

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
appropriate methods to
compensate carriers for exchange
of traffic subject to Section
251 of the Telecommunications
Act of 1996.

DOCKET NO. 000075-TP
DATED: MAY 31, 2001

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-00-2229-PCO-TP, as modified by Orders Nos. PSC-00-2350-PCO-TP and PSC-00-2452-PCO-TP, and supplemented by Order No. PSC-01-0632-PCO-TP, 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

ISSUE 10: Pursuant to the Telecommunications Act of 1996 (Act), the FCC's rules and orders, and Florida Statutes, what is the Commission's jurisdiction to specify the rates, terms, and conditions governing compensation for transport and

DOCUMENT NUMBER-DATE

06833 MAY 31 5

FPSC-RECORDS/REPORTING

delivery or termination of traffic subject to Section 251 of the Act? (Legal issue)

Position

STAFF: Staff believes that pursuant to Section 364.162(1), Florida Statutes, the Commission has authority to establish rates, terms and conditions for interconnection. Further, staff believes that Sections 251 and 252 of the Telecommunications Act of 1996 (Act) authorizes the Commission to establish and enforce state-specific rules and regulations regarding how the regulator will apply the new pro-competitive provisions of the Act.

ISSUE 11: What types of local network architectures are currently employed by ILECs and ALECs, and what factors affect their choice of architectures? (Informational issue)

Position

STAFF: Staff has no position at this time.

ISSUE 12: Pursuant to the Act and FCC's rules and orders:

- (a) Under what condition(s), if any, is an ALEC entitled to be compensated at the ILEC's tandem interconnection rate?
- (b) Under either a one-prong or two-prong test, what is "similar functionality?"
- (c) Under either a one-prong or two-prong test, what is "comparable geographic area?"

Position

STAFF: Staff has no position at this time on Issues 12 (a), (b) and (c).

ISSUE 13: How should a "local calling area" be defined, for purposes of determining the applicability of reciprocal compensation?

Position

STAFF: Staff has no position at this time.

ISSUE 14: (a) What are the responsibilities of an originating local carrier to transport its traffic to another local carrier?

(b) For each responsibility identified in part (a), what form of compensation, if any, should apply?

Position

STAFF: Staff has no position at this time on Issues 14 (a) and (b).

ISSUE 15: (a) Under what conditions, if any, may carriers assign telephone numbers to end users physically located outside the rate center in which the telephone is homed?

(b) Should the intercarrier compensation mechanism for calls to these telephone numbers be based upon the physical location of the customer, the rate center to which the telephone number is homed, or some other criterion?

Position

STAFF: Staff has no position at this time on Issues 15(a) and (b).

- ISSUE 16: (a) What is the definition of Internet Protocol (IP) telephony?
- (b) What carrier-to-carrier compensation mechanism, if any, should apply to IP telephony?

Position

STAFF: Staff has no position at this time on Issues 16(a) and (b).

ISSUE 17: Should the Commission establish compensation mechanisms governing the transport and delivery or termination of traffic subject to Section 251 of the Act to be used in the absence of the parties reaching an agreement or negotiating a compensation mechanism? If so, what should be the mechanisms?

Position

STAFF: Staff has no position at this time.

ISSUE 18: How should the policies established in this docket be implemented?

Position

STAFF: Staff has no position at this time.

e. Pending Motions

None.

f. Pending Confidentiality Claims or Requests

None.


STAFF'S PREHEARING STATEMENT

DOCKET NO. 000075-TP

PAGE 5

- g. Compliance with Order No. PSC-01-0632-PCO-TP
Staff has complied with all requirements in this docket as required by Order No. PSC-00-2229-PCO-TP, Order Establishing Procedure, as modified by Orders Nos. PSC-00-2350-PCO-TP and PSC-00-2452-PCO-TP, and supplemented by Order No. PSC-01-0632-PCO-TP.

Respectfully submitted this 31st day of May, 2001.



FELICIA R. BANKS

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Gerald L. Gunter Building - Room 370
Tallahassee, Florida 32399-0863
(850) 413-6199

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
appropriate methods to
compensate carriers for exchange
of traffic subject to Section
251 of the Telecommunications
Act of 1996.

