I RIDA PUBLIC SERVICE COMMI ON

7A

VOTE SHEET

DATE: December 2, 1996

RE: DOCKET NO. [redacted]-TP - Petition by AT&T Communications of the Southern States, 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.
DOCKET NO. 960846-TP - Petition by MCI Telecommunications Corporation and MCI Metro Access Transmission Services, 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.
DOCKET NO. 960916-TP - Petition by American Communications Services, Inc. and American Communications Services of Jacksonville, 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.

Issue A: Should the Commission grant MCI's and AT&T's motions to strike BellSouth's Notice of Order of the Eighth Circuit Court of Appeal's Order Granting Stay Pending Judicial Review and Request for Relief?
Recommendation: Yes. The Commission should take official notice of the 8th Circuit Court of Appeal's Order, but strike the remainder of BellSouth's pleading from the record in this proceeding.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

J. Terry Deason

REMARKS/DISSENTING COMMENTS: Commissioner Deason dissented on Issues 2, 3, 5, 14(b)

PSC/RAR33(5/90)

Commissioners Johnson and Garcia dissented on Issue 8(b)

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Issue 1(a): Are the following items considered to be network elements, capabilities, or functions? If so, is it technically feasible for BellSouth to provide AT&T or MCI with these elements?

A. Network Interface Device
B. Unbundled Loops
C. Loop Distribution
D. Loop Concentrator/Multiplexer
E. Loop Feeder
F. Local Switching
G. Operator Systems (DA service/911 service)
H. Multiplexing/Digital Cross-Connect/Channelization
I. Dedicated Transport
J. Common Transport
K. Tandem Switching
L. AIN Capabilities
M. Signaling Link Transport
N. Signal Transfer Points
O. Service Control Points/Database

Recommendation: Yes. All elements listed are considered to be network elements as defined by § 3(29) of the Act. The following items are technically feasible for BellSouth to provide on an unbundled basis:

A. Network Interface Device
B. Unbundled Loops
C. Loop Distribution
F. Local Switching
G. Operator Systems
H. Multiplexing/Digital Cross-Connect/Channelization
I. Dedicated Transport
J. Common Transport
K. Tandem Switching
L. AIN Capabilities
M. Signaling Link Transport
N. Signal Transfer Points

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Issue 1(b): What should be the price of each of the items considered to be network elements, capabilities, or functions?
Recommendation: The Commission should set permanent rates based on BellSouth's TSLRIC cost studies. However, the cost studies filed by BellSouth do not cover all of the unbundled network elements requested by AT&T and MCI. Therefore, modified Hatfield-based rates or BellSouth tariff rates are recommended as interim rates only for those elements for which no other cost information exists in the record until permanent rates can be set. Also, BellSouth shall file a TSLRIC cost study, for those unbundled elements for which BellSouth has not already provided a cost study, within 60 days of the date the order is issued. The following recurring rates in Table 1 and nonrecurring rates in Table 2 should be set. These rates cover BellSouth's TSLRIC costs and provide some contribution toward joint and common costs. (Tables 1 and 2 are shown in staff's memorandum dated November 14, 1996.)

If AT&T or MCI cannot negotiate a rate, or rates, for AIN capabilities, then BellSouth should file a TSLRIC cost study with this Commission within 30 days from the date of a bona fide request.

APPROVED

Issue 2: Should AT&T and MCI be allowed to combine BellSouth's unbundled network elements in any manner they choose, including recreating existing BellSouth services?
Recommendation: Yes. The Commission should allow AT&T and MCI to combine unbundled network elements in any manner they choose, including recreating existing BellSouth services, as provided in Section 251(c)(3) of the Act and the FCC's Order 96-325 at ¶ 340.

APPROVED Additionally, staff was directed to review and address any avenues available with regard to Act and FCC order.

Commissioner Deason dissented.

Issue 3: What services provided by BellSouth, if any, should be excluded from resale?
Recommendation: BellSouth should be required to offer for resale any services it provides at retail to end user customers who are not telecommunications carriers. These services include all grandfathered services (both current and future), promotions that exceed 90 days, volume discounts, contract service arrangements (both current and future), Lifeline and Linkup services, and 911/E911 and N11 services.

