

MINUTES OF  
COMMISSION CONFERENCE, TUESDAY, APRIL 17, 2001  
COMMENCED: 9:30 a.m.  
ADJOURNED: 11:15 a.m.

COMMISSIONERS PARTICIPATING: Chairman Jacobs  
Commissioner Deason  
Commissioner Jaber  
Commissioner Baez  
Commissioner Palecki

Parties were allowed to address the Commission on items designated by double asterisks (\*\*).

- 
- 1                    Approval of Minutes  
                      March 6, 2001 Regular Commission Conference  
                      March 13, 2001 Regular Commission Conference

DECISION: The minutes were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

- 2\*\*                  Consent Agenda

PAA                  A) Applications for certificates to provide pay telephone service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010355-TC	Robert James Durkin
010363-TC	Holiday Gardens, LLC
010246-TC	Florida NSA, Inc.

PAA                  B) Application for certificate to provide alternative local exchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010270-TX	Novus Communications, Inc.

PAA                  C) Applications for certificates to provide interexchange telecommunications service.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010155-TI	QCC, Inc.

Minutes of  
 Commission Conference  
 April 17, 2001

<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda

(Continued from previous page)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>
010199-TI	Local Telcom Holdings, LLC

PAA D) Request for cancellation of interexchange telecommunications certificate and alternative local exchange certificate.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>EFFECTIVE DATE</u>
010358-TP	LightNetworks, Inc.	02/20/01

PAA E) Requests for exemption from requirements of Rule 25-24.515(13), F.A.C., that each pay telephone station shall allow incoming calls.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. &amp; LOCATION</u>
010267-TC	BellSouth Public Communications, Inc.	407-894-9385 Orlando Housing Authority 1500 E. South St. Orlando
010290-TC	BellSouth Public Communications, Inc.	321-254-9996 Long's Grocery & Trailer Park 2003 Pineapple Ave. Melbourne
		305-872-9054 Castaways RV Park 70 3rd Street Big Pine Key

Minutes of  
 Commission Conference  
 April 17, 2001

ITEM NO. CASE

---

2\*\* Consent Agenda

(Continued from previous page)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. &amp; LOCATION</u>
		561-483-9977 Timberwalk Assn., Inc. 22546 Vistawood Way Boca Raton
		561-482-9127 Loggers' Run, Inc. 22489 Oriole Country Rd. Boca Raton
		561-482-9205 Loggers' Run, Inc. 21322 Ponderosa Drive Boca Raton
010315-TC	BellSouth Public Communications, Inc.	850-479-8437 850-477-9062 Non-Secure Programs, Inc. 5445-B Duval Street Pensacola

Minutes of  
 Commission Conference  
 April 17, 2001

ITEM NO. CASE

2\*\* Consent Agenda

(Continued from previous page)

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>PHONE NO. &amp; LOCATION</u>
010336-TC	BellSouth Public Communications, Inc.	305-688-9327 305-688-9188 305-681-9155 305-687-9915 305-681-9196 Economy Supermarket 12615 NW 17 Ave. Miami

F) Requests for approval of resale agreements.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010262-TP	Budget Comm; Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone	05/24/01
010264-TP	Quincy Telephone Company d/b/a TDS Telecom/Quincy Telephone; Universal Telecom, Inc.	05/24/01
010321-TP	Eureka Telecom, L.L.C.; Verizon Florida Inc.	06/11/01
010331-TP	BellSouth Telecommunications, Inc.; Verizon Select Services Inc.	06/13/01

Minutes of  
 Commission Conference  
 April 17, 2001

ITEM NO. CASE

2\*\*

Consent Agenda

(Continued from previous page)

G) Request for approval of interconnection agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010255-TP	Metrocall, Inc.; Sprint-Florida, Incorporated	05/22/01

H) Request for approval of first amendment to adopted terms of interim interconnection agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010251-TP	SBC National, Inc. d/b/a SBC Telecom, Inc.; Verizon Florida Inc.	05/21/01

