Legal Department

JAMES MEZA III
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May 10, 2002

Mrs. Blanca S. Bayó
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: New Docket - Docket No.: 020415-TL
Petition for Declaratory Statement Regarding Sprint PCS' Service Request

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Declaratory Statement, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

James Meza III

James Meza III

(2L)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

CERTIFICATE OF SERVICE
Docket No. _____

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Federal Express this 10th day of May, 2002 to the following:

Staff Counsel
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Commission
Division of Legal Services
2540 Shumard Oak Boulevard
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James Meza III (2f)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Declaratory Statement before the Florida Public Service Commission by BellSouth Telecommunications, Inc. regarding Sprint PCS' Service Request	)	Docket No.:
	)	Filed: May 10, 2002

PETITION FOR DECLARATORY STATEMENT

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 28-105.001, Florida Administrative Code, respectfully requests that the Florida Public Service Commission ("Commission") determine whether the provision of telecommunications service by BellSouth to Sprint PCS, as requested by Sprint PCS, in McClenney, Florida, which is not in BellSouth's exchange service, violates BellSouth's General Subscriber Service Tariff ("GSST") for the State of Florida. BellSouth is concerned that Sprint PCS' request could violate BellSouth's GSST, Section A35 because it would result in BellSouth providing virtual designated exchange service outside of BellSouth's exchange. In support of this Petition, BellSouth states the following:

1. Section A35 of BellSouth's GSST, which is entitled "Interconnection Services for Mobile Service Providers," provides for a service called "virtual designated exchange." This service allows a carrier to provide a NXX number to a customer in an exchange that is different from the exchange where the Mobile Service Provider's ("MSP") interconnection with BellSouth exists.

2. Specifically, Section A35.1.1.R. provides:

R. Assignment of Numbers and NXX Codes

> 1. When a new dedicated NXX is assigned, if the NXX will reside at the MSP's Point of Presence (POP), at least one number from that NXX must terminate in a milliwatt test line (Technical Reference: ANSI T1.207-1989), to be used for text purposes. When a dedicated NXX is assigned for ***BellSouth CMRS*** Type 1

service, and ***BellSouth CMRS Local Loop Trunks***, then the NXX resides in the Company end office, in which case the Company will terminate a MSP selected number in a milliwatt test line.

2. The MSP will provide the Company with both the name of the desired designated exchange and the V&H coordinates for each dedicated NXX established with a ***BellSouth CMRS*** type 2A/Type 2A-SS7 interconnection. If the desired designated exchange for the dedicated NXX is different than the exchange where the MSP's ***BellSouth CMRS*** Type 2A/Type 2A-SS7 interconnection exists, it is called a virtual designated exchange. A virtual designated exchange is only allowed when the chosen designated exchange meets the following criteria:

a. Is a Company exchange

b. Is in the same LATA as the MSP's point of interconnection

c. Is billed from the same Regional Accounting Office (RAO) as MSP's interconnection

d. Is located within the NPA's geographic area

e. Is in a different local calling area than the exchange where the MSP's interconnection exists

Once ordered, the chosen designated exchange cannot be changed for six months after implementation.

3. The MSP may move an existing dedicated NXX that resides in a Company end office to the MSP's Point of Presence (POP) within the same LATA. A ***BellSouth CMRS*** Type 2A/Type 2ASS7 interconnection must exist at the POP. Both locations must be served by the same access tandem.

3. As stated above, Section A35.1.1R.2.a. provides that virtual designated exchange service is only allowed when the chosen exchange is a "Company" (meaning BellSouth) exchange.

4. Sprint PCS has requested that BellSouth activate certain NPA/NXXs. Said activation results in the routing of traffic to these NPA/NXXs being established within BellSouth's service area while the rating of such traffic is established in Northeast Florida Telephone Company, Inc.'s ("Northeast Florida Telephone") rate center service area. See attached Affidavit of Robert E. James, attached hereto as Exhibit A.

5. The effect of this request is that traffic is routed to these NPA/NXXs over BellSouth's network for termination rather than over Northeast Florida Telephone's network. Additionally, this arrangement, which establishes a rate center in Northeast Florida Telephone's service area and a routing center in BellSouth's service area, results in inaccurate rating of landline end user local and toll option calls. See Exhibit A. BellSouth is concerned that the above-arrangement places BellSouth in the position of having to rate calls based on Northeast Florida Telephone's tariff, as if the calls actually originated from or terminated to Northeast Florida Telephone.

6. BellSouth is also concerned that Sprint PCS' request potentially places BellSouth in violation of its own tariff, specifically Section A35.1.1, because it would require BellSouth to provide virtual designated exchange service outside of BellSouth's exchange.

