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September 10, 2001

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 960786-TL

Dear Ms. Bayo:

On behalf of the Joint ALECs, enclosed for filing and distribution is a disk and the original and 15 copies of the following:

- Prehearing Statement of Joint ALECs.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Vicki Gordon Kaufman

Vicki Gordon Kaufman

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.FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of
BellSouth Telecommunications,
Inc.'s entry into interLATA
services pursuant to Section 271
of the Federal
Telecommunications Act of 1996.

Docket No. 960786-TL

Filed: September 10, 2001

Prehearing Statement of Joint ALECs

Pursuant to Order No. PSC-01-0832-PCO-TL, the Joint ALECs (as delineated below), file their Prehearing Statement.

A. APPEARANCES:

JOSEPH A. MCGLOTHLIN and VICKI GORDON KAUFMAN, McWhirter Reeves McGlothlin Davidson Decker Kaufman Arnold & Steen, PA, 117 South Gadsden Street, Tallahassee, Florida 32301

On Behalf of the Florida Competitive Carriers Association

VICKI GORDON KAUFMAN, McWhirter Reeves McGlothlin Davidson Decker Kaufman Arnold & Steen, PA, 117 South Gadsden Street, Tallahassee, Florida 32301

ANDREW M. KLEIN, Kelley Drye & Warren, LLP, 1200 19th Street, NW, Washington, DC 20036

On Behalf of KMC Telecom, Inc.

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LORI REESE, NewSouth Communications, Inc., Two North Main Street, Greenville, South Carolina 29609

On Behalf of NewSouth Communications Corp.

VICKI GORDON KAUFMAN, McWhirter Reeves McGlothlin Davidson Decker Kaufman Arnold & Steen, PA, 117 South Gadsden Street, Tallahassee, Florida 32301

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On Behalf of XO Florida, Inc.

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HENRY CAMPEN, JR., Parker, Poe, Adams & Bernstein, First Union Capital Center, 150 Fayetteville Street Mall, S-1400, PO Box 389, Raleigh, North Carolina 27602

On Behalf of NuVox Communications, Inc.

VICKI GORDON KAUFMAN, McWhirter Reeves McGlothlin Davidson Decker Kaufman Arnold & Steen, PA, 117 South Gadsden Street, Tallahassee, Florida 32301

CATHERINE F. BOONE, Regional Counsel, Covad Communications Company, 10 Glenlake Parkway, Suite 650, Atlanta, Georgia 30328-3495

On Behalf of DIECA Communications, Inc. d/b/a Covad Communications Company

JOSEPH A. MCGLOTHLIN and VICKI GORDON KAUFMAN, McWhirter Reeves McGlothlin Davidson Decker Kaufman Arnold & Steen, PA, 117 South Gadsden Street, Tallahassee, Florida 32301

On Behalf of Z-Tel Communications, Inc.

KEN HOFFMAN, Rutledge, Ecenia, Purnell & Hoffman, P.A. 215 South Monroe Street, Suite 420, Tallahassee, Florida 32301-1841

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On Behalf of US LEC of Florida

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On Behalf of Time Warner Telecom

JIM LAMOUREUX and SUZANNE OCKLEBERRY AT&T, 1200 Peachtree Street, N.E., Atlanta, Georgia 30309

TIMOTHY G. BARBER, Womble, Carlyle, Sandridge & Rice, 3300 One 1st Union Center, 301 South College Street, Charlotte, North Carolina 28202-6025

TAMILYN AZORSKY and MICHAEL A. HOPKINS, McKenna & Cuneo, 1990 K. Street, N.W., Washington, D.C. 20006-1108.

