

ORIGINAL

Matilda Sanders

From: Fatool, Vicki [Vicki.Fatool@BellSouth.COM]
Sent: Monday, December 20, 2004 3:04 PM
To: Filings@psc.state.fl.us
Subject: 041338-TP BellSouth's Response to the Joint Petition for Generic Proceeding
Importance: High

- A. Vicki Fatool
 Legal Secretary to Nancy B. White
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- B. Docket No.: 041338-TP – Petition for Generic Proceeding to Set Rates, Terms, and Conditions for Batch Hot Cuts for UNE-P to UNE-L Conversions and for ILEC to UNE-L Conversions in the BellSouth Telecommunications, Inc. Service Area
- C. BellSouth Telecommunications, Inc.
 on behalf of E. Earl Edenfield, Jr.
- D. 14 pages total (including letter, certificate of service, and pleading)
- E. BellSouth Telecommunications, Inc.'s Response to the Joint Petition for Generic Proceeding (attached in .pdf and word format)

<<041338-T.pdf>> <<041338-TP Response>>

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December 20, 2004

Mrs. Blanca S. Bayó
Division of the Commission Clerk and
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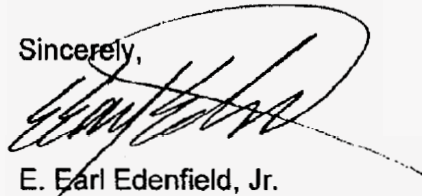
**Re: Docket No.: 041338-TP
Petition for Generic Proceeding to Set Rates, Terms, and Conditions for
Batch Hot Cuts for UNE-P to UNE-L Conversions and for ILEC to UNE-L
Conversions in the BellSouth Telecommunications, Inc. Service Area**

Dear Ms. Bayó:

Enclosed is BellSouth's Response to the Joint Petition for Generic Proceeding,
which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of
Service.

Sincerely,



E. Earl Edenfield, Jr.

Enclosure

cc: All Parties of Record
Marshall M. Criser III
Nancy B. White
R. Douglas Lackey

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**CERTIFICATE OF SERVICE
Docket No. 041338-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U.S. Mail this 20th day of December, 2004 to the following:

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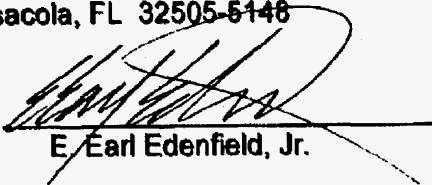
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E. Earl Edenfield, Jr.

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Generic Proceeding to Set Rates, Terms, and Conditions for Batch Hot Cuts for UNE-P to UNE-L Conversions and for ILEC to UNE-L Conversions in the BellSouth Telecommunications, Inc. Service Area)
Docket No. 041338-TP)
Filed: December 20, 2004)

**BELLSOUTH'S RESPONSE TO THE JOINT PETITION
FOR GENERIC PROCEEDING**

BellSouth Telecommunications, Inc. ("BellSouth") files this response to the Joint Petition for Generic Proceeding to Set Rates, Terms, and Conditions for Hot Cuts and Batch Hot Cuts in the BellSouth Telecommunications, Inc. Service Area ("Petition") filed on November 23, 2004, and says:

BACKGROUND

BellSouth already has in place detailed and proven processes for performing all types of conversions to Unbundled Loops ("UNE-L"), (whether from the so-called Unbundled Network Element Platform ("UNE-P"), Resale, or BellSouth Retail) irrespective of the underlying facility being converted (that is, Integrated Digital Loop Carrier ("IDLC"), Universal or Un-integrated Digital Loop Carrier ("UDLC"), or copper pair) and the quantity of conversions to be completed via a single Competitive Local Exchange Carrier ("CLEC") request (that is, a request for an individual conversion ("individual") or multiple conversions requested to be worked together (a "bulk" or "batch" conversion). BellSouth considers the terms "bulk migration" and "batch migration" to be synonymous. Further, the Commission has already established Total Element Long Run Incremental Cost ("TELRIC") rates that would be applicable for each type of UNE-L

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conversion. Indeed, one element of a conversion, the placement of a collocation cross-connect, has a TELRIC rate that was established in a generic proceeding less than four months ago.

