MINUTES OF
SPECIAL COMMISSION CONFERENCE WEDNESDAY, FEBRUARY 21, 2001
COMMENCED: 9:30 a.m.
ADJOURNED: 11:15 a.m.

COMMISSIONERS PRESENT: Chairman Jacobs
Commissioner Jaber
Commissioner Baez

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1 DOCKET NO. 000649-TP - Petition by MCImetro Access Transmission Services LLC and MCI WorldCom Communications, Inc. for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc. concerning interconnection and resale under the Telecommunications Act of 1996.

Critical Date(s): None (The parties have agreed to waive the statutory time limit in Section 252(b)(4)(c) of the Telecommunications Act of 1996.)

Hearing Date(s): 9/25/00, Talla., Prehrg., JB
10/4 - 6/00, Talla., JC JB BZ

Commissioners Assigned: JC JB BZ
Prehrg Officer JB

Staff: CMP: Fulwood, Barrett, Hinton, Watts, Audu, Bloom, King
LEG: Christensen

Issue A: What is the Commission's jurisdiction in this matter?
Recommendation: Staff believes that the Commission has jurisdiction pursuant to Section 252 of the Federal Telecommunication Act of 1996 (Act) to arbitrate interconnection agreements. 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~~.

DECISION: The recommendation was approved wth the modification deleting language on page 15 of the staff analysis and as noted above.

Agenda for
Special Commission Conference
February 21, 2001

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Issue B: In light of WorldCom Telecommunications Corp. vs. BellSouth Telecommunications, Inc., Order on Merits, issued June 6, 2000, in Case No. 4:97cv141-RH, what are the Commission's authority and obligations relating to arbitration of Issues 107 and 108, liquidated damages and specific performance, respectively?
Recommendation: Please refer to analysis of the Commission's authority and obligations in light of the Order on the Merits as set forth in Issues 107 and 108.

DECISION: No vote was taken on this item.

Issue C: If Issues 107 and 108 are appropriate for arbitration, what legal standard should the Commission apply in resolving these issues?
Recommendation: Please refer to analysis of the legal standard to be applied in light of the Order on the Merits as set forth in Issues 107 and 108.

DECISION: Not vote was taken on this item.

Issue 1: Should the electronically ordered NRC apply in the event an order is submitted manually when electronic interfaces are not available or not functioning within specified standards or parameters?
Recommendation: Where it is determined that BellSouth has an electronic interface in place for its retail offerings, but there is no analogous system in place for comparable services obtained by an ALEC, it would be a reasonable presumption that an ALEC is being denied a meaningful opportunity to compete. Where such a finding

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is made, BellSouth should charge an electronic ordering charge. However, such a determination will need to be made on a case-by-case basis. Specifically, whether or not MegaLink is deemed to be a retail analogue to a DS-1 combination, staff recommends that, based upon this record, it is reasonable for BellSouth to assess a manual ordering charge.

DECISION: The recommendation was approved with the directive to staff as discussed at the conference.

Issue 2: What prices should be included in the Interconnection Agreements?
Recommendation: In the absence of any testimony from WorldCom contesting BellSouth's proposed rate levels, staff recommends that the prices to be included in the Interconnection Agreement should be those found in the revised direct exhibit of BellSouth witness Cox. (CKC-1, hearing exhibit 25) Since WorldCom's testimony focused not on BellSouth's proposed rates, but whether those rates should be interim subject to true-up, staff's recommendation is limited to the issues as narrowed and addressed by WorldCom. Consequently, no recommendation is being made as to the reasonableness of BellSouth's proposed rates because there is no evidence contrary to the evidence provided by BellSouth supporting its rates. With the exception of the prices for collocation and line sharing, these prices are interim and subject to true-up upon establishment of permanent rates by the Commission. The rates for collocation are not subject to true-up. The cost study for line sharing should be modified to incorporate the adjustments, if any, ordered by this Commission in Docket No. 990649-TP and the price should

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be adjusted prospectively. However, the rate for line sharing is not subject to true-up.

DECISION: The recommendation was approved.