On Behalf of AT&T Communications of the Southern States, Inc., AT&T Broadband Phone of Florida, LLC, and TCG South Florida, Inc.¹

B. WITNESSES²:

<u>Witness</u>	<u>Subject Matter</u>	<u>Issues</u>
John Fury ³ (NewSouth)	BellSouth's Failure to Augment Trunk Groups and to Meet Collocation Obligations	2, 3
Colette Davis (Covad)	BellSouth's Failure to Provide Nondiscriminatory Access to Loops	5
Jerry Willis (NuVox)	BellSouth's Failure to Provide Cost-Based Pricing	1, 2
Mary Campbell (NuVox)	Lack of Data Integrity	3

¹All the above parties are referred to herein as "Joint ALECs."

²The party for whom the witness appears is shown in parenthesis following the witness' name.

³Mr. Fury will adopt the prefiled testimony of Ron Beasley.

Elina Padfield (XO)	Lack of Data Integrity and Failure to Provide Number Portability	3, 12
Mario Espin (KMC)	Failure to Provide Nondiscriminatory Access to Loops	5
Jim Sfakianos (KMC)	Failure to Provide Nondiscriminatory Access To Loops	5
Jim Hsvisdas (US LEC)	Failure to Provide Nondiscriminatory Access to Loops	5
Sharon E. Norris (AT&T)	Lack of Integrity of BellSouth's Performance Data	2, 3, 5-13, 15
Judy Wheeler (AT&T)	BellSouth's Failure to Provide Adequate Provisioning for AT&T Broadband Customers	3, 12
Steven Turner (AT&T)	BellSouth's Failure to Provide Non-discriminatory Access to xDSL-related UNEs and Collocation	2, 5
Bernadette Seigler (AT&T)	BellSouth's Failure to Provide Non-discriminatory Access to UNE-P	3
Richard T. Guepe (AT&T)	BellSouth's Failure to Provide Non-discriminatory Access to UNE Combinations	3
Jay M. Bradbury (AT&T)	BellSouth's Failure to Provide Non-discriminatory Access to Operator Services and	7, 8

Directory Assistance Routing and
Branding

Denise C. Berger
(AT&T)

BellSouth's Inadequate
Coordinate Cutover Process for
Unbundled Loops and BellSouth's
Failure to Provide Non-discriminatory
Number Portability

3, 5, 12

Joseph Gillan
(FCCA)

BellSouth's Failure to Comply
with Checklist Items

1, 2, 3, 5, 7,15

C. EXHIBITS:

<u>Witness</u>	<u>Exhibit</u>	<u>Description</u>
John Fury (NewSouth)	Exhibit _____ (JF-1)	BellSouth's Failure to Augment Trunks
Colette Davis (Covad)	Exhibit _____ (CD-1)	BellSouth Monthly State Summary for Florida, April 2001
	Exhibit _____ (CD-2)	BellSouth Investor News April 16, 2001
Mary H. Campbell (NuVox)	Exhibit _____ (MHC-1)	E-Mail Regarding PMAP Data
Jim Hsvisdas (US LEC)	Exhibit _____ (JH-1)	Network Outages
Denise C. Berger (AT&T)	Exhibit _____ (DCB-1)	July 29, 2001 Letter from Bernadette Seigler (AT&T) to Jan Flint (BellSouth)
	Exhibit _____ (DCB-2)	Hot Cuts Video
	Exhibit _____ (DCB-3)	April 16, 2001 Letter from Bill Peacock (AT&T) to Leah