That said, if the Commission is interested in taking a fresh look at the UNE-L conversion process and the accompanying TELRIC rates, then BellSouth has no objection to such an inquiry. However, given that the Commission has recently established rates for some elements (collocation cross-connect) coupled with the fact that some CLECs have differing views on the overall structure of a UNE-L conversion rate (that is, a separate rate for those migrations requiring a dispatch of a BellSouth installation and maintenance technician, a separate rate for those migrations not requiring such a dispatch or a blended rate considering both dispatched/non-dispatched migrations), BellSouth believes this proceeding would **benefit by having** collaborative workshops to help resolve issues such as which rate structure would best serve the community as a whole. The collaborative workshops would also help the Commission narrow the issues that are truly disputed, as it is inconceivable that the CLECs might dispute every aspect of BellSouth's UNE-L conversion processes. Having these issues narrowed will reduce the ultimate time it will take BellSouth to develop an appropriately-structured cost study and will ensure that the parties do not spend unnecessary time debating issues that could ultimately result in additional hearings.

BellSouth is aware that that the CLECs have requested that this proceeding be expedited. With that in mind, BellSouth will make itself available at the Commission's earliest convenience to initiate UNE-L conversion workshops. BellSouth proposes that the workshop agenda include items relating to reaching consensus on: (1) the rate structure (dispatch/non-dispatch vs. blended); (2) the work steps involved for either rate structure under both individual and batch ordering; (3) potential impacts to BellSouth Service Quality Measurement ("SQM") and Self

Effectuating Enforcement Mechanisms (“SEEMs”); (4) which aspects of the UNE-L conversion processes are disputed; and, (5) developing a list of issues to be decided in the generic proceeding. In summary, if the Commission believes that it is appropriate to look at the UNE-L conversion process, then it should be done at an industry level and with every interested CLEC having the opportunity for input.

RESPONSE TO SPECIFIC ALLEGATIONS IN THE PETITION

Below, BellSouth responds to the individually numbered allegations in the Petition:

Parties

1. BellSouth is without knowledge sufficient to form a belief as to the truth of the matter asserted in paragraphs 1(a) – (g) of the Petition. Those allegations are therefore denied.
2. BellSouth admits the allegations in paragraph 2 of the Petition.
3. Paragraph 3 of the Petition requires no response from BellSouth.

Jurisdiction & Statement of Applicable Law

4. BellSouth admits that the Commission has jurisdiction under its Rules and federal law to conduct a generic proceeding regarding the rates, terms and conditions for UNE-L conversions. The referenced legal citations speak for themselves and require no response from BellSouth. BellSouth denies any remaining allegations in paragraph 4 of the Petition.

Background & Statement of Relief

5. BellSouth already has detailed and proven processes in place for performing all types of UNE-L conversions (whether from UNE-P, Resale, or Retail) as well as applicable TELRIC rates that have already been approved by the Commission. While BellSouth denies the

notion that the Joint CLECs “need” the Commission to look at the rates, terms, and conditions surrounding UNE-L conversions, BellSouth does not object to such a review if the Commission believes such a review is warranted. BellSouth denies any remaining allegations in paragraph 5 of the Petition.

6. BellSouth admits the first sentence in paragraph 6 of the Petition. BellSouth avers that the referenced Commission Report speaks for itself and requires no response from BellSouth. BellSouth denies all allegations attempting to paraphrase or interpret the Commission Report. The remaining allegations call for supposition to which BellSouth lacks knowledge sufficient to form a belief as to the truth of the matter asserted. Thus, any remaining allegations in paragraph 6 of the Petition are denied.

7. BellSouth admits the first sentence in paragraph 7 of the Petition. BellSouth denies the remaining allegations in paragraph 7 of the Petition as they call for supposition to which BellSouth lacks knowledge sufficient to form a belief as to the truth of the matter asserted.

8. BellSouth admits the second sentence in paragraph 8 of the Petition. BellSouth is not familiar with the CLEC’s market strategy for UNE-L and therefore lacks knowledge sufficient to form a belief as to the truth of the matter asserted; thus BellSouth denies the allegations in the first sentence in paragraph 8 of the Petition. The remaining allegations are too simplistic an explanation of UNE-L conversions to be admitted; therefore they are denied.

9. These allegations pre-date the FCC’s pronouncement regarding the Final Unbundling Rules, which alleviated any obligation by the ILECs to provide, among others, unbundled switching. BellSouth admits that this ruling impacts the availability of UNE-P and could result in transitional issues for the CLECs. BellSouth denies any remaining allegations in paragraph 9 of the Petition.

10. While generally accurate, the CLECs' explanation of the UNE-L conversion process is too simplistic for BellSouth to admit; thus the allegations in paragraph 10 of the Petition describing the conversion process are denied. BellSouth has detailed and proven processes in place for performing all types of UNE-L conversions (whether from UNE-P, Resale, or Retail) as well as applicable TELRIC rates that have already been approved by the Commission, thus the remaining allegations in paragraph 10 of the Petition.

