

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

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In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP
ORDER NO.
ISSUED:

COMMISSION
CLERK

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-05-0736-PCO-TP, issued July 11, 2005, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None.

b. All Known Exhibits

None.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

CMP _____ d. Staff's Position on the Issues

COM 3 _____

ISSUE 1: **TRRO / FINAL RULES: What is the appropriate language to implement the FCC's transition plan for (1) switching, (2) high capacity loops and (3) dedicated transport as detailed in the FCC's Triennial Review Remand Order ("TRRO"), issued February 4, 2005?**

CTR _____

ECR _____

GCL _____

OPC _____ STAFF: Staff has no position at this time.

RCA _____

SCR _____

SGA _____

SEC 1 _____

OTH _____

DOCUMENT NUMBER-DATE

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ISSUE 2: TRRO / FINAL RULES:

- a. How should existing ICAs be modified to address BellSouth's obligation to provide network elements that the FCC has found are no longer Section 251(c)(3) obligations?
- b. What is the appropriate way to implement in new agreements pending in arbitration any modifications to BellSouth's obligations to provide network elements that the FCC has found are no longer Section 251(c)(3) obligations?

STAFF: Staff has no position at this time.

ISSUE 3: TRRO / FINAL RULES: What is the appropriate language to implement BellSouth's obligation to provide Section 251 unbundled access to high capacity loops and dedicated transport and how should the following terms be defined?

- (i) Business Line
- (ii) Fiber-Based Collocation
- (iii) Building
- (iv) Route

STAFF: Staff has no position at this time.

ISSUE 4: TRRO / FINAL RULES:

- a. Does the Commission have the authority to determine whether or not BellSouth's application of the FCC's Section 251 non-impairment criteria for high-capacity loops and transport is appropriate?
- b. What procedures should be used to identify those wire centers that satisfy the FCC's Section 251 non-impairment criteria for high-capacity loops and transport?
- c. What language should be included in agreements to reflect the procedures identified in (b)?

STAFF: Staff has no position at this time.

ISSUE 5: TRRO / FINAL RULES: Are HDSL-capable copper loops the equivalent of DS1 loops for the purpose of evaluating impairment?

STAFF: Staff has no position at this time.

ISSUE 6: **TRRO / FINAL RULES:** Once a determination is made that CLECs are not impaired without access to high capacity loops or dedicated transport pursuant to the FCC's rules, can changed circumstances reverse that conclusion, and if so, what process should be included in Interconnection Agreements to implement such changes?

STAFF: Staff has no position at this time.

ISSUE 7: **TRRO / FINAL RULES:**

- a. Does the Commission have the authority to require BellSouth to include in its interconnection agreements entered into pursuant to Section 252, network elements under either state law, or pursuant to Section 271 or any other federal law other than Section 251?
- b. If the answer to part (a) is affirmative in any respect, does the Commission have the authority to establish rates for such elements?
- c. If the answer to part (a) or (b) is affirmative in any respect, (i) what language, if any, should be included in the ICA with regard to the rates for such elements, and (ii) what language, if any, should be included in the ICA with regard to the terms and conditions for such elements?

STAFF: Staff has no position at this time.

ISSUE 8: **TRRO / FINAL RULES:** What conditions, if any, should be imposed on moving, adding, or changing orders to a CLEC's respective embedded bases of switching, high-capacity loops and dedicated transport, and what is the appropriate language to implement such conditions, if any?

STAFF: Staff has no position at this time.

- ISSUE 9:** **TRRO/FINAL RULES:** What rates, terms, and conditions should govern the transition of existing network elements that BellSouth is no longer obligated to provide as Section 251 UNEs to non-Section 251 network elements and other services and
- a. what is the proper treatment for such network elements at the end of the transition period; and
 - b. what is the appropriate transition period, and what are the appropriate rates, terms and conditions during such transition period, for unbundled high capacity loops, high capacity transport, and dark fiber transport in and between wire centers that do not meet the FCC's non-impairment standards at this time, but that meet such standards in the future?

STAFF: Staff has no position at this time.

- ISSUE 10:** **TRRO / FINAL RULES:** What rates, terms and conditions, if any, should apply to UNEs that are not converted on or before March 11, 2006, and what impact, if any, should the conduct of the parties have upon the determination of the applicable rates, terms and conditions that apply in such circumstances?

STAFF: Staff has no position at this time.

- ISSUE 11:** **TRRO / FINAL RULES:** Should identifiable orders properly placed that should have been provisioned before March 11, 2005, but were not provisioned due to BellSouth errors in order processing or provisioning, be included in the "embedded base?"

STAFF: Staff has no position at this time.

- ISSUE 12:** **TRRO / FINAL RULES:** Should network elements de-listed under Section 251(c) (3) be removed from the SQM/PMA/SEEM?

STAFF: Staff has no position at this time.

- ISSUE 13:** **TRO - COMMINGLING:** What is the scope of commingling allowed under the FCC's rules and orders and what language should be included in Interconnection Agreements to implement commingling (including rates)?

