



## Public Service Commission

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### -M-E-M-O-R-A-N-D-U-M-

**DATE:** JULY 27, 1998

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF COMMUNICATIONS (MOSES) *WDH/ATC*  
DIVISION OF LEGAL SERVICES (BEDELL; BROWN) *CB mcb*

**RE:** DOCKET NO. 971056-TX - APPLICATION FOR CERTIFICATE TO PROVIDE ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE BY BELL SOUTH BSE, INC.

**AGENDA:** 08/04/98 - REGULAR AGENDA - POST HEARING DECISION - PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

**CRITICAL DATES:** JULY 27, 1998 - STATUTORY DEADLINE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\w\971056.RCM

#### CASE BACKGROUND

On October 27, 1997, the Commission issued Proposed Agency Action Order No. PSC-97-1347-FOF-TX granting an alternative local exchange telecommunications certificate to BellSouth BSE, Inc. (BellSouth BSE). On November 17, 1997, Florida Competitive Carriers Association (FCCA), MCI Telecommunications Corporation and MCI metro Access Transmission Services, Inc. (collectively, MCI), filed timely protests of the Order, raising specific issues with respect to BellSouth BSE's provision of alternative local exchange service in BellSouth Telecommunications, Inc.'s (BellSouth) service territory. AT&T Communications of the Southern States, Inc. (AT&T), Time Warner AxS of Florida, L.P. (Time Warner), Teleport Communications Group, Inc., and TCG South Florida (collectively, TCG) have intervened in this proceeding. On April 27, 1998, this Commission held a hearing in which it received testimony concerning the issues raised by the parties. This is staff's recommendation regarding whether the Commission should grant BellSouth BSE a certificate to provide alternative local exchange service in the territory of its affiliate, BellSouth, the incumbent local exchange

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company. In the recommendation staff will also address several outstanding post-hearing motions.

#### DISCUSSION OF ISSUES

**ISSUE A:** Should the Motions to Supplement the Evidentiary Record be granted?

**RECOMMENDATION:** No. Intervenors assert that the excerpts from the study are being proffered for the purpose of establishing potential anti-competitive effects. Based on staff's recommendations in Issues 1 and 2, such evidence is not relevant to the elements to be reviewed for certification in this proceeding, even if BSE should have, but failed to, produce the Andersen Study in response to FCCA's discovery request. (BEDELL)

**STAFF ANALYSIS:** The parties have filed several post-hearing motions since the hearing was held in this case and the record was closed. On May 22, 1998, FCCA filed a Motion to Compel Discovery, Motion for Leave to Supplement the Record, and Motion to Extend the Deadline for Briefs. FCCA also filed a Motion for an Order Tolling the Time for Filing Post-Hearing Briefs on May 22, 1998. BSE filed its response to FCCA's motions on May 29, 1998. Also on May 29, 1998, the parties filed a Joint Stipulation Governing Review of Information Asserted to be Confidential Supplementing the Evidentiary Record and a Joint Motion for Extension of Time to Submit Post-Hearing Briefs. By Order No. PSC-98-0765-PCO-TX, issued June 3, 1998, the Prehearing Officer granted an extension until June 15, 1998, to file the briefs. On June 15, 1998, when the briefs were filed, FCCA, MCI and AT&T filed a renewed Motion to Supplement the Evidentiary Record. BSE responded to that motion on June 19, 1998. On June 22, 1998, TCG joined in the renewed motion.

FCCA seeks to supplement the evidentiary record with certain pages excerpted from a marketing study prepared by Arthur Andersen (hereinafter referred to as the Andersen study) for BSE. FCCA argues that BSE should have produced the Andersen study in response to FCCA's Request for Production of Documents #5, which requested documents relating to BSE's alternative local exchange company operations and their impact on BST's overall financial performance. Specifically Request No. 5 stated:

5. Please provide all correspondence, directives, instructions, orders, memoranda, and all other written

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documents comprising, discussing, referring to, or relating in any manner to the relationship between any ALEC operations BSE conducts in BellSouth's ALEC service area and the impact on BellSouth's overall (including parent and all subsidiaries) corporate financial performance.