APPROVED Additionally, staff was directed to bring to the FCC's attention the Commission's concern with contract service arrangements, grandfathered services, and Lifeline and Linkup services. Comm. Deason dissented.

Issue 4: What are the appropriate wholesale rates for BellSouth to charge when AT&T or MCI purchases BellSouth's retail services for resale?
Recommendation: BellSouth should offer retail services at a wholesale discount rate of 21.83% for residential services and 16.81% for business services.

APPROVED with understanding that certain issues will be reviewed or addressed via other avenues.

Issue 5: What terms and conditions, including use and user restrictions, if any, should be applied to resale of BellSouth's services?
Recommendation: No restrictions should be allowed except for the resale of grandfathered services, residential services, and Lifeline/LinkUp services to end users who are eligible to purchase such service directly from BellSouth. BellSouth has not sufficiently rebutted the FCC's presumption against resale restrictions for volume discount offerings or against tariff limitations in general, other than the ones specified.

APPROVED

Commissioner Deason dissented.

Issue 6: Should BellSouth be required to provide notice to its wholesale customers of changes to BellSouth's services? If so, in what manner and in what time frame?
Recommendation: If BellSouth provides internal notice 45 or more days in advance of the change, BellSouth should provide 45 days notice to its wholesale customers. If BellSouth provides notice less than 45 days in advance of the change, wholesale customers should be noticed concurrently with BellSouth's internal notification process. BellSouth should not be held liable if it modifies or withdraws a resold service after the notice is provided; however, BellSouth should notify the resellers of these changes as soon as possible.

APPROVED

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Issue 7: What are the appropriate metrics, service restoration, and quality assurance related to services provided by BellSouth for resale and for network elements provided to AT&T or MCI by BellSouth?
Recommendation: BellSouth, AT&T and MCI should adhere to the service restoration intervals, direct measures of quality, service assurance warranties, and other quality assurance measures proposed by MCI and AT&T in their proposed agreements. If AT&T's and MCI's proposed agreements do not contain specific performance standards, BellSouth should be required to provide the same quality of service for resale and network elements to AT&T and MCI that it provides to its customers and itself. The Commission should not arbitrate provisions for liquidated damages in the AT&T and MCI interconnection agreements with BellSouth.

DENIED BellSouth should be able to provide the same quality service for resold services as for services provided directly. BellSouth should also set service standards that are agreed to by AT+T and MCI. (Last sentence in recom. was approved) and network element services

Issue 8A: When AT&T or MCI resells BellSouth's services, is it technically feasible or otherwise appropriate for BellSouth to brand operator services and directory services calls that are initiated from those resold services?
Recommendation: Yes. BellSouth should provide branding ~~and~~ unbranding for operator service and directory service calls for AT&T and MCI. or

MODIFIED Approved with noted correction.

Issue 8(b) : When BellSouth's employees or agents interact with AT&T's or MCI's customers with respect to a service provided by BellSouth on behalf of AT&T or MCI, what type of branding requirements are technically feasible or otherwise appropriate?
Recommendation: When representing AT&T or MCI, BellSouth personnel should 1) advise customers that they are representing AT&T or MCI; 2) provide customers with AT&T or MCI supplied "leave behind" cards; and, 3) refrain from marketing BellSouth directly or indirectly to AT&T or MCI customers.

MODIFIED Under 2), the technician may leave a "generic" card if card for MCI or AT+T is unavailable.

Commissioners Johnson and Garcia dissented.

Issue 9: When AT&T or MCI resells BellSouth's local exchange service or purchases unbundled local switching, is it technically feasible or otherwise appropriate to route 0+ and 0- calls to an operator other than BellSouth's, to route 411 and 555-1212 directory assistance calls to an operator other than BellSouth's, or to route 611 repair calls to a repair center other than BellSouth's?
Recommendation: Yes. When AT&T or MCI resells BellSouth's local exchange service or purchases unbundled local switching, it is technically feasible or otherwise appropriate to route 0+ and 0- calls to an operator other than BellSouth's, to route 411 and 555-1212 directory assistance calls to an operator other than BellSouth's, and to route 611 repair calls to a repair center other than BellSouth's. The Commission should require BellSouth to provide customized routing using line class codes, on a first-come, first-served basis.

