

MINUTES OF SEPTEMBER 9, 2002

COMMISSION CONFERENCE

COMMENCED: 9:30 a.m.

ADJOURNED: 10:45 a.m.

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

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

1 Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

Critical Date(s): None

Commissioners Assigned: Full Commission

Prehearing Officer: Deason

Staff: CMP: Fulwood, Barrett, Bloom, T. Brown, Dowds,
King, Schultz, Simmons

GCL: B. Keating, Banks

ISSUE A: In rendering its recommendation on BellSouth's Section 271 application, what is the nature of the Commission's consultative role?

RECOMMENDATION: The Commission's role is to advise the FCC as to whether BellSouth has met the Section 271 requirements set forth in the Telecommunications Act of 1996. In doing so, the Commission should make findings regarding BellSouth's compliance with the FCC's minimum standards for checklist compliance, but may also recommend to the FCC any additional steps that it believes should be taken by BellSouth in order to fully comply with the Act's requirements, as well as to ensure that Florida consumers will enjoy the benefits of competition envisioned by the Telecommunications Act. Because the Commission's role in this process, as contemplated by the Act, is consultative and non-adjudicative, staff recommends that substantive action should not be taken in this proceeding.

ITEM NO.

CASE

- 1 Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

ISSUE 1: Has BellSouth met the requirements of Section 271(c)(1)(A) of the Telecommunications Act of 1996?

1. Has BellSouth entered into one or more binding agreements approved under Section 252 with unaffiliated competing providers of telephone exchange service?
2. Does BellSouth currently provide access and interconnection to its network facilities for the network facilities of competing providers?
3. Are such competing providers providing telephone exchange service to residential and business customers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities?

RECOMMENDATION: Yes. Staff recommends that BellSouth has met the requirements of Section 271(c)(1)(A) of the Telecommunications Act of 1996. Since there is no dispute that BellSouth has entered into agreements under Section 252 with numerous providers, and that there is some level of residential and business facilities-based competition, staff believes that by definition, BellSouth has satisfied parts (a), (b), and (c) of this issue.

ISSUE 2: Does BellSouth currently provide interconnection in accordance with the requirements of Sections 251(c)(2) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(i) and applicable rules promulgated by the FCC?

- a) Has BellSouth implemented physical collocation requests in Florida consistent with FCC rules and orders?
- b) Does BellSouth have legally binding provisioning intervals for physical collocation?

ITEM NO.

CASE

1 Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

- c) Does BellSouth currently provide local tandem interconnection to ALECs?
- d) Does BellSouth currently permit the use of a Percent Local Usage (PLU) factor in conjunction with trunking?
- e) Does BellSouth currently provide ALECs with meet point billing data?
- f) Has BellSouth satisfied other associated requirements, if any, for this item?

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding, but instead are being considered in the non-hearing track in Docket No. 960786B-TP, staff believes that BellSouth provides interconnection in accordance with the requirements of Sections 251(c)(2) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(i) and applicable rules promulgated by the FCC. ISSUE 3: Does BellSouth currently provide nondiscriminatory access to all required network elements, with the exception of OSS which will be handled in the third party OSS test, in accordance with Sections 251(c)(3) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(ii) and applicable rules promulgated by the FCC?

- (a) Does BellSouth currently provide all required unbundled network elements at TELRIC-based prices?
- (b) Has BellSouth satisfied other associated requirements, if any, for this item?

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding but instead are considered in Docket No. 960786B-TP, BellSouth provides nondiscriminatory access to all required unbundled network elements. BellSouth provides access to these

ITEM NO.

CASE

1

Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

elements at TELRIC-based prices as determined by this Commission in Docket No. 990649A-TP.

ISSUE 4: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 224 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(iii). Does BellSouth currently provide nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by BellSouth at just and reasonable rates in accordance with the requirements of Section 224 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(iii) and applicable rules promulgated by the FCC?

RECOMMENDATION: Yes. BellSouth does currently provide nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by it at just and reasonable rates in accordance with and pursuant to Section 271(c)(2)(B)(iii) of the Act and applicable rules promulgated by the FCC.

ISSUE 5: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(iv) of the Telecommunications Act of 1996. Does BellSouth currently provide unbundled local loop transmission between the central office and the customer's premises from local switching or other services, pursuant to Section 271(c)(2)(B)(iv) and applicable rules and orders promulgated by the FCC?

- a) Does BellSouth currently provide all currently required forms of unbundled loops?
- b) Has BellSouth satisfied other associated requirements, if any, for this item?

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding but

ITEM NO.

CASE

1

Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

instead are being considered in the non-hearing track in Docket No. 960786B-TP, BellSouth currently provides unbundled local loop transmission between the central office and the customer's premises separate from local switching or other services, pursuant to Section 271(c)(2)(B)(iv) and applicable rules and orders promulgated by the FCC. Furthermore, BellSouth provides all currently required forms of unbundled loops and has satisfied other associated requirements for this item.