11. While generally accurate, the CLECs' explanation of the UNE-L provisioning process is too simplistic for BellSouth to admit; thus the allegations in paragraph 11 of the Petition describing the provisioning process are denied. BellSouth admits that the process must function smoothly in order for the end-user customer to experience a trouble-free conversion. BellSouth further avers that the processes BellSouth has in place and utilizes daily provide such an experience for the end-user.

12. BellSouth admits that an unsuccessful conversion can result in problems and end-user dissatisfaction. BellSouth denies the remaining allegations in paragraph 12 of the Petition as to their scope and relevance. BellSouth's conversion processes have functioned admirably in the real world and there is no reason to believe that those experiences will change. Many of the issues raised in this paragraph can be addressed in the workshops proposed by BellSouth. BellSouth denies any remaining allegations in paragraph 12 of the Petition.

13. The referenced state and federal statutes speak for themselves and require no response from BellSouth. BellSouth denies all allegations attempting to paraphrase or interpret those statutes. BellSouth denies any remaining allegations in paragraph 13 of the Petition.

14. BellSouth admits the allegations in the first sentence of paragraph 14 of the Petition. The remaining allegations pre-date the FCC's pronouncement regarding the Final

Unbundling Rules, which alleviated any obligation by the ILECs to provide, among others, unbundled switching. Those allegations are therefore denied.

15. BellSouth admits the allegations in the first sentence of paragraph 15 of the Petition. BellSouth avers that the Commission's authority for approving interconnection and resale agreements falls under §252 of the Telecommunications Act of 1996. BellSouth denies any remaining allegations in paragraph 15 of the Petition.

16. BellSouth is without knowledge sufficient to form a belief as to the truth of the matter asserted in paragraph 16 of the Petition. Those allegations are therefore denied.

17. BellSouth avers that the rates applicable to UNE-L conversion set by the Commission are equally applicable when the conversions are handled in bulk or batch migrations. These rates already take into account any efficiency in the process. BellSouth denies any remaining allegations in paragraph 17 of the Petition and further avers that the previous rates set by the Commission, because of certain unsupported adjustments made by the Commission, are already below TELRIC.

18. BellSouth admits that Docket No. 040301-TP had four issues. BellSouth denies the allegations attempting to describe that proceeding. BellSouth admits that it testified that a generic docket was appropriate if the Commission deemed it appropriate to re-visit the rates, terms and conditions for UNE-L conversions. BellSouth stands by that testimony. BellSouth denies any remaining allegations in paragraph 18 of the Petition.

Disputed Issues of Material Fact

19. BellSouth is without knowledge sufficient to form a belief as to the truth of the matter asserted in paragraph 19 of the Petition as to what other states find important. Those allegations are therefore denied.

20. BellSouth requests that the Commission hold workshops wherein the industry can narrow the issues and try to reach agreement on certain aspects of the conversion process. BellSouth finds it difficult to believe that the CLECs have problems with every aspect of the existing UNE-L conversion process (notwithstanding their posturing) and it would serve the Commission better for the proceeding to focus on the areas where there really is a disagreement. Additionally, such clarity will further streamline the proceeding by helping BellSouth tailor a cost study to a particular method of conversion that the industry can agree upon. That said, at this point in time BellSouth denies the issue statements as proposed in the Petition. BellSouth denies any remaining allegations in paragraph 20 of the Petition.

21. BellSouth requests that the Commission hold workshops wherein the industry can narrow the issues and try to reach agreement on certain aspects of the conversion process. BellSouth finds it difficult to believe that the CLECs have problems with every aspect of the existing UNE-L conversion process (notwithstanding their posturing) and it would serve the Commission better for the proceeding to focus on the areas where there really is a disagreement. Additionally, such clarity will further streamline the proceeding by helping BellSouth tailor a cost study to a particular method of conversion that the industry can agree upon. That said, at this point in time BellSouth denies the issue statements as proposed in the Petition. BellSouth denies any remaining allegations in paragraph 21 of the Petition.

22. BellSouth requests that the Commission hold workshops wherein the industry can narrow the issues and try to reach agreement on certain aspects of the conversion process. BellSouth finds it difficult to believe that the CLECs have problems with every aspect of the existing UNE-L conversion process (notwithstanding their posturing) and it would serve the Commission better for the proceeding to focus on the areas where there really is a disagreement.