		Cooper (BellSouth) (including Memorandum of Understanding)
	Exhibit _____ (DCB-4)	Chart: Simple Connecting Facility Assignment (CFA)
	Exhibit _____ (DCB-5)	April 19, 2001 Letter from Denise Berger (AT&T) to Ken Ainsworth (BellSouth)
	Exhibit _____ (DCB-6)	Chart: Speed of Answer in Ordering Centers
	Exhibit _____ (DCB-7)	January 24, 2001 E-mail from Denise Berger (AT&T) to Jan Burriss (BellSouth) (including AT&T Ported DID Numbers.xls)
	Exhibit _____ (DCB-8)	August 7, 2000 Letter from Denise Berger (AT&T) to Jan Burriss (BellSouth) regarding Duplicate Billing Problems
Jay M. Bradbury (AT&T)	Exhibit _____ (JMB-1)	Hearing Transcript, Vol. 8, Florida Public Service Commission Hearing in Docket No. 000731-TP (AT&T/BellSouth Arbitration)
	Exhibit _____ (JMB-2)	Florida OSS -- Exception 69 Report (KPMG Consulting) dated June 12, 2001
	Exhibit _____ (JMB-3)	Florida OSS - BellSouth's Response to Exception 69 dated July 2, 2001
	Exhibit _____ (JMB-4)	Selective Call Routing Using Line Class Codes, CLEC Information Package, June 13, 2001 (Version 2)
Sharon E. Norris (AT&T)	Exhibit _____ (SEN-1)	Atlanta Journal-Constitution article entitled, "BellSouth fines shadow long-distance bid", dated July 11, 2001

Exhibit _____ (SEN-2)	BellSouth Report: May Tier-1 State Level Totals dated July 16, 2001
Exhibit _____ (SEN-3)	BellSouth Report: Tier 2 State Level Results EXT dated July 16, 2001
Exhibit _____ (SEN-4)	Chart: Figure VIII-1.1: BellSouth PMAP Data Collection
Exhibit _____ (SEN-5)	Deposition of Lawrence Freundlich dated May 3, 2001, Georgia Public Service Commission, Docket No. 8354-U (OSS proceeding) at 25-26
Exhibit _____ (SEN-6)	February 12, 2001 Letter from KC Timmons (AT&T) to Sandra Jones (BellSouth)
Exhibit _____ (SEN-7)	March 27, 2001 Letter from Joy Jamerson (BellSouth) to KC Timmons (AT&T)
Exhibit _____ (SEN-8)	April 3, 2001 Email message from Edward Gibbs (AT&T) to Cheryl Richardson (BellSouth) (regarding GA 1000 November Data Reconciliation/Data Integrity) (including GA BellSouth Data Reconciliation.doc; GA_NOV_LSRs.xls; GA_NOV_Confirms.xls; GA_NOV_Rejects.xls; GA_NOV_Completions.xls)
Exhibit _____ (SEN-9)	May 21, 2001 Letter from Edward Gibbs (AT&T) to Audrey Thomas (BellSouth)
Exhibit _____ (SEN-10)	June 18, 2001 Letter from Audrey Thomas (BellSouth) to Edward Gibbs (AT&T)
Exhibit _____ (SEN-11)	June 19, 2001 Email message from Edward Gibbs (AT&T) to Audrey

	Thomas (BellSouth) regarding possible data discrepancies in Phase 3 of the Georgia 1000 Trial
Exhibit _____ (SEN-12)	June 28, 2001 Letter from Audrey Thomas (BellSouth) to Edward Gibbs (AT&T) regarding possible data discrepancies in Phase 3 of the Georgia 1000 Trial
Exhibit _____ (SEN-13)	BellSouth Report: FOC & Rej Resp Comp Total Mech CLEC Reg (2001)
Exhibit _____ (SEN-14)	April 4, 2001 Letter from KC Timmons (AT&T) to Jan Flint (BellSouth) regarding understanding data discrepancies discovered among multiple January 2001 PMAP reports
Exhibit _____ (SEN-15)	June 28, 2001 Letter from KC Timmons (AT&T) to Jan Flint (BellSouth)
Exhibit _____ (SEN-16)	Reject Inter Raw Data, April 2001, OCN 7125
Exhibit _____ (SEN-17)	July 5, 2001 Email message from Suzy Sherwood (BellSouth) to CLECs regarding PMAP Repost Notices for May 2001 Data
Exhibit _____ (SEN-18)	July 10, 2001 Letter from Bennett Ross (AT&T) to Reece McAlister (Georgia Public Service Commission) regarding Docket No. 7892-U (Performance Measurements proceeding) (including 271 Monthly State Summary Comparison Report)
Exhibit _____ (SEN-19)	From BellSouth's Georgia May MSS Report (Filed July 10) - Examples of Different Volumes when business rules indicate that same volumes (All LSRs

received in the report period) should be used for all three measures

Exhibit _____
(SEN-20)