7. Because there is a good faith disagreement between BellSouth and Sprint PCS as to whether Sprint PCS' request would violate BellSouth's tariff and because Sprint PCS alleged that the failure to implement the request would cause numbering resource difficulties, BellSouth has implemented the request pending the Commission's determination of this Declaratory Statement.

WHEREFORE, for the foregoing reasons, BellSouth respectfully requests that the Commission interpret BellSouth's GSST, Section A35 and determine whether the provision of telecommunications service by BellSouth to Sprint PCS, as requested by Sprint PCS as set forth herein, violates BellSouth's GSST, Section A35.

Respectfully submitted this 10th day of April, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

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446392

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

Petition for Declaratory Statement before the Florida Public Service Commission by BellSouth Telecommunications, Inc. Regarding Sprint PCS' Service Request	))))	Docket No.:

AFFIDAVIT OF ROBERT E. JAMES

1. I, Robert E. James, do solemnly swear that I am over the age of eighteen, competent to testify, and have personal knowledge of the facts set forth herein:

2. My name is Robert E. James. I am employed by BellSouth Telecommunications, Inc. (BST) as Staff Manager – Wireless Interconnection in Interconnection Services. My business address is NW1B, 3535 Colonnade Parkway, Birmingham, Alabama, 35243.

SUMMARY

3. BST provides interconnection to all Commercial Mobile Radio Service (CMRS) providers licensed to provide service in BellSouth's service areas within its nine (9) state region. Interconnection is provided in full compliance with Section 251 and Section 252 of The Telecommunications Act of 1996 (The Act).

4. Sprint PCS (Sprint) has secured NPA/NXX codes from NeuSTAR, the North American Numbering Plan Administrator, which is appointed by the Federal Communication Commission (FCC). In the process of securing these NPA/NXXs, Sprint established a rating center of McClenney, Florida (McClenny) and a routing destination, for termination of traffic, of Jacksonville, Florida (Jacksonville).

5. McClenney is a local service exchange of Northeast Florida Telephone Company, Inc. (NFTC). Jacksonville is a local service exchange of BST.

6. NPA/NXX code activation guidelines established by NeuSTAR stipulate in Central Office Code (NXX) Assignment Guideline, INC 95-0407-008 at 4.1 that an initial code assignment will be based on identification of a new switching entity, physical point of interconnection (POI), or unique rate center consistent with regulatory restriction.

7. By securing this NPA/NXX in this configuration, Sprint has effectively required BST to provide the equivalent of its tariffed Virtual Designated Exchange Service (VDE). BST offers VDE in its General Exchange Service Tariff (GSST) at Section

EXHIBIT "A"

A35.1.1.R.2.a. VDE provides CMRS with the option of activating NPA/NXX codes within BST's service area where the routing destination and rate center are in different local calling areas.

8. By complying with Sprint's stipulated NPA/NXX code activation parameters, Sprint creates a situation whereby compensation of all participants for resulting traffic may/will be incorrect. Potential participants may include but not limited to Sprint, BST, NFTC, end users of both BST and NFTC, other Alternative Local Exchange Carriers (ALECs) and InterExchange Carriers (IXCs).

9. Further, by complying with Sprint's stipulated NPA/NXX code activation parameters, BST is in possible violation of Section A35 of BellSouth's GSST because the rate center for the involved NPA/NXX is in a different Incumbent Local Exchange Carrier's (ILEC) local service area.

SPECIFICS SUPPORTING DECLARATORY RULING

10. Figure 1, attached to this affidavit, provides a pictorial representation of the situation created by activating NPA/NXX codes in the manner described above. This Figure shows that Sprint is utilizing BST's network to compete with NFTC for local subscribers in NFTCs' McClenney local exchange. Such competition is being achieved without giving NFTC the opportunity to receive adequate compensation for the use of its network. Additionally, this arrangement causes end users of both BST and NFTC to be billed for the placement of calls in a manner that is inconsistent with the way the calls are actually routed and completed.

11. For instance, when a BST end user (EU) in Jacksonville places a call to a Sprint Mobile Service Subscriber (MSS), whose call number is in the NPA/NXX with a rate center of McClenney, the call is routed from the BST end office serving the EU over interoffice trunks to the BST tandem. From the BST tandem, the call is routed over the BST provided Type 2A interconnection to the Sprint Mobile Switching Center (MSC) located in Jacksonville. Because the McClenney rate center is a toll call from the Jacksonville exchange, the BST EU is billed a toll call even though the call never leaves the Jacksonville exchange and even though NFTCs network never processes the call.

