

ORIGINAL
RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

050119-TLB

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
LORENA A. HOLLEY
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

February 11, 2005

VIA HAND DELIVERY

Ms. Blanca Bayo
Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850


RECEIVED-FPSC
US FEB 11 PM 1:42
COMMISSION
CLERK

Re: Joint Petition of TDS Telecom d/b/a TDS Telecom/Quincy Telephone, ALLTEL Florida, Inc., Northeast Florida Telephone Company d/b/a/ NEFCOM, GTC, Inc., d/b/a GT Com, Smart City Telecommunications, LLC d/b/a Smart City Telecom, ITS Telecommunications Systems, Inc. and Frontier Communications of the South, LLC, Objecting to and Requesting Suspension and Cancellation of Proposed Transit Traffic Service Tariff Filed by BellSouth Telecommunications, Inc.

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket on behalf of TDS Telecom d/b/a TDS Telecom/Quincy Telephone, ALLTEL Florida, Inc., Northeast Florida Telephone Company d/b/a NEFCOM, and GTC, Inc. d/b/a GT COM, Smart City Telecommunications, LLC d/b/a Smart City, ITS Telecommunications Systems, Inc. and Frontier Communications of the South, LLC (the "Joint Petitioners") are the original and fifteen copies of the Joint Petitioners' Joint Petition Objecting to and Requesting Suspension and Cancellation of Proposed Transit Traffic Service Tariff filed by BellSouth Telecommunications, Inc.

RECEIVED & FILED

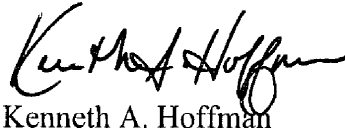

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DOCUMENT NUMBER-DATE
01490 FEB 11 05
FPSC-COMMISSION CLERK

Page 2
February 11, 2005

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me. Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

KAH/rl
Enclosures
F:\USERS\ROXANNE\tds\Bayo Ltr 2011.wpd

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of TDS Telecom d/b/a)
TDS Telecom/Quincy Telephone, ALLTEL)
Florida, Inc., Northeast Florida Telephone)
Company d/b/a NEFCOM, GTC, Inc. d/b/a)
GT Com, Smart City Telecommunications,)
LLC d/b/a Smart City Telecom, ITS Tele-)
communications Systems, Inc. and Frontier)
Communications of the South, LLC,)
objecting to and requesting suspension of)
Proposed Transit Traffic Service Tariff)
filed by BellSouth Telecommunications, Inc.)
_____)

Docket No. 050119-TR

Filed: February 11, 2005

**JOINT PETITION OF TDS TELECOM D/B/A TDS
TELECOM/QUINCY TELEPHONE, ALLTEL
FLORIDA, INC., NORTHEAST FLORIDA TELEPHONE
COMPANY D/B/A NEFCOM, GTC, INC., D/B/A
GT COM, SMART CITY TELECOMMUNICATIONS, LLC
D/B/A SMART CITY TELECOM, ITS TELECOMMUNICATIONS
SYSTEMS, INC. AND FRONTIER COMMUNICATIONS OF THE
SOUTH, LLC, OBJECTING TO AND REQUESTING
SUSPENSION AND CANCELLATION OF PROPOSED TRANSIT
TRAFFIC SERVICE TARIFF FILED BY BELL SOUTH
TELECOMMUNICATIONS, INC.**

COME NOW, TDS Telecom d/b/a TDS Telecom/Quincy Telephone, ALLTEL Florida, Inc.,
Northeast Florida Telephone Company d/b/a NEFCOM, GTC, Inc., d/b/a GT Com, Smart City
Telecommunications, LLC d/b/a Smart City Telecom Communications, ITS Telecommunications
Systems, Inc. and Frontier Communications of the South, LLC ("Joint Petitioners") and hereby file
this Joint Petition Objecting to and Requesting the Suspension and Cancellation of BellSouth
Telecommunications, Inc.'s ("BellSouth") Proposed Transit Traffic Service Tariff, Proposed New
Section A16.1 of BellSouth's Intrastate Florida Tariff ("Proposed Tariff"), a copy of which is
attached hereto as Exhibit A, by the Florida Public Service Commission ("Commission") pending
discussion among the Joint Petitioners and BellSouth with respect to the Proposed Tariff, or the

