

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

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, concerning BellSouth  
Telecommunications, Inc.'s Transit Service  
Tariff

Docket No. 050119-TP

Petition and Complaint of AT&T Communication  
of the Southern States, LLC for suspension and  
cancellation of Transit Traffic Service Tariff  
brNo. FL2004-284 filed by BellSouth  
Telecommunications, Inc.

Docket No. 050125-TP

Filed: February 20, 2006

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**JOINT PREHEARING STATEMENT OF THE COMPETITIVE CARRIERS OF  
THE SOUTH, INC. AND NUVOX COMMUNICATIONS, INC.**

Pursuant to Order No. PSC-05-1206-PCO-TP, the Competitive Carriers of the South, Inc. (CompSouth) and NuVox Communications, Inc. (NuVox) file this Joint Prehearing Statement.

**A. APPEARANCES:**

**VICKI GORDON KAUFMAN**, Moyle Flanigan Katz Raymond White & Krasker, PA, 118 North Gadsden Street, Tallahassee, Florida 32301

**On Behalf of The Competitive Carriers of the South, Inc. (CompSouth) and NuVox Communications, Inc. (NuVox)**

**SUSAN J. BERLIN**, NuVox Communications, Inc., Two North Main Street, Greenville, South Carolina 29601

**On Behalf of NuVox Communications, Inc. (NuVox) and The Competitive Carriers of the South, Inc. (CompSouth)**

**B. WITNESSES:**

**Direct**

<u>Witness</u>	<u>Proffered by</u>	<u>Issues</u>
Timothy J. Gates 17	CompSouth	1, 2, 3, 5, 6, 8, 9, 10 11, 12, 13, 14, 15, 16,

**Rebuttal**

Timothy J. Gates	CompSouth	1, 2, 3, 5, 6, 8, 9, 11, 14, 15, 16, 17
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**C. EXHIBITS:**

<u>Exhibits (Direct)</u>	<u>Witness</u>	<u>Description</u>
Exhibit No. ____ (TJG-1)	Gates	Qualifications of Timothy J. Gates
<u>Exhibits (Rebuttal)</u>		
Exhibit No. ____ (TJG-2)	Gates	Excerpt from BellSouth UNE case

CompSouth and NuVox reserve the right to utilize cross-examination exhibits and exhibits filed and/or used in cross-examination by other parties.

**D. STATEMENT OF BASIC POSITION:**

The Commission should reject BellSouth's transit tariff, order refunds for payments made under it, and require BellSouth to continue to provide transiting through § 252 ICAs. Alternately, if the Commission does approve a tariff, it should rectify all the problems in the BellSouth tariff as filed. It should clarify that tariff does not impact ICAs, that it may not be used as a benchmark for future negotiations, and that the rate(s) must be TELRIC-based, just, reasonable and non-discriminatory. The Commission should reject the imposition of requirements between originating and terminating carriers.

**E. STATEMENT OF ISSUES AND POSITIONS:**

**ISSUE 1:** Is BellSouth's Transit Service Tariff an appropriate mechanism to address transit service provided by BellSouth?

**COMPSOUTH<sup>1</sup>:** No. BellSouth has provided transiting for years through ICAs – not tariffs – under which it has been compensated via Commission-approved, TELRIC-compliant tandem switching and common transport rates. With no justification, BellSouth’s tariff alters this long-standing arrangement by establishing onerous terms and dramatically increasing transit rates over which it has near unilateral authority.

**ISSUE 2:** If an originating carrier utilizes the services of BellSouth as a tandem provider to switch and transport traffic to a third party not affiliated with BellSouth, what are the responsibilities of the originating carrier?

**COMPSOUTH:** Originating carriers are responsible for: establishing trunks to the BellSouth access tandem, compensating BellSouth for transit service, delivering their traffic to the terminating party’s network (or terminating carrier’s POI with the transit carrier) and compensating the terminating carrier for terminating the traffic to the end user.

**ISSUE 3:** Which carrier should be responsible for providing compensation to BellSouth for the provision of the transit transport and switching services?

**COMPSOUTH:** The originating carrier is responsible for compensating BellSouth for transit services.

**ISSUE 4:** What is BellSouth’s network arrangement for transit traffic and how is it typically routed from an originating party to a terminating third party?

**COMPSOUTH:** No position at this time.

**ISSUE 5:** Should the FPSC establish the terms and conditions that govern the relationship between an originating carrier and the terminating carrier, where BellSouth is providing transit service and the originating carrier is not interconnected with, and has no interconnection agreement with, the terminating carrier? If so, what are the appropriate terms and conditions that should be established?

**COMPSOUTH:** No. The Commission should establish such terms and conditions only if the parties ask for it in a requested arbitration proceeding. BellSouth’s transit tariff would inappropriately require all carriers to have a traffic exchange agreement in effect as a prerequisite to receiving BellSouth’s tariffed transit service.

**ISSUE 6:** Should the FPSC determine whether and at what traffic threshold level an originating carrier should be required to forego use of BellSouth’s transit service and obtain direct interconnection with a terminating carrier? If so, at what traffic level should an originating carrier be required to obtain direct interconnection with a terminating carrier?

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<sup>1</sup> NuVox is a member of CompSouth and its position on each issue is the same as that of CompSouth.

**COMPSOUTH:** No. The market can and does determine when it is appropriate to establish direct interconnection between two carriers for exchanging traffic that has been exchanged heretofore as transit traffic. This is especially true since BellSouth is being compensated for its role in transiting the traffic.