I) Requests for approval of interconnection, unbundling, resale and collocation agreements.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010296-TP	BellSouth Telecommunications, Inc.; WorkNet Communications Inc.	06/05/01
010319-TP	EPICUS, Inc. d/b/a EPICUS; Verizon Florida Inc.	06/11/01
010320-TP	Essex Communications, Inc. d/b/a eLEC Communications; Verizon Florida Inc.	06/11/01
010324-TP	1-800-RECONEX, Inc.; BellSouth Telecommunications, Inc.	06/11/01
010325-TP	BellSouth Telecommunications, Inc.; Telicor Inc.	06/11/01

Minutes of  
Commission Conference  
April 17, 2001

<u>ITEM NO.</u>	<u>CASE</u>
2**	Consent Agenda  (Continued from previous page)  J) Request for approval of interim traffic termination and billing agreement.

<u>DOCKET NO.</u>	<u>COMPANY NAME</u>	<u>CRITICAL DATE</u>
010313-TP	Smart City Telecommunications LLC d/b/a Smart City Telecom (f/k/a Vista-United Telecommunications); XO Florida, Inc.	06/11/01

PAA K) DOCKET NO. 010273-TP - Request for approval to transfer ownership and control of Comm South Companies, Inc. d/b/a Florida Comm South (ALEC and IXC certificates applied for) from TracFone Wireless, Inc. to its affiliate, AM Comm Solutions, LLC, and from AM Comm to ARBROS Communications, Inc.

DOCKET NO. 010274-TX - Notification of pro forma corporate reorganization whereby all of the stock of Looking Glass Networks, Inc. (holder of ALEC Certificate No. 7587), was transferred from Looking Glass Networks, LLC, parent company, to Looking Glass Networks Holding Co., Inc., a newly created holding company that is also wholly owned by Looking Glass Networks, LLC.

RECOMMENDATION: The Commission should approve the action requested in the dockets referenced above and close these dockets.

DECISION: The recommendation was approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

Minutes of  
Commission Conference  
April 17, 2001

ITEM NO.

CASE

---

3\*\*PAA

DOCKET NO. 001411-TI - Investigation and determination of method to credit access flow-through reductions by MCI WorldCom Communications, Inc. and TTI National, Inc., as required by Section 364.163, F.S.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: CMP: Kennedy  
LEG: Vaccaro  
RGO: Vandiver

ISSUE 1: Should the Commission accept WorldCom Operating Companies' amended proposal, dated March 15, 2001, whereby MCI WorldCom Communications, Inc. will reduce the rates for its Intelenet and Easyanswer products, in addition to the rate reductions pursuant to Order No. PSC-00-2139-PAA-TI for its WorldOne product, by an amount necessary to return to business customers \$1,446,871, which is the balance of the amount remaining to be flowed through by February 2002?

RECOMMENDATION: Yes. Staff recommends that the Commission should accept WorldCom Operating Companies' amended proposal dated March 15, 2001, whereby MCI WorldCom Communications, Inc. would reduce the rates for its Intelenet and Easyanswer products, in addition to the rate reductions pursuant to Order No. PSC-00-2139-PAA-TI for its WorldOne product, by an amount necessary to return to business customers the \$1,446,871 remaining balance to be flowed through by February 2002. All reporting requirements and completion schedules should remain the same as provided in Order No. PSC-00-2139-PAA-TI, dated November 8, 2000.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If no person whose interests are substantially affected by the proposed action files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a Consummating Order. This docket should remain open pending the completion of the requirements of Order No. PSC-00-2139-PAA-TI.

ITEM NO.

CASE

---

DECISION: The recommendations were approved.

4 Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki  
DOCKET NO. 000828-TP - Petition of Sprint Communications  
Company Limited Partnership for arbitration of certain  
unresolved terms and conditions of a proposed renewal of  
current interconnection agreement with BellSouth  
Telecommunications, Inc.

Critical Date(s): None (Parties waived statutory time limit  
in Section 252(b)(4)(c) of the  
Telecommunications Act of 1996.)