Pre-Ordering and Ordering OSS –
Report: Loop Makeup – Response Time
– Electronic, Report Period:
05/01/2001-05/31/2001

Exhibit _____
(SEN-21)

BellSouth Report: Acknowledge
Message Timeliness CLEC (2001)

Exhibit _____
(SEN-22)

BellSouth’s Response to ALEC
Coalition’s 1st Set of Interrogatories,
March 26, 2001, item No. 58, Page 1
of 1 (FPSC Docket No. 000121-TP)

Exhibit _____
(SEN-23)

June 23, 2000 Letter from KC Timmons
(AT&T) to Theresa Harris (BellSouth)
regarding AT&T’s request that
BellSouth provide AT&T with a
monthly CLEC LSR Information report
with LNP LSR data

Exhibit _____
(SEN-24)

August 9, 2000 Letter from Theresa
Harris (BellSouth) to KC Timmons
(AT&T) regarding June 23, 2000 request

Exhibit _____
(SEN-25)

July 16, 2001 Letter from KC Timmons
(AT&T) to Jan Flint (BellSouth)
regarding discrepancies in PMAP raw
data and AT&T-generated PON specific
data

Stephen E. Turner
(AT&T)

Exhibit _____
(SET-1)

Steven E. Turner – Resume

Exhibit _____
(SET-2)

August 16, 2000 Ex Parte letter from
Kathleen Levitz (BellSouth) to Ms.
Magalie Roman Salas, Secretary, Federal
Communications Commission regarding
CC Docket No. 96-98

	Exhibit _____ (SET-3)	BellSouth Cost Analysis for Power Augment Collocation cost for Florida dated July 19, 2001
Bernadette Seigler (AT&T)	Exhibit _____ (BMTS-1)	UNE-P User Group Meeting Minutes, March 22, 2001
	Exhibit _____ (BMTS-2)	UNE-P User Group Workshop Action Plan, Revised as of May 30, 2001
	Exhibit _____ (BMTS-3)	UNE-P User Group Meeting Minutes, May 23, 2001
	Exhibit _____ (BMTS-4)	May 25, 2001 Letter from Denise Berger (AT&T) to Ken Ainsworth (BellSouth) regarding UNE Platform Provisioning Problems
	Exhibit _____ (BMTS-5)	BellSouth Self-Repo Type 1 System Outages as Posted on BS Change Control Site, AT&T as of July 16, 2001
Judy Wheeler (AT&T)	Exhibit _____ (JW-1)	Carrier and CLEC Training - BellSouth Interconnection Services
	Exhibit _____ (JW-2)	BellSouth -- 1.5 Overview of the Local Exchange Navigation System, CG-LENS-001, Issue 9.3-June 16, 2001, Chapter 1.0 - Introduction
	Exhibit _____ (JW-3)	BellSouth -- 2.6 Manual and Electronic Ordering, CG-LEOO-009, Issue 9L-March 30, 2001, Chapter 2.0 - General Local Service Ordering Information
	Exhibit _____ (JW-4)	BellSouth LNP Reference Guide, Interconnection Services, CG-LNCL-001, Issue 3, April 2001

Joseph Gillan (FCCA)	Exhibit _____ (JPG-1)	Competitive Market Share as Claimed by BellSouth
	Exhibit _____ (JPG-2)	Declining Competitive Activity
	Exhibit _____ (JPG-3)	UNE-Based Market Share
	Exhibit _____ (JPG-4)	Estimating the Level of Facilities-Based Competition
	Exhibit _____ (JPG-5)	Corrected ALEC Market Share
	Exhibit _____ (JPG-6)	Comparison to FCC Local Competition Report
	Exhibit _____ (JPG-7)	BellSouth's Financial Performance as a UNE-Based Carrier
	Exhibit _____ (JPG-8)	DUF Charges