Issue 3: Should the resale discount apply to all telecommunications services BellSouth offers to end users, regardless of the tariff in which the service is contained?
Recommendation: Yes. The resale discount should apply to all telecommunications services BellSouth provides to end users on a retail basis regardless of the tariff in which the service is contained.

DECISION: The recommendation was approved.

Issue 5: Should BellSouth be required to provide OS/DA as a UNE?
Recommendation: No. BellSouth should not be required to provide operator services (OS) or directory assistance (DA) services as a UNE because it provides customized routing.

DECISION: The recommendation was approved.

Issue 6: For the purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth be directed to perform, upon request, the functions necessary to combine unbundled network elements that are ordinarily combined in its network?
Recommendation: No. BellSouth is not required to combine unbundled network elements that are ordinarily combined in its network for ALECs at TELRIC rates.

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However, a carrier may convert special access services to combinations of unbundled loops and transport network elements if the carrier is providing a significant amount of local exchange service as defined in FCC Order No. 00-183.

DECISION: The recommendation was approved.

Issue 8: For the purposes of the interconnection agreement between WorldCom and BellSouth, should UNE specifications include non-industry standard, BellSouth proprietary specifications?
Recommendation: No. For the purposes of the interconnection agreement between WorldCom and BellSouth, UNE specifications should not include non-industry standard, BellSouth proprietary specifications.

DECISION: The recommendation was approved.

Issue 15: For purposes of the interconnection agreement between WorldCom and BellSouth, when a WorldCom customer served via the UNE-platform makes a directory assistance or operator call, must the ANI-II digits be transmitted to WorldCom via Feature Group D signaling from the point of origination?
Recommendation: Yes. Where a WorldCom customer served via the UNE-platform makes a directory assistance or operator call, staff recommends that BellSouth should be required to transmit the ANI-II digits to WorldCom via Feature Group D signaling with customized routing. However, BellSouth should not be required to convert

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Feature Group C to Feature Group D signaling at the point of origination.

DECISION: The recommendation was approved.

Issue 18: Is BellSouth required to provide all technically feasible unbundled dedicated transport between locations and equipment designated by MCIW so long as the facilities are used to provide telecommunications services, including interoffice transmission facilities to network nodes connected to MCIW switches and to the switches or wire centers of other requesting carriers?
Recommendation: No. BellSouth should not be required to provide unbundled dedicated transport to the switches or wire centers of other requesting carriers as designated by WorldCom. However, outside the provisions of this proceeding, the parties may negotiate for a dedicated transport configuration between WorldCom and other carriers' locations as they see fit.

DECISION: The recommendation was approved.

Issue 19: How should BellSouth be required to route OS/DA traffic to WorldCom's operator services and directory assistance platforms?
Recommendation: Where WorldCom acquires unbundled switching from BellSouth, staff recommends that BellSouth should only be required to route OS/DA calls to BellSouth's TOPS platform. However, staff also recommends that BellSouth should be required to route operator services and directory assistance traffic to WorldCom's operator service and directory assistance

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platforms via Feature Group D using customized routing, at WorldCom's request.

DECISION: The recommendation was approved.

Issue 22: For purposes of the interconnection agreement between WorldCom and BellSouth, should the Interconnection Agreements contain WorldCom's proposed terms addressing line sharing, including line sharing in the UNE-P and unbundled loop configurations?
Recommendation: No. Staff recommends that the new WorldCom/BellSouth Interconnection Agreement not contain WorldCom's terms addressing line sharing in the UNE-P and unbundled loop configurations. Instead, staff recommends BellSouth's language regarding line sharing be included in the new interconnection agreement.

DECISION: The recommendation was approved.

Issue 23: Does MCIW's right to dedicated transport as an unbundled network element include SONET rings?
Recommendation: No. However, staff recommends that BellSouth is required to provide unbundled access to dedicated transport using SONET rings only where such SONET rings currently exist.

DECISION: The recommendation was approved.

