCCA are aware of the problems and issues submitted by ALECs through the change control process that are not addressed by that process. Indeed, AT&T alone has 14 unaddressed issues (known as “pending” change requests) that it has submitted through change control dating back to August of 1999. Collectively, there are currently 45 pending change requests. Examples of serious pending change requests which have not been addressed by BellSouth (and for which BellSouth’s handling will not be reviewed in the test) include requests to correct the following problems:

1. Lack of ALEC ability to correct listings dropped from 411 records;
2. Lack of ALEC ability to change the main account telephone number;
3. Lack of a method by which ALECs can instruct BellSouth how to handle services remaining with BellSouth the ALEC obtains only part of a customer’s account;
4. Lack of ALEC ability to perform certain types of partial migrations;
5. Lack of ALEC ability to combine existing accounts;
6. Lack of ALEC ability to obtain connecting facility information and information on existing loops in pre-ordering;
7. Lack of ALEC ability to relate multiple orders for a single customer;
8. Lack of ALEC ability to order enhanced extended loops (EELs);
9. Lack of ALEC ability to create new listings in LENS;
10. Lack of ALEC flow-through for specific types of orders;
11. Lack of ALEC ability to edit a LENS LSR to remove a telephone number;



12. Lack of ALEC ability to request specific status notifications from BellSouth;
13. Lack of ALEC ability to change the number of directories to be delivered to a customer in LENS;
14. Need for BellSouth to correct programming that returns errors incorrectly; and
15. Need for BellSouth to correct and clarify documentation errors.

8. BellSouth is able to perform each of the above transactions, and to the extent ALECs cannot, BellSouth has failed to provide nondiscriminatory functionality.

Other than following their general progression through the process, KPMG appears to pay no attention to the content of these change requests at all, or the fact that they clearly represent missing functionality or defects. ALECs need to be able to present evidence to the Commission in the 271 context as to these issues, which are critical to entrants' ability to compete.

- KPMG is not reviewing the adequacy of BellSouth's repair interface functionality, a critical 271 issue.
- The test will not include an evaluation of BellSouth's compliance with current industry standards except in one area of repair.

9. KPMG does not generally make adequacy determinations. In fact, KPMG's Vice President, Mike Weeks, frequently characterizes KPMG as a "finder of facts": KPMG consultants will look for the existence and completeness of documentation, and will determine whether BellSouth implements processes according to that documentation, but will not attempt to determine whether those procedures meet ALEC needs. For example, KPMG evaluates whether

BellSouth follows its documented hot cut procedures, but does not evaluate whether those procedures provide ALECs with parity service or the ability to compete. FCCA and AT&T believe that the Commission is the appropriate body to determine whether BellSouth's procedures are adequate, and request the opportunity to present evidence on this issue. These are all matters that the Commission must consider in the context of its 271 deliberations and for which evidence should be available for Commission consideration.

#### Performance Measures

10. As described above, FCCA and AT&T proposed an issue relating to performance measures to evaluate BellSouth's performance in the areas of access to unbundled network elements and resale. This issue was rejected based on an erroneous conclusion. Order No. PSC-01-1025-PCO-TL states (page 4) that "the appropriate performance measures for rendering our determination on BellSouth's compliance . . . have also already been determined within the third-party OSS testing phase of this proceeding." FCCA and AT&T respectfully submit that this statement is an error. Order No. PSC-00-0260-PAA-TI set only interim performance measures. There is absolutely no language in that order indicating that the Commission considered the interim performance measures to be sufficient to meet ALEC needs.

11. To the contrary, the order clearly indicates that the metrics are "a compromise to full implementation" of the requested metrics, and that the Commission made "few changes" to BellSouth's proposal simply because "long lead times are required for making any changes" to BellSouth's existing system. Order No. PSC-00-0260-PAA-TI at 4. There was no indication in the Commission's discussion that its approval to use the interim measures during the OSS test constituted a finding that the measures were adequate or sufficient to meet ALEC needs. Instead, the Commission referred to the interim measures only as a "starting point".

12. FCCA and AT&T agree that KPMG's assessment of the interim performance measures will provide a valuable tool for the Commission's use. It should not, however, operate to exclude other relevant evidence, such as evidence of BellSouth's compliance (or lack of compliance) with the permanent performance measures. Permanent performance measures are scheduled to be in place on July 16, 2001. This timetable will allow the Commission ample time to assess BellSouth's performance under the new measures in connection with the 271 process. These new performance measures will be the result of a thorough evidentiary hearing in Docket No. 0001210-TP and are the appropriate measures to use to evaluate BellSouth's performance for 271 purposes. The permanent performance measures are vitally important to ALECs because they are the standards that will govern BellSouth's performance at the time of the 271 hearing and thereafter. It is much more appropriate to use permanent performance measures which have been the subject of hearing than interim performance measures which may well be outmoded and outdated.

