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June 14, 2001

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

**HAND DELIVERY**

010850-TP

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RECORDS AND REPORTING

Re: In re: Joint Petition of US LEC of Florida Inc., XO Florida, Inc., Time Warner Telecom of Florida, LP, ITC^DeltaCom Communications and KMC Telecom Inc. Objecting to and Requesting Suspension of Proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc.

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of US LEC of Florida Inc., XO Florida, Inc., Time Warner Telecom of Florida, LP, ITC^DeltaCom Communications and KMC Telecom Inc. ("Petitioners") are the original and fifteen copies of Petitioners' Joint Petition Objecting to and Requesting Suspension of Proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,

Kenneth A. Hoffman

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  - COM
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07445 JUN 14 01  
FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint Petition of US LEC of Florida )  
Inc., XO Florida, Inc., Time Warner )  
Telecom of Florida, LP, ITC^DeltaCom )  
Communications and KMC Telecom Inc. )  
objecting to and requesting )  
suspension of proposed CCS7 )  
Access Arrangement Tariff filed by )  
BellSouth Telecommunications, Inc. )  
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Docket No. D10850-TP  
Filed: June 14, 2001

**JOINT PETITION OF US LEC OF FLORIDA INC.,  
XO FLORIDA, INC., TIME WARNER TELECOM OF  
FLORIDA, LP, ITC^DELTA COM COMMUNICATIONS  
AND KMC TELECOM INC.  
OBJECTING TO AND REQUESTING SUSPENSION OF  
PROPOSED CCS7 ACCESS ARRANGEMENT TARIFF FILED  
BY BELLSOUTH TELECOMMUNICATIONS, INC.**

COME NOW, US LEC of Florida Inc., XO Florida, Inc., Time Warner Telecom of Florida, LP, ITC^DeltaCom Communications and KMC Telecom Inc. ("Petitioners"), pursuant to Rule 28-106.201, Florida Administrative Code, and Section 364.051(5), Florida Statutes, hereby files this Petition objecting to and requesting the suspension of BellSouth Telecommunications, Inc.'s ("BellSouth") proposed CCS7 Access Arrangement Tariff, Tariff Filing Package No. FL 2001-022 ("Proposed Tariff") by the Florida Public Service Commission ("Commission"), pending the scheduling of a formal administrative hearing concerning said proposed tariff pursuant to Section 120.569 and 120.57(1), Florida Statutes. In support of this Petition, the Petitioners states as follows:

1. The names and addresses of the Petitioners are:

US LEC of Florida, Inc.  
Morrocroft III  
6801 Morrison Boulevard  
Charlotte, NC 28211

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XO Florida, Inc.  
c/o Dana Shaffer  
105 Molly Street, Suite 300  
Nashville, TN 37201

Time Warner Telecom of Florida, LP  
c/o Carolyn Marek  
233 Bramerton Court  
Franklin, TN 37069

ITC^DeltaCom Communications  
c/o Nanette Edwards  
4092 South Memorial Parkway  
Huntsville, Alabama 35802

KMC Telecom Inc.  
c/o John D. McLaughlin, Jr.  
1755 N . Brown Road  
Lawrenceville, GA 30043

2. All pleadings, documents, correspondence, notices, staff recommendations and orders filed, served or issued in this docket should be served on the following on behalf of Petitioners:

Kenneth A. Hoffman, Esq.  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
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Tallahassee, FL 32302-0551  
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For US LEC of Florida, Inc.

Dana Shaffer  
105 Molly Street, Suite 300  
Nashville, TN 37201  
(615) 777-7700 (telephone)  
(615) 345-1564 (fax)

For XO Florida, Inc.

Karen Camechis, Esq.  
Pennington Law Firm  
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For Time Warner Telecom of Florida,  
LP

Nanette Edwards  
4092 South Memorial Parkway  
Huntsville, Alabama 35802  
(256) 382-3856 (telephone)  
(256) 382-3936 (fax)

For ITC^DeltaCom Communications

John D. McLaughlin, Jr.  
1755 N . Brown Road  
Lawrenceville, GA 30043

For KMC Telecom Inc.

3. Petitioners file this Petition for the purposes of: (a) objecting to and requesting the suspension of the Proposed Tariff submitted by BellSouth, which has a requested effective date of June 15, 2001; and (b) requesting that the Commission schedule a formal administrative hearing to address the issues raised in this Petition and any and all issues arising through the discovery process or timely raised by other parties.

4. Petitioners are certificated in Florida as Interexchange Carriers (“IXC”) and/or Alternative Local Exchange Telecommunications Companies (“ALEC”).

5. If allowed to go into effect, the Proposed Tariff would apply to access related to SS7 service and proposes to add a per message Transacting Capability Application Part (“TCAP”) charge of \$.000035, a per message Integrated Services Digital Network User Part (“ISUP”) charge of \$.000123, and monthly recurring charges, all in addition to the normal recurring switched access charges applicable to interexchange calls.