APPROVED

Issue 10: Do the provisions of Sections 251 and 252 apply to access to unused transmission media (e.g., dark fiber, copper coaxial, twisted pair)? If so, what are the appropriate rates, terms, and conditions?
Recommendation: No. Sections 251 and 252 of the Act do not apply to AT&T and MCI's request for access to dark fiber.

APPROVED

Issue 11: Is it appropriate for BellSouth to provide copies of engineering records that include customer specific information with regard to BellSouth poles, ducts, and conduits? How much capacity, if any, is appropriate for BellSouth to reserve with regard to its poles, ducts and conduits?
Recommendation: BellSouth should not be required to provide AT&T and MCI copies of its engineering records. BellSouth should allow AT&T and MCI access to its engineering records and drawings as they pertain to poles, ducts, conduit, and rights-of-way owned or controlled by BellSouth. Access should be provided within a reasonable time frame and the appropriate proprietary provisions should apply.

BellSouth should allow AT&T and MCI to reserve capacity under the same time frames, terms and conditions it affords itself.

APPROVED with understanding that the Commission's concerns in this issue will be articulated.

Issue 12: How should BellSouth treat a PIC change request received from an IXC other than AT&T or MCI for an AT&T or MCI local customer?
Recommendation: BellSouth should be prohibited from making any PIC change for a customer that receives its local exchange service from a local exchange carrier other than BellSouth. BellSouth should forward the request of the customer to their local exchange carrier and provide the customer a contact number for their local carrier.

APPROVED

Issue 13: Should BellSouth be required to provide real-time and interactive access via electronic interfaces as requested by AT&T and MCI to perform the following:

Pre-Service Ordering
Service Trouble Reporting
Service Order Processing and Provisioning
Customer Usage Data Transfer
Local Account Maintenance

If the process requires the development of additional capabilities, in what time frame should they be deployed? What are the costs involved and how should these costs be recovered?
Recommendation: Yes. BellSouth should be required to provide real-time and interactive access via electronic interfaces to perform pre-service ordering, service trouble reporting, service order processing and provisioning, customer usage data transfer, and local account maintenance.

Processes that require the development of additional capabilities should be developed by BellSouth by January 1, 1997. If BellSouth cannot meet that deadline, BellSouth should file a report with the Commission that outlines why it cannot meet the deadline, its plans for developing the real-time interactive electronic interface, the date by which such system will be implemented, and a description of the system or process which will be used in the interim. BellSouth, AT&T and MCI should also establish a joint implementation team to assure the implementation of the real-time and interactive interfaces. These electronic interfaces should conform to industry standards where such standards exist or are developed.

BellSouth should not require MCI and AT&T to obtain prior written authorization from each customer before allowing access to the customer service records (CSRs). MCI and AT&T should issue a blanket letter of authorization to BellSouth which states that it will obtain the customer's permission before accessing the CSRs. Further, BellSouth should develop a real-time operational interface to deliver CSRs to ALECs, and the interface should only provide the customer information necessary for MCI and AT&T to provision telecommunications services.

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Issue 13: (Continued)

Each party should bear its own share of the cost of developing and implementing such systems and processes because these systems will benefit all carriers. If a system or process is developed exclusively for a certain carrier, those costs should be recovered from the carrier who is requesting such customized system.

APPROVED

Issue 14(a): Should BellSouth be required to use the CMDS process for local and intraLATA calls in the same manner as used today for interLATA calls? Recommendation: Yes, CMDS should be expanded to be used for intraLATA collect, third party and calling card calls.

APPROVED

Issue 14(b): What are the appropriate rates, terms, and conditions, if any, for rating information services traffic between AT&T or MCI and BellSouth? Recommendation: AT&T's proposal, to have BellSouth rate and bill and collect AT&T's customers' calls to ISPs, should be approved as an interim process with the exception that AT&T should not be paid in connection with any call by its customers to an ISP until it negotiates its own contracts with the appropriate rates, terms and conditions. MCI concurred with AT&T's position on this issue except that MCI appears to wish to bill its own customers. The Commission's decision should apply to MCI as well.