Pursuant to the joint stipulation mentioned above, BSE agreed to produce the study for FCCA's review. After review of the document, FCCA, joined by AT&T, TCG and MCI, filed their Renewed Motion to Supplement Evidentiary Record. Thereafter, BSE filed its response to the renewed motion.

In the initial motion to supplement the record, FCCA argued that if it could address the import of the selected portions of the Andersen study, BSE's failure to produce the study during discovery could be remedied. In the renewed motion to supplement the record, the joint movants argue that:

- 1) supplementing the record with the selected portions of the study is consistent with the stipulation all parties reached;
- 2) the portions to be added to the record are relevant to address potential anti-competitive effects of BSE's certification; and
- 3) the document was responsive to interrogatory #5 and should have been produced. If it had been produced, post-hearing motions to supplement the record would have been unnecessary.

BSE responds to both motions asserting that:

- 1) BSE did not stipulate to supplementing the record;
- 2) the Andersen study contains no information that is responsive to Request No. 5; and
- 3) relevancy is not the applicable standard for supplementing the record after hearing.

The Stipulation Governing Review of Information Asserted to be Confidential, Supplementing the Evidentiary Record, and For the Extension of Time within Which to File Posthearing Briefs and Joint Motion for Extension of Time filed May 29, 1998, provides in paragraph 1 that the parties:



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. . . agree to expeditiously develop and enter into a confidentiality agreement that will govern the review of the Anderson [sic] study by representatives of the parties and provide for the use of relevant portions of that document in this proceeding in a manner that will guard the asserted confidentiality of the materials.

This agreement was entered into after the hearing and after the Andersen study's existence was discovered by FCCA, but before the briefs were due. All parties made an effort to balance the immediate needs of the parties in getting briefs filed in a timely manner while ensuring the confidentiality of the Andersen study and resolving the discovery dispute. The Prehearing Officer extended the time for filing briefs and the parties filed briefs which included argument on redacted portions of the Andersen study. At that time, it was the understanding of the Prehearing Officer and staff that the ultimate determination of the post-hearing admissibility of the Andersen study would be determined by the full Commission. Even if the parties had agreed that the Andersen Study excerpts would supplement the record, BSE would have been entitled to rebut the evidence or perhaps file a motion to strike. Staff could also object to the admissibility of the excerpts of the study. Therefore, based on the first paragraph of the parties' stipulation and on the above discussion, staff recommends that the parties did not and could not supplement the record post-hearing by stipulation.

FCCA and the other intervenors argue that the Andersen study excerpts are relevant to this proceeding and therefore, should become part of the record. BSE argues that relevancy is not the applicable standard for supplementing the record. The issue of the admissibility of the excerpts from the Andersen study is governed by the Florida Rules of Civil Procedure. A party does not have a right to present evidence after the record is closed, but the Commission may permit a party to reopen its evidence. Canova v. Florida National Bank, 60 So. 2d 627 (Fla. 1952), Wilson v. Johnson, 51 Fla. 370, 41 So. 395 (1906). Relevancy is not at issue for information sought for depositions or requests for production of documents; however, relevancy is required for admitting evidence into the record. In this case, staff believes that the evidence proffered by FCCA should not be admitted because the admitted purpose for offering it is to establish "potential anti-competitive effects." Based on staff's recommendations in Issues 1 and 2, the potential anti-competitive effects are not relevant to the determination of whether to grant BSE the authority to operate in BST's ILEC territory.

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The last point of discussion regarding supplementing the record is that the Andersen study should have been produced. Whether or not the Andersen study should have been produced is not a question that has to be answered by the Commission. No prejudice to the parties for failing to produce the document has been shown. Albeit after the hearing, BSE voluntarily produced the voluminous document when the issue of its production was raised. Further, based on staff's recommendation in Issues 1 and 2, the information contained in the study is not relevant to the proceedings.

In conclusion, based on the foregoing discussion, staff recommends that the Motion and Renewed Motion to Supplement Evidentiary Record be denied.

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**ISSUE B:** Should the outstanding Requests for Judicial Notice be granted?