Additionally, such clarity will further streamline the proceeding by helping BellSouth tailor a cost study to a particular method of conversion that the industry can agree upon. That said, at this point in time BellSouth denies the issue statements as proposed in the Petition. BellSouth denies any remaining allegations in paragraph 22 of the Petition.

23. BellSouth requests that the Commission hold workshops wherein the industry can narrow the issues and try to reach agreement on certain aspects of the conversion process. BellSouth finds it difficult to believe that the CLECs have problems with every aspect of the existing UNE-L conversion process (notwithstanding their posturing) and it would serve the Commission better for the proceeding to focus on the areas where there really is a disagreement. Additionally, such clarity will further streamline the proceeding by helping BellSouth tailor a cost study to a particular method of conversion that the industry can agree upon. That said, at this point in time BellSouth denies the issue statements as proposed in the Petition. BellSouth denies any remaining allegations in paragraph 23 of the Petition.

24. BellSouth requests that the Commission hold workshops wherein the industry can narrow the issues and try to reach agreement on certain aspects of the conversion process. BellSouth finds it difficult to believe that the CLECs have problems with every aspect of the existing UNE-L conversion process (notwithstanding their posturing) and it would serve the Commission better for the proceeding to focus on the areas where there really is a disagreement. Additionally, such clarity will further streamline the proceeding by helping BellSouth tailor a cost study to a particular method of conversion that the industry can agree upon. That said, at this point in time BellSouth denies the issue statements as proposed in the Petition. BellSouth denies any remaining allegations in paragraph 24 of the Petition.

Statement of the Ultimate Facts

25. BellSouth avers that the rates applicable to UNE-L conversion set by the Commission are equally applicable when the conversions are handled in bulk or batch. Thus, BellSouth denies the allegations in paragraph 25 of the Petition.

26. BellSouth already has detailed and proven processes in place for performing all types of UNE-L conversions (whether from UNE-P, Resale, or Retail) as well as applicable TELRIC rates that have already been approved by the Commission. While BellSouth denies the notion that the Joint CLECs or the CLEC industry "need" the Commission to look at the rates, terms, and conditions surrounding UNE-L conversions, BellSouth does not object to such a review if the Commission believes such a review is warranted. BellSouth denies any remaining allegations in paragraph 26 of the Petition.

27. BellSouth already has detailed and proven processes in place for performing all types of UNE-L conversions (whether from UNE-P, Resale, or Retail) as well as applicable TELRIC rates that have already been approved by the Commission. While BellSouth denies the notion that the Joint CLECs or the CLEC industry "need" the Commission to look at the rates, terms, and conditions surrounding UNE-L conversions, BellSouth does not object to such a review if the Commission believes such a review is warranted. BellSouth denies any remaining allegations in paragraph 27 of the Petition.

28. BellSouth already has detailed and proven processes in place for performing all types of UNE-L conversions (whether from UNE-P, Resale, or Retail) as well as applicable TELRIC rates that have already been approved by the Commission. While BellSouth denies the notion that the Joint CLECs or the CLEC industry "need" the Commission to look at the rates, terms, and conditions surrounding UNE-L conversions, BellSouth does not object to such a

review if the Commission believes such a review is warranted. BellSouth denies any remaining allegations in paragraph 28 of the Petition.

29. While BellSouth has no objection to this proceeding going forward at an accelerated pace, the Commission needs to conduct workshops so that BellSouth will better understand the premises upon which a cost study would have to be built. For instance, if the industry is satisfied with a blended rate (as is the current structure), then it may shorten the time to complete the cost study. On the other hand, if the industry wants rates bifurcated between dispatch and non-dispatch (as proposed by Supra), then discussions need to be held about how the CLECs anticipate such a process would work, including responsibilities for any added costs. Thus, the scope and pace of the proceeding can be better defined in workshops that would precede the filing of the cost studies. BellSouth denies any remaining allegations in paragraph 29 of the Petition.

Request for Relief

BellSouth already has detailed and proven processes in place for performing all types of UNE-L conversions (whether from UNE-P, Resale, or Retail) as well as applicable TELRIC rates that have already been approved by the Commission. That said, BellSouth does not object to this proceeding if the Commission believes such a proceeding is warranted. In the event a generic docket is established, BellSouth requests that the Commission schedule workshops to help frame and narrow the issues prior to cost studies being filed.

Respectfully submitted this 20th day of December 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

Handwritten signature of Nancy B. White in cursive, followed by a horizontal line and the initials "V.F." to the right.

NANCY B. WHITE

c/o Nancy Sims

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