To the extent that BellSouth incurs additional costs as a result of handling ISP traffic on behalf of the other carriers, that are not covered under its contract with the ISP, nothing in the Commission's decision should preclude BellSouth from recovering those costs through incremental charges to AT&T and/or MCI.

APPROVED

Commissioner Deason dissented.

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Issue 15: What billing system and what format should be used to render bills to AT&T or MCI for services and elements purchased from BellSouth?
Recommendation: The Commission should require BellSouth to provide CABS-formatted billing for both resale and unbundled elements within 120 days of issuance of the order in this proceeding. BellSouth can continue to use its CRIS billing system, but the output from the CRIS system should be translated into the CABS-format. In the interim, BellSouth should provide bills for resale and unbundled elements to AT&T and MCI using its CRIS and CABS billing systems.

APPROVED

Issue 16: Should BellSouth be required to provide Process and Data Quality Certification for carrier billing, data transfer, and account maintenance?
Recommendation: BellSouth, AT&T and MCI should adhere to quality standards pertaining to process and data quality certification for carrier billing, data transfer, and account maintenance proposed by MCI and AT&T in their proposed interconnection agreements. If AT&T's and MCI's proposed agreements do not contain specific standards, BellSouth should be required to provide the same quality of service for carrier billing, data transfer, and account maintenance to AT&T and MCI that it provides to its customers and itself. The Commission should not arbitrate provisions for liquidated damages in the AT&T and MCI interconnection agreements with BellSouth.

DENIED (See language in Issue 7 decision - same decision here.) Additionally, last sentence in recommendation was approved. Details should be worked out by parties.

Issue 17: Should BellSouth be required to allow AT&T and MCI to have an appearance (e.g. logo or name) on the cover of the white and yellow page directories?
Recommendation: No. AT&T and MCI should contract with the directory publisher for an appearance on the cover of the white page and yellow page directories.

APPROVED

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Issue 18: Should BellSouth be required to provide interim number portability solutions besides remote call forwarding? If so, what are the costs involved and how should they be recovered?
Recommendation: The parties have agreed that BellSouth will provide the following interim number portability solutions:

a. Remote Call Forwarding
b. Direct Inward Dialing
c. Route Index Portability Hub
d. Local Exchange Routing Guide to the NXX Level

The Commission should address cost recovery for interim number portability in Docket No. 950737-TP. Until completion of that proceeding, the Commission, on an interim basis, should require each carrier to pay for its own costs in the provision of the interim number portability solutions listed above. Further, the Commission should require each telecommunications carrier to this proceeding to track its cost of providing the interim number portability solutions with sufficient detail to verify the costs in order to consider recovery of these costs in Docket No. 950737-TP.

APPROVED

Issue 19: Do the provisions of Section 251 and 252 apply to the price of exchange access? If so, what is the appropriate price for exchange access?
Recommendation: No. Sections 251 and 252 of the Act do not address the pricing of exchange, or switched, access. (Switched access is referred to as exchange access in Section 251(c)(2)(A) of the Act.) No changes to switched access rates need to be made in this proceeding.

APPROVED

Issue 20: What are the appropriate trunking arrangements between AT&T and BellSouth for local interconnection?
Recommendation: The parties have reached an agreement. Therefore, the Commission should consider this issue moot.

no vote necessary.

Issue 21: What should be the compensation mechanism for the exchange of local traffic between AT&T and BellSouth?
Recommendation: A reciprocal rate of $.00125 per minute for tandem switching and $.002 for end office termination should be aproved. While it is understood that BellSouth's costs are LRIC, these rate levels would be sufficient to cover TSLRIC, in addition to providing some contribution to common costs.

APPROVED

Issue 22: What are the appropriate general contractual terms and conditions that should govern the arbitration agreement (e.g. resolution of disputes, performance requirements, and treatment of confidential information)?
Recommendation: The Commission should not arbitrate the general contractual terms and conditions that govern the arbitration agreement. The Commission's authority to arbitrate disputed issues under the Act is limited to those items enumerated in Sections 251 and 252 and matters necessary to implement those items. General contractual terms and conditions do not fall within the scope of arbitration.