**RECOMMENDATION:** Yes, official recognition should be taken. (BEDELL)

**STAFF ANALYSIS:** BSE applied for certification in several other states. After the hearing, two states rendered decisions on BSE's applications. Those states were Kentucky and North Carolina. In addition, the state of California ruled on similar issues related to two subsidiaries of Citizens Utilities Company. Official recognition of these decisions has been requested. Many more such decisions were submitted at the hearing. Further, it should be noted that all parties submitted decisions and none objected to the granting of these requests. In the interest of keeping the Commission fully informed on the pending issues, staff recommends that official recognition be granted. A specific listing of the subject decisions with a brief summary of each follows.

By a joint request filed on June 11, 1998, FCCA, AT&T and MCI requested official recognition be taken of a Kentucky Public Service Commission Order in Case No. 97-417, issued June 8, 1998, in which the Kentucky Commission denied an interconnection agreement and certificate application for BSE. The grounds for the Kentucky decision were that the public interest concerns raised by the intervenors justified rejecting the BST and BTE interconnection agreement. The basis of the Kentucky decision was that an interconnection agreement may be rejected pursuant to Section 252(e)(2)(A)(ii) of the Telecommunications Act if implementation of the agreement would not be consistent with the public interest, convenience, and necessity.

By request filed on July 21, 1998, BSE requested the Commission take judicial notice of California Decision No. 98-07-034, issued July 2, 1998. The decision grants Citizens Long Distance Company an ALEC certificate to serve in the ILEC territory of its sister company. In the case, AT&T argued that the ALEC should be subject to the same pricing restrictions as its sister ILEC. The California decision granted the ALEC certificate relying solely on California rules designed to "protect the public against unqualified or unscrupulous carriers, while also encouraging and easing entry of CLC [competitive local carriers] providers to promote the rapid growth of competition." Decision No. 98-07-034 at page 9. According to the Decision, the California rules require that an ALEC applicant must demonstrate managerial, technical and

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financial competence. The California Commission found the application to be in compliance with its certification and entry rules and rejected the arguments that the ALEC should be restricted in its operations in its sister ILEC's territory. However, the California Commission did determine that the two affiliates could negotiate at arms length for a wholesale discount and reserved the right to determine that the proper wholesale discount to apply to the ALEC.

By request filed July 23, 1998, BSE requested the Commission take official recognition of a decision rendered by the North Carolina Utilities Commission on July 22, 1998, in Docket No. P691 which granted BSE a certificate to provide local exchange service. In the North Carolina case the intervenors included TCG, AT&T, MCI, as well as a group of companies referred to as New Entrants. The issues raised were also substantially similar. The North Carolina Commission imposed no conditions on the certificate other than those required by North Carolina law (i.e., abide by applicable statutes and rules, including the limitations on serving in smaller ILEC territories).

In conclusion, the requests by the parties to take official recognition of the three recent decisions cited above should be granted.



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**ISSUE 1:** In light of the provisions of the Telecommunications Act of 1996 and Chapter 364, Florida Statutes, should the Commission grant BellSouth BSE a certificate to provide alternative local exchange service pursuant to Sections 364.335 and 364.337, Florida Statutes, in the territory served by BellSouth Telecommunications, as the incumbent LEC?

**RECOMMENDATION:** Yes. BellSouth BSE should be granted a certificate for statewide authority to provide alternative local exchange service pursuant to Sections 364.335 and 364.337, (MOSES)

**POSITION OF THE PARTIES**

**FCCA/AT&T/MCI:** No. BellSouth BSE's application to provide ALEC service in BellSouth Telecommunications, Inc.'s (BellSouth Telecommunications) territory is an effort to re-enter the market and thwart real competition by escaping regulatory requirements, including offering services to competitors at a prescribed wholesale discount. BellSouth Telecommunications can perform all of the services BellSouth BSE plans to provide.

**TCG:** No. It would not be in the public interest to certify BellSouth BSE to provide alternative local exchange service in BellSouth Telecommunications' service territory as required in Section 364.02, Florida Statutes, because it would not promote the development of fair and effective competition in markets for local exchange service. Certification of BellSouth BSE would allow BellSouth Telecommunications to avoid its resale and unbundled network element obligations under the 1996 Act and would have significant anti-competitive effects.