DOCUMENT NUMBER-DATE

01490 FEB 11 05

FPSC-COMMISSION CLERK

scheduling of a formal administrative hearing concerning said Proposed Tariff pursuant to Sections 120.569 and 120.57(1), Florida Statutes. In support of this Joint Petition, the Joint Petitioners state as follows:

1. The names and addresses of the Joint Petitioners are:

TDS Telecom
Attn: Mr. Thomas M. McCabe
P. O. Box 189
Quincy, Florida 32353-0189
(850) 875-5207 (Telephone)
(850) 875-5225 (Telecopier)

ALLTEL Florida, Inc.
Attn: Mr. James L. White
6867 South Point Drive, Suite 103
Jacksonville, Florida 32216
(904) 465-4769 (Telephone)

Ms. Bettye Willis
ALLTEL
State Government Affairs
One Allied Drive, B5F11
Little Rock, Arkansas 72202
(501) 905-5692 (Telephone)
(501) 905-5679 (Telecopier)

Northeast Florida Telephone Company
d/b/a NEFCOM
Attn: Ms. Deborah Nobles
505 Plaza Circle
Orange Park, Florida 32073
(904) 688-0029 (Telephone)
(904) 688-0025 (Telecopier)

Smart City Telecommunications,
LLC d/b/a Smart City Telecom
Attn: Ms. Lynn Hall
P. O. Box 22555
Lake Buena Vista, Florida 32830-2555
(407) 828-6730 (Telephone)
(407) 828-6734 (Telecopier)

GTC, Inc. d/b/a GT Com
Attn: Mr. R. Mark Ellmer
P. O. Box 220
502 Fifth Street
Port St. Joe, Florida 32457
(850) 229-7135 (Telephone)
(850) 229-8724 (Telecopier)

ITS Telecommunications Systems,
Inc.
Attn: Mr. Don Hartsfield
P. O. Box 277
Indiantown, Florida 34956
(772) 597-2827 (Telephone)
(772) 597-2110 (Telecopier)

Frontier Communications of the
South, LLC
Attn: Ms. Christine Burke
180 S. Clinton Avenue
Rochester, NY 14646
(585) 777-6719 (Telephone)
(585) 325-1355 (Telecopier)

2. All pleadings, documents, correspondence, notices, staff recommendations and orders filed, served or issued in this docket should be served on the following on behalf of the Joint Petitioners:

Kenneth A. Hoffman, Esquire
Martin P. McDonnell, Esquire
Marsha E. Rule, Esquire
Rutledge, Ecenia, Purnell & Hoffman
215 South Monroe Street, Suite 420
Tallahassee, Florida 32301
(850) 681-6788 (Telephone)
(850) 681-6515 (Telecopier)

Stephen B. Rowell, Esq.
ALLTEL
One Allied Drive, B5F11
Little Rock, Arkansas 72202
(501) 905-8460 (Telephone)
(501) 905-4443 (Telecopier)

Benjamin H. Dickens, Esq.
Blooston, Mordkofsky Jackson & Dickens
2120 L Street, NW
Suite 300
Washington, DC 20037
(202) 828-5510 (Telephone)
(202) 828-5568 (Telecopier)

3. Joint Petitioners file this Petition for the purposes of: (a) objecting to and requesting the suspension, pending discussions among the Joint Petitioners and BellSouth and preparation for any necessary hearing, of the Proposed Tariff submitted by BellSouth, which has a requested effective date of February 11, 2005; and (b) requesting that the Commission schedule a formal administrative hearing to address the issues raised in this Petition and any and all issues arising through the discovery process or timely raised by other parties.

