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November 6, 2002

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**By Overnight Delivery**

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399

**Re: Docket No. 021062-TL**

Dear Ms. Bayó:

Allegiance Telecom of Florida, Inc. ("Allegiance"), a Florida ALEC with a significant presence in Florida and authorized to compete with both BellSouth Telecommunications, Inc. ("BellSouth") and Supra Telecommunications and Information Systems, Inc. ("Supra"), would like to bring to the Commission's attention the anticonsumer and anticompetitive effects that the BellSouth/Supra payment dispute has had, and may yet have, on Florida consumers and alternative local exchange carriers ("ALECs"). Because of this dispute, Supra's customers are denied the same choice of local carriers that other Florida consumers currently enjoy. Further, BellSouth has proposed measures that, if adopted, would assure that it would capture the lion's share of Supra's customers.

As a result of the BellSouth/Supra payment dispute, BellSouth has blocked Supra's access to BellSouth's LENS operations support systems and Supra has filed a voluntary Chapter 11 petition. Prior to the Chapter 11 filing, BellSouth filed a petition to implement its "Emergency Service Continuity Tariff" and to obtain an emergency waiver of the Commission's carrier change and local service carrier freeze rules with respect to Supra's customers ("Petition"). In the pending Petition, BellSouth seeks Commission authority to: (1) notify Supra customers of imminent disconnection; (2) invoke the provisions of its Emergency Services Continuity Tariff to transfer all of Supra's resale and UNE-P customers to BellSouth temporarily and to offer those customers 14 days within which to choose and transition to another carrier or be disconnected; and (3) permit BellSouth to transfer Supra's customers to BellSouth without regard to prior customer approval and any local service carrier freeze. Commissioner Palecki issued an emergency order allowing BellSouth to begin making the notifications to Supra customers of the need to change carriers or face imminent disconnection. Supra then filed for bankruptcy and BellSouth represented to the Commission that it had discontinued the calls. BellSouth has also sought indefinite deferment of Commission consideration of its Petition, due to the automatic stay that attends a carrier bankruptcy filing.

This payment dispute is hurting Florida consumers and restricting customer choice to an unprecedented level. As it now stands, Supra's customers are hostages in the standoff between BellSouth and Supra and are unable to select the carrier of their choice.

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Typically when a customer wants to change local service providers, the winning ALEC will request the customer service record ("CSR") from the losing ALEC to obtain the circuit identification and other information necessary to migrate the customer to the new ALEC's service. Since Supra provisions service through resale of BellSouth retail services or use of its UNE platform, sometimes on a "change as-is" basis, BellSouth maintains the CSRs with its own network information regarding Supra's customers. In such situations, the losing ALEC must pull the CSR from BellSouth via LENS to provide the necessary BellSouth network information to the winning ALEC. This is precisely what BellSouth will not permit Supra to do -- BellSouth no longer permits Supra to access BellSouth's LENS operations support system so that Supra may lift the freeze and provide the necessary CSR information to the winning ALEC. To compound matters, Allegiance understands that Supra has placed a local carrier freeze on all of its customers' lines. In an October 28 letter to the industry, BellSouth indicated that it would not act to migrate a Supra customer line that has been frozen, even with customer authorization, unless Supra itself acts to release the freeze. This is really a Catch-22, because even if the Supra customer requested Supra to lift the freeze Supra cannot unless it processes an order through BellSouth's LENS -- which it cannot now do. The loser in this situation is the Supra customer, caught in the crossfire between these two carriers. Indeed, Allegiance cannot complete orders to migrate current Supra customers to Allegiance for this very reason. Accordingly, Supra's customers have no choice for local services -- they must continue on Supra's service even if they want to leave.

This is not a new problem. Allegiance and the rest of the ALEC industry have repeatedly discussed with BellSouth how ALEC-to-ALEC migration occurs and requested improvements in the process to make the transition more effective. To date, BellSouth has taken the position that the CSR information for ALECs must be provided by the ALEC and not through BellSouth even with the end user's or losing ALEC's consent. This is completely unreasonable and the Commission should not expect BellSouth to change now that the Commission has supported BellSouth's Section 271 bid. The only real solution is one where the Commission adopts an ALEC-to-ALEC migration process that includes BellSouth providing CSR information to competing ALECs as a last resort. In the interim, the Commission must insist that BellSouth must lift the freeze and provide access to the CSR information on Supra customers to other ALECs who have Supra's customer's authorization and that it permit the customer's migration to another ALEC if the customer so desires.