Commissioners Assigned: Full Commission  
Prehrg Officer BZ

Staff: CMP: Fulwood, Barrett, T. Watts  
LEG: Vaccaro

**ISSUE A**: What is the Commission's jurisdiction in this  
matter?

**RECOMMENDATION**: Staff believes that the Commission has  
jurisdiction pursuant to Chapter 364, Florida Statutes, and  
Section 252 of the Federal Telecommunication Act of 1996  
(Act) to arbitrate interconnection agreements, and may  
implement the processes and procedures necessary to do so in  
accordance with Section 120.80(13)(d), Florida Statutes.  
Section 252 states that a State Commission shall resolve  
each issue set forth in the petition and response, if any,  
by imposing the appropriate conditions as required.  
Further, staff believes that while Section 252(e) of the Act  
reserves the state's authority to impose additional  
conditions and terms in an arbitration not inconsistent with  
Act and its interpretation by the FCC and the courts, the  
Commission should use discretion in the exercise of such  
authority.

**ISSUE B**: Should the Commission grant BellSouth  
Telecommunications, Inc.'s Motion to Supplement Post-Hearing  
Brief and Second Motion for Leave to Supplement Post-Hearing  
Brief?

**RECOMMENDATION**: Yes. The Commission should grant BellSouth  
Telecommunications, Inc.'s Motion to Supplement Post-Hearing



Minutes of  
Commission Conference  
April 17, 2001

ITEM NO.

CASE

---

4                    DOCKET NO. 000828-TP - Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.

(Continued from previous page)

Brief and Second Motion for Leave to Supplement Post-Hearing Brief.

ITEM NO.

CASE

---

4

DOCKET NO. 000828-TP - Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.

(Continued from previous page)

ISSUE 3: Should BellSouth make its Custom Calling features available for resale on a stand-alone basis?

RECOMMENDATION: Yes. BellSouth should be required to make its Custom Calling features available for resale to Sprint on a stand-alone basis. If BellSouth determines that it is not technically feasible to make its Custom Calling features available for resale on a stand-alone basis, BellSouth may petition the Commission to seek a waiver of this requirement of the forthcoming Order in this arbitration.

ISSUE 4: Pursuant to Federal Communications Commission ("FCC") Rule 51.315(b), should BellSouth be required to provide Sprint at TELRIC rates combinations of UNEs that BellSouth typically combines for its own retail customers, whether or not the specific UNEs have already been combined for the specific end-user customer in question at the time Sprint places its order?

RECOMMENDATION: No. BellSouth is not required to provide combinations of unbundled network elements that it ordinarily or typically combines in its network for Sprint at TELRIC rates. Pursuant to FCC Rule 51.315(b), BellSouth is required to make available at TELRIC rates only those combinations that are, in fact, already combined and physically connected in its network at the time a requesting carrier places an order.

ISSUE 6: Should BellSouth be required to universally provide access to EELs that it ordinarily and typically combines in its network at UNE rates?

RECOMMENDATION: No. BellSouth is not required to universally provide access to enhanced extended links ("EELs") that it ordinarily or typically combines in its network at UNE rates. Pursuant to FCC Order 99-238 and FCC Rule 51.315(b), BellSouth is required to provide access, at UNE rates, only to EELs that are, in fact, already combined

ITEM NO.

CASE

---

4

DOCKET NO. 000828-TP - Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.

(Continued from previous page)

and physically connected in its network at the time a requesting carrier places an order. In addition, BellSouth is required to combine EELs at cost-based rates in the geographic areas where BellSouth has elected to be exempted from providing access to unbundled local switching.

ISSUE 7: In situations where an ALEC's end-user customer is served via unbundled switching and is located in density zone 1 in one of the top fifty Metropolitan Statistical Areas ("MSAs") and who currently has three lines or less, adds additional lines, should BellSouth be able to charge market-based rates for all of the customer's lines?

RECOMMENDATION Yes. In accordance with the current status of the applicable rule, staff recommends that in situations where an ALEC's end-user customer is served via unbundled switching and is located in density zone 1 in one of the top fifty MSAs and currently has three lines or less, and adds additional lines, BellSouth should be able to charge market-based rates for all of the customer's lines, provided the customer has four or more lines after the addition.

ISSUE 8: Should BellSouth be able to designate the network Point of Interconnection ("POI") for delivery of BellSouth's local traffic?

