

VOTE SHEET

JUNE 3, 2003

RE: Docket No. 020412-TP - Petition for arbitration of unresolved issues in negotiation of interconnection agreement with Verizon Florida Inc. by US LEC of Florida Inc.

ISSUE 1: Is US LEC permitted to select a single interconnection point (IP) per local access and transport area (LATA), to select the interconnection method, and to require Verizon to bear the financial responsibility to deliver its originating traffic to the IP chosen by US LEC?

RECOMMENDATION: Yes. Staff recommends that US LEC is permitted to select a single interconnection point (IP) per local access and transport area (LATA), to select the interconnection method, and to require Verizon to bear the financial responsibility to deliver its originating traffic to the IP chosen by US LEC, as long as that IP is within Verizon's network.

APPROVED

COMMISSIONERS ASSIGNED: Baez, Bradley, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Charles M. Davidson
Miguel Baez
Buddy Bradley

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
04929 JUN-3 8
FPSC-COMMISSION CLERK

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ISSUE 2: If US LEC establishes its own collocation site at a Verizon end office, can Verizon request US LEC to designate that site as a US LEC IP and impose additional charges on US LEC if US LEC declines that request?

RECOMMENDATION: No. If US LEC establishes a collocation site at a Verizon end office, staff recommends that Verizon should not be permitted to require that US LEC designate that site as a US LEC IP and impose additional charges on US LEC if US LEC declines that request. However, Verizon should only be required to bear the financial responsibility to deliver its originating traffic to an IP chosen by US LEC, if that IP is on Verizon's network, within a LATA.

APPROVED

ISSUE 3: Is US LEC entitled to reciprocal compensation for terminating and/or delivering "Voice Information Services" traffic?

RECOMMENDATION: Yes. US LEC is entitled to reciprocal compensation for terminating or delivering "Voice Information Services" traffic, when the call is to a service that provides a vocal discussion program open to the public; however, when the traffic is to a service that provides recorded voice announcement information, such traffic falls into the category of information access and is therefore not subject to reciprocal compensation.

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ISSUE 5: Should the term "terminating party" or the term "receiving party" be employed for the purpose of traffic measurement and billing over interconnection trunks?

RECOMMENDATION: Staff recommends that all references in the Agreement to a party that is terminating traffic should refer to that party as the "terminating party." Further, all references to the party "receiving" traffic or to the "receiving party" should refer instead to the party "terminating" traffic and to the "terminating party" with terms or notations added solely for purposes of clarification.

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ISSUE 6: (A) Should the parties pay reciprocal compensation for calls that originate in one local calling area and are delivered to a customer located in a different local calling area, if the NXX of the called number is associated with the same local calling area as the NXX of the calling number?

(B) Should the originating carrier be able to charge originating access for the traffic described in Issue 6(A)?

RECOMMENDATION: (A) No. The parties should not pay reciprocal compensation for calls that originate in one local calling area and are delivered to a customer located in a different local calling area, if the NXX of the called number is associated with the same local calling area as the NXX of the calling number.

(B) Staff recommends that the originating carrier should be able to charge originating access on the traffic described in Issue 6(A). Staff recommends that this treatment should also apply to FX numbers.

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ISSUE 7: What compensation framework should govern the parties' exchange of ISP-bound traffic in the event the interim compensation framework set forth in the FCC's Internet Order is vacated or reversed on appeal?

RECOMMENDATION: Staff recommends the parties' agreed upon change of law clause should govern the parties' obligations in the event the interim compensation framework set forth in the FCC's ISP Remand Order is vacated or reversed on appeal. Thus, the parties should renegotiate in good faith and amend their final interconnection agreement if the interim compensation framework for ISP-bound traffic is vacated or reversed on appeal.

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ISSUE 8: Under what circumstances, if any, should tariffed charges which take effect after the agreement becomes effective take precedence over non-tariffed charges previously established in the agreement for the same or similar services or facilities?

RECOMMENDATION: Staff recommends non-tariffed charges must remain fixed for the term of the agreement, unless changed pursuant to a valid Commission order. If, during the term of the final interconnection agreement, Verizon seeks to assess a new tariffed rate, it must first enter into a negotiated amendment to the final interconnection agreement with US LEC.

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ISSUE 9: 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