

VOTE SHEET

MAY 29, 2001

RE: DOCKET NO. 000731-TP - Petition by AT&T Communications of the Southern States, Inc. d/b/a AT&T for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. pursuant to 47 U.S.C. Section 252. (Deferred from May 15, 2001 Commission Conference.)

ISSUE A: Should AT&T's Motion to Supplement Hearing Record be granted?
RECOMMENDATION: Yes. AT&T's Motion to Supplement Hearing Record should be granted.

APPROVED

ISSUE B: Should AT&T's Motion to Clarify Position and Supplement Post-Hearing Brief be granted?

RECOMMENDATION: Yes. AT&T's Motion to Clarify Position and Supplement Post-Hearing Brief should be granted.

APPROVED

COMMISSIONERS ASSIGNED: JC BZ PL

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Michael A. Palach
[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

06708 MAY 30 01

FPSC-RECORDS/REPORTING

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(Continued from previous page)

ISSUE 4: What does "currently combines" mean as that phrase is used in 47 C.F.R. §51.315(b)?

RECOMMENDATION: The phrase "currently combines" pursuant to FCC Rule 51.315(b) is limited to combinations of unbundled network elements that are, in fact, already combined and physically connected in BellSouth's network to serve a specific customer or location at the time a requesting carrier places an order. In other words, there is no physical work that BellSouth must complete in order to effect the combination that the requesting telecommunications carrier requests.

APPROVED

ISSUE 5: Should BellSouth be permitted to charge AT&T a "glue charge" when BellSouth combines network elements?

RECOMMENDATION: Yes. BellSouth should be compensated for the work it does to physically combine unbundled network elements that an ALEC requests when those elements are not "currently combined" within BellSouth's network.

APPROVED

ISSUE 6: Under what rates, terms, and conditions may AT&T purchase network elements or combinations to replace services currently purchased from BellSouth tariffs?

RECOMMENDATION: AT&T should be required to satisfy any and all contractual obligations with BellSouth, including termination liability considerations, prior to purchasing network elements or combinations to replace services currently purchased from BellSouth tariffs.

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(Continued from previous page)

ISSUE 7: How should AT&T and BellSouth interconnect their networks in order to originate and complete calls to end-users?

RECOMMENDATION: The evidence and testimony in the record of this proceeding, when weighed against the opinions, rules, and orders of the FCC, dictate that for purposes of this arbitration, AT&T be permitted to designate a single interconnection point (POI) per LATA for the mutual exchange of traffic, with both parties assuming financial responsibility for bringing their traffic to the AT&T-designated interconnection point.

APPROVED

ISSUE 8: What terms and conditions, and what separate rates if any, should apply for AT&T to gain access to and use BellSouth facilities to serve multi-unit installations?

RECOMMENDATION: In order for AT&T to gain access to and use BellSouth facilities to serve multi-unit installations, AT&T should request from BellSouth that an "ALEC-access terminal" be established for it to accommodate the necessary connections. Additionally, staff recommends that BellSouth provision the "ALEC-access terminal" to AT&T within ~~ten~~ calendar days, or in a mutually agreed upon alternative timeframe. BellSouth should not permit other ALECs to access the "ALEC-access terminal" installed by it for AT&T, without AT&T's approval. Consistent with its testimony, BellSouth should be required to unbundle its INC and NTW, and relinquish the first NTW pair to AT&T, unless BellSouth is using the first pair to provision service. The appropriate rates for all of the subloop elements are the rates proposed by BellSouth in witness Ruscilli's Attachment JAR-1 of Exhibit 17.

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(Continued from previous page)

ISSUE 11: Should BellSouth be allowed to aggregate lines provided to multiple locations of a single customer to restrict AT&T's ability to purchase local circuit switching at UNE rates to serve any of the lines of that customer?

RECOMMENDATION: Yes. BellSouth should be allowed to aggregate lines provided to multiple locations of a single customer, within the same MSA, to restrict AT&T's ability to purchase local circuit switching at UNE rates to serve any of the lines of that customer.

DENIED

Bellsouth shall be permitted to aggregate on a per location basis to disparate customer locations.

