

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
ORDER NO. PSC-01-1887-PHO-TL
ISSUED: September 21, 2001

Pursuant to Notice and in accordance with Rule 28-106.209,
Florida Administrative Code, a Prehearing Conference was held on
September 20, 2001, in Tallahassee, Florida, before Commissioner J.
Terry Deason, as Prehearing Officer.

APPEARANCES:

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ORDER NO. PSC-01-1887-PHO-TL
DOCKET NO. 960786-TL
PAGE 2

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ORDER NO. PSC-01-1887-PHO-TL
DOCKET NO. 960786-TL
PAGE 3

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

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On behalf of Sprint Communications Company Limited Partnership.

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On behalf of Florida Digital Network, Inc.

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ORDER NO. PSC-01-1887-PHO-TL
DOCKET NO. 960786-TL
PAGE 4

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On behalf of the Commission Staff.

PREHEARING ORDER

I. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, Florida Administrative Code, this Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

II. CASE BACKGROUND

Part II of the Federal Telecommunications Act of 1996 (the Act), P.L. 104-104, 104th Congress 1996, provides for the development of competitive markets in the telecommunications industry. Part III of the Act establishes special provisions applicable to the Bell Operating Companies (BOCs). In particular, BOCs must apply to the FCC for authority to provide interLATA service within their in-region service areas. The FCC must consult with the Attorney General and the appropriate state commission

before making a determination regarding a BOC's entry into the interLATA market. See Subsections 271(d)(2)(A) and (B). With respect to state commissions, the FCC is to consult with them to verify that the BOC has complied with the requirements of Section 271(c) of the Act.

On June 28, 1996, we opened this docket to begin to fulfill our consultative role on the eventual application of BellSouth Telecommunications, Inc. for authority to provide in-region interLATA service.

On June 12, 1997, Order No. PSC-97-0703-PCO-TL, Second Order Establishing Procedure, was issued. That Order established the hearing schedule in the case and required BellSouth to submit specific documentation in support of its Petition, which was scheduled to be filed on July 7, 1997. On July 2, 1997, Order No. PSC-97-0792-PCO-TL, Order Modifying Procedural Schedule, was issued. That Order set out additional issues to be addressed.

After hearing, having considered the record, by Order No. PSC-97-1459-FOF-TL, issued November 19, 1997, we rendered findings on whether BellSouth had met the requirements of Section 271(c). Specifically, we found that BellSouth was not eligible to proceed under Track B at that time, because it had received qualifying requests for interconnection that if implemented would meet the requirements of Section 271(c)(1)(A), also known as Track A.

Our evaluation of the record on whether BellSouth met the requirements of Section 271(c)(1)(A) indicated that while there was a competitive alternative in the business market, there was not sufficient evidence to determine whether there was a competitive alternative in the residential market. Thus, based on the evidence in the record, we found that BellSouth had not met all of the requirements of Section 271(c)(1)(A). This Commission found that BellSouth had met checklist items 3,4,8,9,10,11,12,13, and the majority of checklist item 7. BellSouth had not met the requirements of checklist items 1,2,5,6, and 14. BellSouth had met the requirements of several checklist items in this proceeding, and therefore, we indicated it may not be required to relitigate those issues before us in a future proceeding. We did find, however, that when BellSouth refiles its 271 case with us, it must provide us with all documentation that it intends to file with the FCC in

support of its application. Finally, we found that we could not approve BellSouth's SGAT at that time.

On March 6, 2001, BellSouth filed a Motion to Request Scheduling Conference. On March 28, 2001, a status conference was conducted with all of the parties. Thereafter, by Order No. PSC-01-0832-PCO-TL, issued March 30, 2001, the schedule for this proceeding was established. Subsequently, however, the prehearing conference had to be rescheduled, as noted in Order No. PSC-01-1291-PCO-TL, issued June 13, 2001, and thereafter, was again rescheduled due to Commission calendar changes, as set forth in Order No. PSC-01-1644-PCO-TL, issued August 13, 2001.

I note that FCCA, KMC Telecom, NewSouth Communications, XO Florida, NuVox Communications, Dieca Communications d/b/a Covad, Z-Tel Communications, US LEC, Time Warner, AT&T, AT&T Broadband, and TCG South Florida submitted a Joint Prehearing Statement and are referenced herein as "ALECs."

Furthermore, it should also be noted that the Florida Cable Telecommunications Association (FCTA) neglected to file a prehearing statement in this docket. Therefore, in accordance with Order No. PSC-01-0832-PCO-TL, issued March 30, 2001, FCTA has waived any issues not raised by the other parties and Commission staff and may not present testimony in this matter.

III. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183, Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

1. Any party intending to utilize confidential documents at hearing for which no ruling has been made, must be prepared to present their justifications at hearing, so that a ruling can be made at hearing, if necessary.

2. In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- a) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183(3), Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- b) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- c) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.

- d) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- e) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of the Commission Clerk and Administrative Services's confidential files.

