

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of IDS Long Distance, Inc.)
n/k/a IDS Telcom, L.L.C., Against)
BellSouth Telecommunications, Inc., and) Docket No. 010740-TP
Request for Emergency Relief.) Filed September 4, 2001
_____)

**IDS TELCOM, L.L.C.'s RESPONSE TO BELL SOUTH'S
MOTION TO DEFER OSS ISSUE TO GENERIC DOCKET
ADDRESSING THIRD PARTY TESTING OF BELL SOUTH'S OSS**

IDS Long Distance, Inc. n/k/a IDS Telcom, L.L.C., ("IDS"), by and through its undersigned counsel, hereby files this Response to BellSouth's Motion to Defer OSS Issue to Generic Docket Addressing Third Party Testing of BellSouth's OSS, and states:

1. In its Motion filed August 27, 2001, BellSouth Telecommunications, Inc. ("BellSouth") requests that the Commission defer Issue No. 1 in this proceeding as established by the Prehearing Officer in the Order Establishing Procedure, Order No. PSC-01-1501-PCO-TP, issued July 18, 2001. Issue No. 1 states: "Has BellSouth breached its Interconnection Agreement with IDS by failing to provide IDS OSS at parity?"

2. BellSouth states that the Commission is considering whether BellSouth is providing IDS and other ALECs OSS at parity in compliance with the Telecommunications Act of 1996 and the parity provisions in all of BellSouth's interconnection agreements in Docket No. 960786-TP. BellSouth states that one of the purposes of Docket No. 960786-TP is to conduct third-party testing of BellSouth's OSS.

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3. BellSouth's Motion goes on to state that "It would be inefficient for the parties and for the Commission to devote their limited resources to addressing the issue of whether BellSouth is providing IDS OSS at parity both in this Complaint proceeding and also in the generic third-party testing proceeding."

4. Finally, BellSouth's Motion asserts "It is common practice for the Commission to defer issues that impact multiple ALECs from two-party proceedings to generic proceedings where doing so will allow the Commission to eliminate these types of inefficiencies and the potential for inconsistent results, and so that it can decide significant issues on the most complete record possible."

5. IDS strongly disagrees with BellSouth's Motion and the assertions made by BellSouth to support it.

6. Although it might ultimately be very efficient to decide all ALECs' interconnection agreement issues in one huge proceeding since all of the issues will impact all ALECs in one way or another, each ALEC has a fundamental due process right to pursue an individual complaint against BellSouth or any other ILEC based on BellSouth's breach of their interconnection agreement.

7. The purpose of the Commission's third-party testing of BellSouth's OSS in Docket No. 960786-TP may be to attempt to evaluate whether BellSouth is providing OSS to ALECs at parity in a generic sense. However, that generic proceeding cannot legally strip individual ALECs like IDS of their right to contest BellSouth's provision of OSS at parity under an individual interconnection agreement. It would be no more legally appropriate to deny individual ALECs

like IDS their right to litigate BellSouth's provision of OSS at parity than it would be to deny them the right to litigate any other aspect of their interconnection agreements with BellSouth or other ILECs.

8. IDS, and any other ALEC, has a right to a proceeding in which the participants meet the "substantially affected" party legal status that belongs to the two parties to an interconnection agreement--a much higher legal standard than simply being an interested party that may be affected by a decision from a policy standpoint which is true of parties to a generic proceeding.

9. In addition to the legal rights it would violate, requiring IDS or any ALEC to litigate an interconnection agreement issue, such as whether BellSouth has provided OSS at parity, in a generic proceeding with numerous participants that must be included in every hearing, motion, and pleading would create for IDS or any ALEC extreme financial and procedural hardships.

WHEREFORE, IDS respectfully requests that the Commission deny BellSouth's Motion to Defer OSS Issue to Generic Docket Addressing Third-Party Testing of BellSouth's OSS.

Respectfully submitted, this 4th day of September, 2001.



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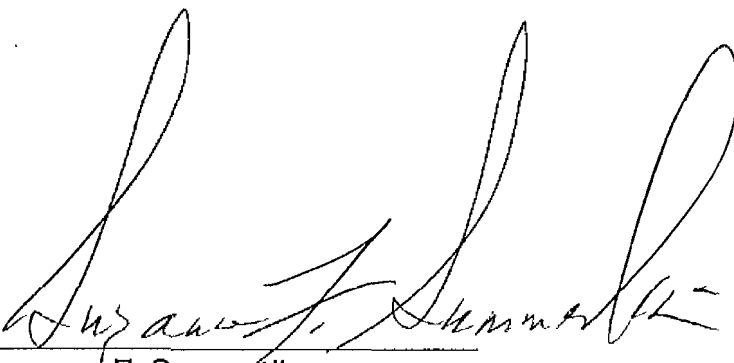
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing IDS Telcom, L.L.C.'s Response to BellSouth's Motion to Defer OSS Issue to Generic Docket Addressing Third-Party Testing of BellSouth's OSS was furnished by Hand Delivery(*), Facsimile (**) and U.S. Mail this 4th day of September, 2001, to:

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