Issue 28: Should BellSouth provide the calling name database via electronic download, magnetic tape, or via similar convenient media?
Recommendation: No. The Commission should not order BellSouth to provide WorldCom the calling name database

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via electric download, magnetic tape, or via similar convenient media.

DECISION: The recommendation was approved.

Issue 29: Should calls from WorldCom customers to BellSouth customers served via Uniserve, Zipconnect, or any other similar service, be terminated by BellSouth from the point of interconnection in the same manner as other local traffic, without a requirement for special trunking?
Recommendation: Yes. Staff recommends that traffic from WorldCom's network to BellSouth's customers served via Uniserve, Zipconnect, or any other similar services, should be delivered to the local point of interconnection for local traffic or the access point of interconnection for access traffic without special trunking.

DECISION: The recommendation was approved.

Issue 34: For the purposes of the interconnection agreement between WorldCom and BellSouth, is BellSouth obligated to provide and use two-way trunks that carry each party's traffic?
Recommendation: Yes. BellSouth is obligated to provide and use two-way trunks that carry each party's traffic.

DECISION: The recommendation was approved.

Issue 36: Does MCIW, as the requesting carrier, have the right pursuant to the Act, the FCC's Local Competition Order, and FCC regulations, to designate the network point (or points) of interconnection at any technically feasible point?

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Recommendation: Yes. WorldCom as the requesting carrier has the right pursuant to the Act, the FCC's Local Competition Order and FCC regulations, to designate the network point (or points) of interconnection at any technically feasible point.

DECISION: The recommendation was approved.

Issue 37: Should BellSouth be permitted to require WorldCom to fragment its traffic by traffic type so it can interconnect with BellSouth's network?
Recommendation: Yes. In order to ensure proper billing of transit traffic, BellSouth should be permitted to require WorldCom to separate transit traffic from local and intraLATA traffic.

DECISION: The recommendation was approved.

Issue 39: For purposes of the interconnection agreement between WorldCom and BellSouth, how should Wireless Type 1 and Type 2A traffic be treated under the Interconnection Agreements?
Recommendation: For billing purposes, Wireless Type 1 traffic should be treated as BellSouth's own traffic since this traffic is indistinguishable. Consequently, BellSouth's proposed language should be modified to require BellSouth to pass on reciprocal compensation payments it receives from WorldCom to the wireless carrier, or, at minimum, indemnify WorldCom as to any claim the wireless carriers may raise concerning those reciprocal compensation payments. For the present, Type 2A traffic should be treated the same as Type 1 traffic. Once meet point billing capabilities are established in accordance with multiple exchange carrier access billing

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("MECAB") guidelines, Wireless Type 2A traffic should no longer be treated as Type 1 traffic. Instead, WorldCom should deal directly with the wireless carriers it exchanges traffic with on billing issues.

DECISION: The recommendation was approved.

Issue 40: For purposes of the interconnection agreement between WorldCom and BellSouth, what is the appropriate definition of Internet Protocol (IP) and how should outbound voice calls over IP telephony be treated for purposes of reciprocal compensation?
Recommendation: On January 24, 2001, BellSouth and WorldCom filed a Stipulation, whereby the parties agree to incorporate language reflecting the Commission's future decision in the pending generic docket, Docket No. 000075-TP. Further, the parties agree that on an interim basis neither parties' proposed language and that the interconnection agreement shall reflect the parties' positions on this issue. Both parties agree that the Commission's decision in the generic docket shall be retroactive from the effective date of the interconnection agreement for this issue. Staff supports the Stipulation.

DECISION: The recommendation was approved.

Issue 42: Should MCIW be permitted to route access traffic directly to BST end offices or must it route such traffic to BST's access tandem?
Recommendation: No, WorldCom should not be permitted to route access traffic directly to BellSouth end offices. WorldCom should route its access traffic to BellSouth access tandem switches via access trunks.

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DECISION: The recommendation was approved.

Issue 45: For purposes of the interconnection agreement between WorldCom and BellSouth, how should third party transit traffic be routed and billed by the parties?
Recommendation: For billing purposes, third party transit traffic should be routed on a trunk separate from local and intraLATA toll traffic. Reciprocal compensation for third party transit traffic should be billed by the terminating carrier directly to the originating carrier. BellSouth should bill the originating carrier a transiting fee for third party transit traffic.