STAFF: Staff has no position at this time.

ISSUE 14: TRO - CONVERSIONS: Is BellSouth required to provide conversion of special access circuits to UNE pricing, and, if so, at what rates, terms and conditions and during what timeframe should such new requests for such conversions be effectuated?

STAFF: Staff has no position at this time.

ISSUE 15: TRO – CONVERSIONS: What are the appropriate rates, terms, conditions and effective dates, if any, for conversion requests that were pending on the effective date of the TRO?

STAFF: Staff has no position at this time.

ISSUE 16: TRO – LINE SHARING: Is BellSouth obligated pursuant to the Telecommunications Act of 1996 and FCC Orders to provide line sharing to new CLEC customers after October 1, 2004?

STAFF: Staff has no position at this time.

ISSUE 17: TRO – LINE SHARING – TRANSITION: If the answer to foregoing issue is negative, what is the appropriate language for transitioning off a CLEC's existing line sharing arrangements?

STAFF: Staff has no position at this time.

ISSUE 18: TRO – LINE SPLITTING: What is the appropriate ICA language to implement BellSouth's obligations with regard to line splitting?

STAFF: Staff has no position at this time.

ISSUE 19: TRO – SUB-LOOP CONCENTRATION:

- a. What is the appropriate ICA language, if any, to address sub loop feeder or sub loop concentration?
- b. Do the FCC's rules for sub loops for multi-unit premises limit CLEC access to copper facilities only or do they also include access to fiber facilities?
- c. What are the suitable points of access for sub-loops for multi-unit premises?

STAFF: Staff has no position at this time.

ISSUE 20: TRO – PACKET SWITCHING: What is the appropriate ICA language, if any, to address packet switching?

STAFF: Staff has no position at this time.

ISSUE 21: TRO – CALL-RELATED DATABASES: What is the appropriate ICA language, if any, to address access to call related databases?

STAFF: Staff has no position at this time.

ISSUE 22: TRO – GREENFIELD AREAS:

- a. What is the appropriate definition of minimum point of entry (“MPOE”)?
- b. What is the appropriate language to implement BellSouth’s obligation, if any, to offer unbundled access to newly-deployed or ‘greenfield’ fiber loops, including fiber loops deployed to the minimum point of entry (“MPOE”) of a multiple dwelling unit that is predominantly residential, and what, if any, impact does the ownership of the inside wiring from the MPOE to each end user have on this obligation?

STAFF: Staff has no position at this time.

ISSUE 23: TRO – HYBRID LOOPS: What is the appropriate ICA language to implement BellSouth’s obligation to provide unbundled access to hybrid loops?

STAFF: Staff has no position at this time.

ISSUE 24: TRO – END USER PREMISES: Under the FCC’s definition of a loop found in 47 C.F.R. §51.319(a), is a mobile switching center or cell site an “end user customer’s premises”?

STAFF: Staff has no position at this time.

ISSUE 25: TRO – ROUTINE NETWORK MODIFICATION: What is the appropriate ICA language to implement BellSouth’s obligation to provide routine network modifications?

STAFF: Staff has no position at this time.

ISSUE 26: TRO – ROUTINE NETWORK MODIFICATION: What is the appropriate process for establishing a rate, if any, to allow for the cost of a routine network modification that is not already recovered in Commission-approved recurring or non-recurring rates? What is the appropriate language, if any, to incorporate into the ICAs?

STAFF: Staff has no position at this time.

ISSUE 27: TRO – FIBER TO THE HOME: What is the appropriate language, if any, to address access to overbuild deployments of fiber to the home and fiber to the curb facilities?

STAFF: Staff has no position at this time.

ISSUE 28: TRO – EELS AUDITS: What is the appropriate ICA language to implement BellSouth's EEL audit rights, if any, under the TRO?

STAFF: Staff has no position at this time.

ISSUE 29: 252(i): What is the appropriate language to implement the FCC's "entire agreement" rule under Section 252(i)?

STAFF: Staff has no position at this time.

ISSUE 30: ISP Remand Core Forbearance Order: What language should be used to incorporate the FCC's ISP Remand Core Forbearance Order into interconnection agreements?

STAFF: Staff has no position at this time.

ISSUE 31: General Issue: How should the determinations made in this proceeding be incorporated into existing Section 252 interconnection agreements?

STAFF: Staff has no position at this time.

e. Pending Motions

Staff has no pending motions.

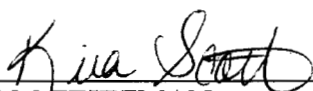
f. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests.

g. Compliance with Order No. PSC-05-0736-PCO-TP

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 29th day of September, 2005.



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BEFORE THE PUBLIC SERVICE COMMISSION

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DOCKET NO. 041269-TP

DATED: SEPTEMBER 29, 2005

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy Staff's Prehearing Statement has been furnished to the following by Electronic Mail and U.S. Mail this 29th day of September, 2005:

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