#### Commercial Experience

13. FCCA and AT&T agree with the Motion for Reconsideration filed by MCI WorldCom, Inc., with respect to inclusion of a subissue regarding commercial experience, and hereby adopt and support MCI WorldCom's Motion, and request that the Commission extend all ALECs the opportunity to provide evidence relating to their commercial experience. MCI WorldCom correctly points out that the evaluation of commercial experience with BellSouth's OSS was not intended to be considered solely through the third-party test, and FCCA/AT&T agree that it is neither necessary nor prudent to limit the Commission's consideration to test data when information regarding the real-life commercial experience of Florida ALECs also is available.

14. FCCA and AT&T proposed subissues (b) regarding commercial experience in order to afford ALECS the opportunity to proffer evidence of their commercial experience for the Commission's consideration. The type of commercial experience will differ from ALEC to ALEC, depending on each ALEC's business plan. Commercial ALEC marketplace experience clearly is relevant to this proceeding. In fact, the FCC has stated that actual commercial experience is the best evidence of operational OSS readiness<sup>6</sup> and the most probative evidence that the OSS is nondiscriminatory.<sup>7</sup> Further, ALEC marketplace experience may be different from KPMG's test experience, which should be of interest to the Commission not only because it directly affects customer experience, but also because this information will be part of the FCC's consideration of BellSouth's 271 application. Additionally, commercial experience may cover areas not included in the test or areas where testing is limited. Finally, this Commission has required BellSouth to file in this docket all data it will file with the FCC in support of its application; this will no doubt include at least some commercial data. It would be manifestly unfair for BellSouth to be permitted to provide commercial data to the Commission while ALECs are precluded from doing so.

15. FCCA and AT&T understand that there are plans for KPMG to review commercial data published by BellSouth, under the interim performance measures. Although the details of the plans are currently unknown, FCCA and AT&T believe that this still leaves several issues unaddressed.

- For example, review of ALEC commercial experience on an aggregate basis will not address ALEC-specific discriminatory performance by BellSouth. The Commission

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<sup>6</sup> Michigan 271 Order ¶ 138; Louisiana 271 Second Order, ¶86; New York 271 Order ¶89; Texas 271 Order ¶98.

<sup>7</sup> Texas 271 Order ¶102.

Staff's Proposed Performance Assessment Plan<sup>8</sup> for performance measures contemplates that BellSouth will be required to report its performance and pay penalties for its performance for ALECs on an individual as well as an aggregate basis, thus appropriately holding BellSouth accountable for its treatment of individual ALECS. This principle of accountability for treatment of individual ALECs also should be applied to the Commission's 271 determination of whether BellSouth provides service on a nondiscriminatory basis. Additionally, accuracy of the performance BellSouth is reporting for individual ALECs is a critical area for review.<sup>9</sup>

- Further, in addition to the performance data collected by BellSouth, an ALEC should be permitted to present evidence on data it has collected regarding BellSouth's performance. For example, the interim measures do not reveal the percent of xDSL lines for which acceptance testing was successfully conducted. The issue is critical for ALECs providing xDSL, and they should be able to provide this type of performance data to the Commission.

## CONCLUSION

16. The three issues discussed in this motion, which have been eliminated from Commission consideration due to the Prehearing Officers' ruling, are a vital and important part of this Commission's 271 process. In order for the Commission to have the complete picture of

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<sup>8</sup> Staff's Proposed Performance Assessment Plan, sometimes referred to as the "Strawman Proposal" was identified as Exhibit 13 (PWS-1) and entered into evidence during the recent hearing in Docket No. 000121-TP (Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies).

<sup>9</sup> AT&T has documented long-standing problems -- not all of which are disputed by BellSouth -- that KPMG does not track, apparently because this type of evidence is not part of the test. As it currently stands, KPMG could declare that

BellSouth's 271 compliance or lack thereof, it must have information on OSS items which are not covered in the third party test, it must apply the most up-to-date and appropriate performance metrics, and it should consider commercial experience in the real world market place. Inclusion of the FCCA/AT&T issues listed above will permit the Commission to appropriately consider BellSouth's 271 application.