D. STATEMENT OF BASIC POSITION:

Before BellSouth can be granted permission by the FCC to offer InterLATA services in Florida, the Commission should confirm that BellSouth provides entrants access to its network on terms that are non-discriminatory and cost-based. BellSouth has failed to meet that burden. While the most telling evidence of non-discriminatory, cost-based access should be measurable and meaningful competition, the observed level of competition in Florida does not support such a finding, but rather just the opposite.

Local competition in Florida remains nascent, for several reasons. First, resale, as an entry strategy, is declining. UNE-based entry is proceeding very slowly because of the high level of UNE-based rates (BellSouth itself could not profitably offer service under such rates) as well as the failure of BellSouth to support network element combinations (including UNE-P). BellSouth's failure to provision UNEs, collocation, and number portability in a non-discriminatory manner, and BellSouth's failure to permit resale of its advanced data services at a wholesale discount as required by a recent D.C. Circuit Opinion. Finally, if BellSouth does receive intraLATA authority, enforcement issues will become even more critical and this Commission will have to take strong measures to facilitate a competitive market.

Further, BellSouth fails to provide nondiscriminatory access to loops as required by Checklist Item 4. BellSouth is clearly deficient in its provision of xDSL, T-1 and other loops and places unnecessary requirements on carriers who want to collocate. BellSouth does not treat other ALECs like itself, either when it provisions the loops or after the loop is in service. Nor does it appropriately provide trunk augmentation which causes irreparable harm to carriers by delaying their ability to bring new customers on line and impacts ALECs' reputation with their customers. BellSouth does not appropriately provide line sharing. BellSouth also fails to provide non-discriminatory access to collocation, operator services and directory assistance branding and routing and number portability.

Finally, the data BellSouth reports regarding its own performance is inaccurate and misleading, again demonstrating its failure to comply with Checklist Items.

In sum, BellSouth has not complied with the 14 point Checklist and the Commission should not recommend to the FCC that it be granted intraLATA relief.

E. STATEMENT OF ISSUES AND POSITIONS:

1. **ISSUE:** Has BellSouth met the requirements of Section 271(c)(1)(A) of the Telecommunications Act of 1996?

Joint ALECs: No.

- (a) Has BellSouth entered into one or more binding agreements approved under Section 252 with unaffiliated competing providers of telephone exchange service?

Joint ALECs: Yes.

- (b) Does BellSouth currently provide access and interconnection to its network facilities for the network facilities of competing providers?

Joint ALECs: No. The combined testimony of the various ALECs demonstrates that BellSouth has failed to provide access and interconnection to its network facilities on a nondiscriminatory basis.

- (c) Are such competing providers providing telephone exchange service to residential and business customers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities?

Joint ALECs: No position at this time.

2. ISSUE: Does BellSouth currently provide interconnection in accordance with the requirements of Sections 251(c)(2) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(i) and applicable rules promulgated by the FCC?

Joint ALECs: No. If BellSouth had complied with this item, the Commission would expect to see robust competition. Instead, competition is nascent at best, demonstrating that BellSouth is not providing nondiscriminatory access and interconnection. The testimony demonstrates that through the course of their dealings with BellSouth, the ALECs have experienced ongoing failures on the part of BellSouth to meet its obligations under §271. BellSouth fails to provide for interconnection utilizing rates, terms and conditions that are just, reasonable, and non-discriminatory. For example, ALECs are charged excessive rates for power in collocation spaces. ALECs are charged tariff access rates for access to interconnection facilities rather cost-based rates. In addition, BellSouth fails to properly provide appropriate trunking to meet the needs of its ALEC customers. The percentage of calls blocked on ALEC trunk groups administered by BellSouth is substantially greater than the percentage of blocked calls on BellSouth's retail trunk groups.