DOCKET NO. 000075-TP (PHASE II)
FILED: MAY 31, 2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Staff's Prehearing Statement has been furnished by U.S. Mail this 31st day of May, 2001, to the following:

Mr. Morton Posner
Allegiance Telecom
1150 Connecticut Avenue, N.W.
Suite 205
Washington D.C. 20036

Ms. Elizabeth Howland
Allegiance Telecom, Inc.
1950 Stemmons Freeway
Suite 3026
Dallas, TX 75207-3118

Ms. Marsha Rule
AT&T Communications of the
Southern States, Inc.
101 North Monroe Street
Suite 700
Tallahassee, FL 32301-1549

Ms. Nancy B. White
Mr. James Meza III
c/o Ms. Nancy H. Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, FL 32301-1556

Mr. Woody Traylor
BroadBand Office
Communications, Inc.
2900 Telestar Court
Falls Church, VA 22042-1206

Ms. Jill N. Butler
Cox Communications
4585 Village Avenue
Norfolk, VA 23502-2035

Mr. James C. Falvey
e.spire Communications, Inc.
131 National Business Parkway
Suite 100
Annapolis Junction, MD 20701

Mr. Michael A. Gross
Florida Cable Telecommunications
Assoc., Inc.
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303

CERTIFICATE OF SERVICE
DOCKET NO. 000075-TP(PHASE II)

Mr. Joseph McGlothlin
Ms. Vicki Kaufman
McWhirter Law Firm
Florida Competitive Carriers
Assoc.
117 S. Gadsden St.
Tallahassee, FL 32301

Mr. Charles Hudak
Mr. Ronald V. Jackson
Gerry Law Firm
3 Ravinia Dr., #1450
Atlanta, GA 30346-2131

Mr. Scott Sapperstein
Intermedia Communications, Inc.
3625 Queen Palm Drive
Tampa, FL 33619-1309

Ms. Genevieve Morelli
Kelley Law Firm
1200 19th St. NW, Suite 500
Washington D.C. 20036

Mr. Scheffel Wright
Landers Law Firm
P.O. Box 271
Tallahassee, FL 32302

Ms. Donna C. McNulty
MCI WorldCom
325 John Knox Road, Suite 105
Tallahassee, FL 32303-4131

Dana Shaffer
XO Communications, Inc.
105 Molly Street
Suite 300
Nashville, TN 37201-2315

Mr. Paul Rebey
Focal Communications
Corporation of Florida
200 North LaSalle Street
Suite 1100
Chicago, IL 60601-1914

Global NAPS, Inc.
10 Merrymount Road
Quincy, MA 02169

Mr. Charles Pellegrini
Mr. Patrick Wiggins
Katz, Kutter Law Firm, 12th Floor
106 East College Avenue
Tallahassee, FL 32301

Mr. John McLaughlin
KMC Telecom, Inc.
1755 North Brown Road
Lawrenceville, GA 33096

Mr. Michael R. Romano
Level 3 Communications, LLC
1025 Eldorado Blvd.
Bloomfield, CO 80021-8869

Mr. Norman Horton, Jr.
Messer Law Firm
215 S. Monroe Street, Suite 701
Tallahassee, FL 32301-1876

Mr. Jon Moyle/Ms. Cathy Sellers
Moyle Law Firm(Tall)
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

CERTIFICATE OF SERVICE
DOCKET NO. 000075-TP(PHASE II)

Mr. Herb Bornack
Orlando Telephone Company
4558 S.W. 35th Street, Suite 100
Orlando, FL 32811-6541

Mr. Kenneth Hoffman
Mr. John Ellis
Rutledge Law Firm
P.O. Box 551
Tallahassee, FL 32302-0551

Ms. Doris M. Franklin
Mr. Mark Buechele
Supra Telecom
1311 Executive Center Drive,
Suite 200
Tallahassee, FL 32301

Ms. Wanda Montano
US LEC of Florida Inc.
401 North Tryon Street
Suite 1000
Charlotte, NC 28202

Mr. Peter Dunbar
Ms. Karen Camechis
Pennington Law Firm
P.O. Box 10095
Tallahassee, FL 32302-2095

Mr. Charles J. Rehwinkel
Ms. Susan Masterton
Sprint-Florida, Incorporated
P.O. Box 2214
MS: FLTLHO0107
Tallahassee, FL 32316-2214

Ms. Carolyn Marek
Time Warner Telecom of Florida,
L.P.
233 Bramerton Court
Franklin, TN 37069

Ms. Kimberly Caswell
Verizon Select Services Inc.
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110



FELICIA R. BANKS, Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(850) 413-6199