4. Joint Petitioners are certificated in Florida as small local exchange telecommunications companies as defined by Sections 364.02(7) and 364.052(1), Florida Statutes, and are also “Rural Incumbent Local Exchange Carriers”, a type of “Telecommunications Service Provider” as defined by Section A16.1.1.A. of the Proposed Tariff.

5. The Proposed Tariff defines “Transit Traffic” as “Local Traffic originating on one Telecommunications Service Provider’s network that is delivered by BellSouth to a different Telecommunications Service Provider’s network for termination.”¹ The Proposed Tariff provides the rates, terms and conditions for BellSouth’s provision of Transit Traffic Service where such rates, terms and conditions are not otherwise specifically addressed by agreement between BellSouth and an originating Telecommunications Service Provider.² The Joint Petitioners are originating Telecommunications Service Providers of Transit Traffic as defined by the Proposed Tariff. The Joint Petitioners are not parties to separate written agreements with BellSouth specifically addressing the rates, terms and conditions for BellSouth’s provision of Transit Traffic Service. However, the Joint Petitioners have historically engaged in a consistent course of conduct with BellSouth whereby Transit Traffic Service, as defined by the Proposed Tariff, has been provided by BellSouth without charge to the Joint Petitioners. Accordingly, the interests of the Joint Petitioners are substantially affected by the Proposed Tariff and will be determined by the resolution of this proceeding.³

6. BellSouth’s attempt to use the Proposed Tariff as a vehicle to approve Transit Traffic Service rates violates prior Commission practice of addressing intercarrier compensation and other

¹See Section A16.1.1B of the Proposed Tariff.

²See Section A16.1.1A and B of the Proposed Tariff.

³Joint Petitioners are concerned that their existing implied agreements with BellSouth for the handling of Transit Traffic at no charge may not be unilaterally terminated by BellSouth by a tariff filing and that the status quo of such arrangements may only be changed through the negotiation and arbitration process.

intercarrier obligations affecting multiple carriers through generic proceedings.⁴ The Proposed Tariff unlawfully attempts to avoid a generic proceeding addressing potential rates, terms and conditions for BellSouth's provision of Transit Traffic Service in the exchange of local traffic. For this reason, the Proposed Tariff should be suspended pending discussion and a hearing, if necessary, and potentially denied.

7. In addition, the Commission previously has addressed and established intercarrier compensation arrangements between BellSouth and one or more of the Joint Petitioners for the exchange of local traffic or in connection with extended local calling service and BellSouth may not deviate from or preemptively such Commission approved arrangements through a tariff filing. The Commission could only change or modify previously approved intercarrier compensation arrangements through notice and hearing and through competent and substantial evidence justifying a departure from prior Commission orders and/or policy.

8. Joint Petitioners anticipate that disputed issues of material fact and law may include, but not be limited to, appropriateness and lawfulness of the Proposed Tariff and the terms, conditions and rates of any such appropriate and lawful **tariff**. **The specific disputed issues of material fact and issues of law are expected to develop as any discovery and discussions ensue in this proceeding.**

9. Pursuant to Chapters 120 and 364, Florida Statutes, and applicable Commission rules

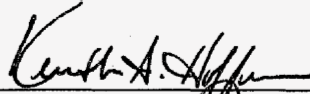
⁴The Commission has instituted a number of generic proceedings, including generic proceedings opened in response to a petition filed by BellSouth, to address intercarrier obligations and issues affecting multiple carriers arising under Sections 251 and/or 252 of the Federal Telecommunications Act of 1996. *See, e.g.*, Docket Nos. 990649-TP (unbundled network elements), 981834-TP and 990321-TP (collocation), 041338-TP (hot cuts and batch hot cuts for UNE-P to UNE-L conversions), and 041269-TL (BellSouth petition to establish generic docket to consider amendments to interconnection agreements resulting from changes of law).