**BELLSOUTH BSE:** Yes. BellSouth BSE has met the standards established by the Florida Legislature for certification as an ALEC. Pursuant to Section 364.337, Florida Statutes, ALEC certification is conditioned upon a showing that the applicant has sufficient technical, financial and managerial capability to provide such service in the area to be served. BellSouth BSE has met those standards, which are the only standards to be considered in the ALEC certification process.

**STAFF ANALYSIS:**

Section 364.337(1), Florida Statutes, provides in pertinent part that:



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The commission shall grant a certificate of authority to provide alternative local exchange service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served.... It is the intent of the Legislature that the commission act expeditiously to grant certificates of authority under this section and that the grant of certificates not be affected by the application of any criteria other than that specifically enumerated in this subsection.

The parties opposing BellSouth BSE's certification have made it clear in their protest and in their positions on the issues in the case that they do not challenge BellSouth BSE's technical, managerial, or financial ability to provide alternative local exchange telecommunications service in Florida. They have also made it clear that they do not object to BellSouth BSE's certification to provide ALEC service in Florida generally. Witness Gillan, testifying on behalf of AT&T, MCI, and the FCCA, stated that the carriers sponsoring his testimony have no objection to BellSouth BSE's entry and participation as an ALEC outside its own territory. (Gillan TR 96) Rather, they object to BellSouth BSE's certification to provide ALEC service in the territory of its affiliate, BellSouth Telecommunications, Inc., (BellSouth) the Regional Bell Operating Company (RBOC) for the Southeast, and an incumbent local exchange company (ILEC) in much of Florida. They argue that the Commission should deny BellSouth an ALEC certificate to "compete against itself" through the legal artifice of BellSouth BSE. (Gillan TR 96)

BellSouth BSE witness Scheye argues that Section 364.337, Florida Statutes, outlines the sole criteria on which a decision concerning certification may be based. Therefore, according to Witness Scheye, BellSouth BSE should be granted a certificate for the entire state, including BellSouth Telecommunications' service territory. (Scheye TR 26)

Mr. Gillan's testimony shows that the parties do not disagree that BellSouth BSE has met the requirements for certification in Florida under the terms of Section 364.337(1), Florida Statutes. The concern then remaining, and the only issue before the Commission for resolution, is whether that certification should be granted to an ALEC affiliate of the RBOC ILEC BellSouth because certification would include the provision of service by BSE within BellSouth's territory.

FCCA's, MCI's, TCG's and AT&T's arguments

The parties generally argue that if the Commission grants BSE a certificate to provide service as an ALEC in its affiliate BellSouth's territory, they will be unable to compete effectively as resellers of BellSouth's services. They argue that without any restrictions, BSE will not have the same incentive or need to make a profit that other ALECs would have, and BellSouth would have no incentive to reduce its retail rates. The parties contend that certification for BSE will allow BellSouth to circumvent its obligations under the Telecommunications Act of 1996 (the Act), and lead to abuse of market power, customer confusion and anticompetitive behavior. (Gillan TR 102) Witness Gillan states that BellSouth's application for an ALEC certificate is a "reentry to its own markets through a second distribution channel (i.e., BellSouth BSE) with lower regulatory obligations." (Gillan TR 99) Witness Gillan also states that BellSouth, the ILEC, has specific obligations imposed by state and federal statutes ranging from price-cap regulation and tariffs, to a requirement to open the network to others, while BellSouth BSE does not. (Gillan TR 101) Witness Gillan predicts that BellSouth Telecommunications could reprice existing services and introduce new ones through BellSouth BSE without the obligation to offer a wholesale discount. (Gillan TR 103) Witness Gillan also argues that BSE will have advertising and brand identification advantages as a BellSouth company that will unfairly disadvantage other competitive providers.