WHEREFORE, FCCA and AT&T request that the Commission include the three issues delineated above in the issue list in this docket.

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BellSouth has satisfied its data integrity review, even though AT&T's experience shows that BellSouth is missing THOUSANDS of transactions per month.

*Vicki Gordon Kaufman*

Joseph A. McGlothlin

Vicki Gordon Kaufman

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of  
BellSouth Telecommunications,  
Inc.'s entry into interLATA  
services pursuant to Section 271  
of the Federal  
Telecommunications Act of 1996.

Docket No. 960786-TL

Filed: April 13, 2001

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**The Florida Competitive Carriers Association's and  
AT&T Communications of the Southern States, Inc.'s  
Preliminary Issue List**

The Florida Competitive Carriers Association (FCCA) and AT&T Communications of the Southern States, Inc. (AT&T), in accordance with the Notice Setting Issue Identification Conference, issued April 4, 2001, hereby file their Preliminary List of Issues. The FCCA and AT&T reserve the right to add additional issues as necessary.

1. Has BellSouth met the requirements of section 271(c)(1)(A) of the Telecommunications Act of 1996?
  - (a) Has BellSouth entered into one or more binding agreements approved under Section 252 with unaffiliated competing providers of telephone exchange service?
  - (b) Is BellSouth providing access and interconnection to its network facilities for the network facilities of such competing providers?
  - (c) Are such competing providers providing telephone exchange service to residential and business customers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities?
  
2. Has BellSouth met the requirements of section 271(c)(1)(B) of the Telecommunications Act of 1996?
  - (a) Has an unaffiliated competing provider of telephone exchange service requested access and interconnection with BellSouth?
  - (b) Has a statement of terms and conditions that BellSouth generally offers to provide

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access and interconnection been approved or permitted to take effect under Section 252(f)?

3. Can BellSouth meet the requirements of section 271(c)(1) through a combination of track A (Section 271(c)(1)(A)) and track B (Section 271(c)(1)(B))? If so, has BellSouth met all of the requirements of those sections?
4. Has BellSouth complied with its obligations under Chapter 364, Florida Statutes, to offer network elements?
5. Has BellSouth provided interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(i) and applicable rules promulgated by the FCC?
6. Has BellSouth provided nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(ii) and applicable rules promulgated by the FCC?
  - (a) What performance measures should be used to evaluate whether BellSouth is providing nondiscriminatory access to network elements?
  - (b) Does commercial experience show that BellSouth has provided access to network elements in a nondiscriminatory manner?
  - (c) What time frame and what volume of commercial data are necessary to appropriately evaluate whether BellSouth has provided access to network elements in a nondiscriminatory manner?
  - (d) Does BellSouth's OSS provide nondiscriminatory access to network elements?
  - (e) Does BellSouth offer TELRIC-based prices for:
    - 1) network elements;
    - 2) collocation;
    - 3) line splitting;
    - 4) line sharing;
    - 5) other.
  - (f) Does BellSouth provide nondiscriminatory billing functions?
  - (g) Does BellSouth provide nondiscriminatory access to combinations of network elements?

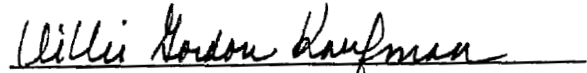
7. Has BellSouth provided nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by BellSouth at just and reasonable rates in accordance with the requirements of section 224 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(iii) and applicable rules promulgated by the FCC?
8. Has BellSouth unbundled the local loop transmission between the central office and the customer's premises from local switching or other services, pursuant to section 271(c)(2)(B)(iv) and applicable rules promulgated by the FCC?
9. Has BellSouth unbundled the local transport on the trunk side of a wireline local exchange carrier switch from switching or other services, pursuant to section 271(c)(2)(B)(v) and applicable rules promulgated by the FCC?
10. Has BellSouth provided unbundled local switching from transport, local loop transmission, or other services, pursuant to section 271(c)(2)(B)(vi) and applicable rules promulgated by the FCC?
11. Has BellSouth provided nondiscriminatory access to the following, pursuant to section 271(c)(2)(B)(vii) and applicable rules promulgated by the FCC:
  - (a) 911 and E911 services;
  - (b) directory assistance services to allow the other telecommunications carrier's customers to obtain telephone numbers; and,
  - (c) operator call completion services?
12. Has BellSouth provided white pages directory listings for customers of other telecommunications carrier's telephone exchange service, pursuant to section 271(c)(2)(B)(viii) and applicable rules promulgated by the FCC?
13. Has BellSouth provided nondiscriminatory access to telephone numbers for assignment to the other telecommunications carrier's telephone exchange service customers, pursuant to section 271(c)(2)(B)(ix) and applicable rules promulgated by the FCC?
14. Has BellSouth provided nondiscriminatory access to databases and associated signaling

necessary for call routing and completion, pursuant to section 271(c)(2)(B)(x) and applicable rules promulgated by the FCC?