12. Similarly, when a Sprint MSS, whose call number is in the NPA/NXX with a rate center of McClenney, places a call to a BST EU in Jacksonville, the call is routed over the BST provided Type 2A interconnection from the Sprint MSC to the BST Tandem. From the BST tandem the call is routed over interoffice trunks to the BST end office serving the BST EU. Even though the originating party has a call number with a McClenny rate center, which would normally make this an intercompany transit call, compensation between Sprint and BST will take place as though this is a "local" call as defined in the interconnection agreement between Sprint and BST. Because the originating number of the call is supported by a McClenny rate center and the terminating number of the call is supported by a Jacksonville rate center, the

possibility exists that the intercompany settlement plan between BST and NFTC could result in incorrect settlements between the two companies. Additionally, because NFTC, based on the rate center assigned to the NPA/NXX, would normally be the company providing the transit function in this call scenario, NFTC should be compensated by Sprint for that function.

13. When a NFTC end user (EU) in McClenney places a call to a Sprint Mobile Service Subscriber (MSS), whose call number is in the NPA/NXX with a rate center of McClenney, the call is routed from the NFTC end office serving the EU over intercompany or toll trunks to the BST tandem. From the BST tandem, the call is routed over the BST provided Type 2A interconnection to the Sprint Mobile Switching Center (MSC) located in Jacksonville. Because the McClenney rate center is a local call from the McClenney exchange, the NFTC EU is billed a local call even though the call leaves the McClenney exchange and is delivered to the Sprint MSC over facilities provided by BST. In this arrangement, even though BST provides a transit function by connecting the NFTC and Sprint networks, it will not be compensated for this function as both the originating and terminating telephone numbers have a rate center of McClenney. Under the intercompany settlement plan between BST and NFTC, this will appear as though it is a local call, all within the McClenney local service area. Because BST actually completes the call to the Sprint MSC, the possibility exists that Sprint may/could attempt to bill BST for such call delivery even though the call did not originate from a BST end user.

14. When a Sprint MSS, whose call number is in the NPA/NXX with a rate center of McClenney, places a call to a NFTC EU in McClenney, the call is routed over the BST provided Type 2A interconnection from the Sprint MSC to the BST Tandem. From the BST tandem, the call is routed over intercompany or toll trunks to the NFTC end office serving the NFTC EU. Even though the originating party has a call number with a McClenny rate center, which would normally make this an intracompany call between Sprint and NFTC, compensation between Sprint and BST will take place as though this is a "transit" call as defined in the interconnection agreement between Sprint and BST. Because the billing number of the Type 2A trunk group over which Sprint originates the call is established with an NPA/NXX that is different than the MSS's call number, BST is able to identify the call as a transit call. Sprint, who participates in Meet Point Billing (MPB) with BST, will be billed at the per minute of use transit rate for this call by BST. NFTC will be provided with call records of the call therefore enabling it to bill Sprint for terminating traffic on its network. Because the originating call number and the terminating call number both have assigned rate centers of McClenney, NFTC would normally bill Sprint for a local call terminated to its network. Further, because the call completes to NFTC over and intercompany or toll trunk group, NFTC will in all likelihood bill BST access for the call.

15. The above call scenarios demonstrate the pitfalls of the approach Sprint is taking by activating its NPA/NXXs in this manner. These pitfalls include but are not limited (1) rendering all compensation between the involved parties inaccurate; (2) preventing BST and NFTC from receiving accurate compensation for the use of their networks;

(3) rendering inaccurate settlements between BST and NFTC and inaccurate billings between the parties; and (4) billing BST and NFTC end users in a manner that is inconsistent with the actual routing/delivery of the calls. In addition, the above-scenario results in NFTC being unable to provide interconnection with its network by Sprint, and Sprint using BST's network to compete with NFTC on a local basis rather than interconnecting with NFTC and appropriately compensating NFTC for such interconnection.

16. In sum, by establishing a routing destination into BST and a rating destination in NFTCs exchange service area, Sprint places BST in the position of potentially:

- providing service in NFTCs exchange service area;
- violating BellSouth's tariffs regarding VDE service;
- skewing compensation between the carriers.

CONCLUSION

17. For all the reasons shown in my affidavit above, BST respectfully requests that the Commission issue a declaratory ruling as to the whether the proposed provision of telecommunications service as proposed by Sprint violates BellSouth A35 tariff.

The information contained in this affidavit is true and correct to the best of my knowledge and belief.

ROBERT E. JAMES

Sworn to and subscribed before me
on this the 10th day of May, 2002

NOTARY PUBLIC

My Commission Expires: NOTARY PUBLIC STATE OF ALABAMA AT LARGE MY COMMISSION EXPIRES: May 19, 2004 BONDED THRU NOTARY PUBLIC UNDERWRITERS

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