6. SS7 is an inherent function of the telephone network in Florida and the entire country. SS7 provides signaling functionality for call routing and completion as well as access to various databases. SS7 is used in network management. SS7 is more efficient than the obsolete Dual Tone Multi-Frequency (“DTMF”) signaling because it allows faster dialing or “quick call set-up” by checking to ensure the line is open before seizing the trunk. SS7 messages are used for virtually

every single phone call. The only exception to the use of SS7 of which Petitioners are aware of occurs when a DTMF is still used. For Petitioners, the only remaining use of DTMF is for certain E911 trunks. Otherwise, all calls use SS7. In one telephone call there are typically at least five (5) ISUP messages and one TCAP message. ISUP messages are for call acknowledgment, call set-up, and call processing. A TCAP message is used for caller identification (“Caller ID”), 800 or toll-free calls, and Caller Name And Number database (“CNAM”). There has never been a per message charge for SS7.

7. The Proposed Tariff would apply to all telecommunications providers - ILECs, ALECs, IXC, wireless carriers, and third party SS7 providers such as Petitioners.

8. Petitioners object to the Proposed Tariff because:

(a) BellSouth cannot measure or accurately identify which SS7 messages are interstate, intrastate or local;

(b) these charges would apply to local traffic, and, thus, would mandate the payment of charges incurred in the exchange of local traffic in excess of those set forth in interconnection agreements with BellSouth;

(c) it contains no corresponding reduction to local switching charges to offset the increase in revenue that BellSouth will receive if the Proposed Tariff is allowed to go into effect;

(d) it requires that Petitioners and others develop a Percent Interstate Usage/Percent Local Usage for BellSouth’s originating traffic which BellSouth would then adopt and apply to other companies;

(e) it places an increased burden on the resources of Petitioners as SS7 providers by requiring that every ILEC and ALEC file an access tariff to recover this “new” per message charge

for SS7;

(f) BellSouth is already recovering its SS7 costs through local switching charges and through interconnection agreements; and

(g) it will have an impact on all non-BellSouth ILECs and all ALECs resulting in all affected carriers having to raise traffic sensitive rates to recover the additional costs imposed by BellSouth under the Proposed Tariff.

9. The effect of this Proposed Tariff may be that every ILEC, ALEC, IXC and wireless carrier will raise rates to recover this new charge from either other carriers or from the consumer and will also restructure their access tariffs to charge BellSouth the SS7 message costs that each of these carriers also incur to complete calls. All carriers, not just BellSouth, incur costs to generate SS7 messages internally, transmit such messages to other carriers and to receive them from other carriers during the routing and completion of local and interexchange calls.

10. Petitioners are ALECs that will be subject to the SS7 message charges reflected in the Proposed Tariff. Petitioners are certificated as ALECs and/or IXCs in Florida and currently provide SS7 services to retail customers, other telecommunications companies and wireless carriers in Florida. Petitioners are also subject to the effects and adverse impacts of the Proposed Tariff set forth in paragraph 8 of this Petition. Accordingly, Petitioners' substantial rights and interests are affected by the Proposed Tariff and the decisions made by the Commission concerning the Proposed Tariff in this proceeding.

11. Petitioners anticipate that disputed issues of material fact will include, but not be limited to, BellSouth's disagreement with some or all of Petitioners' contentions set forth in paragraph 8 of this Petition.

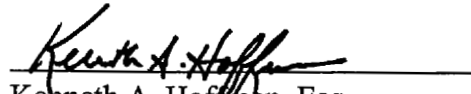
12. Pursuant to Chapters 120 and 364, Florida Statutes, and applicable Commission rules and orders, the Commission should suspend the June 15, 2001 effective date of the Proposed Tariff, schedule a formal administrative hearing to consider and resolve disputed issues of fact and law concerning the effects and impacts of the Proposed Tariff, and enter a final order denying the Proposed Tariff or modifying the Proposed Tariff to address deficiencies, inequities, ambiguities and other issues regarding the Proposed Tariff addressed in this proceeding.

WHEREFORE, Petitioners respectfully request that the Commission:

- A. Suspend the requested June 15, 2001 effective date of the Proposed Tariff;
- B. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Proposed Tariff pursuant to Sections 120.569 and 120.57(1), Florida Statutes;
- C. Enter a final order denying the Proposed Tariff or modifying the Proposed Tariff to address deficiencies, inequities, ambiguities and other issues regarding the Proposed Tariff addressed in this proceeding; and
- D. Grant such further relief as the Commission deems just and proper.

Respectfully submitted this 14<sup>th</sup> day of June, 2001.

Respectfully submitted,



Kenneth A. Hoffman, Esq.

Martin P. McDonnell, Esq.

Rutledge, Ecenia, Purnell & Hoffman, P.A.

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