

MEMORANDUM

March 9, 1994

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (MURPHY) *CMTL*  
RE: DOCKETS NOS. [REDACTED] TP, 930955-TL, 940014-TL, 940020-TL,  
931196-TL, 940190-TL

1277-PCO

Attached is an ORDER ESTABLISHING PRELIMINARY ISSUES AND ADDRESSING OTHER PROCEDURAL MATTERS to be issued in the above-referenced docket. (Number of pages in Order - 6)

CWM/clp  
Attachment  
cc: Division of Communications  
I:921074aa.cwm

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Expanded Interconnection ) DOCKET NO. 921074-TP  
Phase II and Local Transport ) DOCKET NO. 930955-TL  
Restructure ) DOCKET NO. 940014-TL  
\_\_\_\_\_ ) DOCKET NO. 940020-TL  
DOCKET NO. 931196-TL  
DOCKET NO. 940190-TL

ORDER NO. PSC-94-0277-PCO-TL  
ISSUED: March 10, 1994

ORDER ESTABLISHING PRELIMINARY ISSUES  
AND ADDRESSING OTHER PROCEDURAL MATTERS

A. Issues

A workshop was held on February 16, 1994, for the purpose of establishing preliminary issues for hearing in these consolidated dockets. The resulting issues follow:

1. How is switched access provisioned and priced today?
2. How is local transport structured and priced today?
3. Under what circumstances should the Commission impose the same or different forms and conditions of expanded interconnection than the F.C.C.?
4. Is expanded interconnection for switched access in the public interest? (The following should be discussed within this issue: Potential separations impact; Potential revenue impact on LECs, their ratepayers, and potential competitors; Potential ratepayer impact.)
5. Is the offering of dedicated and switched services between non-affiliated entities by non-LECs in the public interest?
6. Does Chapter 364, Florida Statutes, allow the Commission to require expanded interconnection for switched access?
7. Does a physical collocation mandate raise federal or state constitutional questions about the taking or confiscation of LEC property?
8. Should the Commission require physical and/or virtual collocation for switched access expanded interconnection?

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9. Which LECs should provide switched access expanded interconnection?
10. From what LEC facilities should expanded interconnection for switched access be offered? Should expanded interconnection for switched access be required from all such facilities?
11. Which entities should be allowed expanded interconnection for switched access?
12. Should collocators be required to allow LECs and other parties to interconnect with their networks?
13. Should the Commission allow switched access expanded interconnection for non-fiber optic technology?
14. Should all switched access transport providers be required to file tariffs?
15. Should the proposed LEC flexible pricing plans for private line and special access services be approved?
- 16.<sup>1</sup> Should the LECs proposed intrastate private line and special access expanded interconnection tariffs be approved?
17. Should the LECs proposed intrastate switched access interconnection tariffs be approved?

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<sup>1</sup> This issue is being raised in order to follow through with the Commission's decision in Phase I of this Docket. In that decision, the Commission required the tariffs described in this issue to be filed and that they be handled through the normal tariff review process. Assuming that a protest is likely and that a hearing will be necessary regarding the specific provisions contained in these tariff filings, it would seem logical for the tariffs to be reviewed, and hearing mechanism provided, in Phase II of this proceeding. All parties are on notice to examine the tariffs as soon as they are filed and to prepare any discovery and/or testimony with the assumption that the Commission will hold a hearing regarding the specific provisions of the tariffs in Phase II of this Docket.

18. Should the LECs be granted additional pricing flexibility? If so, what should it be?
19. Should the Commission modify its pricing and rate structure regarding switched transport service?
  - a) With the implementation of switched expanded interconnection.
  - b) Without the implementation of switched expanded interconnection.
20. If the Commission changes its policy on the pricing and rate structure of switched transport service, which of the following should the new policy be based on:
  - a) The intrastate pricing and rate structure of local transport should mirror each LEC's interstate filing, respectively.
  - b) The intrastate pricing and rate structure of local transport should be determined by competitive conditions in the transport market.
  - c) The intrastate pricing and rate structure of local transport should reflect the underlying cost based structure.
  - d) The intrastate pricing and rate structure of local transport should reflect other methods.
21. Should the LECs proposed local transport restructure tariffs be approved? If not, what changes should be made to the tariffs?
22. Should the Modified Access Based Compensation (MABC) agreement be modified to incorporate a revised transport structure (if local transport restructure is adopted) for intraLATA toll traffic between LECs?
23. How should the Commission's imputation guidelines be modified to reflect a revised transport structure (if local transport restructure is adopted)?

24. Should these dockets be closed?

B. Other Matters

1). In order to fully resolve the issues presented in this proceeding, Tier 1 LECs shall file Illustrative Switched Access Expanded Interconnection Tariffs by April 1, 1994. Similarly, Tier 1 LECs shall file any proposed Flexible Pricing Plans for Switched Access by May 15, 1994.

2). Although it is unusual for counsel to make opening statements in Commission hearings, because of the complex nature of this proceeding I believe it would be helpful for the parties to present opening statements in this case. The statements, which shall be limited to five minutes, will allow the parties to present a brief overview of the issues before the Commission hears expert testimony.

3). GTEFL has filed a tariff to restructure local transport which has been assigned Docket No. 940190-TL. I find that it is appropriate to consolidate that Docket into this proceeding. At this point, rather than recount each docket name on all filings and orders, it appears to be more reasonable to simply describe the dockets generally, listing individual dockets by number only, as set forth in the heading of this Order. As before, the Commission will maintain only one file for the consolidated dockets under Docket No. 921074-TP. All discovery and other filings shall be in the consolidated dockets rather than in individual dockets. Additional related tariffs shall not be assigned individual dockets. Rather, they shall be filed in the existing consolidated dockets.

Based upon the foregoing, it is

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that the preliminary issues for this proceeding are those set forth in the body of this Order. It is further

ORDERED that Tier 1 LECs shall file the illustrative tariffs and proposed plans set forth in the body of this Order. It is further

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ORDERED that parties are encouraged to make opening statements at the hearing which set forth an overview of their positions. It is further

ORDERED that Docket No. 940190-TL shall be consolidated into this proceeding. Any additional related tariff filings shall be made in the existing consolidated dockets and shall not be assigned an individual docket. It is further

ORDERED that filings in the consolidated dockets shall be identified in the manner set forth in the heading of this Order.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 10th day of March, 1994.

  
J. TERRY DEASON, Chairman and  
Prehearing Officer

( S E A L )

CWM

**NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW**

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

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Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.