and orders, the Commission should suspend the January 16, 2005 effective date of the Proposed Tariff, schedule a formal administrative hearing to, inter alia, consider and resolve: (a) disputed issues of material fact; (b) legal issues concerning the authority for the Proposed Tariff filing and whether the Commission may modify or depart from prior decisions addressing or impacting intercarrier compensation between BellSouth and one or more of the Joint Petitioners by approving the Proposed Tariff; (c) intercarrier compensation issues arising from the Proposed Tariff filing; and (d) the effects and impacts of the Proposed Tariff. The Commission should enter a final order denying the Proposed Tariff or modifying the Proposed Tariff to address deficiencies, inequities, ambiguities and other issues regarding the Proposed Tariff addressed in this proceeding.

WHEREFORE, Joint Petitioners respectfully request that the Commission:

- A. Suspend the requested February 11, 2005 effective date of the Proposed Tariff;
- B. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Proposed Tariff pursuant to Sections 120.569 and 120.57(1), Florida Statutes;
- C. Enter a final order cancelling the Proposed Tariff or modifying the Proposed Tariff to address deficiencies, inequities, ambiguities and other issues regarding the Proposed Tariff addressed in this proceeding; and
- D. Grant such further relief as the Commission deems just and proper.

Respectfully submitted this 11th day of February, 2005.



Kenneth A. Hoffman, Esquire
Martin P. McDonnell, Esquire
Marsha E. Rule, Esquire
Rutledge, Ecenia, Purnell & Hoffman
215 South Monroe Street, Suite 420
Tallahassee, Florida 32301
(850) 681-6788 (Telephone)
(850) 681-6515 (Telecopier)

-- and --

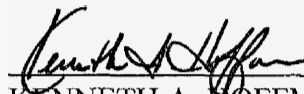
Benjamin H. Dickens, Esq.
Blooston, Mordkofsky Jackson & Dickens
2120 L Street, NW
Suite 300
Washington, DC 20037
(202) 828-5510 (Telephone)
(202) 828-5568 (Telecopier)

Attorneys for Joint Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Joint Petition was furnished by U.S. Mail to the following this 11th day of February, 2005:

Nancy B. White, Esq.
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301



KENNETH A. HOFFMAN, ESQ.

BELLSOUTH

BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301

marshall.criser@bellsouth.com

Marshall M. Criser III
Vice-President
Regulatory & External Affairs

(850) 224-7798
Fax (850) 224-5073

January 27, 2005

Ms. Beth Salak
Director of Competitive Markets and Enforcement
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Dear Ms. Salak:

Pursuant to Florida Statute 364.051, we are filing herewith revisions to the BellSouth® General Subscriber Service Tariff. Following are the affected pages:

General Subscriber Service Tariff

Section A16	- First Revised Page 1
Section A16	- Original Page 2
Section A16 Contents	- First Revised Page 1
Section A16 TOC	- Fourth Revised Page 1
Section A16 Subject Index	- Ninth Revised Page 29

The purpose of this filing is to establish rates, terms and conditions for BellSouth's Transit Traffic Service in the General Subscribers Services Tariff.

Acknowledgement, date of receipt, and authority number of this filing are requested.

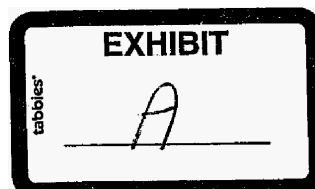
Your consideration and approval is appreciated.

Sincerely,

Marshall M. Marshall M. Criser III (slg)

Vice President
Regulatory Relations

Attachments



EXECUTIVE SUMMARY

Introduction

The purpose of this filing is to establish the rates, terms, and conditions for BellSouth's Transit Traffic Service in the General Subscribers Services Tariff, thereby providing an alternative to Telecommunications Service Providers that currently requires the negotiation of an agreement between the originating and terminating parties.