- (a) Has BellSouth implemented physical collocation requests in Florida consistent with FCC rules and orders?

Joint ALECs: No. BellSouth has failed to implement physical collocation requests in a manner consistent with FCC and Commission rules and orders. As to electrical requirements, BellSouth charges ALECs on a per-fused amp basis rather than a per-load amp basis. Because BellSouth offers an arbitrarily limited number of fuse capacities, fuses are not available in the capacities requested by the ALECs. The fuses BellSouth offers are either inadequate to meet the needs of the ALECs or far exceed the capacity needed. The result is that ALECs are charged for power which they do not need, request, or use.

- (b) Does BellSouth have legally binding provisioning intervals for physical collocation?

Joint ALECs: Yes. The Commission has established provisioning intervals for physical collocation. However, it is not clear if BellSouth has complied with these intervals in all instances.

- (c) Does BellSouth currently provide local tandem interconnection to ALECs?

Joint ALECs: No. ALEC testimony demonstrates that BellSouth has failed to meet this requirement.

- (d) Does BellSouth currently permit the use of a Percent Local Usage (PLU) factor in conjunction with trunking?

Joint ALECs: No position at this time.

- (e) Does BellSouth currently provide ALECs with meet point billing data?

Joint ALECs: No position at this time.

- (f) Has BellSouth satisfied other associated requirements, if any, for this item?

Joint ALECs: No. BellSouth has failed to provide competitive carriers with interconnection of a quality at least equal to what BellSouth provides itself. This is illustrated by the lack of local competition and is a result of BellSouth's failure to provide reasonable UNE rates, to support combinations, and to permit resale of advanced data services.

3. ISSUE: Does BellSouth currently provide nondiscriminatory access to all required network elements, with the exception of OSS which will be handled in the third party OSS test, in accordance with Sections 251(c)(3) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(ii) and applicable rules promulgated by the FCC?

Joint ALECs: No. BellSouth fails to provide interconnection to ALECs equal in quality to what it provides itself. If it did, the Commission would expect to see more competition in Florida. BellSouth fails to appropriately augment trunk groups. Further, it provides inaccurate and unreliable data on its own performance.

- (a) Does BellSouth currently provide all required unbundled network elements at TELRIC-based prices?

Joint ALECs: No. BellSouth UNE rates do not support competitive entry. Even BellSouth could not operate profitably at the rates it charges ALECs for UNEs.

- (b) Has BellSouth satisfied other associated requirements, if any, for this item?

Joint ALECs: No. BellSouth has been very slow to provide access to network combinations, thus delaying even the most fundamental UNE-based competition using the UNE platform. And, BellSouth continues to oppose access to new combinations of network elements for no reason other than to disrupt ALEC operations and increase ALEC costs.

4. ISSUE: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 224 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(iii). Does BellSouth currently provide nondiscriminatory access to the poles, ducts, and conduits, and rights-of-way owned or controlled by BellSouth at just and reasonable rates in accordance with the requirements of Section 224 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(iii) and applicable rules promulgated by the FCC?

Joint ALECs: No position at this time.

5. ISSUE: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(iv) of the Telecommunications Act of 1996. Does BellSouth currently provide unbundled local loop transmission between the central office and the customer's premises from local switching or other services, pursuant to Section 271(c)(2)(B)(iv) and applicable rules and orders promulgated by the FCC?

Joint ALECs: No. BellSouth does not appropriately provide all loops, including xDSL loops and T-1 loops.

- (a) Does BellSouth currently provide all currently required forms of

unbundled loops?

Joint ALECs: No. Carriers continue to experience significant problems with all types of loops, including UDC/IDSL loops, ADSL, HDSL and UCL loops. In addition, once loops are provisioned, they often go out of service. BellSouth also fails to appropriately provide line sharing and line splitting as required by the FCC.