RECOMMENDATION: No. Staff recommends that Sprint should be allowed to designate the network point (or points) of interconnection for both the delivery and receipt of BellSouth's local traffic subject to technical feasibility.

ISSUE 9: Should the parties' Agreement contain language providing Sprint with the ability to transport multi-jurisdictional traffic over a single trunk group, including an access trunk group?

RECOMMENDATION: Yes. The parties agree that transporting multi-jurisdictional traffic over a single trunk group, including an access trunk group, is technically feasible. The parties acknowledge that there may be costs associated

ITEM NO.

CASE

---

4

DOCKET NO. 000828-TP - Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.

(Continued from previous page)

with implementing this capability and have agreed to work together to identify an accurate estimate of the costs. Sprint has agreed to pay all reasonable development and implementation costs. Therefore, the parties' Agreement should contain language providing Sprint with the ability to transport multi-jurisdictional traffic over a single trunk group, including an access trunk group. For 00- traffic routed over access trunks, the appropriate compensation scheme should be preserved for each jurisdiction of traffic that is combined, i.e., local and intra/interLATA.

ISSUE 22: Should Sprint be required to pay the entire cost of make-ready work prior to BellSouth's satisfactory completion of the work?

RECOMMENDATION: BellSouth may require Sprint to pay the entire cost of make-ready work prior to BellSouth's satisfactory completion of the work.

ISSUE 28A: Should BellSouth be required to provide Sprint with two-way trunks upon request?

RECOMMENDATION: Yes. Pursuant to FCC Rule 51.305(f), BellSouth should be required to provide two-way trunks to Sprint at Sprint's request. However, staff recommends that BellSouth should not be obligated to provide "SuperGroup" interconnection trunks.

ISSUE 28B: Should BellSouth be required to use those two-way trunks for BellSouth originated traffic?

RECOMMENDATION: Yes. BellSouth should be required to use (put its originating traffic over) the two-way trunks it provisions for Sprint at Sprint's request.

ISSUE 29: Should BellSouth be allowed to designate a virtual point of interconnection in a BellSouth local calling area to which Sprint has assigned a Sprint NPA/NXX? If so, who pays for the transport and multiplexing, if any, between BellSouth's virtual point of interconnection and Sprint's point of interconnection?

ITEM NO.

CASE

---

4

DOCKET NO. 000828-TP - Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.

(Continued from previous page)

**RECOMMENDATION:** No. Staff recommends that BellSouth should not be allowed to designate a virtual point of interconnection. However, staff recommends that for each exchange in which Sprint has a NPA/NXX "homed" and from which NPA/NXX it has assigned numbers, Sprint must designate at least one VPOI "within" a BellSouth local calling area that encompasses that exchange. Staff notes that Sprint is not required to designate multiple VPOIs "within" a local calling area, where Sprint has NPA/NXXs "homed" to multiple exchanges "within" a BellSouth local calling area. For rating purposes, staff recommends that BellSouth may require Sprint to pay TELRIC rates for Interoffice Dedicated Transport airline mileage between the Vertical and Horizontal (V&H) coordinates of Sprint's VPOI and Sprint's POI.

**ISSUE 32:** Upon denial of a Sprint request for physical collocation, what justification, if any, should BellSouth be required to provide to Sprint for space that BellSouth has reserved for itself or its affiliates at the requested premises?

**RECOMMENDATION:** BellSouth should not be required to provide to Sprint any additional justifications regarding space reservation beyond those detailed in Commission Order No. PSC-99-1744-PAA-TP.

**ISSUE 33:** Should this docket be closed?

**RECOMMENDATION:** No. The parties should be required to submit a signed agreement that complies with the Commission's decisions in this docket for approval within 30 days of issuance of the Commission's Order. This docket should remain open pending Commission approval of the final arbitration agreement in accordance with Section 252 of the Telecommunications Act of 1996.

Minutes of  
Commission Conference  
April 17, 2001

<u>ITEM NO.</u>	<u>CASE</u>
4	DOCKET NO. 000828-TP - Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.