DECISION: The recommendation was approved.

Issue 46: Under what conditions, if any, should the parties be permitted to assign an NPA/NXX code to end users outside the rate center in which the NPA/NXX is homed?
Recommendation: On January 24, 2001, BellSouth and WorldCom filed a Stipulation, whereby the parties agree to incorporate language reflecting the Commission's future decision in the pending generic docket, Docket No. 000075-TP. Further, the parties agree that on an interim basis neither parties' proposed language and that the interconnection agreement shall reflect the parties' positions on this issue. Both parties agree that the Commission's decision in the generic docket shall be retroactive from the effective date of the interconnection agreement for this issue. Staff supports the Stipulation.

DECISION: The recommendation was approved.

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Issue 47: For purposes of the interconnection agreement between WorldCom and BellSouth, should reciprocal compensation payments be made for ISP-bound traffic?
Recommendation: Yes. Reciprocal compensation payments should be made for calls to ISPs located within the local calling area of the originating caller.

DECISION: The recommendation was approved.

Issue 51: Under what circumstances is BellSouth required to pay tandem charges when WorldCom terminates BellSouth local traffic?
Recommendation: On January 24, 2001, BellSouth and WorldCom filed a Stipulation, whereby the parties agree to incorporate language reflecting the Commission's future decision in the pending generic docket, Docket No. 000075-TP. The parties agree that it may be necessary to conduct further proceedings basis upon the Commission's decision in the generic docket. Both parties reserve the right to request such further proceedings. The parties agree that on an interim basis neither parties' proposed language shall be included in the interconnection agreement. Further, the parties agree on an interim basis that WorldCom shall not bill a tandem rate when it does not use a tandem to terminate BellSouth's originating traffic, subject to the right to retroactively bill a tandem rate upon a determination by the Commission that it is appropriate. Staff supports the Stipulation.

DECISION: The recommendation was approved.

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Issue 56: For purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth be required to provide DC power to adjacent collocation space?
Recommendation: Staff recommends that BellSouth should be required to provide DC power to WorldCom's adjacent collocation space, at WorldCom's request, where local ordinances do not prohibit. However, WorldCom must provide the appropriate direct current cabling certified for outside use.

DECISION: The recommendation was approved.

Issue 59: Should collocation space be considered complete before BellSouth has provided WorldCom with cable facility assignments ("CFAs")?
Recommendation: No. Collocation space should not be considered complete until BellSouth has provided WorldCom with CFAs.

DECISION: The recommendation was approved.

Issue 60: Should BellSouth provide WorldCom with specified collocation information at the joint planning meeting?
Recommendation: Yes. To the extent that WorldCom requests specific collocation information from BellSouth at least fourteen (14) calendar days before the joint planning meeting, BellSouth should be required to provide WorldCom with such information at the joint planning meeting, or in a mutually agreeable time frame thereafter. If WorldCom requests specific collocation information from BellSouth less than fourteen (14) calendar days before the joint planning meeting,

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BellSouth should be required to provide WorldCom with such information within thirty (30) calendar days following the joint planning meeting.

DECISION: The recommendation was approved.

Issue 61: Should the per ampere rate for the provision of DC power to MCIW's collocation space apply to amps used or to fused capacity?
Recommendation: The per ampere rate for the provision of DC power to WorldCom's collocation space should apply to fused capacity.

DECISION: The recommendation was approved.

Issue 63: For purposes of the interconnection agreement between WorldCom and BellSouth, is WorldCom entitled to use any technically feasible entrance cable, including copper facilities?
Recommendation: No. Staff recommends that BellSouth should not be required to allow the use of non-fiber entrance facilities except where WorldCom has an adjacent collocation arrangement.

DECISION: The recommendation was approved.

Issue 64A: Is MCIW entitled to verify BellSouth's assertion, when made, that dual entrance facilities are not available?
Recommendation: Yes. Staff recommends that WorldCom should be allowed to visually verify BellSouth's assertion that dual entrance facilities are not available. However, BellSouth is not required to conduct a "formal tour" of the central office.