IV. POST-HEARING PROCEDURES

Each party shall file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words per issue sub-part, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, Florida Administrative Code, a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to

orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to five minutes. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

VI. ORDER OF WITNESSES

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
Direct/Surrebuttal (combined)		
Cynthia K. Cox (Direct and Surrebuttal)	BellSouth	All Issues
D. Daonne Caldwell (Direct and Surrebuttal)	BellSouth	2 - 15
Ronald M. Pate* (Surrebuttal only)	BellSouth	2 - 15
Kenneth L. Ainsworth* (Surrebuttal only)	BellSouth	10 and 12
Wiley G. Latham* (Direct only)	BellSouth	5

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
Thomas G. Williams* (Direct and Surrebuttal)	BellSouth	5
A. Wayne Gray (Surrebuttal only)	BellSouth	2 - 15
W. Keith Milner* (Direct and Surrebuttal)	BellSouth	2 - 15
David P. Scollard (Direct and Surrebuttal)	BellSouth	2(d), (e); 6(a); 7(a)
Dr. William E. Taylor (Surrebuttal only)	BellSouth	1
Alphonso Varner* (Surrebuttal only)	BellSouth	2 - 15
Rebuttal		
John Fury***	NewSouth	2 and 3
Colette Davis*	Covad	5
Jerry Willis	NuVox	1 and 2
Mary Campbell*	NuVox	3
Elina Padfield*	XO	3 and 12
Mario Espin*	KMC	5
Jim Sfakianos*	KMC	5
Jim Hsvisdas	US LEC	5
Sharon E. Norris **	AT&T	2, 3, 5-13 and 15
Judy Wheeler*	AT&T	3 and 12
Steven Turner*	AT&T	2 and 5
Bernadette Seigler*	AT&T	3
Richard T. Guepe	AT&T	3

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
Jay M. Bradbury*	AT&T	7 and 8
Denise C. Berger *	AT&T	3, 5, and 12
Mark Felton*	Sprint	3
Michael P. Gallagher	FDN	1(c) and 15
Rodney Page*	ACCESS	2 and 3
Mark Argenbright	WorldCom	2, 6 and 14
Greg Darnell	WorldCom	3
Joseph Gillan	FCCA	1, 2, 3, 5, 7 and 15

*Portions of testimony to be stricken in accordance with Orders Nos. PSC-01-1830-PCO-TL and PSC-01-1830A-PCO-TL.

**ALL of Ms. Norris's testimony is to be stricken in accordance with Order No. PSC-01-1830-PCO-TL.

*** Also adopting the prefiled rebuttal testimony of Ron Beasley.

VII. BASIC POSITIONS

BELLSOUTH:

BellSouth has filed with this Commission, pursuant to Section 252 of the Act, a Statement of Generally Available Terms and Conditions ("SGAT"). This Commission should approve the Statement as compliant with Section 252(f) and with the Competitive Checklist found in Section 271(c)(2)(b). Further, this Commission should find that BellSouth has in place negotiated agreements, which have been filed with this Commission, by which it is providing interconnection arrangements, and that at least some of these arrangements are being utilized by competing providers to serve residential and business customers. Finally, this Commission should find that BellSouth's interconnection agreements, in conjunction with the Statement filed by BellSouth, satisfy the 14-point checklist, and should advise the FCC to this effect.

ALECS:

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 interLATA 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 interLATA relief.

SPRINT:

Pursuant to section 271 of the Telecommunications Act of 1996, BellSouth has the burden of demonstrating that it meets the requirements to provide in region interLATA services. Based on Sprint's review of the testimony, exhibits and other evidence prefiled by BellSouth in this docket, Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

BellSouth has not fulfilled the requirements of Section 271(c)(2)(B) of the Telecommunications Act of 1996. Competition has not yet taken a meaningful and irreversible foothold in BellSouth's incumbent territory in Florida. Additionally, more than 99% of all retail and wholesale customers with xDSL service in BellSouth territory receive xDSL service from BellSouth. BellSouth refuses to provide retail xDSL service to customer receiving CLEC voice service; BellSouth refuses to provide CLECs meaningful access to UNEs so CLECs can provide xDSL service; and, significantly for this proceeding, BellSouth refuses to resell retail xDSL service in accordance with Sections 251(c)(4) and 252(d)(3) of the Telecommunications Act. Since the business and residential markets demand, and viable telecommunications business strategies hinge upon, voice and data services packaged together, BellSouth's xDSL monopoly lock-out will be substantially harmful to the future of competition in Florida, and BellSouth's refusal to resell xDSL service fails item 14 of the 271 checklist.

ACCESS:

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. 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. SPIRE:

BellSouth has not complied with the 14 point checklist and should not be permitted to provide InterLATA services. BellSouth does not provide access to its network on terms that are nondiscriminatory nor does BellSouth treat ALECs like it treats itself. BellSouth has delayed service to ALECs and failed to support offerings to ALECs thus impeding the development of competition. BellSouth's history with OSS and their win back programs, which are subjects of other proceedings, nevertheless are indicators of their reluctance to fully comply with checklist items. The Commission should not recommend that InterLATA relief be granted.

WORLDCOM:

Before BellSouth can obtain authority to enter the interLATA market in Florida, it must demonstrate that its local exchange market has been irreversibly opened to competition. To do so, BellSouth must prove compliance with Track A of Section 271(c)(1) of the Telecommunications Act of 1996 (the "Act") and must prove compliance with the fourteen point checklist in Section 271(c)(2)(B). BellSouth has failed to submit the required proof in this proceeding. There are at least four major areas in which BellSouth has failed to make the required showing.

First, BellSouth does not offer unbundled network elements at prices that comply with TELRIC requirements. Among other things, BellSouth to date has not provided this Commission with cost studies based on a single network design as required by the FCC's TELRIC-pricing rules. Coupled with other flaws in BellSouth's cost methodology, the result is that BellSouth charges UNE rates which make it impossible for competitors to profitably enter the Florida local residential market on a widespread basis.

Second, BellSouth has failed to provide interconnection in accordance with the requirements of the Act by, among other

things, seeking to impose on ALECs the financial responsibility for transporting originating traffic from BellSouth's customers to an ALEC's single point of interconnection in a LATA.