ISSUE 12: Should AT&T be permitted to charge tandem rate elements when its switch serves a geographic area comparable to that served by BellSouth's tandem switch?

RECOMMENDATION: Staff recommends that AT&T, based upon the record in this proceeding, is not entitled to the tandem rate for the purposes of reciprocal compensation. Although the evidence in the record may indicate that geographic coverage alone may determine eligibility for the tandem rate, AT&T has failed to show that it meets this criterion. Therefore, staff believes any policy decision regarding the functionality/geography test is better left to the generic docket presently addressing this issue.

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(Continued from previous page)

ISSUE 19: When AT&T and BellSouth have adjoining facilities in a building outside BellSouth's central office, should AT&T be able to purchase cross connect facilities to connect to BellSouth or other ALEC networks without having to collocate in BellSouth's portion of the building?

RECOMMENDATION: Yes. AT&T should be able to purchase cross connect facilities to connect to BellSouth without having to collocate in BellSouth's portion of the building, but only in the six "condominium arrangement" buildings in Florida. In all other circumstances, AT&T should be required to establish collocation arrangements in order to connect to BellSouth or other ALEC networks.

APPROVED

ISSUE 20: Is conducting a statewide investigation of criminal history records for each AT&T employee or agent being considered to work on a BellSouth premises a security measure that BellSouth may impose on AT&T?

RECOMMENDATION: No. The Commission should deny BellSouth's proposal but should require AT&T to conduct criminal background checks on AT&T's employees and agents who have been with the company for less than two years, who will work on BellSouth's premises.

APPROVED

ISSUE 23: Has BellSouth provided sufficient customized routing in accordance with State and Federal law to allow it to avoid providing Operator Services/Directory Assistance ("OS/DA") as a UNE?

RECOMMENDATION: Yes. Subject to the conditions recommended in Issue 25, BellSouth provides sufficient customized routing in accordance with State and Federal law to allow it to avoid providing OS/DA as a UNE.

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(Continued from previous page)

ISSUE 25: What procedure should be established for AT&T to obtain loop-port combinations (UNE-P) using both Infrastructure and Customer Specific Provisioning?

RECOMMENDATION: The Commission should allow AT&T to establish a geographic footprint area at either the regional, state or LATA levels. Also, the Commission should find that AT&T is entitled to one or more customized routing options within a chosen geographic footprint. Staff further recommends that BellSouth should be required to either accept AT&T's local service requests (LSRs) with an indicator denoting a specific routing option when AT&T has more than one routing option within a footprint area, or BellSouth should provide AT&T with access to its line class codes assignment module (LCCAM) through website posting. This website should be updated as new line class codes (LCCs) are added to the database.

APPROVED

ISSUE 27: Should the Commission or a third party commercial arbitrator resolve disputes under the Interconnection Agreement?

RECOMMENDATION: The Commission should resolve disputes under the Interconnection Agreement.

APPROVED

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(Continued from previous page)

ISSUE 30: Should the Change Control Process (CCP) be sufficiently comprehensive to ensure that there are processes to handle, at a minimum the following situations:

- a) introduction of new electronic interfaces?
- b) retirement of existing interfaces?
- c) exceptions to the process?
- d) documentation, including training?
- e) defect correction?
- f) emergency changes (defect correction)?
- g) an eight step cycle, repeated monthly?
- h) a firm schedule for notifications associated with changes initiated by BellSouth?
- i) a process for dispute resolution, including referral to state utility commissions or courts?
- j) a process for the escalation of changes in process?

RECOMMENDATION: Staff's Recommendations are set forth in the following sub-parts:

- a) -d) Settled.
- e) Yes, the CCP should be sufficiently comprehensive to ensure that there are processes to handle defect corrections. Defect correction should be handled expeditiously. Staff recommends that BellSouth response intervals Medium impact defects be shortened from those set forth in Version 2.1 of the CCP manual. See detailed discussion text in staff's May 3, 2001 memorandum concerning recommended intervals.
- f) Settled.
- g) Yes, the CCP should be sufficiently comprehensive to ensure that there are processes to handle a monthly eight-step cycle. The current eight-step cycle is adequate. However, staff recommends shortening the time periods within Steps 3 and 7 of the cycle. See detailed discussion text in staff's memorandum concerning recommended intervals. Staff believes the frequency of current quarterly prioritizations of Change Requests is adequate.
- h) Yes, the CCP should be sufficiently comprehensive to ensure that there are processes for a firm schedule of notifications associated with changes initiated by BellSouth. BellSouth should follow a firm schedule of notifications associated with changes initiated by BellSouth and others. Moreover, BellSouth should be required to adhere to the CCP manual in its entirety. The parties now agree on procedure for introduction of new interfaces. With settlement of sub-issue (a) above, the disagreements within sub-issue (h) will be mitigated.