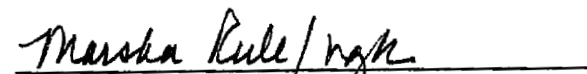
15. Has BellSouth provided number portability, pursuant to section 271(c)(2)(B)(xi) and applicable rules promulgated by the FCC?
16. Has BellSouth provided nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xii) and applicable rules promulgated by the FCC?
17. Has BellSouth provided reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xiii) and applicable rules promulgated by the FCC?
18. Has BellSouth provided telecommunications services available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC?
  - (a) What performance measures should be used to evaluate whether BellSouth is providing nondiscriminatory telecommunications services for resale?
  - (b) Does commercial experience show that BellSouth has provided telecommunications services for resale in a nondiscriminatory manner?
  - (c) What time frame and what volume of commercial data are necessary to appropriately evaluate whether BellSouth has provided telecommunications services for resale in a nondiscriminatory manner?
  - (d) Does BellSouth's OSS provide nondiscriminatory access to telecommunications services for resale?
  - (e) Does BellSouth provide nondiscriminatory access to billing functions?
19. Has BellSouth complied with its obligation to provide xDSL capable loops in accordance with FCC requirements in the following FCC orders: FCC order in CC Docket No. 98-147 and 96-98, issued January 19, 2001 (line splitting order); FCC order in CC Docket No. 00-217, issued January 22, 2001 (Kansas/Oklahoma 271 order); FCC order in CC Docket No. 00-65, issued June 30, 2000 (Texas 271 order); FCC order in CC Docket No. 99-295, issued

December 22, 1999 (Bell Atlantic New York 271 order)?

20. By what date does BellSouth propose to provide intraLATA toll dialing parity throughout Florida pursuant to section 271(e)(2)(A) of the Telecommunications Act of 1996.
21. If the answer to issues 5 - 19 is "yes", have those requirements been met in a single agreement or through a combination of agreements?
22. Has BellSouth complied with the separate affiliate requirements of Section 272?
23. Should this docket be closed?

  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing the Florida Competitive Carriers Association's and AT&T Communications of the Southern States, Inc.'s Preliminary Issue List has been furnished by (\*) hand delivery or by U. S. Mail on this 13th day of April, 2001, to the following:

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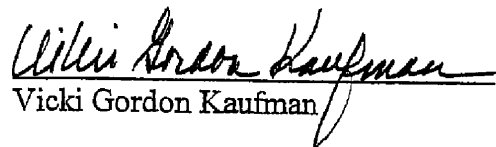
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**FCCA and AT&T Revisions to Issue List filed on April 13, 2001**

- Withdraw Issues 2 and 3
- Revise Issue 6 as follows:

Has BellSouth provided nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to 271(c)(2)(B)(ii) and applicable rules promulgated by the FCC?

- (a) What performance measures should be used to evaluate whether BellSouth is providing nondiscriminatory access to network elements?
- (b) Does commercial experience show that BellSouth has provided access to network elements in a nondiscriminatory manner?
- (c) What OSS issues should the Commission consider that are beyond the scope of the KPMG test? Has BellSouth met its obligation as to those issues?

- Revise Issue 18 as follows:

Has BellSouth provided telecommunications services available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3) of the Telecommunications Act of 1996, pursuant to section 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC?

- (a) What performance measures should be used to evaluate whether BellSouth is providing nondiscriminatory telecommunications services for resale?
- (b) Does commercial experience show that BellSouth has provided telecommunications services for resale in a nondiscriminatory manner?
- (c) What OSS issues should the Commission consider that are beyond the scope of the KPMG test? Has BellSouth met its obligation as to those issues?

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Competitive Carriers Association and AT&T Communications of the Southern States, Inc.'s Motion for Reconsideration of Order No. PSC-01-1025-PCO-TL has been furnished by (\*) hand delivery, (\*\*) or email and U. S. Mail or (+) U.S. Mail this 2<sup>nd</sup> day of May, 2001, to the following:

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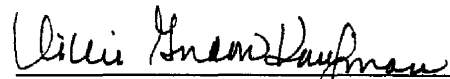
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