Third, BellSouth fails to provide unbundled local transport as required by the Act and FCC rules. In particular, it refuses to provide unbundled transport between two points on an ALEC's network, or between the networks of two different ALECs, even where the facilities to provide such transport are in existence today.

Fourth, BellSouth fails to provide reciprocal compensation in accordance with the Act. To date, BellSouth has not paid reciprocal compensation at the applicable tandem interconnection rate to ALECs whose switches serve geographic areas comparable to those served by a BellSouth tandem. BellSouth is also resisting payment of reciprocal compensation for calls to ALEC customers who purchase a competitive FX service from the ALEC.

WorldCom understands that the Commission has bifurcated this 271 proceeding, and intends to deal with OSS issues through the independent third party test and an accompanying workshop process. Nevertheless, the provision of adequate OSS is a prerequisite to a determination of compliance with many checklist items, since most items require nondiscriminatory access to preordering, ordering, provisioning, maintenance and billing OSS for the related element or service. Based on commercial experience in Georgia, WorldCom will demonstrate in the OSS phase of this docket that BellSouth's OSS, which is the same regionwide, is not adequate to support competitive entry on a mass market basis. Until the Commission has heard this evidence, and the third party test and related proceedings are complete, the Commission cannot make a final determination that BellSouth has proved compliance with the checklist items that depend on adequate OSS. The order issued in this phase of the docket should therefore clearly state that any findings of checklist compliance are preliminary and conditional, and remain subject to modification based on the results of the OSS phase of the proceeding.

STAFF:

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.

VIII. ISSUES AND POSITIONS

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

- (a) Has BellSouth entered into one or more binding agreements approved under Section 252 with unaffiliated competing providers of telephone exchange service?
- (b) Does BellSouth currently provide access and interconnection to its network facilities for the network facilities of competing providers?
- (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?

POSITIONS

BELLSOUTH:

Yes. BellSouth has entered into over 500 binding agreements approved under Section 252 with unaffiliated competing providers. BellSouth is providing access and interconnection to competitive providers that are providing service to residential and business customers. As of February, 2001, ALECs provided 9.8 - 11.3% of the access lines in Florida.

ALECS:

- No.
- a) Yes.

- b) 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) No.

SPRINT:

While Section 271 (c) (1) (A) is the appropriate provision of section 271 to govern BellSouth's application to provide interLATA services in Florida, Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

BellSouth's estimates of CLEC market share are inflated and ephemeral. Competition has not taken a meaningful and irreversible foothold in BellSouth's incumbent territory in Florida.

ACCESS:

No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 2: 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?

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

- b) Does BellSouth have legally binding provisioning intervals for physical collocation?
- c) Does BellSouth currently provide local tandem interconnection to ALECs?
- d) Does BellSouth currently permit the use of a Percent Local Usage (PLU) factor in conjunction with trunking?
- e) Does BellSouth currently provide ALECs with meet point billing data?
- f) Has BellSouth satisfied other associated requirements, if any, for this item?

POSITIONS

BELLSOUTH:

- a) As of March 31, 2001, BellSouth has implemented approximately 1,500 ALEC requests for collocation.
- b) Yes. BellSouth incorporated the provisioning intervals established by the Commission into its agreements and the SGAT.
- c) Yes. BellSouth developed a PLU factor for local tandem interconnection and terms and conditions are contained in BellSouth's agreements and in the SGAT.
- d) Yes. The terms and conditions of the PLU factor are contained on BellSouth's agreements and in the SGAT.
- e) Yes. BellSouth provides MPB data to each ALEC pursuant to the terms and conditions contained in the agreement between BellSouth and the ALEC.
- f) Yes. Interconnection services are functionally available from BellSouth, and BellSouth has procedures in place for the ordering, provisioning and maintenance of its interconnection services.

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) 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) 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) No. ALEC testimony demonstrates that BellSouth has failed to meet this requirement.
- d) No position at this time.

- e) No position at this time.
- f) 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.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

- No. See 2(f) below.
- a) No position.
 - b) No position.
 - c) No position.
 - d) No position.
 - e) No position.
 - f) 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.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

No, for the reasons set forth in the subissues. In addition, the Commission cannot make a final determination regarding BellSouth's compliance with this checklist item until conclusion of the OSS phase of this proceeding.

- a) Adopt ALECs' position.
- b) Adopt ALECs' position.
- c) Adopt ALECs' position.
- d) Adopt ALECs' position.
- e) Adopt ALECs' position.
- f) No. Among other things, BellSouth (i) improperly seeks to impose on ALECs financial responsibility for transporting traffic that originates from other BellSouth local calling areas within a LATA to the ALEC's single point of interconnection in the LATA; (ii) improperly requires ALECs to establish inefficient interconnection trunking arrangements which unnecessarily separate local, intraLATA and transit traffic onto separate trunk groups; and (iii) improperly prohibits ALECs from providing competing access service by requiring ALECs to route access traffic to BellSouth end offices over the same trunk groups used to terminate local traffic.

STAFF:

Staff has no position at this time.

ISSUE 3: 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?

- (a) Does BellSouth currently provide all required unbundled network elements at TELRIC-based prices?
- (b) Has BellSouth satisfied other associated requirements, if any, for this item?

POSITIONS

BELLSOUTH:

Yes. Access is available and provided to network elements on a nondiscriminatory basis in accordance with TELRIC pricing through BellSouth's interconnection agreements and SGAT. Issues pertaining to BellSouth's OSS will be resolved through the third party testing process.