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DECISION: The recommendation was approved.

Issue 64B: Should BellSouth maintain a waiting list for entrance space and notify MCIW when space becomes available?
Recommendation: No. Staff recommends that BellSouth should not be required to maintain a waiting list for dual entrance facilities. However, BellSouth should be required to post notice on its public website of the date dual entrance facilities will become available in a central office where dual facilities previously were not available.

DECISION: The recommendation was approved.

Issue 65: What information must BellSouth provide to WorldCom regarding vendor certification?
Recommendation: BellSouth should be required to provide WorldCom with precisely the same information that it provides its own vendors regarding certification, including non-discriminatory access to BellSouth's Vendor Certification Group resources for additional information.

DECISION: The recommendation was approved.

Issue 66: For purposes of the interconnection agreement between WorldCom and BellSouth, what industry guidelines or practices should govern collocation?
Recommendation: Staff recommends that BellSouth should be required to comply with generally accepted industry practices which include many aspects of the technical references proposed by WorldCom. However, WorldCom's proposed standards should not be included in the

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interconnection agreement as guidelines for collocation between WorldCom and BellSouth.

DECISION: The recommendation was approved.

Issue 67: When WorldCom has a license to use BellSouth rights-of-way, and BellSouth wishes to convey the property to a third party, should BellSouth be required to convey the property subject to WorldCom's license?
Recommendation: No. Staff believes that the Act does not expressly create a duty that BellSouth must convey its property subject to licensing agreements for use of its rights-of-ways. Therefore, staff does not believe when WorldCom has a license to use BellSouth rights-of-way, and BellSouth wishes to convey the property to a third party, BellSouth should be required to convey the property subject to WorldCom's license. Staff notes that BellSouth has agreed to provide reasonable notice to WorldCom of any proposed conveyance or sale of its property.

DECISION: The recommendation was approved.

Issue 68: For the purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth require that payments for make-ready work be made in advance?
Recommendation: Yes, BellSouth ~~**should**~~ **may** require advance payments for make-ready work.

DECISION: The recommendation was approved with the modification encouraging BellSouth to be flexible in negotiating advance payment.

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Issue 75: For end users served by INP, should the end user or the end user's local carrier be responsible for paying the terminating carrier for collect calls, third party billed calls or other operator-assisted calls?
Recommendation: The local carrier providing Interim Number Portability to the end user should be responsible for paying the terminating carrier for collect calls, third party billed calls or other operator-assisted calls.

DECISION: The recommendation was approved.

Issue 80: Should BellSouth be required to provide an application-to-application access service order inquiry process?
Recommendation: No. BellSouth should not be required to provide an application-to-application access service order inquiry process to WorldCom.

DECISION: The recommendation was approved.

Issue 81: Should BellSouth provide a service inquiry process for local services as a pre-ordering function?
Recommendation: No. BellSouth should not be ordered to provide a service inquiry process for local services as a pre-ordering function.

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DECISION: The recommendation was approved.

Issue 94: Should BellSouth be permitted to disconnect service to WorldCom for nonpayment?
Recommendation: Yes. Absent a good faith billing dispute, if payment of account is not received in the applicable time frame, BellSouth should be permitted to disconnect service to WorldCom for nonpayment.

DECISION: The recommendation was approved.

Issue 95: Should BellSouth be required to provide WorldCom with billing records with all EMI standard fields?
Recommendation: Yes. BellSouth should be required to provide WorldCom with billing records in the industry-standard EMI format, with all EMI standard fields.

DECISION: The recommendation was approved.

Issue 96: Should BellSouth be required to give written notice when a central office conversion will take place before midnight or after 4 a.m.?
Recommendation: Yes. In addition to its website posting, the Commission should require BellSouth to provide **WorldCom** notification using E-mail when a central office conversion is rescheduled to take place outside of the agreed-upon window of between midnight ~~**or after**~~ **and** 4 a.m.