Proposed Tariff

Transit Traffic Service is an interconnection service and is being filed as a new tariffed offering. This tariffed offering is an alternative for a Telecommunications Service Providers in lieu of a negotiated contract. BellSouth has no estimate of the revenue impact of this filing.

Revenue Impact

This service will cover its costs. The revenues for the service will be listed in the Non-Basic Transport Basket.

FLORIDA
ISSUED: January 27, 2005
BY: Joseph P. Lacher, President -FL
Miami, Florida

EFFECTIVE: February 11, 2005

DE A16. TELECOMMUNICATIONS SERVICE PROVIDER SERVICES

A16.1 Transit Traffic Service

A16.1.1 Terms and Definitions

- A. Telecommunications Service Provider - a provider of local and/or access telecommunications service who is legally certified to provide service within the state of Florida, or is licensed by the Federal Communications Commission (FCC) to provide Commercial Mobile Radio Service (CMRS). For purposes of this tariff, this definition includes, but is not limited to, CMRS providers, Competitive Local Exchange Carriers (CLECs) and Independent Telephone Companies (ICOs).
- B. Transit Traffic - Local Traffic originating on one Telecommunications Service Provider's network that is delivered by BellSouth to a different Telecommunications Service Provider's network for termination.
- C. Transit Traffic Service - BellSouth's provision of the functions to allow a Telecommunications Service Provider to send and receive Transit Traffic.
- D. Local Traffic - for purposes of this tariff:
 - 1. For wireline-to-wireline traffic, Local Traffic is any intraLATA circuit switched call transiting BellSouth's network that originates from and terminates to carriers other than BellSouth, and for which BellSouth does not collect toll charges or access charges, either directly or indirectly, as the intraLATA toll provider for the end user. This traffic includes ICO-to-ICO traffic, CLEC-to-ICO traffic, ICO-to-CLEC traffic, and CLEC-to-CLEC traffic; or
 - 2. For wireless-to-wireless traffic, wireline-to-wireless traffic, and wireless-to-wireline traffic, Local Traffic is any circuit switched call originating from and terminating to carriers other than BellSouth and transiting BellSouth's network that originates and terminates within the same Major Trading Area (MTA), subject to BellSouth's LATA restrictions. An MTA is the largest FCC-authorized wireless license territory which serves as the definition of local service area for CMRS traffic as defined in 47 C.F.R 24.202(a). This traffic includes, but is not limited to, CMRS-to-CMRS, CMRS-to-ICO, ICO-to-CMRS, CLEC-to-CMRS and CMRS-to-CLEC calls.

A16.1.2 Rules and Regulations

- A. This tariff provides the rates, terms and conditions for BellSouth's provision of Transit Traffic Service.
- B. If Transit Traffic is specifically addressed in a separate agreement between BellSouth and the originating Telecommunications Service Provider, then the rates, terms and conditions contained in that separate agreement will apply in lieu of this tariff. If such separate agreement is limited to certain types of traffic or carriers, then the separate agreement will apply to those traffic types or carriers, and this tariff will continue to apply to any traffic types and carriers not covered under the separate agreement.
- C. BellSouth offers Transit Traffic Service only for Transit Traffic that is intended to terminate to a Telecommunications Service Provider whose network is directly interconnected with BellSouth's network. Where BellSouth accepts Transit Traffic from a Telecommunications Service Provider, BellSouth is not liable or responsible for payment to the terminating carrier. Such payment is the sole responsibility of the originating Telecommunications Service Provider. By utilizing BellSouth's Transit Traffic Service for the delivery of Transit Traffic, the originating Telecommunications Service Provider is committing to establishing a traffic exchange agreement or other appropriate agreement to address compensation between the originating Telecommunication Service Provider and the terminating carrier(s).
- D. Notwithstanding anything in C. preceding to the contrary, in the event that the terminating Telecommunications Service Provider imposes on BellSouth any charges or costs for the delivery of Transit Traffic, the originating Telecommunications Service Provider utilizing BellSouth's Transit Traffic Services pursuant to this tariff shall reimburse BellSouth for such charges or costs.
- E. BellSouth, as the tandem switching provider for Transit Traffic, will generate and deliver to the terminating Telecommunications Service Provider industry standard call detail records, where available, for its use in billing the originating Telecommunications Service Provider for the termination of Transit Traffic. Notwithstanding the foregoing, unavailability of such call detail records does not relieve the originating Telecommunications Service Provider of its obligation to pay the charges for Transit Traffic Service as specified in this tariff, nor does it create any liability to the terminating Telecommunications Service Provider on the part of BellSouth.

