

VOTE SHEET

DECEMBER 17, 2002

RE: Docket No. 010795-TP - Petition by Sprint Communications Company Limited Partnership for arbitration with Verizon Florida Inc. pursuant to Section 251/252 of the Telecommunications Act of 1996. (Deferred from November 5, 2002 conference; revised recommendation filed.)

LEGAL ISSUE A: What is the Commission's jurisdiction in this matter?

RECOMMENDATION: Staff believes that the Commission has jurisdiction pursuant to Chapter 364, Florida Statutes, and Section 252 of the Federal Telecommunications Act of 1996 (Act) to arbitrate interconnection agreements, and may implement the processes and procedures necessary to do so in accordance with Section 120.80 (13) (d), Florida Statutes. Section 252 of the Act states that a State Commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions required. This section requires this Commission to conclude the resolution of any unresolved issues not later than nine months after the date on which the ILEC received the request under this section. In this case, however, the parties have explicitly waived the nine-month requirement set forth in the Act.

Further, Section 252(e) of the Act reserves the state's authority to impose additional conditions and terms in an arbitration not inconsistent with the Act and its interpretation by the FCC and the courts.

This issue was approved at the November 5, 2002 conference.

COMMISSIONERS ASSIGNED: Baez, Palecki, Bradley

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures: Bradley, Palecki]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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ISSUE 1: In the new Sprint/Verizon interconnection agreement:

- (A) For the purposes of reciprocal compensation, how should local traffic be defined?
- (B) What language should be included to properly reflect the FCC's recent ISP Remand Order?

RECOMMENDATION: For the purposes of reciprocal compensation, the jurisdiction of calls dialed via 00- or 7/10D should be defined based upon the end points of a call. Thus, calls dialed in this manner, which originate and terminate in the same local calling area, should be defined as local traffic.

APPROVED

ISSUE 2: For the purposes of the new Sprint/Verizon interconnection agreement:

- (A) Should Sprint be permitted to utilize multi-jurisdictional interconnection trunks?
- (B) Should reciprocal compensation apply to calls from one Verizon customer to another Verizon customer, that originate and terminate on Verizon's network within the same local calling area, utilizing Sprint's "00-" dial around feature?

RECOMMENDATION: (A) Until such time that Sprint demonstrates to Verizon or this Commission that its billing system can separate multi-jurisdictional traffic transported on the same facility, staff recommends that Sprint should not be allowed to utilize multi-jurisdictional trunks. Staff trusts that Sprint will work cooperatively with Verizon and the Ordering and Billing Forum on its billing system;

(B) Staff recommends that when Sprint demonstrates to Verizon or this Commission that its billing system can separate multi-jurisdictional traffic transported on the same facility, Sprint's proposal for compensation should apply to "00-" calls that originate and terminate on Verizon's network within the same local calling area.

APPROVED

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ISSUE 3: For the purposes of the new Sprint/Verizon interconnection agreement, should Verizon be required to provide custom calling/vertical features, on a stand-alone basis, to Sprint at wholesale discount rates?

RECOMMENDATION: Yes. Verizon should be required to provide custom calling/vertical features, on a stand-alone basis, to Sprint. The provision of these services should be at Verizon's current wholesale discount rate for all resold services, 13.04%. The current wholesale discount rate should apply until such time as Verizon may choose to calculate, and this Commission approves, an avoided cost calculation that specifically addresses stand-alone custom calling features.

APPROVED

ISSUE 12: Should changes made to Verizon's Commission-approved collocation tariffs, made subsequent to the filing of the new Sprint/Verizon interconnection agreement, supercede the terms set forth at the filing of this agreement?

RECOMMENDATION: Yes. Staff recommends that changes made to Verizon's Commission-approved collocation tariffs, made subsequent to the filing of the new Sprint/Verizon interconnection agreement, should supercede the terms set forth at the filing of this agreement. Staff recommends that this be accomplished by including specific reference to the Verizon collocation tariffs in the parties' interconnection agreement. However, staff believes that Sprint shall retain the right, when it deems appropriate, to contest any future Verizon collocation tariff revisions by filing a petition with the Commission.

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ISSUE 15: For the purposes of the new interconnection agreement, should Sprint be required to permit Verizon to collocate equipment in Sprint's central offices?

RECOMMENDATION: Staff recommends that Sprint should not be required to allow Verizon to collocate its equipment in Sprint central offices when Sprint is not the incumbent local exchange carrier. However, staff believes that the parties should negotiate, since Verizon proposes a reasonable means to reduce the amount of transport involved in interconnection.

APPROVED

ISSUE 17: Should this docket be closed?

RECOMMENDATION: No. The parties should be required to submit a signed agreement that complies with the Commission's decisions in this docket for approval within 30 days of issuance of the Commission's Order. This docket should remain open pending Commission approval of the final arbitrated agreement in accordance with Section 252 of the Telecommunications Act of 1996.

APPROVED