BellSouth's Petition if granted is also anticompetitive. BellSouth proposes to flash cut all of Supra's approximately 300,000 customers to it, albeit temporarily, and then to disconnect those customers within 14 days if they do not choose and transition to another carrier. Requiring so many customers to change carriers or risk disconnection within so short a time is not in the public interest and may in fact be a threat to public safety. BellSouth also proposes that it be granted a waiver to access all of the Supra customers' wholesale information to effect that temporary change. It is not clear from the Petition that BellSouth would share the CSR with the ALEC signing a displaced Supra customer. As a result, BellSouth would have sole access to a two-week-long all-it-

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can-eat buffet of potentially displaced Supra customers that need a new carrier. In addition, BellSouth's proposed telephone script to notify Supra's customers of impending disconnection of service is not designed to promote local competition. For instance, BellSouth's script does not indicate where customers may receive information about alternative local service. Many customers are likely to perceive no real choice for local service except from the former monopoly telephone provider – BellSouth.

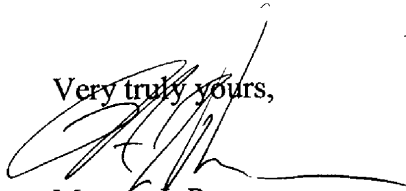
Further, since the displaced Supra customer will already be BellSouth's "temporary" customer, BellSouth will have tremendous competitive advantage over ALECs attempting to migrate the customer to their own facilities. BellSouth appears to make no allowances to keep a displaced Supra customer in service while the ALEC attempts to provision the line, in a short time-frame, with possibly incomplete CSR information. Allegiance's experience as a carrier using unbundled loops is that it generally takes longer than 14 days to sign up a customer and migrate its service in ordinary circumstances. These timeframes will be extended because BellSouth undoubtedly is unable to convert 300,000 customers to facilities-based carriers such as Allegiance using BellSouth's unbundled loops within the short time frames proposed in the Petition. Accordingly, the process BellSouth has devised will benefit really only two types of carriers: the underlying carrier - BellSouth, and those carriers whose service can be provisioned without a change in underlying facilities -- resellers and UNE-Platform carriers. Therefore, the timeframes suggested by BellSouth will inevitably result in discrimination against carriers such as Allegiance that would provision customers through BellSouth's unbundled loops.

With or without BellSouth's Petition, local competition is at risk. Allegiance respectfully requests that the Commission ensure that Florida customers are protected regardless of the outcome of the BellSouth/Supra dispute. The Commission must order BellSouth and Supra to release customers that desire to migrate to another ALEC. To do so, the Commission must direct BellSouth to lift the freeze and provide access to CSR information on those Supra customers wanting to leave. Moreover, BellSouth must be required to provide access to the CSRs at the same time and in the same way that BellSouth provides access to its own retail operations. In order to ensure a level playing field for Supra customers if BellSouth's Petition is granted, the Commission should also require BellSouth to direct displaced Supra customers to where they can find information about alternative local service, and should ensure that Supra's customers are not precipitously disconnected as they attempt to obtain service from an ALEC. Allegiance suggests that BellSouth allow for a 90 day transition period for these Supra customers. Without these protections, BellSouth will have significant competitive advantage over ALECs and will be able to discriminate in favor of its own retail operations.

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An original and 7 copies of this letter are enclosed. Please date stamp the extra copy to reflect receipt and return it to me in the enclosed envelope.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Morton J. Posner', with a long horizontal flourish extending to the right.

Morton J. Posner

Counsel for Allegiance Telecom of  
Florida, Inc.

**CERTIFICATE OF SERVICE**

I, Morton J. Posner, certify that I served a copy of the foregoing letter of Allegiance Telecom of Florida, Inc. in Docket No. 021062-TL this 6th day of November, 2002 on the following persons by overnight delivery:

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