ISSUED: January 27, 2005

EFFECTIVE: February 11, 2005

BY: Joseph P. Lacher, President -FL
Miami, Florida

A16. TELECOMMUNICATIONS SERVICE PROVIDER SERVICES

A16.1 Transit Traffic Service (Cont'd)

A16.1.2 Rules and Regulations (Cont'd)

- F. Telecommunications Service Providers originating Transit Traffic may elect one of two options for measuring Transit Traffic minutes of use for which charges are due.**

 - 1. The originating Telecommunications Service Provider shall utilize its originating switch recordings to compensate BellSouth based upon actual Transit Traffic minutes of use ("Actual Measurements"). Telecommunications Service Providers electing to utilize Actual Measurements shall provide a monthly report to BellSouth reflecting actual Transit Traffic minutes of use, along with payment on a per minute of use basis at the applicable rate set forth in Section A16.1.3 below, within sixty days of the date of usage.**
 - 2. In lieu of Actual Measurements, the originating Telecommunications Service Provider shall provide to BellSouth a percent local usage factor (PLU) estimating the percentage of total minutes of use delivered to BellSouth that constitutes Transit Traffic ("Estimated Measurements"). The PLU must be provided to BellSouth in writing within 30 days of the effective date hereof, or within 30 days of delivering Transit Traffic to BellSouth. In the event the originating Telecommunications Service Provider fails to provide a PLU to BellSouth during this timeframe, BellSouth will assign a PLU to be used until a PLU is provided. To the extent a PLU is provided after the default PLU has taken effect, the PLU provided by the Telecommunications Service Provider shall be applied on a prospective basis only. The PLU shall be updated annually, or sooner in the event of a change in Local Traffic volume.**
- G. BellSouth reserves the right to contest the accuracy of both the Actual Measurements and Estimated Measurements provided by Telecommunications Service Providers and may conduct audits or internal studies for verification.**
- H. In the event a dispute arises regarding Actual Measurements or Estimated Measurements, BellSouth will continue to bill based upon information provided by the Telecommunications Service Provider or utilizing the assigned PLU until the dispute is resolved.**
- I. If BellSouth and the Telecommunications Service Provider are unable to successfully negotiate a resolution to the dispute within 30 days of notice of the existence of a dispute, the aggrieved Party shall seek dispute resolution with the appropriate governing regulatory body.**
- J. Once the dispute is resolved, the parties shall utilize the resulting Actual Measurements or Estimated Measurements on a going forward basis. The parties shall negotiate a true up of any billing inaccuracies occasioned by application of such Measurement on a retroactive basis.**
- K. Charges shall be billed to the originating Telecommunications Service Provider and shall be payable under the terms of A2.4 of the General Subscriber Services Tariff.**

A16.1.3 Rates and Charges

	<u>Charge</u>	<u>USOC</u>
<u>Transit Traffic Service, per MOU</u>	<u>\$0.003</u>	<u>NA</u>

ISSUED: January 27, 2005

EFFECTIVE: February 11, 2005

BY: Joseph P. Lacher, President -FL
Miami, Florida

A16. TELECOMMUNICATIONS SERVICE PROVIDER SERVICES

(N)

