

VOTE SHEET

FEBRUARY 18, 2003

RE: Docket No. 020129-TP - Joint petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement tariff filed by BellSouth Telecommunications, Inc.

ISSUE 1: (Factual) To what kind of traffic does BellSouth's CCS7 Access Arrangement Tariff apply?

RECOMMENDATION: Staff recommends that the evidence supports a finding that BellSouth's CCS7 access tariff applies to non-local intrastate traffic and to local traffic if the carrier does not have an approved interconnection agreement with BellSouth.

APPROVED

COMMISSIONERS ASSIGNED: Jaber, Deason, Baez, Bradley

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Bradley
Deason
Baez
J. Terry Deason

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

01658 FEB 18 8

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ISSUE 2: (Factual) Did BellSouth provide CCS7 access service to ALECs, IXCs, and other carriers prior to filing its CCS7 Tariff?

RECOMMENDATION: Staff recommends that the evidence supports a finding that BellSouth provided CCS7 access service to ALECs, IXCs, and other carriers prior to filing its CCS7 tariff.

APPROVED

ISSUE 3: (Factual) Is BellSouth's CCS7 Access Arrangement Tariff revenue neutral? Why or why not?

RECOMMENDATION: Staff recommends that the evidence supports a finding that BellSouth's CCS7 Access Arrangement Tariff is not revenue neutral. Whether viewed in its current form or from the standpoint of the one future agreed upon adjustment, the tariff is not revenue neutral.

APPROVED

ISSUE 4: (Legal) Does BellSouth's CCS7 Access Arrangement Tariff violate Section 364.163 or any other provisions of Chapter 364, Florida Statutes?

RECOMMENDATION: Staff recommends that the evidence supports a finding that the tariff violates Section 364.163, Florida Statutes, because BellSouth's intrastate and interstate per minute access rates must reach parity before any specific network access rate may be increased.

DENIED

The Commission determined that this is an existing access service that meets the parameters of Section 364.163, F.S.

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ISSUE 5: (Factual) What does BellSouth charge subscribers under the CCS7 Access Arrangement Tariff for the types of traffic identified in Issue 1?
RECOMMENDATION: Staff recommends that the evidence supports a finding that under the CCS7 Access Arrangement Tariff, BellSouth charges the following for the types of traffic identified in Issue 1:

Monthly (Recurring) Charges:

CCS7 Signaling Connection, per 56 kbps facility	\$155.00
CCS7 Signaling Termination, per STP port	\$337.05

One-time (Nonrecurring) Charges:

CCS7 Signaling Connection, per 56 kbps facility	\$150.00
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CCS7 Point Code Establishment or Change	<u>1st</u>	<u>Add'l</u>
Originating Point Code	\$40.00	\$ 8.00
Per Destination Point Code	\$ 8.00	\$ 8.00

Usage (Per Signaling Message) Charges:

Call Set Up, per message (ISUP)	\$.000035
TCAP, per message	\$.000123

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ISSUE 6: (Factual/Policy) Is more than one carrier billed for Integrated Services Digital Network User Part (ISUP), for the same segment of any given call, under the BellSouth CCS7 Access Arrangement Tariff? If so, is it appropriate?

RECOMMENDATION: Staff recommends that the evidence supports a finding that pursuant to its tariff, BellSouth does not bill multiple carriers for the same message on any given segment of a call. Staff recommends that BellSouth's billing methodology, from a technical perspective, is accurate; however, staff believes that it is not possible for a carrier to report the appropriate jurisdictional factors without purchasing a message counting system. Consequently, without a message counting system, messages would be inappropriately billed under BellSouth's default jurisdictional factor, as discussed in Issue 8.

APPROVED

ISSUE 7: (Factual/Policy) Under BellSouth's CCS7 Access Arrangement Tariff, is BellSouth billing ISUP and Transactional Capabilities Application Part (TCAP) message charges for calls that originate on an ALEC's network and terminate on BellSouth's network? If so, is it appropriate?

RECOMMENDATION: Staff recommends that the evidence supports a finding that pursuant to its CCS7 tariff, BellSouth bills for ISUP and TCAP messages regardless of the originating party or the direction of the message. Staff believes that there are several significant factors beyond the scope of this issue that should be considered in order to determine whether these charges are appropriate, and thus reserves final judgment for Issue 10.

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ISSUE 8: (Policy) What is the impact, if any, of BellSouth's CCS7 Access Arrangement Tariff on subscribers? Does such impact, if any, affect whether BellSouth's CCS7 Access Arrangement Tariff should remain in effect?

RECOMMENDATION: Staff recommends that the evidence supports a finding that BellSouth's CCS7 Access Arrangement Tariff would unnecessarily and unreasonably increase costs for competitive carriers that provision their own SS7 networks by requiring that they invest in a system simply to reciprocal bill BellSouth. Staff notes that the Commission determined that ALECs are precluded from providing access in BellSouth's territory for themselves or any other entity where interconnection trunks are employed with BellSouth. Therefore, carriers are practically forced to interconnect with BellSouth's SS7 network. Additionally, staff believes that BellSouth's tariff effectively increases access charges for IXCs. Staff believes that Section 364.163, Florida Statutes, precludes BellSouth from increasing intraLATA access charges in this manner. Staff recommends that this impact should be considered in determining whether BellSouth's tariff should remain in effect.

DEFERRED

A ruling on issues 8, 10, 11, and 12 is deferred to reopen the record and set for oral argument consistent with discussions at the conference. Oral argument is to be heard at the first available agenda after all noticing requirements are met.

ISSUE 9: (Factual) Does BellSouth bill ILECs for the signaling associated with the types of traffic identified in Issue 1?

RECOMMENDATION: Staff recommends that the evidence supports a finding that BellSouth does not bill ILECs for the signaling associated with local or intrastate traffic. However, while BellSouth does not bill ILECs per message charges, it bills the higher local switching rate, pursuant to section E16 of BellSouth's tariff.

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ISSUE 10: (Factual/Policy) Should BellSouth's CCS7 Access Arrangement Tariff remain in effect? If not, what action(s) should the Florida Public Service Commission take?

RECOMMENDATION: Staff recommends that the evidence supports a finding that BellSouth's CCS7 Access Arrangement tariff should be canceled. BellSouth should be ordered to refund, on a customer-specific basis, any net increase resulting from applying the lower local switching rates and the CCS7 tariff rates, as compared to the higher local switching rates customers would have paid if the CCS7 tariff had not gone into effect. BellSouth should be required to submit a refund plan within 30 days of the Final Order from this recommendation. Further, any revised tariff should reflect the rates, terms, and conditions that existed before the CCS7 tariff went into effect.

DEFERRED

ISSUE 11: (Policy/Legal) If the tariff is to be withdrawn, what alternatives, if any, are available to BellSouth to establish a charge for non-local CCS7 access service pursuant to Florida law?

RECOMMENDATION: Given the limited nature of the record, staff believes there is insufficient support for a Commission decision. However, if the parties to this docket wish to explore alternatives, staff believes an informal staff workshop could be held for this purpose.

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ISSUE 12: Should the docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 10, then the docket should remain open to address the refunds. BellSouth should be required to file a report within 14 days of completion of its refund plan for staff review. If BellSouth satisfactorily completes the refunds in accordance with its plan, this docket should be closed administratively. However, if the Commission denies staff's recommendation on Issue 10, then the docket should be closed upon expiration of the appeals period.

DEFERRED