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) No. BellSouth UNE rates do not support competitive entry. Even BellSouth could not operate profitably at the rates it charges ALECs for UNES.
- b) 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.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

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) No position.
- b) No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLD.COM:

No, for the reasons set forth in the subissues. In addition, the Commission cannot make a final determination regarding

BellSouth's compliance with this checklist item until conclusion of the OSS phase of this proceeding.

- a) No. BellSouth does not provide unbundled network elements at TELRIC-based rates in compliance with the Act and applicable FCC rules. Among other things, the cost studies submitted by BellSouth in the UNE cost docket and in this proceeding (i) are improperly based on a multiple network design, rather than a single network design, and thereby do not properly reflect economies of scale and scope; (ii) employ loading factors which are based on embedded costs and improperly state the cost of UNEs, particularly in a deaveraged loop environment, (iii) overstate drop lengths and therefore overstate loop costs; and (iv) improperly allocate shared costs on a basis that adversely impacts competition. The resulting rates make it impossible for competitors to enter the Florida local residential market on a widespread basis. In fact, the evidence will show that BellSouth could not operate profitably at the rates it charges ALECs for UNEs.
- b) Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 4: 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?

POSITIONS

BELLSOUTH:

Yes. BellSouth provides nondiscriminatory access to poles, ducts, conduits and rights-of-way to any ALEC through its interconnection agreements and SGAT.

ALECS:

No position at this time.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 5: 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?

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

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

POSITIONS

BELLSOUTH:

Yes. BellSouth provides ALECs with access to all unbundled loops (including those served by IDLC) at any technically feasible point with access given to all features, functions, and capabilities of the loop, without any restrictions that impair their use, for an ALEC's exclusive use and in a manner that enables the ALEC to combine loops with other UNEs. This access is provided through the SGAT and the interconnection agreements.

ALECS:

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

- a) 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) 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.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

- a) No position.
- b) No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position. In addition, the Commission cannot make a final determination regarding BellSouth's compliance with this checklist item until conclusion of the OSS phase of this proceeding.

- a) Adopt ALECs' position.
- b) Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 6: 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?

- (a) Does BellSouth currently provide billing for usage-sensitive UNEs?
- (b) Has BellSouth satisfied all other associated requirements, if any, for this item?

POSITIONS

BELLSOUTH:

- a) Yes. BellSouth has been billing ALECs for usage sensitive based UNEs since August of 1997.

- b) Yes. Local transport is available from BellSouth. BellSouth currently bills for all usage-sensitive UNES.

ALECS:

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

- a) No position at this time.
- b) No. The testimony of various ALECs demonstrates that BellSouth has engaged in ant-competitive, discriminatory behavior.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

- a) No position.
- b) No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

No, for the reasons set forth in the subissues. In addition, the Commission cannot make a final determination regarding BellSouth's compliance with this checklist item until conclusion of the OSS phase of this proceeding.

- a) Adopt ALECs' position.
- b) No. Among other things, BellSouth does not provide unbundled local transport that connects two points on an ALEC's network or that connects a point on an ALEC's network to a point on the network of a different ALEC, even where the facilities to provide such UNES are currently in place.

STAFF:

Staff has no position at this time.

ISSUE 7: 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?

- a) Does BellSouth bill for unbundled local switching on a usage-sensitive basis?
- b) Does BellSouth currently provide unbundled local switching on both the line-side and the trunk-side of the switch?
- c) Has BellSouth satisfied other associated requirements, if any, for this item?

POSITIONS

BELLSOUTH:

- a) Yes. BellSouth has been billing ALECs for usage sensitive unbundled local switching since 1997.
- b) Yes. BellSouth provides ALECs with local circuit switching on an unbundled basis, with the exception contained in the FCC's UNE Remand Order.
- c) Yes. BellSouth provides unbundled local circuit switching through its interconnection agreements and offers it via the SGAT as well.

ALECS:

No.

- a) No position at this time.
- b) No position at this time.
- c) No. BellSouth does not provide non-discriminatory access to Operator Services and directory Assistance routing and branding.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

- a) No position.
- b) No position.
- c) No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position. In addition, the Commission cannot make a final determination regarding BellSouth's compliance with this checklist item until conclusion of the OSS phase of this proceeding.

- a) Adopt ALECs' position.
- b) Adopt ALECs' position.
- c) Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 8: 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
- (iii) operator call completion services?

- a) Does BellSouth currently provide ALECs access to all information contained in BellSouth's directory listing database?
- b) Does BellSouth currently provide selective routing in Florida?
- c) Has BellSouth satisfied other associated requirements, if any, for this item?

POSITIONS

BELLSOUTH:

Yes. Nondiscriminatory access is available to 911 and E911 service, to directory assistance services and to operator call completion through BellSouth's interconnection agreements and the SGAT. All information in BellSouth's directory assistance listing database is available to ALECs. BellSouth also offers selective routing in Florida.

ALECS:

- (i) No.
 - (ii) No.
 - (iii) 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) 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.
 - b) No.
 - c) No.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

- (i) No.
- (ii) No.
- (iii) No position.
- a) No position.
- b) No position.
- c) No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

(i)(ii)(iii) Adopt ALECs' position. In addition, the Commission cannot make a final determination regarding BellSouth's compliance with this checklist item until conclusion of the OSS phase of this proceeding.

- a) Adopt ALECs' position.
- b) Adopt ALECs' position.
- c) Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 9: 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?

POSITIONS

BELLSOUTH:

Yes. BellSouth offers through its interconnection agreements, as well as its SGAT, white pages directory listings to ALECs

and their subscribers which include the subscriber's name, address, and telephone number at no charge.