APPROVED

Issue 23: What should be the cost recovery mechanism for remote call forwarding (RCF) used to provide interim local number portability in light of the FCC's recent order?
Recommendation: The Commission should implement the cost recovery mechanism established in Issue 18.

APPROVED

Issue 24: What intrastate access charges, if any, should be collected on a transitional basis from carriers who purchase BellSouth's unbundled local switching element? How long should any transitional period last?
Recommendation: This issue was affected by the Eighth Circuit's stay of portions of the FCC Order. Therefore, existing Florida law and policy should apply because they are not inconsistent with the Act. No additional charges should be assessed for unbundled Local Switching over and above those approved in Issue 1(b) for that element. However, with respect to toll traffic, existing Florida law does not allow ALECs to bypass switched access charges. Therefore, under the Commission's toll default policy established in Order No. PSC-96-1231-FOF-TP in Docket No. 950985-TP, the company terminating a toll call should receive terminating switched access from the originating company unless the originating company can prove that the call is local.

APPROVED

Issue 25: What are the appropriate rates, terms, and conditions for collocation (both physical and virtual)?
Recommendation: For physical collocation, the Commission should approve BellSouth's Telecommunications Handbook for Collocation in the interim until this Commission has set cost-based rates for physical collocation.

MCI should bear the costs of converting from virtual to physical collocation where MCI requests the conversion. The establishment of physical collocation should be completed in three months and the establishment of virtual collocation should be completed in two months. BellSouth should demonstrate to the Commission on a case-by-case basis where these time frames are not sufficient to complete the collocation work.

For virtual collocation, the rates, terms, and conditions set forth in BellSouth's Access tariff filed with this Commission should apply in the interim until this Commission has set cost-based rates.

In addition, the Commission should grant MCI the ability to:

1. Interconnect with other collocators that are interconnected with BellSouth in the same central office.

2. Purchase unbundled dedicated transport from BellSouth between the collocation facility and MCI's network.

3. Collocate subscriber loop electronics in a BellSouth central office.

4. Select physical over virtual collocation, where space and/or other considerations permit.

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Issue 25: (Continued)

BellSouth should file a TSLRIC cost study for physical and virtual collocation within 60 days of the date the order is issued in this proceeding. The cost study should comply with §51.323 of the FCC's rules and with the expanded interconnection guidelines set out in the FCC's order.

APPROVED

Issue 26: What are the appropriate rates, terms, and conditions related to the implementation of dialing parity for local traffic?
Recommendation: BellSouth should be required to provide dialing parity to MCI on local calling (intra-exchange and flat rate EAS).

APPROVED

Issue 27 : What are the appropriate arrangements to provide MCI with nondiscriminatory access to white and yellow page directory listings?
Recommendation: This issue is for informational purposes only. This issue does not require a Commission vote.

no vote necessary.

Issue 28 : What terms and conditions should apply to the provision of local interconnection by BellSouth to MCI?
Recommendation: This issue is for informational purposes only. This issue does not require a Commission vote.

no vote necessary.

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Issue 29: Should the agreement be approved pursuant to the Telecommunications Act of 1996?
Recommendation: Yes, the arbitrated agreements should be submitted by the parties for approval under the standards in Section 252(e)(2)(B). The Commission's determination of the unresolved issues should comply with the standards in Section 252(c) which include the requirements in Section 252(e)(2)(B).

APPROVED (orally-stated alternative recommendation was denied.)

Issue 30: What are the appropriate post-hearing procedures for submission and approval of the final arbitrated agreement?
Recommendation: The parties should submit a written agreement memorializing and implementing the Commission's decision within 30 days of issuance of the Commission's arbitration order. Staff should take a recommendation to agenda so that the Commission can review the submitted agreements pursuant to the standards in Section 252(e)(2)(B) within 30 days after they are submitted.

If the parties cannot agree to the language of the agreement, each party should submit its version of the agreement within 30 days after issuance of the Commission's arbitration order, and the Commission should decide on the language that best incorporates the substance of the Commission's arbitration decision.

APPROVED

Issue 31: Should these dockets be closed?
Recommendation: No. In Issue 1b, staff has requested BellSouth to file additional cost information. In addition, there are outstanding requests for confidentiality of information which has been entered into the record.

APPROVED