(Continued from previous page)

DECISION: The recommendations were approved with the following modifications:

- Issue 22 Approved with the modification to encourage the ILEC to be flexible in negotiating the terms of this issue.
- Issue 28A Approved with exception that the order be neutral on Super Group interconnection; the order is not to address the issue. Additionally, the parties are encouraged to negotiate the terms of this issue.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

Minutes of  
Commission Conference  
April 17, 2001

<u>ITEM NO.</u>	<u>CASE</u>
5**PAA	DOCKET NO. 010275-EI - Petition for approval of amendment to cogeneration contract with Pinellas County Resource Recovery Facility by Florida Power Corporation.

Critical Date(s): None

Commissioners Assigned: Full Commission  
Prehrg Officer ADM

Staff: SER: Woodall, Bohrmann, Haff, Lee  
LEG: Hart

ISSUE 1: Should the Commission approve Florida Power Corporation's petition for approval of an amendment to its cogeneration contract with the Pinellas County Resource Facility?

RECOMMENDATION: Yes. While staff believes that FPC's petition overstates the savings to its customers from this agreement, the agreement should not cause FPC's customers to incur any additional costs. Further, the agreement ensures that Pinellas County will not schedule necessary boiler maintenance during high demand summer peak months.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order.

DECISION: The recommendations were approved.

Commissioners participating: Jacobs, Deason, Jaber, Baez, Palecki

ITEM NO.

CASE

---

5A DOCKET NO. 001305-TP - Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc. (Deferred from April 3, 2001 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: JC BZ PL  
Prehrg Officer PL

Staff: LEG: Knight  
CMP: Simmons

ISSUE 1: Should the Commission grant Supra's Motion to Dismiss The Petition for Arbitration?

RECOMMENDATION: No. The Commission should deny Supra's Motion to Dismiss. The Commission has subject matter jurisdiction over arbitration cases pursuant to Section 252(b)(1) of the Telecommunications Act of 1996.

ISSUE 2: Should the Commission, on its own motion, continue this arbitration until such time as the parties have complied with the term of their agreement calling for the convening of an Inter-Company Review Board meeting to discuss any and all disputed issues?

RECOMMENDATION: Yes. The Commission, on its own motion, should continue this proceeding until the parties have complied with the term of their agreement calling for the convening of an Inter-Company Review Board meeting to discuss any and all disputed issues.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. If the Commission approves staff's recommendation in Issues 1 and 2, the docket should remain open pending the parties convening an Inter-Company Review Board meeting within ~~45 days~~ two weeks of the issuance of the order from this recommendation. Within 10 days of the completion of the meeting, the parties should notify the Commission as to any outstanding issues. The Commission should then schedule all matters necessary for the completion of the docket.

DECISION: The Commissioners reconsidered their original vote approving the recommendations. The recommendations were approved with the modification as noted in Issue 3.



Minutes of  
Commission Conference  
April 17, 2001

ITEM NO.

CASE

---

5A                    DOCKET NO. 001305-TP - Petition by BellSouth  
Telecommunications, Inc. for arbitration of certain issues  
in interconnection agreement with Supra Telecommunications  
and Information Systems, Inc.

(Continued from previous page)

Commissioners participating: Jacobs, Baez, Palecki

Table of Contents  
 Commission Conference Agenda  
 April 17, 2001

ITEM NO.	CASE	PAGE
1	Approval of Minutes . . . . .	2
2**	Consent Agenda . . . . .	2
3**PAA	DOCKET NO. 001411-TI - Investigation and determination of method to credit access flow-through reductions by MCI WorldCom Communications, Inc. and TTI National, Inc., as required by Section 364.163, F.S. . . .	7
4	DOCKET NO. 000828-TP - Petition of Sprint Communications Company Limited Partnership for arbitration of certain unresolved terms and conditions of a proposed renewal of current interconnection agreement with BellSouth Telecommunications, Inc.	8
5**PAA	DOCKET NO. 010275-EI - Petition for approval of amendment to cogeneration contract with Pinellas County Resource Recovery Facility by Florida Power Corporation. . . . .	13
5A	DOCKET NO. 001305-TP - Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc. (Deferred from April 3, 2001 Commission Conference.)	4