ALECS:

No. The lack of integrity of BellSouth's data concerning its performance as to this issue demonstrates that it has failed to comply with this Checklist item.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN: FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

No.

E. SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 10: 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?

POSITIONS

BELLSOUTH:

Yes. BellSouth offers through its interconnection agreements, as well as its SGAT, nondiscriminatory access to telephone numbers.

ALECS:

No. The lack of integrity of BellSouth's data concerning its performance as to this issue demonstrates that it has failed to comply with this Checklist item.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

No.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 11: 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?

POSITIONS

BELLSOUTH:

Yes. BellSouth provides ALECs with nondiscriminatory access to databases and associated signaling for call routing and completion through BellSouth's interconnection agreements and through the SGAT.

ALECS:

No. The lack of integrity of BellSouth's data concerning its performance as to this issue demonstrates that it has failed to comply with this Checklist item.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 12: 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?

POSITIONS

BELLSOUTH:

Yes. BellSouth provides interim number portability arrangements, and permanent number portability consistent with the Act and the FCC's regulations. BellSouth also has an approved tariff for the end-user line charge and the query charges.

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.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position. In addition, the Commission cannot make a final determination regarding BellSouth's compliance with this checklist item until conclusion of the OSS phase of this proceeding.

STAFF:

Staff has no position at this time.

ISSUE 13: 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?

POSITIONS

BELLSOUTH:

Yes. Local service subscribers in BellSouth's service area in Florida dial the same number of digits to place a local call, without the use of an access code, regardless of their choice of local service provider.

ALECS:

No. The lack of integrity of BellSouth's data concerning its performance as to this issue demonstrates that it has failed to comply with this Checklist item.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 14: 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?

POSITIONS

BELLSOUTH:

Yes. BellSouth has arrangements in place in its interconnection agreements as well as in its SGAT, to provide reciprocal compensation. These arrangements provide for the mutual and reciprocal recovery of the costs of transporting and terminating local calls on BellSouth and ALEC networks.

ALECS:

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

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

No. To date, BellSouth has not paid compensation at the tandem interconnection rate to ALEC's whose switches serve areas that are geographically comparable to the area served by BellSouth local tandems. In addition, BellSouth has not agreed to pay reciprocal compensation in situations in which an ALEC provides competitive foreign exchange service by assigning NXXs to a customer with a physical location outside the rate center in which the NXX is homed.

STAFF:

Staff has no position at this time.

ISSUE 15: 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?

POSITIONS

BELLSOUTH:

Yes. Through BellSouth's agreements and SGAT, BellSouth offers its tariffed retail telecommunications services to ALECs for resale. BellSouth's interconnection agreements and SGAT contain the specific terms and conditions that apply to the resale of certain services.

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.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

No. BellSouth does not resell xDSL service to CLECs, and BellSouth's refusal to do so has a significantly deleterious effect on competition in Florida. (Gallagher)

ACCESS:

No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position. In addition, the Commission cannot make a final determination regarding BellSouth's compliance with this checklist item until conclusion of the OSS phase of this proceeding.

STAFF:

Staff has no position at this time.

ISSUE 16: 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?

POSITIONS

BELLSOUTH:

BellSouth has provided 1+ intraLATA presubscription in all of its end offices in Florida since the end of March 1997.

ALECS:

No position at this time.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

No position.

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 17: 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?

POSITIONS

BELLSOUTH:

These requirements have been met through a combination of Agreements, and have been met as well by BellSouth's Statement of Generally Available Terms and Conditions.

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.

SPRINT:

Sprint contends that BellSouth has failed to meet its burden of proof to show that it has complied with the 271 requirements.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

Not applicable, because the answers to issues 2-15 are not "yes".

E.SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position.

STAFF:

Staff has no position at this time.

ISSUE 18: Should this docket be closed?

POSITIONS

BELLSOUTH:

This docket should be closed only after the Commission has concluded its consultative role to the FCC.

ALECS:

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

SPRINT:

Sprint takes no position on this issue at this time.

FDN:

FDN agrees with the positions of FCCA, AT&T, and MCI.

ACCESS:

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

E. SPIRE:

e.spire concurs with the position of the Joint ALECs.

WORLDCOM:

Adopt ALECs' position.

STAFF:

Staff has no position at this time.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Cynthia K. Cox *	BELLSOUTH	_____	Glossary
		(CKC-1)	
		_____	FPSC Proceedings
		(CKC-2)	
		_____	Checklist Compliance Matrix
		(CKC-3)	
		_____	Competition Affidavit
		(CKC-4)	
		_____	BellSouth's SGAT
		(CKC-5)	
_____	FCC Report on Local Telephone Competition		
(CKC-6)			
_____	User Groups		
(CKC-7)			
_____	CLEC Inforum		
(CKC-8)			
_____	BellSouth Line Sharing Collaborations		
(CKC-9)			
_____	BellSouth's Winback R e v i e w Recommendations and Implementation		
(CKC-10)			
(stricken)			

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>	
D. Daonne Caldwell	BELLSOUTH	_____	Cost Studies for Line Sharing, Collocation, and UCL-ND	
		Revised (DDC-1)		

		(DDC-2)		
W. Keith Milner	BELLSOUTH	_____	Modifications to Cost of Capital, Depreciation, Taxes and Inflation	
		(DDC-3)		

		(DDC-4)		
		_____		Modifications to Nonrecurring Work Times
		(WKM-1)		

		(WKM-2)		