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(Continued from previous page)

- I) Yes, the CCP should be sufficiently comprehensive to ensure that there are processes for a process for dispute resolution, including referral to state utility commissions or courts. An adequate dispute resolution process exists under Section 8 of the CCP manual.
- j) Settled.

APPROVED

(with the addition of language suggested by Chairman Jacobs at the conference.)

ISSUE 31: What should be the resolution of the following OSS issues currently pending in the change control process but not yet provided?

- (a) Parsed customer service records for pre-ordering?
- (b) Ability to submit orders electronically for all services and elements?
- (c) Electronic processing after electronic ordering, without subsequent manual processing by BellSouth personnel?

RECOMMENDATION: Staff's recommendation is set forth in the following subparts:

- (a) Staff recommends: (1) The issue of providing parsed CSRs continue to be addressed and resolved in the Change Control Process (CCP); (2) BellSouth should be required to provide parsed pre-ordering information at the same level required for an LSR by December 31, 2001; and (3) BellSouth should be required to provide field delimiters and associated rules for parsing CSRs.
- (b) Staff recommends the issue of submitting orders electronically for all services and elements should continue to be addressed and resolved through the CCP.
- (c) Staff recommends the issue of providing electronic processing after electronic ordering, without subsequent manual processing by BellSouth personnel, should continue to be addressed and resolved in the CCP.

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(Continued from previous page)

ISSUE 32: Should BellSouth provide AT&T with the ability to access, via EBI/ECTA, the full functionality available to BellSouth from TAFI and WFA?
RECOMMENDATION: If AT&T desires to integrate full TAFI functionality into ECTA on a non-industry standard basis, staff recommends that AT&T present a formal BonaFide Request to BellSouth and pay for the added functionality desired. Staff further recommends that BellSouth be required to expedite AT&T's request and implement the requested additional functionality within 12 months from the date of AT&T's request.

Staff additionally recommends the Commission order BellSouth to integrate future TAFI and industry standard M&R functionality into ECTA as industry standards allow, and make this improved functionality available to ALECs within one year from the date the standards become publicly available.

APPROVED

ISSUE 33: Should AT&T be allowed to share the spectrum on a local loop for voice and data when AT&T purchases a loop/port combination and, if so, under what rates, terms, and conditions?

RECOMMENDATION: Yes. Staff recommends that BellSouth should be required to allow AT&T access to the spectrums on a local loop for voice and data when AT&T purchases a loop/port combination, alternatively referred to as "line splitting." In order to facilitate "line splitting," BellSouth should be obligated to provide an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment, and unbundled circuit switching combined with shared transport at TELRIC rates. However, BellSouth should not be required to provide the splitter. Staff also recommends that BellSouth should be obligated to coordinate with AT&T the following procedures associated with the transfer of service: disconnection of the unbundled network element-platform, connection of the loop to AT&T's or the sharing data provider's collocation space, connection of the switch port to AT&T's or the sharing data provider's collocation space, and associating the switch port with shared transport. Staff notes that BellSouth should only be required to maintain one customer of record per loop; thus, BellSouth should only be obligated to accept loop transactions from one ALEC per loop.

APPROVED *with clarification noted.*

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(Continued from previous page)

ISSUE 34: What are the appropriate rates and charges for unbundled network elements and combinations of network elements?

RECOMMENDATION: The appropriate rates and charges for unbundled network elements and combinations of network elements were deferred to Docket No. 990649-TP with the exception of line sharing. The appropriate rates for line sharing, for the purposes of this arbitration proceeding, are those proposed by BellSouth.

APPROVED

ISSUE 35: 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