**ISSUE 7:** How should transit traffic be delivered to the Small LECs' network?

**COMPSOUTH:** No position at this time.

**ISSUE 8:** Should the FPSC establish the terms and conditions that govern the relationship between BellSouth and a terminating carrier, where BellSouth is providing transit service and the originating carrier is not interconnected with, and has no interconnection agreement with, the terminating carrier? If so, what are the appropriate terms and conditions that should be established?

**COMPSOUTH:** No. Transiting arrangements in ICAs sufficiently establish this relationship. No additional terms and conditions are necessary. Parties can request negotiation, and if needed, arbitration with other parties related to transiting arrangements and compensation. Broader Commission involvement into transiting carrier - terminating carrier relationship is unnecessary.

**ISSUE 9:** Should the FPSC establish the terms and conditions of transit traffic between the transit service provider and the Small LECs that originate and terminate transit traffic? If so, what are the terms and conditions?

**COMPSOUTH:** No. Terms and conditions of transit traffic between BellSouth and small LECs should be established as they are established between BellSouth and CLECs – negotiation and ICA. Since transit service must be provided in a nondiscriminatory manner, and the means to establish transit terms and conditions should be the same for all carriers.

**ISSUE 10:** What effect does transit service have on ISP bound traffic?

**COMPSOUTH:** Transiting allows Carrier A's customer (dial-up internet subscriber) to call Carrier B's customer (ISP) through indirect interconnection. Transiting lets the user access the Internet where its carrier is not directly interconnected with his/her ISP's carrier when economics do not justify direct interconnection. This fosters choice and expands the benefits of the Internet to more Floridians.

**ISSUE 11:** How should charges for BellSouth's transit service be determined?

- (a) What is the appropriate rate for transit service?
- (b) What type of traffic do the rates identified in (a) apply?

**COMPSOUTH:** The rates should be TELRIC-based. Sections 251(a) and 251(c) require BellSouth to provide transit service. § 251(c)(2)(D) requires interconnection “. . . in

accordance with . . . the requirements of this section and section 252.” Interconnection pricing standards are in § 252(d) for which the FCC adopted the TELRIC pricing methodology. As such, transit should be TELRIC-based. If a single per-minute of use rate is used, it should be no more than \$0.0009368.

**ISSUE 12:** Consistent with Order Nos. PSC-05-0517-PAA-TP and PSC-05-0623-CO-TP, have the parties to this docket (“parties”) paid BellSouth for transit service provided on or after February 11, 2005? If not, what amounts if any are owed to BellSouth for transit service provided since February 11, 2005?

**COMPSOUTH:** Transit service provided by BellSouth to CompSouth members is provided via ICA. CompSouth members have paid BellSouth for transit service pursuant to these agreements prior to February 11, 2005 as well as on and after February 11, 2005. To our knowledge, CompSouth members do not owe BellSouth for unpaid transit service charges.

**ISSUE 13:** Have parties paid BellSouth for transit service provided before February 11, 2005? If not, should the parties pay BellSouth for transit service provided before February 11, 2005, and if so, what amounts, if any, are owed to BellSouth for transit service provided before February 11, 2005?

**COMPSOUTH:** Transit service provided by BellSouth to CompSouth members is provided via ICA. CompSouth members have paid BellSouth for transit service pursuant to these agreements prior to February 11, 2005 as well as on and after February 11, 2005. To our knowledge, CompSouth members do not owe BellSouth for unpaid transit service charges.

**ISSUE 14:** What action, if any, should the FPSC undertake at this time to allow the Small LECs to recover the costs incurred or associated with BellSouth’s provision of transit service?

**COMPSOUTH:** None. The Small LEC recommendations would turn the “originating party pays” concept on its head and force CLECs to pay the costs of calls Small LEC customers originate. The originating carrier should continue to be responsible for transit costs.

**ISSUE 15:** Should BellSouth issue an invoice for transit services and if so, in what detail and to whom?

**COMPSOUTH:** Yes, just as it does today. The originating carrier should be responsible for compensating BellSouth for the transit charges related to transit traffic. As such, BellSouth should provide the invoice for transit services to the originating carrier.

**ISSUE 16:** Should BellSouth provide to the terminating carrier sufficiently detailed call records to accurately bill the originating carrier for call termination? If so, what information should be provided by BellSouth?

**COMPSOUTH:** Yes. If approved, any tariff should specify that BellSouth will provide sufficiently detailed call records to identify the originating carrier and render accurate bills. Some carriers have SS7 networks that obviate the need for BellSouth's call records. No tariff should require such carriers to pay for records they do not need.

**ISSUE 17:** How should billing disputes concerning transit service be addressed?

**COMPSOUTH:** Billing disputes between CLECs and BellSouth be addressed according to the terms of their ICAs, and the same should be the case BellSouth and any other party. There is no need to change these processes or create new processes.

**F. STIPULATED ISSUES:**

None at this time.

**G. PENDING MOTIONS:**

CompSouth has no pending motions. NuVox has no pending motions.

**H. PENDING CONFIDENTIALITY REQUESTS:**

CompSouth has no pending confidentiality requests. NuVox has no pending confidentiality requests.

**I. REQUIREMENTS THAT CANNOT BE COMPLIED WITH:**

None.

**J. DECISIONS PREEMPTING THE COMMISSION'S ABILITY TO RESOLVE THIS MATTER:**

None.

**K. OBJECTIONS TO WITNESS QUALIFICATIONS:**

The parties have not designated any of their witnesses as experts.

s/ Vicki Gordon Kaufman

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**CERTIFICATE OF SERVICE**  
**Docket Nos. 050119-TP and 050125-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Prehearing Statement was served via electronic mail and first class United States mail this 20<sup>th</sup> day of February, 2006, to the following:

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