DECISION: The recommendation was approved.

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Issue 96A: For purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth be required to provide customer service record (CSR) information in a format that permits its use in completing an order for service?
Recommendation: Staff recommends that the issue of parsing CSRs be addressed and resolved in the established Change Control Process currently under way.

DECISION: The recommendation was approved.

Issue 100: For purposes of the interconnection agreement between WorldCom and BellSouth, should BellSouth operators be required to ask callers for their carrier of choice when such callers request a rate quote or time and charges?
Recommendation: No. Staff recommends that BellSouth operators not be required to ask WorldCom customers for their carrier of choice when such customers request a rate quote or time and charges.

DECISION: The recommendation was approved.

Issue 101: For purposes of the interconnection agreement between WorldCom and BellSouth, is BellSouth required to provide shared transport in connection with the provision of custom branding?
Recommendation: Yes. Staff recommends that BellSouth should be required to provide shared transport in conjunction with custom branding. More specifically, BellSouth should be required to offer its AIN method of customized routing which currently accomplishes this

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requirement. Also, BellSouth should make available the Originating Line Number Screening method to WorldCom by March 31, 2001, or the release date, if earlier.

DECISION: The recommendation was approved.

Issue 107: For purposes of the interconnection agreement between WorldCom and BellSouth, should the parties be liable in damages, without a liability cap, to one another for their failure to honor in one or more material respects any one or more of the material provisions of the Agreements?
Recommendation: No. Staff believes the record does not provide sufficient evidence upon which a decision can be made as to whether or not to impose the disputed language in the limited liability provision. Therefore, staff recommends that the Commission not impose adoption of any disputed terms contained in the limited liability provision whereby the parties would be liable in damages, without a liability cap, to one another for their failure to honor in one or more material respects any one or more of the material provisions of the Agreements.

DECISION: The recommendation was approved.

Issue 108: For purposes of the interconnection agreement between WorldCom and BellSouth, should WorldCom be able to obtain specific performance as a remedy for BellSouth's breach of contract?

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Recommendation: No. Staff recommends that the Commission not impose adoption of a disputed specific performance provision when it is not required under Section 251 of the Act. However, staff notes that since both parties agree that specific performance should be available at least on a case-by-case basis as recognized under Florida law, the parties should not adopt any terms or conditions in the Interconnection Agreement that would prohibit either party from exercising the right to seek specific performance on a case-by-case basis.

DECISION: The recommendation was approved.

Issue 109A: Should BellSouth be required to permit WorldCom to substitute more favorable terms and conditions obtained by a third party through negotiation or otherwise, effective as of the date of WorldCom's request?
Recommendation: Staff recommends that BellSouth be required to permit WorldCom to substitute more favorable terms and conditions obtained by a third party through negotiation or otherwise. However, staff believes that the effective date for these terms and conditions would be the issuance date of the Commission’s order approving the agreement or if the Commission fails to act, 90 days after submission of the agreement by the parties for the Commission’s approval.

DECISION: The recommendation was approved.

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Issue 109B: Should BellSouth be required to post on its web site all BellSouth's interconnection agreements with third parties within fifteen days of the filing of such agreements with the Florida PSC?
Recommendation: No. Staff recommends that BellSouth not be required to post BellSouth's interconnection agreements with third parties on its web site.

DECISION: The recommendation was denied. BellSouth is to post agreements to their web site within five days of Commission approval and with additional clarification discussed at agenda.

Issue 110: Should BellSouth be required to take all actions necessary to ensure that WorldCom confidential information does not fall into the hands of BellSouth's retail operations, and should BellSouth bear the burden of proving that such disclosure falls within enumerated exceptions?
Recommendation: Yes. Staff believes it is appropriate to require that BellSouth take "all actions necessary" to protect WorldCom's confidential information. Furthermore, staff believes that it is appropriate to impose the adoption of the "rebuttable presumption" burden shifting language proposed by WorldCom.

DECISION: The recommendation was approved.

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Issue 111: 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.

DECISION: The recommendation was approved.

Commissioners participating: Jacobs, Jaber, Baez