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September 23, 2003

VIA HAND DELIVERY

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COMMISSION  
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Re: Docket No.: 020507-TP

Dear Ms. Bayo:

On behalf of the AT&T Communications of the Southern States, LLC, (AT&T), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Notice of Filing Supplemental Authority.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A.

DOCUMENT NUMBER-DATE  
09121 SEP 23 8  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of the Florida Competitive Carriers Association Against BellSouth Telecommunications, Inc. Regarding BellSouth's Practice of Refusing to Provide FastAccess Internet Service to Customers who Receive Voice Service from a Competitive Voice Provider, and Request for Expedited Relief

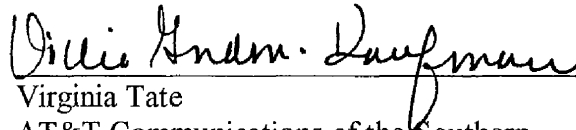
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Docket No. 020507-TP

Filed: September 23, 2003

**Notice of Filing Supplemental Authority**

AT&T Communications of the Southern States, LLC, MCI WorldCom Communications, Inc. and MCImetro Access Transmission Services, LLP, ITC^Deltacom Communications, Inc., and ACCESS Integrated Networks, Inc. hereby file this Notice of Supplemental Authority. Attached hereto is the Louisiana Public Service Commission's rejection of BellSouth's proposal to provision its DSL service over a second, separate line. The Louisiana Commission rejected BellSouth's proposal after the conclusion of the hearing in this case.



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Attorneys for the AT&T Communications  
of the Southern States, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Filing Supplemental Authority has been furnished by (\*) hand delivery, or by U.S. Mail this 23rd day of September, 2003, to the following:

(\*) Patricia Christensen  
Florida Public Service Commission  
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(\*) Nancy White  
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*Louisiana Public Service Commission*

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September 14, 2003

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(MRS.) VON M. MEADOR  
Deputy Undersecretary

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General Counsel

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Mr. Tommy Williams  
BellSouth Telecommunications, Inc.  
Room 3010  
365 Canal Street  
New Orleans, LA 70130-1102

**Re: BellSouth's May 1, 2003 filing**

Dear Mr. Williams:

On May 1, 2003, BellSouth Telecommunications, Inc. ("BellSouth") filed a "Proposal Pursuant to Paragraph 1 & 2 of LPSC Order No. R-26173-A." This proposal was submitted in accordance with the ordering language, which states in pertinent part,

Should BellSouth intend to offer its DSL service over a separate line/loop, it should file a proposal for consideration by the Commission not later than May 1, 2003. Such alternative offering, if proposed, shall not discriminate against that class of voice customers.

BellSouth's initial May 1<sup>st</sup> and subsequent July 8<sup>th</sup> filings describe a "standalone" DSL service offering that does not require the end user to have BellSouth voice service. According to BellSouth, this new service will be priced to all customers, including customers with CLEC voice service, in a manner consistent with the pricing of competitive broadband providers in the marketplace. BellSouth proposes to provision this new service on a voiceless exchange line to all customers, including the CLEC UNE-P customer. For the CLEC UNE-P customer, this would mean that BellSouth would not provision its DSL service over the UNE-P line, but rather would provision it over a separate line.

The Commission's Order currently requires BellSouth to continue to provide its retail and wholesale DSL service to customers who switch to CLEC UNE-P voice providers over the UNE-P line. This requirement likewise currently applies to CLEC voice customers who subsequently

choose to receive Bellsouth's wholesale or retail DSL service. The Order permits BellSouth to file a proposal to provision its DSL service over a separate line to CLEC UNE-P voice customers who subsequently choose to receive BellSouth's DSL service, but does not permit such a proposal with respect to existing BellSouth DSL customers who switch to a UNE-P CLEC

In addition to reviewing the May 1, 2003 filing, we have reviewed comments on BellSouth's proposal received May 22, 2003 from AT&T Communications of the South Central States, Inc.; comments received May 27, 2003 from MCI WorldCom; comments received May 30, 2003 from New South Communications Corp. and ITC^Com Communications, Inc. and comments received June 4, 2003 from Access Intergraded Networks, Inc. We likewise reviewed BellSouth's reply of July 8, 2003 to the above listed comments.

Based on our review of the above, the following conclusions were reached. First, to the extent BellSouth's proposal covers existing BellSouth DSL customers, it is overbroad and inconsistent with the Order. Second, to the extent the proposal applies to UNE-P CLEC voice customers who subsequently choose to receive BellSouth's DSL services, BellSouth's arguments in favor of using a separate line, instead of the UNE-P line that is already there, do not persuade Staff that BellSouth should be relieved of its current obligation to provide its DSL service over qualified UNE-P lines. Staff takes no position on how BellSouth chooses to provision its new service to customers other than UNE-P customers.

Finally, we agree that under the clear terms of the Order, BellSouth has pricing flexibility to determine an appropriate rate for its DSL service offerings. As the Commission determined, it "does not regulate the rates or pricing of BellSouth's wholesale or retail DSL service and does not establish any pricing for BellSouth's DSL." However, as also stated in the Order, the Commission retains jurisdiction to investigate any claims of anticompetitive or discriminatory pricing or practices, or violations of the Commission's Regulations for Competition in the Local Telecommunications Market.

Should you have any further questions concerning this matter, please contact us.

Sincerely,



Lawrence C. "Tubby" St. Blanc  
Executive Secretary

LCS:tB: bmf

cc: Official Service List

Service List  
Docket No. R-26173

All Commissioners

Brandon Frey - LPSC Staff Attorney  
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Harold Lasserre - LPSC Economics Division  
Stan Perkins - LPSC Auditing Division

- I- Paul F. Guarisco, Shirley & Ezell, LLC, 2354 South Acadian Thruway, Suite F, Baton Rouge, LA 70808, P- (225) 344-0302, (Rep. ACCESS Integrated Networks, Inc., NewSouth Communications Corp, Xspedius Corp, & ITC^DeltaCom )
- I- Joshua B. Zelden, Gordon, Arata, McCollam, Duplantis & Eagan, LLP, 1400 One American Place, Baton Rouge, LA 70825, P- (225) 381-9643, (Rep. Cox Comm.)
- I- Victoria K. McHenry, L. Barbee Ponder IV, 365 Canal Street, Suite 3060, New Orleans, La 70130, P- (504) 528-2050, (Rep. BellSouth Telecommunications, Inc.)
- Gordon D. Polozola, Kean, Miller, Hawthorne, D'Armond, McCowan & Jarman, LLP, P. O. Box 3513, Baton Rouge, LA 70821 (225) 387-0999 on behalf of SECCA and WorldCom.
- Katherine W. King, Kean, Miller, Hawthorne, D'Armond, McCowan & Jarman LLP P. O. Box 3513, Baton Rouge, LA 70821 (225) 387-0999 on behalf of KMC Telecom.
- IP- Brent E. McMahan, Vice President, Regulatory and Governmental Affairs, Network Telephone (NTC), 815 South Palafox Street, Pensacola, FL 32501, P-(850)465-1744, FAX-(850)432-0218, (Rep. Network Telephone)
- Paul S. West, Juliann L. Keenan, McGlinchey Stafford, PLLC, 9<sup>th</sup> Floor, One American Place, Baton Rouge, LA 70825 P: (225) 383-9000 F: (225) 343-3076 on behalf of AT&T (pending)