

VOTE SHEET

JUNE 17, 2003

RE: Docket No. 011666-TP - Petition by Global NAPS, Inc. for arbitration pursuant to 47 U.S.C. 252(b) of interconnection rates, terms and conditions with Verizon Florida Inc.

ISSUE A: [LEGAL ISSUE] 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 Telecommunication Act of 1996 (Act) to arbitrate interconnection agreements. Section 252 states that a State Commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions as required. Further, staff believes that while 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, the Commission should use discretion in the exercise of such authority.

APPROVED

COMMISSIONERS ASSIGNED: Deason, Baez, Davidson

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

[Handwritten signatures of Charles W. Deason, James Baez, and Matthew Davidson]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER 05418

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FPSC-CONNECTION CLERK

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ISSUE 1(a): May GNAPs designate a single physical point of interconnection per LATA on Verizon's existing network?

RECOMMENDATION: Yes. GNAPs may designate a single physical point of interconnection per LATA on Verizon's network. Verizon should be permitted to require a Memorandum of Understanding when a fiber meet is requested.

APPROVED

ISSUE 1(b): If GNAPs chooses a single point of interconnection (SPOI) per LATA on Verizon's network, should Verizon receive any compensation from GNAPs for transporting Verizon local traffic to this SPOI? If so, how should the compensation be determined?

RECOMMENDATION: No. Each party is responsible for transporting its own traffic to the SPOI.

APPROVED

ISSUE 2: Should the parties' interconnection agreement require mutual agreement on the terms and conditions relating to the deployment of two-way trunks when GNAPs chooses to use them?

RECOMMENDATION: Yes. Both parties' engineers should coordinate the use of two-way trunking, due to the potential impact on both parties' networks. However, in the event the parties cannot agree, GNAPs has the right to make the final decision.

MODIFIED

Approved with additional language provided by staff at the conference.

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ISSUE 3(a): Should GNAPs be required to provide collocation to Verizon at GNAPs' facilities in order to interconnect with GNAPs?

ISSUE 3(b): If Verizon cannot collocate at GNAPs' facilities, should GNAPs charge Verizon distance-sensitive rates for transport?

RECOMMENDATIONS:

- (a) No. GNAPs should not be required to provide collocation to Verizon, but is encouraged to do so.
- (b) If Verizon charges distance-sensitive rates for transport, and cannot collocate at GNAPs' facilities, GNAPs is permitted to charge Verizon distance-sensitive rates for transport. However, based on staff's recommendation in Issue 1A, a physical point of interconnection must be on Verizon's network which negates the need for Verizon to purchase transport from GNAPs.

NO VOTE

ISSUE 4: Which carrier's local calling area should be used as the basis for determining intercarrier compensation obligations?

RECOMMENDATION: Consistent with the Commission's decision in Docket No. 000075-TP, the originating carrier's retail local calling area should be the basis for determining intercarrier compensation. In order to implement this decision, GNAPs should provide Verizon with details of its originating carrier proposal. At a minimum, this information should include responses to the eight questions found on page 6 of Exhibit 2. Implementation of the originating carrier plan should not delay the filing of the interconnection agreement. Therefore, if all other matters are incorporated into an interconnection agreement, except for the details of the originating carrier plan, the parties should file the agreement. Once the originating carrier implementation details are determined, the parties may file an amendment to their agreement.

APPROVED *With respect to Verizon, the originating parties' local calling area will be in effect for compensation purposes. Judgment is withheld on the applicability of GNAPs' calling area for purposes of their compensation until such time as they provide the necessary information, which is due within 30 days from the effective date of the order arising from this decision and should include responses to the eight discovery questions posed by Verizon.*

Staff was directed to discuss in the order reasonable expectations that should be included in future plans in regard to this issue and specific local calling areas of the CLECs to allow the Commission to evaluate and bring both any issues ahead of time instead of prolonging the arbitration after a decision is made.

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ISSUE 5: Should GNAPs be permitted to assign NXX codes to customers that do not physically reside in the local calling area associated with that NXX code?

RECOMMENDATION: Consistent with the Commission's decision in Docket No. 000075-TP, staff recommends that GNAPs should be permitted to assign telephone numbers to end users physically located outside the rate center to which the telephone number is homed. In addition, intercarrier compensation for non-ISP calls to these numbers should be based upon the end points of the particular calls. Non-ISP calls terminated to end users outside the local calling area in which their NPA/NXXs are homed are not local calls. Therefore, carriers will not be obligated to pay reciprocal compensation for this traffic; rather, access charges should apply. Moreover, virtual NXX traffic and FX traffic should be treated the same for intercarrier compensation purposes (i.e., access charges should apply).

APPROVED

Based on analysis and explanation offered by staff at the conference.

ISSUE 6: Should the parties' interconnection agreement include a change in law provision specifically devoted to the ISP Remand Order?

RECOMMENDATION: No. The parties' interconnection agreement need not include a change in law provision specifically devoted to the ISP Remand Order.

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ISSUE 7: Should the parties' interconnection agreement incorporate by reference each parties' respective tariffs?

RECOMMENDATION: Staff recommends that the interconnection agreement cover the terms and conditions of the relationship between GNAPs and Verizon. Notwithstanding this, if the agreement references the tariff because the specific terms and conditions of a service are not contained in the agreement, the terms and conditions contained in the tariff should prevail. Staff also recommends that the rates set forth in the agreement's pricing attachment should prevail unless a tariff change is approved by this Commission or the Federal Communications Commission.

APPROVED

ISSUE 8: What amounts and types of insurance should GNAPs be required to obtain?

RECOMMENDATION: The insurance requirements should be those detailed in the position of Verizon.

APPROVED

as modified by staff at the conference

ISSUE 9: To what extent should the parties be permitted to conduct audits to ensure (i) the accuracy of each other's bills, and (ii) appropriate use and disclosure of Verizon OSS Information?

RECOMMENDATION: Staff recommends that Verizon's proposed audit requirements be included in the interconnection agreement. These audit requirements are narrow enough in scope and frequency to allow for the evaluation of billing accuracy and contain provisions that prevent access to the confidential business information of the audited party.

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ISSUE 10: When should a change in law be implemented?

RECOMMENDATION: A change in law should be implemented when it takes effect.

APPROVED

ISSUE 11: Should GNAPs be permitted access to network elements that have not already been ordered unbundled?

RECOMMENDATION: No. GNAPs should only be permitted access to network elements that have already been ordered unbundled.

APPROVED

ISSUE 12: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open pending submission and final approval of the parties' Interconnection Agreement.

APPROVED