(WKM-3)				

(WKM-4)				
_____	Physical and Virtual Collocation Arrangements			
(WKM-5)				

(WKM-6)				
_____		Work Steps in Coordinated Loop cutover		
(WKM-7)				

(WKM-8)				
_____			Process Flow Chart	
(WKM-9)				

(WKM-10)				
_____	Methods/Procedures for Process			
(WKM-11)				

(WKM-12)				
_____		Work Flow Instructions		
(WKM-13)				

(WKM-14)				
_____			Service Order Flow	
(WKM-15)				

(WKM-16)				
_____	TOPS (All Flow via QMS)			
(WKM-17)				

(WKM-18)				
_____		Affidavits of Nortel		
(WKM-19)				

(WKM-20)				
_____			Service Resale Units in Service	
(WKM-21)				

(WKM-22)				

(WKM-23)				

(WKM-24)				

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
W. Keith Milner	BELLSOUTH	_____	LISC Response
		(WKM-10)	
		_____	Distribution of Utilization
		(WKM-11)	
		_____	Correspondence
		(WKM-12)	
		_____	Correspondence
		(WKM-13)	
		Attachment A	Affidavit of Wayne Gray
		Attachment B	Affidavit of Linda Kinsey
Attachment C	Affidavit of Doug Coutee		
Attachment D	Affidavit of Rook Baretto		
Attachment E	Affidavit of Dennis L. Davis		
Attachment F	Affidavit of Valerie Sapp		
Thomas G. Williams	BELLSOUTH	_____	Order Flow
		(TGW-1)	
		_____	Ordering and Provisioning Process
		(TGW-2)	
		_____	Line Sharing Order Document
(TGW-3)			
_____	Field Information		
(TGW-3A)			
_____	Job Aid		
(TGW-4)			

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Thomas G. Williams	BELLSOUTH	_____	Business Rules
		(TGW-5)	
		_____	Maintenance Flow
		(TGW-6)	
		_____	TAFI
		(TGW-7)	
		_____	Trouble Receipt Process Flow
		(TGW-8)	
		_____	Collaborative Team Charter
		(TGW-9)	
		_____	Collaborative Team Charter
		(TGW-10)	
		_____	Line Sharing Agreement
		(TGW-11)	
		_____	Line Sharing Agreement
		(TGW-12)	
		_____	Line Sharing Agreement
		(TGW-13)	
		_____	Line Sharing Agreement
		(TGW-14)	
		_____	Line Sharing Agreement
		(TGW-15)	
		_____	Terms and Conditions
		(TGW-16)	
		_____	Diagram
		(TGW-17)	
		_____	Diagram
		(TGW-18)	
		_____	Diagram
		(TGW-19)	

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Thomas G. Williams	BELLSOUTH	_____	Carrier notification Letter
		(TGW-20)	
		_____	Newsletter
		(TGW-21)	
		_____	Diagram
Wiley G. Latham	BELLSOUTH	(TGW-22)	
		_____	BellSouth Retail Voice Service
		(TGW-23)	
		_____	CLEC Voice on BellSouth UNE-P
		(TGW-24)	
Kenneth L. Ainsworth	BELLSOUTH	_____	Co-Based Line Splitting
		(TGW-25)	
		_____	BellSouth Unbundled Digital Loops
		(WGL-1)	
		_____	ADSL and HDSL CLEC Information Package
Kenneth L. Ainsworth	BELLSOUTH	(WGL-2)	
		_____	BellSouth Unbundled Copper Loops
		(WGL-3)	
		_____	BellSouth Unbundled Copper Loop Non-Designed (UCL-ND) CLEC Information Package
		(WGL-4)	
Kenneth L. Ainsworth	BELLSOUTH	_____	BellSouth Loop Makeup CLEC Pre-Ordering and Ordering Guide for Manual Loop Makeup
		(WGL-5)	
Kenneth L. Ainsworth	BELLSOUTH	_____	Preliminary Research - UNE issues
		(LCSC-1)	
		_____	LCSC-Resale
		(LCSC-2)	

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
A. Wayne Gray	BELLSOUTH	_____	Access Services Tariff -
		(AWG-1)	E. 20 Expanded
		_____	Interconnection Service
		(AWG-2)	(EIS)
		_____	FPSC Docket Nos.
		(AWG-3)	981834-TP/990321-TP -
		_____	Order No. PSC-99-1744-
		(AWG-4)	PAA-TP
		_____	FPSC Docket Nos.
		(AWG-5)	981834-TP/990321-TP -
_____	Order No. PSC-99-2392-		
(AWG-6)	FOF-TP		
_____	FPSC Docket Nos.		
(AWG-7)	981834-TP/990321-TP -		
_____	Order No. PSC-00-0941-		
(AWG-8)	FOF-TP		
_____	Physical Collocation		
(AWG-9)	_____		
_____	FCC memorandum and		
(AWG-10)	Opinion; CC Docket 98-		
_____	147, Dated 2/21/01		
(AWG-11)	Letter from Blau to		
_____	Strickling dated 4/14/00		
(AWG-12)	Remote Site Physical		
_____	Collocation		
(AWG-13)	_____		
_____	Microwave Collocation		
(AWG-14)	_____		
_____	Diagram		
(AWG-15)	_____		
Ronald M. Pate	BELLSOUTH	_____	Detailed Analysis
		(OSS-69)	