ISSUE 6: Does BellSouth currently provide unbundled local transport on the trunk side of a wireline local exchange carrier switch from switching or other services, pursuant to Section 271(c)(2)(B)(v) and applicable rules promulgated by the FCC?

- (a) Does BellSouth currently provide billing for usage-sensitive UNES?
- (b) Has BellSouth satisfied all other associated requirements, if any, for this item?

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding but instead are being considered in the non-hearing track in Docket No. 960786B-TP, staff recommends the Commission find that BellSouth currently provides unbundled local transport on the trunk side of a wireline local exchange carrier switch from switching or other services, pursuant to Section 271(c)(2)(B)(v) and applicable rules promulgated by the FCC.

(a) Yes. Staff recommends the Commission find that the record shows BellSouth currently provides billing for usage-sensitive UNES.

(b) Yes. Staff recommends the Commission find that BellSouth satisfies all other associated requirements for checklist item 5.

ISSUE 7: Does BellSouth currently provide unbundled local switching from transport, local loop transmission, or other

ITEM NO.

CASE

1

Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

services, pursuant to Section 271(c)(2)(B)(vi) and applicable rules promulgated by the FCC?

- (a) Does BellSouth bill for unbundled local switching on a usage-sensitive basis?
- (b) Does BellSouth currently provide unbundled local switching on both the line-side and the trunk-side of the switch?
- (c) Has BellSouth satisfied other associated requirements, if any, for this item?

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding but instead are being considered in the non-hearing track in Docket No. 960786B-TP, BellSouth currently provides unbundled local switching from transport, local loop transmission, or other services, pursuant to Section 271(c)(2)(B)(vi) and applicable rules promulgated by the FCC.

- (a) Yes. No party in this proceeding disputes BellSouth's ability to bill for unbundled local switching on a usage-sensitive basis.
- (b) BellSouth provides unbundled local switching options on the line-side and the trunk-side of the switch.
- (c) BellSouth has satisfied other associated requirements for this issue, specifically, technically feasible customized routing functions.

ISSUE 8: Does BellSouth currently provide nondiscriminatory access to the following, pursuant to Section 271(c)(2)(B)(vii) and applicable rules promulgated by the FCC:

- (i) 911 and E911 services;
- (b) directory assistance services to allow other telecommunications carrier's customers to obtain telephone numbers; and
- (c) operator call completion services?

ITEM NO.

CASE

1

Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

- (a) Does BellSouth currently provide ALECs access to all information contained in BellSouth's directory listing database?
- (b) Does BellSouth currently provide selective routing in Florida?
- (c) Has BellSouth satisfied other associated requirements, if any, for this item?

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding, but instead are being considered in the non-hearing track in Docket No. 960786B-TP, staff believes that BellSouth provides nondiscriminatory access to 911 and E911 services, directory assistance, and operator services, pursuant to Section 271(c)(2)(B)(vii) and applicable rules promulgated by the FCC.

ISSUE 9: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(viii) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide white pages directory listings for customers of other telecommunications carrier's telephone exchange service, pursuant to Section 271(c)(2)(B)(viii) and applicable rules promulgated by the FCC?

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding but instead are being considered in the non-hearing track in Docket No. 960786B-TP, BellSouth currently provides nondiscriminatory access to white pages directory listings in accordance with Section 271(c)(2)(B)(viii) and applicable rules promulgated by the FCC.

ISSUE 10: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(ix) of the Communications Act of 1934, as amended by the

Minutes of
Special Commission Conference
September 9, 2002

ITEM NO.

CASE

1 Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

Telecommunications Act of 1996. Does BellSouth currently provide nondiscriminatory access to telephone numbers for assignment to the other telecommunications carrier's telephone exchange service customers, pursuant to Section 271(c)(2)(B)(ix) and applicable rules promulgated by the FCC?

RECOMMENDATION: Since BellSouth no longer performs numbering administration functions for itself and the other carriers in its service territory, the specific obligation of Section 271(c)(2)(B)(ix) is, in effect, met by default.

ISSUE 11: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(x) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide nondiscriminatory access to databases and associated signaling necessary for call routing and completion, pursuant to Section 271(c)(2)(B)(x) and applicable rules promulgated by the FCC?

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding, but instead are being considered in the non-hearing track in Docket No. 960786B-TP, staff believes that BellSouth provides nondiscriminatory access to all required databases and associated signaling necessary for call routing and completion, pursuant to Section 271(c)(2)(B)(x) and applicable rules promulgated by the FCC.

ISSUE 12: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(xi) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide number portability, pursuant to Section 271(c)(2)(B)(xi) and applicable rules promulgated by the FCC?

