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September 10, 2001

**VIA HAND DELIVERY**

Blanca S. Bayo, Director  
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Betty Easley Conference Center  
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Re: Docket No.: 960786-TL

Dear Ms. Bayo:

On behalf of ACCESS Integrated Networks, Inc., enclosed for filing and distribution are the original and 15 copies of the ACCESS Integrated Networks, Inc.'s Prehearing Statement.

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

Sincerely,



Joseph A. McGlothlin

JAM/mls  
Enclosure

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM 5 \_\_\_\_\_
- CTR \_\_\_\_\_
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DOCUMENT NUMBER - DATE  
**11286 SEP 10 01**  
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

**ACCESS INTEGRATED NETWORKS, INC.'S PREHEARING STATEMENT**

Pursuant to Order No. PSC-01-0832-PCO-TL, ACCESS Integrated Networks, Inc. ("ACCESS"), files its Prehearing Statement.

**A. APPEARANCES:**

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

D. MARK BAXTER, Stone & Baxter, LLP, 557 Mulberry Street, Suite 1111, Macon, Georgia 31201-8256

**B. WITNESSES:**

<u>Witness</u>	<u>Subject Matter</u>	<u>Issues</u>
Rodney Page (ACCESS)	Anti-competitive behavior that effectively results in unequal and discriminatory interconnection and access to elements	2, 3

**C. EXHIBITS:**

<u>Witness</u>	<u>Exhibit</u>	<u>Description</u>
Rodney Page (ACCESS)	Exhibit ____ (RP-1)	Affidavits of ACCESS Customers regarding BellSouth practices

**D. STATEMENT OF BASIC POSITION:**

When gauging whether BellSouth has complied with the checklist of Section 271 of the 1996 Act, it is important not to lose sight of the overall purpose and intent of this provision of the statute.

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FPSC-COMMISSION CLERK

Fundamentally, the purpose is to require BellSouth to demonstrate that it has opened its network to competitors. Nondiscriminatory access to the network is a condition precedent to allowing BellSouth to enter the interLATA market. BellSouth cannot have complied with the checklist because it is engaging in widespread efforts to undermine the competition that is based on the use of its network.

**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?

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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?

ACCESS: No. See 2(f) below.

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

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No. One "associated requirement" is that BellSouth must provide interconnection of a quality at least equal to that which BellSouth provides to itself. BellSouth's practice is to attempt to persuade customers switching from BellSouth to expect inferior service - something it does not tell its own customers. This practice does not meet the standard of the 1996 Act.

- 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?

ACCESS: No. BellSouth engages in practices designed to undermine competition based on UNEs obtained from BellSouth. Therefore, BellSouth has not satisfied the requirement of nondiscriminatory access to network elements.

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

ACCESS: No position.

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

ACCESS: No position.

- 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?

ACCESS: No position.

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?

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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?

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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?

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No.

(iii) operator call completion services?

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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

ACCESS: No position.

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?

ACCESS: No.

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?

ACCESS: No.

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?

ACCESS: No position.

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?

- ACCESS: No position.
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?
- ACCESS: No position.
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?
- ACCESS: No position.
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?
- ACCESS: No position.
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?
- ACCESS: No position.
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?
- ACCESS: Not applicable.
18. ISSUE: Should this docket be closed?
- ACCESS: Yes. BellSouth's 271 application should be denied and the docket should be



closed.

**F. STIPULATED ISSUES**

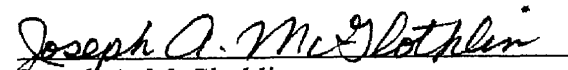
None.

**G. PENDING MOTIONS:**

None

**H. OTHER MATTERS:**

Staff's suggestion that the Prehearing Officer strike certain testimony of Rodney Page, which ACCESS strenuously opposes.

  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing the Prehearing Statement of ACCESS Integrated Networks, Inc. has been furnished by (\*) hand delivery or by U. S. Mail on this 10<sup>th</sup> day of September, 2001, to the following:

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