

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by ALLTEL
Communications, Inc. for
arbitration of certain open
issues in existing
interconnection agreement with
BellSouth Telecommunications,
Inc.

DOCKET NO. 010302-TP
FILED: AUGUST 17, 2001

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-01-1127-PCO-TP, the staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Staff does not intend to call any witnesses.

b. All Known Exhibits

Staff does not intend to sponsor any exhibits, but reserves the right to use exhibits for the purpose of cross-examination.

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

[LEGAL ISSUE] What is the Commission's jurisdiction in this matter?

POSITION

STAFF: Section 252 of the Federal Telecommunications Act of 1996 (Act) sets forth the procedures for negotiation, arbitration, and

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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 9 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 9-month requirement set forth in the Act. Furthermore, this Commission has jurisdiction pursuant to Chapter 364, Florida Statutes, and Section 252 of the Federal Telecommunication Act of 1996 (Act) to arbitrate interconnection agreements, and may implement the processes and procedures necessary to do so in accordance with Section 120.80(13)(d), Florida Statutes. However, 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.

ISSUE 1: Should BellSouth be forced to forego the non-recurring charge for Order Coordination -- Time Specific service orders if the parties reschedule the conversion because BellSouth is unable to perform the conversion within one hour of the time specified on the order?

POSITION: Staff has no position at this time.

ISSUE 2: What terms and conditions should govern BellSouth's provisioning of enhanced extended loops ("EELs") and other combinations of network elements to ALLTEL?

POSITION: Staff has no position at this time.

ISSUE 3: Can ALLTEL petition this Commission for a waiver when it seeks to convert tariffed special access services to UNEs of UNE combinations that do not qualify under any of the three safe harbor options set forth in the agreement?

ISSUE 4: Should BellSouth's Products and Services Interval Guide be incorporated into the interconnection agreement?

POSITION: Staff has no position at this time.

ISSUE 5: When should enforcement mechanisms for service quality measurements become effective?

POSITION: The effective date for enforcement mechanisms should be the same as that which is ultimately determined in Docket No. 000121-TP.

ISSUE 6: What is the relevant period for determining whether penalties for failure to meet service quality measurements should be assessed?

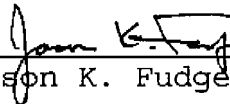
POSITION: Staff has no position at this time.

e. Pending Motions

f. Compliance with Order No. PSC-01-1127-PCO-TP

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 17th day of August,
2001.



Jason K. Fudge

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Commission Staff's Prehearing Statement was furnished to Jeffrey Wahlen, Esquire, P.O. Box 391, Tallahassee, Florida 32302, and Nancy B. White, Esquire, BellSouth Telecommunications, Inc., c/o Ms. Nancy H. Sims, 150 S. Monroe Street, Suite 400, Tallahassee, Florida 32301-1556 by U.S. Mail, on this 17th day of August, 2001.



JASON K. FUDGE, SENIOR ATTORNEY

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