

WOMBLE
CARLYLE
SANDRIDGE
& RICE
A PROFESSIONAL LIMITED
LIABILITY COMPANY



One Atlantic Center
1201 West Peachtree Street
Suite 3500
Atlanta, GA 30309
Telephone (404) 872-7000
Fax: (404) 888-7490
Web site: www.wcsr.com

Loretta A. Cecil
Direct Dial: (404) 888-7387
Direct Fax: (404) 870-4826
E-mail: lcecil@wcsr.com

February 19, 2003

VIA FEDERAL EXPRESS

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

Re: Complaint of AT&T Communications of the Southern
States, LLC, Teleport Communications Group, Inc., and
TCG South Florida For Enforcement of Interconnection
Agreements with BellSouth Telecommunications, Inc.
Docket No. 020919-TP

Dear Mrs. Bayo:

Enclosed is an original and fifteen copies of AT&T's Response to BellSouth's Motion for Partial Summary Final Order on Issue 1(A) and AT&T's Cross Motion For Partial Summary Final Order on Issue 1(A) on behalf of AT&T Communications of the Southern States, LLC, Teleport Communications Group, Inc., and TCG South Florida.

Please stamp two (2) copies of the Response and Cross Motion in the usual manner and return to us via our envelope.

If you have any questions, please do not hesitate to contact me at 404-888-7437.

Best regards,

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability
Company


Loretta A. Cecil

Enc.

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re:) **Docket No. 020919-TP**
AT&T Communications of the)
Southern States, LLC, Teleport) **Filed: February 19, 2003**
Telecommunications Group, Inc.,)
And TCG South Florida for)
Enforcement of Interconnection)
Agreements with BellSouth)
Telecommunications, Inc.)

**AT&T'S RESPONSE TO BELLSOUTH'S MOTION FOR PARTIAL
SUMMARY FINAL ORDER ON ISSUE 1(A) AND AT&T'S CROSS MOTION
FOR PARTIAL SUMMARY FINAL ORDER ON ISSUE 1(A)**

AT&T of the Southern States, LLC, Teleport Communications Group, Inc., and TCG South Florida (collectively "AT&T"), in accordance with Rule 28-106.204, Florida Administrative Code, hereby responds to the Motion for Partial Summary Final Order On Issue 1(A) ("Motion") filed by BellSouth Telecommunications, Inc. ("BellSouth") on January 27, 2003 in this proceeding and hereby files AT&T's Cross Motion for Partial Summary Final Order on Issue 1(A).¹

1. In its Motion, BellSouth requests that the Florida Public Service Commission ("Commission") find pursuant to the provisions of the first interconnection agreement ("First Agreement") between BellSouth and AT&T of the Southern States, LLC, that the terms, conditions and prices of the

¹ Pursuant to Rule 28-106.204(3), Florida Administrative Code, AT&T previously advised BellSouth of its intent to file this Cross Motion for Partial Summary Final Order on Issue 1(A). BellSouth did not object to AT&T filing this Cross Motion.

second interconnection agreement ("Follow-on Agreement")² apply between BellSouth and AT&T from June 1, 2000 forward, except for the reciprocal compensation rates.³ As to reciprocal compensation rates, AT&T and BellSouth agreed that such rates would apply from July 1, 2001 forward.⁴

2. AT&T does not dispute that terms, conditions, and prices of Follow-on Agreement apply between BellSouth and AT&T from June 11, 2000 forward, except for the reciprocal compensation rates which apply from July 1, 2001 forward.

3. In fact, in filing its Motion, BellSouth agreed with the allegations first raised by AT&T in its Complaint as well in the King Testimony that the terms, conditions, and prices of Follow-on Agreement apply between BellSouth and AT&T from June 11, 2000 forward, except for the reciprocal compensation rates which apply from July 1, 2001 forward.

4. Accordingly, AT&T agrees that there is no genuine issue of material fact as to Issue 1(A).

5. By virtue of the fact that AT&T previously plead all of the material facts which BellSouth now agrees are not at issue relative to Issue 1(A) in both its Complaint and the King Testimony, AT&T hereby files this Cross Motion for Partial Summary Final Order on Issue 1(A).

² Relative to AT&T's Complaint and the Direct Testimony of Jeffrey A. King filed on January 15, 2003 ("King Testimony") in this proceeding, both AT&T and Mr. King refer to "Follow-On Agreement" as "Second Interconnection Agreement."

³ BellSouth Motion at Page 1.

⁴ BellSouth Motion at Page 7, Footnote 2.

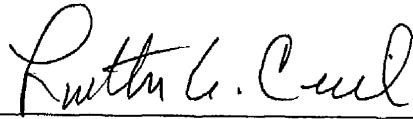
6. Such Cross Motion is appropriate given that the relief requested by BellSouth relative to Issue 1(A) is relief initially and only requested by AT&T in this proceeding. In this respect, BellSouth asked for no such relief in its Answer, and filed no Counterclaim against AT&T in this proceeding seeking such relief.

7. Given that both BellSouth and AT&T agree there is no genuine issue of material fact relative to Issue 1(A) and the Commission now has pending before it Cross Motions regarding the same, AT&T requests that the Commission issue a single order finding that the terms, conditions, and prices of Follow-on Agreement apply between BellSouth and AT&T from June 11, 2000 forward, except for the reciprocal compensation rates which apply between BellSouth and AT&T from July 1, 2001 forward.

WHEREFORE, AT&T requests the Commission to:

- (a) issue a single order disposing of both BellSouth's and AT&T's Cross Motions finding that relative to Issue (1)(A), pursuant to the provisions of First Agreement between BellSouth and AT&T, that Follow-on Agreement applies between BellSouth and AT&T from June 1, 2001 forward, except for the reciprocal compensation rates which apply between BellSouth and AT&T from July 1, 2001 forward; and
- (b) grant AT&T such other and further relief as it deems just and proper.

Respectfully submitted this 19th day of February , 2003.

By: 

Attorney for AT&T of the Southern
States, LLC, Teleport Communications
Group, Inc., and TCG South Florida
(collectively "AT&T")

Loretta A. Cecil, Esq.

Womble Carlyle Sandridge & Rice PLLC

1201 W. Peachtree Street

Suite 3500

Atlanta, GA 30309

(404) 888-7437

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of AT&T of the Southern States, LLC, Teleport Telecommunications Group, Inc. and TCG South Florida (all collectively "AT&T") RESPONSE TO BELLSOUTH'S MOTION FOR PARTIAL SUMMARY FINAL ORDER ON ISSUE 1(A) AND AT&T'S CROSS MOTION FOR PARTIAL SUMMARY FINAL ORDER ON ISSUE 1(A) was furnished by U.S. Mail this 19th day of February, 2003 to the following:

BellSouth Telecommunications, Inc.
Nancy B. White/James Meza III/Andrew Shore
c/o Ms. Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556
Phone: (850) 224-7798
Fax: (850) 222-8640
Email: nancy.sims@bellsouth.com/andrew.shore@bellsouth.com

Florida Cable Telecommunications Assoc., Inc.
Michael A. Gross
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303
Phone: 850-681-1990
Fax: (850) 681-9676
Email: mgross@fcta.com

Patricia Christensen, Esq.
Division of Legal Services
Room 370
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Fax: (850) 413-6221
Email: pchriste@psc.state.fl.us

David Eppsteiner, Esq.
AT&T Communications of the Southern States LLC
Suite 8100
1200 Peachtree Street, NE
Atlanta, GA 30309


Loretta A. Cecil, Esq.