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<u>A16.1.2</u>	<u>Rules and Regulations</u>	<u>1</u>	<u>(N)</u>
<u>A16.1.3</u>	<u>Rates and Charges</u>	<u>2</u>	<u>(N)</u>

(N)
(N)
(N)
(N)

BELLSOUTH
TELECOMMUNICATIONS, INC.
FLORIDA

GENERAL SUBSCRIBER SERVICE TARIFF ~~Third Revised Page 1~~ Fourth Revised Page 1
Cancels Third Revised Page 1

~~ISSUED: July 15, 2004~~ ISSUED: January 27, 2005
BY: Joseph P. Lacher, President -FL
Miami, Florida

~~EFFECTIVE: August 14, 2004~~ EFFECTIVE: February 11, 2005

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FLORIDA

ISSUED: ~~July 15, 2004~~ ISSUED: January 27, 2005

~~EFFECTIVE: August 14, 2004~~ EFFECTIVE: February 11, 2005

BY: Joseph P. Lacher, President -FL
Miami, Florida

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(N)

A16. TELECOMMUNICATIONS SERVICE PROVIDER SERVICES

A16.1 Transit Traffic Service

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- B. Transit Traffic - Local Traffic originating on one Telecommunications Service Provider's network that is delivered by BellSouth to a different Telecommunications Service Provider's network for termination. (N)
- C. Transit Traffic Service - BellSouth's provision of the functions to allow a Telecommunications Service Provider to send and receive Transit Traffic. (N)
- D. Local Traffic - for purposes of this tariff; (N)
 - 1. For wireline-to-wireline traffic, Local Traffic is any intraLATA circuit switched call transiting BellSouth's network that originates from and terminates to carriers other than BellSouth, and for which BellSouth does not collect toll charges or access charges, either directly or indirectly, as the intraLATA toll provider for the end user. This traffic includes ICO-to-ICO traffic, CLEC-to-ICO traffic, ICO-to-CLEC traffic, and CLEC-to-CLEC traffic; or (N)
 - 2. For wireless-to-wireless traffic, wireline-to-wireless traffic, and wireless-to-wireline traffic, Local Traffic is any circuit switched call originating from and terminating to carriers other than BellSouth and transiting BellSouth's network that originates and terminates within the same Major Trading Area (MTA), subject to BellSouth's LATA restrictions. An MTA is the largest FCC-authorized wireless license territory which serves as the definition of local service area for CMRS traffic as defined in 47 C.F.R 24.202(a). This traffic includes, but is not limited to, CMRS-to-CMRS, CMRS-to-ICO, ICO-to-CMRS, CLEC-to-CMRS and CMRS-to-CLEC calls. (N)

A16.1.2 Rules and Regulations

- A. This tariff provides the rates, terms and conditions for BellSouth's provision of Transit Traffic Service. (N)
- B. If Transit Traffic is specifically addressed in a separate agreement between BellSouth and the originating Telecommunications Service Provider, then the rates, terms and conditions contained in that separate agreement will apply in lieu of this tariff. If such separate agreement is limited to certain types of traffic or carriers, then the separate agreement will apply to those traffic types or carriers, and this tariff will continue to apply to any traffic types and carriers not covered under the separate agreement. (N)
- C. BellSouth offers Transit Traffic Service only for Transit Traffic that is intended to terminate to a Telecommunications Service Provider whose network is directly interconnected with BellSouth's network. Where BellSouth accepts Transit Traffic from a Telecommunications Service Provider, BellSouth is not liable or responsible for payment to the terminating carrier. Such payment is the sole responsibility of the originating Telecommunications Service Provider. By utilizing BellSouth's Transit Traffic Service for the delivery of Transit Traffic, the originating Telecommunications Service Provider is committing to establishing a traffic exchange agreement or other appropriate agreement to address compensation between the originating Telecommunication Service Provider and the terminating carrier(s). (N)
- D. Notwithstanding anything in C. preceding to the contrary, in the event that the terminating Telecommunications Service Provider imposes on BellSouth any charges or costs for the delivery of Transit Traffic, the originating Telecommunications Service Provider utilizing BellSouth's Transit Traffic Services pursuant to this tariff shall reimburse BellSouth for such charges or costs. (N)
- E. BellSouth, as the tandem switching provider for Transit Traffic, will generate and deliver to the terminating Telecommunications Service Provider industry standard call detail records, where available, for its use in billing the originating Telecommunications Service Provider for the termination of Transit Traffic. Notwithstanding the foregoing, unavailability of such call detail records does not relieve the originating Telecommunications Service Provider of its obligation to pay the charges for Transit Traffic Service as specified in this tariff, nor does it create any liability to the terminating Telecommunications Service Provider on the part of BellSouth. (N)

