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February 15, 2002

Ms. Blanca S. Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

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2002 FEB 15 PM 4:39
COMMISSION CLERK

020129-TP

Re: In re: Joint Petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, LP and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc.

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of US LEC of Florida Inc., Time Warner Telecom of Florida, LP and ITC^DeltaCom Communications are the original and fifteen copies of their Joint Petition Objecting to and Requesting Suspension of Proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Martin P. McDonnell

MPM/rl
Enclosures
cc: Parties of Record

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DOCUMENT NUMBER-DATE

01817 FEB 15 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of US LEC of Florida)
Inc., Time Warner Telecom of Florida, LP)
and ITC^DeltaCom Communications)
objecting to and requesting)
suspension of proposed CCS7)
Access Arrangement Tariff filed by)
BellSouth Telecommunications, Inc.)
_____)
_____)

Docket No. 020129-TP

Filed: February 15, 2002

**JOINT PETITION OF US LEC OF FLORIDA INC.,
TIME WARNER TELECOM OF FLORIDA, LP
AND ITC^DELTACOM COMMUNICATIONS
OBJECTING TO AND REQUESTING SUSPENSION OF
PROPOSED CCS7 ACCESS ARRANGEMENT TARIFF FILED
BY BELLSOUTH TELECOMMUNICATIONS, INC.**

COME NOW, US LEC of Florida Inc., Time Warner Telecom of Florida, LP and ITC^DeltaCom Communications ("Petitioners"), and pursuant to Rule 28-106.201, Florida Administrative Code, and Section 364.051(5), Florida Statutes, hereby file this Joint Petition objecting to and requesting the suspension of BellSouth Telecommunications, Inc.'s ("BellSouth") proposed CCS7 Access Arrangement Tariff, Tariff Filing Package No. FL 2001-139 ("Proposed Tariff") by the Florida Public Service Commission ("Commission"), pending the scheduling of a formal administrative hearing concerning said Proposed Tariff pursuant to Sections 120.569 and 120.57(1), Florida Statutes. In support of this Joint Petition, the Petitioners state as follows:

1. The names and addresses of the Petitioners are:

US LEC of Florida, Inc.
Morrocroft III
6801 Morrison Boulevard
Charlotte, NC 28211

DOCUMENT NUMBER DATE

01817 FEB 15 2002

FPSC-COMMISSION CLERK

Time Warner Telecom of Florida, LP
c/o Carolyn Marek
233 Bramerton Court
Franklin, TN 37069

ITC^DeltaCom Communications
c/o Nanette Edwards
4092 South Memorial Parkway
Huntsville, Alabama 35802

2. All pleadings, documents, correspondence, notices, staff recommendations and orders filed, served or issued in this docket should be served on the following on behalf of Petitioners:

Kenneth A. Hoffman, Esq.
Martin P. McDonnell, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302-0551
(850) 681-6788 (telephone)
(850) 681-6515 (fax)

For US LEC of Florida, Inc.

Karen Camechis, Esq.
Pennington Law Firm
P. O. Box 10095
Tallahassee, FL 32302-2095
(850) 222-3533 (telephone)
(850) 222-2126 (fax)

For Time Warner Telecom of Florida,
LP

Nanette Edwards
4092 South Memorial Parkway
Huntsville, Alabama 35802
(256) 382-3856 (telephone)
(256) 382-3936 (fax)

For ITC^DeltaCom Communications

3. Petitioners file this Petition for the purposes of: (a) objecting to and requesting the suspension of the Proposed Tariff submitted by BellSouth, which has a requested effective date of February 17, 2002; and (b) requesting that the Commission schedule a formal administrative hearing to address the issues raised in this Petition and any and all issues arising through the discovery

process or timely raised by other parties.

4. Petitioners are certificated in Florida as Interexchange Carriers (“IXC”) and/or Alternative Local Exchange Telecommunications Companies (“ALEC”).

5. If allowed to go into effect, the Proposed Tariff would apply to intrastate access related to SS7 service. BellSouth proposes to add a per message Transacting Capability Application Part (“TCAP”) charge of \$.000123, a per message Integrated Services Digital Network User Part (“ISUP”) charge of \$.000035, in addition to the normal recurring switched access charges applicable to interexchange calls.