- (b) Has BellSouth satisfied other associated requirements, if any, for this item?

Joint ALECs: No. BellSouth does not provide the same level of customer service in the handling of its ALEC customers as it does for its own retail customers. BellSouth's retail order administration operates in an efficient and streamlined manner while its wholesale service does not. BellSouth fails to provide an adequate coordinated cutover process that would allow for competition using loops.

6. ISSUE: Does BellSouth currently provide unbundled local transport on the trunk side of a wireline local exchange carrier switch from switching or other services, pursuant to Section 271(c)(2)(B)(v) and applicable rules promulgated by the FCC?

Joint ALECs: No. ALEC testimony demonstrates BellSouth's failure to provide these services as required under the Act and applicable rules.

- (a) Does BellSouth currently provide billing for usage-sensitive UNEs?

Joint ALECs: No position at this time.

- (b) Has BellSouth satisfied all other associated requirements, if any, for this item?

Joint ALECs: No. The testimony of various ALECs demonstrates that BellSouth has engaged in anti-competitive, discriminatory behavior.

7. ISSUE: Does BellSouth currently provide unbundled local switching from transport, local loop transmission, or other services, pursuant to Section 271(c)(2)(B)(vi) and applicable rules promulgated by the FCC?

Joint ALECs: No.

- (a) Does BellSouth bill for unbundled local switching on a usage-sensitive basis?

Joint ALECs: No position at this time.

- (b) Does BellSouth currently provide unbundled local switching on both the line-side and the trunk-side of the switch?

Joint ALECs: No position at this time.

- (c) Has BellSouth satisfied other associated requirements, if any, for this item?

Joint ALECs: No. BellSouth does not provide non-discriminatory access to Operator Services and Directory Assistance routing and branding.

8. ISSUE: Does BellSouth currently provide nondiscriminatory access to the following, pursuant to Section 271(c)(2)(B)(vii) and applicable rules promulgated by the FCC:

- (i) 911 and E911 services;
- (ii) directory assistance services to allow other telecommunications carrier's customers to obtain telephone numbers; and

Joint ALECs: No position at this time.

- (iii) operator call completion services?

Joint ALECs: No. The testimony of the individual carriers demonstrates that BellSouth has failed to provide access to directory assistance in a non-discriminatory manner in accordance with the requirements of the Act and applicable rules.

- (a) Does BellSouth currently provide ALECs access to all information contained in BellSouth's directory listing database?

Joint ALECs: No position at this time.

- (b) Does BellSouth currently provide selective routing in Florida?

Joint ALECs: No. The testimony of the individual carriers demonstrates that BellSouth has failed to provide access to BellSouth's directory listing database in accordance with the requirements of the Act and applicable rules.

- (c) Has BellSouth satisfied other associated requirements, if any, for this item?

Joint ALECs: No.

9. ISSUE: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(viii) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide white pages directory listings for customers of other telecommunications carrier's telephone exchange service, pursuant to Section 271(c)(2)(B)(viii) and applicable rules promulgated by the FCC?

Joint ALECs: The lack of integrity of BellSouth's data concerning its performance as to this issue casts doubt on its assertions that it has complied with this Checklist item.

10. ISSUE: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(ix) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide nondiscriminatory access to telephone numbers for assignment to the other telecommunications carrier's

telephone exchange service customers, pursuant to Section 271(c)(2)(B)(ix) and applicable rules promulgated by the FCC?

Joint ALECs: The lack of integrity of BellSouth's data concerning its performance as to this issue casts doubt on its assertions that it has complied with this Checklist item.

11. ISSUE: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(x) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide nondiscriminatory access to databases and associated signaling necessary for call routing and completion, pursuant to Section 271(c)(2)(B)(x) and applicable rules promulgated by the FCC?