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Dr. William E. Taylor	BELLSOUTH	_____	Curriculum Vitae
		(WET-1)	
		_____	Press Release
		(WET-2)	
		_____	Competition Reporting Form
		(WET-3)	
John Fury	NEWSOUTH	_____	BellSouth's Failure to Augment Trunks
		(JF-1)	
Colette Davis*	COVAD	_____	BellSouth Monthly State Summary for Florida, April 2001
		(CD-1)	
		_____	BellSouth Investor news April 16, 2001
		(CD-2)	
Mary H. Campbell*	NUVOX	_____	E-Mail Regarding PMAP Data
		(MC-1)	
Jim Hsvisdas	US LEC	_____	Network Outages
		(JH-1)	
Denise C. Berger *	AT&T	_____	July 29, 2001 Letter from Bernadette Seigler(AT&T) to Jan Flint (BellSouth)
		(DCB-1)	
		_____	Hot Cuts Video
		(DCB-2)	
		_____	April 16, 2001 Letter from Bill Peacock (AT&T) to Leah Cooper (BellSouth) (including Memorandum of Understanding)
		(DCB-3)	
		_____	Chart: Simple Connecting Facility Assignment (CFA)
		(DCB-4)	
		_____	April 19, 2001 Letter from Denise Berger(AT&T) to Ken Ainsworth (BellSouth)
		(DCB-5)	
		(stricken)	

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Denise C. Berger *	AT&T	_____	Chart: Speed of Answer in Ordering Centers
		(DCB-6)	
		_____	January 24, 2001 E-mail from Denise Berger (AT&T) to Jan Burriss (BellSouth) (including AT&T Ported DID Numbers.xls)
		(DCB-7)	
		_____	August 7, 2000 Letter from Denise Berger (AT&T) to Jan Burriss (BellSouth) regarding Duplicate Billing Problems
		(DCB-8)	
Jay M. Bradbury	AT&T	_____	Hearing Transcript, Vol. 8, Florida Public Service Commission Hearing in Docket No. 000731-TP (AT&T/BellSouth Arbitration)
		(JMB-1)	
		_____	Florida OSS -- Exception 69 Report (KPMG Consulting) dated June 12, 2001
		(JMB-2)	
		_____	Florida OSS -- BellSouth's Response to Exception 69 dated July 2, 2001
		(JMB-3)	
		_____	Selective Call Routing Using Line Class Codes, CLEC Information Package, June 13, 2001 (Version 2)
		(JMB-4)	

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Sharon E. Norris **	AT&T	_____	Atlanta Journal- Constitution article entitled, "BellSouth fines shadow long-distance bid", dated July 11, 2001
		(SEN-1) (stricken)	
		_____	BellSouth Report: May Tier-1 State Level Totals dated July 16, 2001
		(SEN-2) (stricken)	
		_____	BellSouth Report: Tier 2 State Level Results EXT dated July 16, 2001
		(SEN-3) (stricken)	
		_____	Chart: Figure VIII-1.1: BellSouth PMAP Data Collection
(SEN-4) (stricken)			
_____	Deposition of Lawrence Freundlich dated May 3, 2001, Georgia Public Service Commission, Docket No. 8354-U (OSS proceeding) at 25-26		
(SEN-5) (stricken)			
_____	February 12, 2001 Letter from KC Timmons (AT&T) to Sandra Jones (BellSouth)		
(SEN-6) (stricken)			
_____	March 27, 2001 Letter from Joy Jamerson (BellSouth) to KC Timmons (AT&T)		
(SEN-7) (stricken)			

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Sharon E. Norris **	AT&T	_____ (SEN-8) (stricken)	April 3, 2001 Email message from Edward Gibbs (AT&T) to Cheryl Richardson (BellSouth) (regarding GA1000 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)
		_____ (SEN-9) (stricken)	May 21, 2001 Letter from Edward Gibbs (AT&T) to Audrey Thomas (BellSouth)
		_____ (SEN-10) (stricken)	June 18, 2001 Letter from Audrey Thomas (BellSouth) to Edward Gibbs (AT&T)
		_____ (SEN-11) (stricken)	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

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Sharon E. Norris **	AT&T	_____	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
		(SEN-12) (stricken)	
		_____	BellSouth Report: FOC & Rej Resp Comp Total Mech CLEC Reg (2001)
		(SEN-13) (stricken)	
		_____	April 4, 2001 Letter from KC Timmons (AT&T) to Jan Flint (BellSouth) regarding understanding data discrepancies discovered among multiple January 2001 PMAP reports
		(SEN-14) (stricken)	
		_____	June 28, 2001 Letter from KC Timmons (AT&T) to Jan Flint (BellSouth)
(SEN-15) (stricken)			
_____	Reject Inter Raw Data, April 2001, OCN 7125		
(SEN-16) (stricken)			
_____	July 5, 2001 Email message from Suzy Sherwood (BellSouth) to CLECs regarding PMAP Repost Notices for May 2001 Data		
(SEN-17) (stricken)			

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Sharon E. Norris **	AT&T	<hr/>	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)
		(SEN-18) (stricken)	
		<hr/>	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
		(SEN-19) (stricken)	
		<hr/>	Pre-Ordering and Ordering OSS-Report: Loop Makeup- Response Time- Electronic, Report Period: 05/01/2001-05/31/2001
(SEN-20) (stricken)			
<hr/>	BellSouth Report: Acknowledge Message Timeliness CLEC (2001)		
(SEN-21) (stricken)			
<hr/>	BellSouth's Response to ALEC Coalition's 1 st Set of Interrogatories, March 26, 2001, item No. 58, Page 1 of 1 (FPSC Docket No. 000121-TP)		
(SEN-22) (stricken)			