6. SS7 is an inherent function of the telephone network in Florida and the entire country. SS7 provides signaling functionality for call routing and completion as well as access to various databases. SS7 is used in network management. SS7 is more efficient than the obsolete Dual Tone Multi-Frequency (“DTMF”) signaling because it allows faster dialing or “quick call set-up” by checking to ensure the line is open before seizing the trunk. SS7 messages are used for virtually every single phone call. The only exception to the use of SS7 of which Petitioners are aware occurs when a DTMF is still used. For Petitioners, the only remaining use of DTMF is for certain E911 trunks. Otherwise, all calls use SS7. In one telephone call there are typically at least five (5) ISUP messages and two (2) TCAP messages. ISUP messages are for call acknowledgment, call set-up, and call processing. A TCAP message is used for caller identification (“Caller ID”), 800 or toll-free calls, and Caller Name And Number database (“CNAM”). There has never been a per message charge for SS7.

7. The Proposed Tariff would apply to all telecommunications providers - ILECs, ALECs, IXCs, wireless carriers, and third party SS7 providers such as Petitioners. An intrastate

access tariff applies charges to carriers for intrastate long distance or toll service only. This Proposed Tariff cannot and should not be used to apply a per message rate to local calls.

8. Petitioners object to the Proposed Tariff because:

(a) BellSouth intends to apply this intrastate access filing to local calls;

(b) while this tariff does contain a corresponding reduction to local switching costs that BellSouth states makes the tariff filing “revenue neutral”, Petitioners have not reviewed any supporting data to confirm the accuracy of BellSouth’s statement;

(c) it places an increased burden on the resources of Petitioners as SS7 providers by requiring that they file an access tariff to recover this “new” per message charge for SS7;

(d) should the Proposed Tariff be permitted to go into effect, these SS7 message charges may have an impact on all non-BellSouth ILECs and all ALECs resulting in all affected carriers raising traffic sensitive rates to recover the additional costs imposed by BellSouth under the Proposed Tariff; and

(e) the imposition of the SS7 message charges under the Proposed Tariff may violate the price cap provisions applicable to BellSouth under Section 364.051(2), Florida Statutes, and the network access services provisions of Section 364.163, Florida Statutes.

9. The effect of this Proposed Tariff may be that every ILEC, ALEC, IXC and wireless carrier will raise rates to recover this new charge from either other carriers or from the consumer and will also restructure their access tariffs to charge BellSouth the SS7 message costs that each of these carriers also incur to complete calls. All carriers, not just BellSouth, incur costs to generate SS7 messages internally, transmit such messages to other carriers and to receive them from other carriers during the routing and completion of local and interexchange calls.

10. Petitioners are ALECs that will be subject to the SS7 message charges reflected in the Proposed Tariff. Petitioners are certificated as ALECs and/or IXC's in Florida and currently provide SS7 services to retail customers, other telecommunications companies and wireless carriers in Florida. Petitioners are also subject to the effects and adverse impacts of the Proposed Tariff set forth in paragraph 8 of this Petition. Accordingly, Petitioners' substantial rights and interests are affected by the Proposed Tariff and the decisions made by the Commission concerning the Proposed Tariff in this proceeding.

11. Petitioners anticipate that disputed issues of material fact will include, but not be limited to, BellSouth's disagreement with some or all of Petitioners' contentions set forth in paragraph 8 of this Petition.

12. Pursuant to Chapters 120 and 364, Florida Statutes, and applicable Commission rules and orders, the Commission should suspend the February 17, 2002 effective date of the Proposed Tariff, schedule a formal administrative hearing to consider and resolve disputed issues of fact and law concerning the effects and impacts of the Proposed Tariff, and enter a final order denying the Proposed Tariff or modifying the Proposed Tariff to address deficiencies, inequities, ambiguities and other issues regarding the Proposed Tariff addressed in this proceeding.

WHEREFORE, Petitioners respectfully request that the Commission:

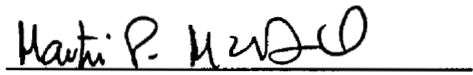
- A. Suspend the requested February 17, 2002 effective date of the Proposed Tariff;
- B. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Proposed Tariff pursuant to Sections 120.569 and 120.57(1), Florida Statutes;

C. Enter a final order denying the Proposed Tariff or modifying the Proposed Tariff to address deficiencies, inequities, ambiguities and other issues regarding the Proposed Tariff addressed in this proceeding; and

D. Grant such further relief as the Commission deems just and proper.

Respectfully submitted this 15th day of February, 2002.

Respectfully submitted,

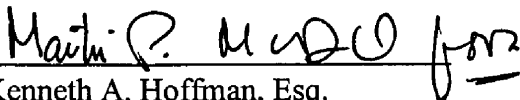


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(850) 681-6515 (Telecopier)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Joint Petition was furnished by U. S. Mail to the following this 15th day of February, 2002:

Nancy B. White, Esq.
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 N. Monroe Street, Suite 400
Tallahassee, FL 32301



Kenneth A. Hoffman, Esq.