Joint ALECs: The lack of integrity of BellSouth's data concerning its performance as to this issue casts doubt on its assertions that it has complied with this Checklist item.

12. ISSUE: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(xi) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide number portability, pursuant to Section 271(c)(2)(B)(xi) and applicable rules promulgated by the FCC?

Joint ALECs: No. BellSouth's own self-reported data demonstrates that BellSouth has not complied with its obligations regarding number portability. For example, in May, it fell short of this benchmark 97% of the time. BellSouth also has failed to adequately provision number portability for Florida customers. BellSouth's failure to comply with its number portability obligations results in poor service to the ALECs' customers. Although the poor service is attributable to BellSouth, customers often regard the poor service as a problem caused by the ALECs, and the ALECs suffer the resulting loss of customer confidence.

13. ISSUE: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(xii) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide nondiscriminatory access to

such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of Section 271(c)(2)(B)(xii) and applicable rules promulgated by the FCC?

Joint ALECs: The lack of integrity of BellSouth's data concerning its performance as to this issue casts doubt on its assertions that it has complied with this Checklist item.

14. ISSUE: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(xiii) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide reciprocal compensation arrangements in accordance with the requirements of Section 252(d)(2) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(xiii) and applicable rules promulgated by the FCC?

Joint ALECs: No. BellSouth has not paid all amounts due pursuant to reciprocal compensation arrangements.

15. ISSUE: Does BellSouth currently provide telecommunications services available for resale in accordance with the requirements of Sections 251(c)(4) and 252(d)(3) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC?

Joint ALECs: No. BellSouth does not currently provide for resale in accordance with the requirements of the Act and applicable rules. Resale is vanishing as an entry strategy because the economics are unworkable and resale does not permit a carrier to innovate or effectively offer local/long distance packages because BellSouth continues to charge access on resellers lines. Therefore, the reseller is limited in the toll rates it can offer. Further, BellSouth has offered no evidence as to its ability to support the resale of advanced services as required by the Ascent case. The lack of integrity of BellSouth's data concerning its performance as to this issue casts doubt on its assertions that it has complied with this Checklist item.

16. ISSUE: By what date does BellSouth propose to provide intraLATA toll dialing parity throughout Florida pursuant to Section 271(e)(2)(A) of the Telecommunications Act of 1996?

Joint ALECs: The Joint ALECs are without knowledge sufficient to answer this question.

17. ISSUE: If the answers to issues 2 through 15 are "yes," have those requirements been met in a single agreement or through a combination of agreements?

Joint ALECs: The answers to issues 2 through 15 are not yes; BellSouth has failed to meet all items on the competitive checklist and therefore its application should be denied.

18. ISSUE: Should this docket be closed?

Joint ALECs: Yes. BellSouth's 271 application should be denied and the docket should be closed.

F. STIPULATED ISSUES:

None.

G. PENDING MOTIONS:

The Joint ALECs have no pending motions.

H. OTHER MATTERS:

The Joint ALECs hereby preserve for the record their strenuous objection that the evidence which the Commission has chosen to receive in this docket has been arbitrarily and unreasonably restricted. In a series of orders, the ALECs have essentially been stripped of their ability to present their case regarding BellSouth's lack of Checklist Compliance. It also appears that, based on Staff's August 31, 2001 memorandum, ALECs may be prohibited from providing evidence regarding their own marketplace experience with BellSouth, BellSouth's aggregate performance as reflected in its own self-reported data, as well as any other matters "relating to OSS." Not only will this severely prejudice ALECs in their ability to present their case to the Commission, but the Commission will be unable to fulfill its function under the Federal Act as it will not have resolved state-specific issues.

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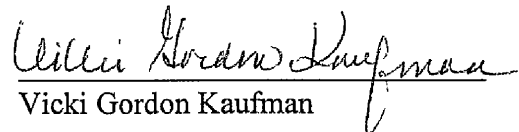
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