ISSUED: January 27, 2005
BY: Joseph P. Lacher, President -FL
Miami, Florida

EFFECTIVE: February 11, 2005

A16. TELECOMMUNICATIONS SERVICE PROVIDER SERVICES

A16.1 Transit Traffic Service (Cont'd)

A16.1.2 Rules and Regulations (Cont'd)

- F. Telecommunications Service Providers originating Transit Traffic may elect one of two options for measuring Transit Traffic minutes of use for which charges are due.
 - 1. The originating Telecommunications Service Provider shall utilize its originating switch recordings to compensate BellSouth based upon actual Transit Traffic minutes of use ("Actual Measurements"). Telecommunications Service Providers electing to utilize Actual Measurements shall provide a monthly report to BellSouth reflecting actual Transit Traffic minutes of use, along with payment on a per minute of use basis at the applicable rate set forth in Section A16.1.3 below, within sixty days of the date of usage.
 - 2. In lieu of Actual Measurements, the originating Telecommunications Service Provider shall provide to BellSouth a percent local usage factor (PLU) estimating the percentage of total minutes of use delivered to BellSouth that constitutes Transit Traffic ("Estimated Measurements"). The PLU must be provided to BellSouth in writing within 30 days of the effective date hereof, or within 30 days of delivering Transit Traffic to BellSouth. In the event the originating Telecommunications Service Provider fails to provide a PLU to BellSouth during this timeframe, BellSouth will assign a PLU to be used until a PLU is provided. To the extent a PLU is provided after the default PLU has taken effect, the PLU provided by the Telecommunications Service Provider shall be applied on a prospective basis only. The PLU shall be updated annually, or sooner in the event of a change in Local Traffic volume.
- G. BellSouth reserves the right to contest the accuracy of both the Actual Measurements and Estimated Measurements provided by Telecommunications Service Providers and may conduct audits or internal studies for verification.
- H. In the event a dispute arises regarding Actual Measurements or Estimated Measurements, BellSouth will continue to bill based upon information provided by the Telecommunications Service Provider or utilizing the assigned PLU until the dispute is resolved.
- I. If BellSouth and the Telecommunications Service Provider are unable to successfully negotiate a resolution to the dispute within 30 days of notice of the existence of a dispute, the aggrieved Party shall seek dispute resolution with the appropriate governing regulatory body.
- J. Once the dispute is resolved, the parties shall utilize the resulting Actual Measurements or Estimated Measurements on a going forward basis. The parties shall negotiate a true up of any billing inaccuracies occasioned by application of such Measurement on a retroactive basis.
- K. Charges shall be billed to the originating Telecommunications Service Provider and shall be payable under the terms of A2.4 of the General Subscriber Services Tariff.

A16.1.3 Rates and Charges

	Charge	USOC
Transit Traffic Service, per MOU	\$0.003	NA

A16. TELECOMMUNICATIONS SERVICE PROVIDER SERVICES

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(N)
(N)
(N)
(N)
(N)

(N)
(N)
(N)
(N)

(N)
(N)
(N)

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