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Sharon E. Norris **	AT&T	_____	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
		(SEN-23) (stricken)	
		_____	August 9, 2000 Letter from Theresa Harris (BellSouth) to KC Timmons (AT&T) regarding June 23, 2000 request
		(SEN-24) (stricken)	
		_____	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
		(SEN-25) (stricken)	
Stephen E. Turner	AT&T	_____	Steven E. Turner - Resume
		(SET-1)	
		_____	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
		(SET-2)	

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Stephen E. Turner	AT&T	_____ (SET-3)	BellSouth Cost Analysis for Power Augment Collocation cost for Florida
Bernadette Seigler*	AT&T	_____ (BMTS-1)	UNE-P User Group Meeting Minutes, March 22, 2001
		_____ (BMTS-2)	UNE-P User Group Workshop Action Plan, Revised as of May 30, 2001
		_____ (BMTS-3)	UNE-P User Group Meeting Minutes, May 23, 2001
		_____ (BMTS-4)	May 25, 2001 Letter from Denise Berger (AT&T) to Ken Ainsworth (BellSouth) regarding UNE Platform Provisioning Problems
		_____ (BMTS-5)	BellSouth Self-Repo Type I System Outages as Posted on BS Change Control Site, AT&T as of July 16, 2001
Judy Wheeler*	AT&T	_____ (JW-1)	Carrier and CLEC Training-BellSouth Interconnection Services
		_____ (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

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Judy Wheeler*	AT&T	_____	BellSouth -- 2.6 Manual and Electronic Ordering, CG-LEOO-009, Issue 9L-March 30, 2001, Chapter 2.0 -- General Local Service Ordering Information
		(JW-3)	
Rodney Page*	Access	_____	BellSouth LNP Reference Guide, Interconnection Services, CG-LNCL-001, Issue 3, April 2001
		(RP-1)	
Greg Darnell	WorldCom	_____	Affidavits of Access Customers Regarding BellSouth practices
Joseph Gillan	FCCA	_____	Professional Experience
		(GJD-1)	
		_____	Competitive Market Share as Claimed by BellSouth
		(JPG-1)	
		_____	Declining Competitive Activity
		(JPG-2)	
		_____	UNE-Based Market Share
(JPG-3)			
_____	Estimating the Level of Facilities-Based Competition		
(JPG-4)			
_____	Corrected ALEC Market Share		
(JPG-5)			
_____	Comparison to FCC Local Competition Report		
(JPG-6)			
_____	BellSouth's Financial Performance as a UNE-Based Carrier		
(JPG-7)			

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Joe Gillan	FCCA	_____	DUF Charges
		(JPG-8)	

* Some exhibits attached to the witness's testimony have been identified to be stricken in accordance with Order No. PSC-01-1830-PCO-TL.

** ALL of witness Norris's exhibits have been stricken in accordance with Order No. PSC-01-1830-PCO-TL.

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

X. PENDING MOTIONS

AT&T Communications of the Southern States, Inc., AT&T Broadband Phone of Florida, LLC, and TCG South Florida, Inc.'s filed a Motion Requesting Investigation into BellSouth Telecommunications, Inc.'s Conduct in Processing Certain Local Service Requests and Retiring Key OSS Systems on September 18, 2001. The time for responses has not yet run and it does not appear that this motion will impact the hearing in this proceeding. Therefore, this Motion will be addressed by separate order upon filing of responses.

XI. PENDING CONFIDENTIALITY MATTERS

BellSouth's June 21, 2001, Request for Confidential Treatment of Exhibits DDC-1 and CKC-4.

XO Communications August 10, 2001, Request for Confidential Treatment of portions of testimony of witness Padfield.

BellSouth's September 4, 2001, Request for Confidential Treatment of its Responses 2, 14, and 36 to AT&T's First Request for Production of Documents.

BellSouth's September 10, 2001, Request for Confidential Treatment of Revised Exhibit DDC-1.

The requests identified above will be addressed by separate order prior to hearing.

XIII. RULINGS

At the prehearing conference, our staff suggested a means of dividing this Docket into sub-dockets in an effort to alleviate confusion as to whether filings are intended for the Hearing track of this Docket or the Third-Party OSS Testing track of this Docket. It was recommended that the Docket be divided into 960786A-TL, in which filings directed towards the hearing track would be placed, and 960786B-TL, in which filings directed towards the Third-Party OSS Testing track would be placed. Staff indicated that since confusion regarding the filings in this Docket did not appear to be a problem until the early part of this year, it would be appropriate to separate the filings in this Docket beginning with those filed since January 1, 2001. I note that the parties in attendance at the prehearing conference agreed that this proposal may prove helpful in providing some level of clarity regarding filings in this Docket.

Upon consideration, I find our staff's proposal acceptable. The parties shall designate all future filings in this Docket for either sub-docket 960786A-TL or 960786B-TL.

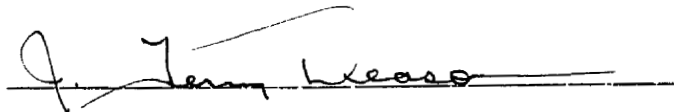
I have also considered the length of opening statements to be heard at the hearing in this matter. Upon consideration of the discussion at the prehearing conference, opening statements, if any, shall not exceed 30 minutes per side.

It is therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

ORDER NO. PSC-01-1887-PHO-TL
DOCKET NO. 960786-TL
PAGE 59

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 21st Day of September, 2001.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

BK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for

ORDER NO. PSC-01-1887-PHO-TL
DOCKET NO. 960786-TL
PAGE 60

reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.