Minutes of
Special Commission Conference
September 9, 2002

ITEM NO.

CASE

1

Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding but instead are being considered in the non-hearing track in Docket No. 960786B-TP, BellSouth currently provides number portability, pursuant to Section 271(c)(2)(B)(xi) and applicable rules promulgated by the FCC.

ISSUE 13: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(xii) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of Section 271(c)(2)(B)(xii) and applicable rules promulgated by the FCC?

RECOMMENDATION: Yes. BellSouth currently provides nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of Section 271(c)(2)(B)(xii) and applicable rules promulgated by the FCC.

ISSUE 14: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(xiii) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide reciprocal compensation arrangements in accordance with the requirements of Section 252(d)(2) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(xiii) and applicable rules promulgated by the FCC?

RECOMMENDATION: Yes. Staff recommends the Commission find that BellSouth currently provides reciprocal compensation arrangements in accordance with the requirements of Section

Minutes of
Special Commission Conference
September 9, 2002

ITEM NO.

CASE

1

Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

252(d)(2) of the Act, pursuant to Section 271(c)(2)(B)(xiii) and applicable FCC rules.

ISSUE 15: Does BellSouth currently provide telecommunications services available for resale in accordance with the requirements of Sections 251(c)(4) and 252(d)(3) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC?

RECOMMENDATION: Yes. Other than those aspects related to OSS matters, which are not dealt with in this proceeding but instead are being considered in the non-hearing track in Docket No. 960786B-TP, BellSouth currently provides telecommunications services available for resale in accordance with the requirements of Sections 251(c)(4) and 252(d)(3) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC.

ISSUE 16: By what date does BellSouth propose to provide intraLATA toll dialing parity throughout Florida pursuant to Section 271(e)(2)(A) of the Telecommunications Act of 1996?

RECOMMENDATION: Staff believes BellSouth has provided intraLATA toll dialing parity throughout Florida since the end of March 1997 and therefore meets this Section 271 requirement.

ISSUE 17: If the answers to issues 2 through 15 are "yes," have those requirements been met in a single agreement or through a combination of agreements?

RECOMMENDATION: Other than those aspects related to OSS matters, which are not dealt with in this proceeding but instead are being considered in the non-hearing track in Docket No. 960786B-TP, the answers to Issues 2 through 15 are "yes," and staff believes that the requirements have been met by BellSouth through a combination of agreements.

ISSUE 18: Should this docket be closed?

Minutes of
Special Commission Conference
September 9, 2002

ITEM NO.

CASE

1 Docket No. 960786A-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Hearing)

(Continued from previous page)

RECOMMENDATION: Yes. If this Commission approves staff's recommendation in this docket, a ~~final order~~ consultative opinion will be issued. Thereafter, if the Commission also approves staff's recommendation in the companion Track B addressing the OSS Test, this Docket should be closed after the Commission renders its recommendation to the FCC in accordance with Section 271 of the Act.

DECISION: The recommendations were approved with the noted modification to Issue 18. Additionally, the Commission's opinion will be transmitted to the FCC via a letter signed by the Chairman.

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

Minutes of
Special Commission Conference
September 9, 2002

<u>ITEM NO.</u>	<u>CASE</u>
2	<p>Docket No. 960786B-TL - Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. (Third Party OSS Testing)</p> <p>Docket No. 981834-TP - Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.</p> <p>Critical Date(s): None</p> <p>Commissioners Assigned: Full Commission Prehearing Officer: Deason</p> <p>Staff: CMP: Harvey, Broussard, Duffey, Fisher, Hallenstein, Kelley, Vinson, Wallace GCL: B. Keating, Banks</p> <p><u>ISSUE 1</u>: Does BellSouth provide ALECs nondiscriminatory access to its OSS, and thus satisfy the OSS requirements of Section 271 of the 1996 Telecommunications Act? <u>RECOMMENDATION</u>: Yes. Staff believes that BellSouth does provide ALECs nondiscriminatory access to its OSS and that BellSouth has satisfied the OSS-related requirements of Section 271 of the 1996 Telecommunications Act.</p> <p><u>ISSUE 2</u>: Should these Dockets be closed? <u>RECOMMENDATION</u>: Yes. If the Commission approves staff's recommendation in Issue 1, a final Order <u>consultative opinion</u> will result. Thereafter, if the Commission also approves staff's recommendation in the companion Track A, these Dockets may be closed after the Commission renders its recommendation to the FCC.</p> <p><u>DECISION</u>: The recommendations were approved with the noted modification to Issue 2. Additionally, the Commission's opinion will be transmitted to the FCC via a letter signed by the Chairman.</p> <p>Commissioners participating: Jaber, Deason, Baez, Palecki, Bradley</p>