BSE's arguments

BellSouth's witness Scheye responds that the protesters' concerns are purely speculative, and unfounded. He argues that Section 364.337(5), Florida Statutes, gives the Commission continuing regulatory oversight over the provision of basic local exchange telecommunications service for purposes of establishing reasonable service quality criteria, assuring resolution of service complaints, and ensuring the fair treatment of all telecommunications providers in the telecommunications marketplace. (Scheye TR 29) Witness Scheye also explains that if BSE were to purchase service for resale at a discount and then sell that service at less than the wholesale cost, BSE would be required to resell that service to other ALECs at the same price. (Scheye TR 49)

Witness Scheye argues that Sections 251 and 252 of the Telecommunications Act of 1996 (Act) and the decisions by the Federal Communications Commission (FCC) require the ILEC to treat all ALECs on a nondiscriminatory basis. Therefore, according to

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witness Scheye, BellSouth Telecommunications cannot provide any unfair advantage in the marketplace to BellSouth BSE. (Scheye TR 29) Section 272(e) of the Act states that the incumbent local exchange company (ILEC) must fulfill any requests from an unaffiliated entity for telephone exchange service and exchange access within a period no longer than the period in which it provides such services to itself or to its affiliates. Section 272(g) further allows the affiliate of a BOC to provide telephone exchange services if the BOC permits other entities to market and sell its services. Witness Scheye asserts that if the 1996 Act did not contemplate such an activity there would have been no need to adopt the provisions. (Scheye TR 26) Witness Scheye stated that the FCC also found the arguments made by intervenors, that BSE might engage in discrimination or cross-subsidy, were "speculative" and "non-persuasive". The FCC further found no basis in the record for concluding that competition in the local market would be harmed if a Section 272 affiliate offers local exchange service to the public that is similar to local exchange service offered by the Bell Operating Company. FCC Order No. 96-149 at paragraph 315. (Scheye TR 29)

#### Discussion

The record shows that several other states have dealt with granting local authority to the ALEC's of incumbent local telecommunications companies. (Ex 7 and Issue B, above) For example, the Georgia Public Service Commission (GPSC) granted BSE a competitive local exchange telecommunications service certificate on March 9, 1998, in Docket Number #043. (TR 86) Texas, however, denied GTE certification because its state statute does not contemplate issuing two types of certificates in the same territory to the same company or an affiliate. (Gillan TR 108) Moreover, this Commission has the authority to, and has granted statewide ALEC authority to other incumbent local exchange affiliates. GTE Card Service, Inc. d/b/a GTE Long Distance was granted authority on February 24, 1997. (Order No. PSC-97-0222-FOF-TX) The Commission also granted ALEC authority to Sprint Metropolitan Networks on December 27, 1995, with language in the order stating that "Section 364.337(1), Florida Statutes requires us to grant a certificate to provide alternative local exchange telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served." (Order No. PSC-96-1201-FOF-TX; Scheye TR 27) Furthermore, BellSouth Telecommunications itself already has



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been granted an ALEC certificate. (Order No. PSC-96-0704-FOF-TX; Gillan TR 95)<sup>1</sup>

No parties argued or presented evidence that BSE has not met the criteria set forth in the statutes to be used for the basis of granting a certificate in Florida, and the 1996 Act does not preclude BSE from being granted a certificate. BSE has asserted that even though it does not consider itself a Section 272 affiliate at the present time because it does not have certification to provide long distance, it has nevertheless complied with all of the accounting and separation safeguards addressed in Section 272. (Scheye TR 206, 225) There is no evidence in the record that any anticompetitive harm has occurred as a result of the Commission's certification of GTE's or Sprint's ALEC affiliates, and staff cannot, therefore, justify treating BellSouth BSE any differently than other ALECs that are affiliates of ILECs on this record. Even witness Gillan stated that he was unaware of any instance where the harms the parties allege here have actually occurred. He explained that he thought that was because "there hasn't been any real world experience - to my knowledge any real world experience with that." (Gillan TR 169) Staff notes, however, that GTE's affiliate has been certificated since February of 1997, and Sprint's affiliate has been certificated since September of 1996. In consideration of this evidence, the parties' predictions of harm in this case seem even more speculative, and, as BellSouth BSE has pointed out, if it or BellSouth engage in any anticompetitive behavior, the Commission has the authority to address it when it actually occurs.

In conclusion, staff believes the record supports the conclusion that BellSouth BSE should be certificated as an alternative local exchange company and granted statewide authority.

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<sup>1</sup> Exhibit 1 lists eight PSC orders granting ALEC certification to ILECS.

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**ISSUE 2:** In light of the provisions of the Telecommunications Act of 1996 and Chapter 364, Florida Statutes, if the Commission grants BellSouth BSE a certificate to provide alternative local exchange service in the territory served by BellSouth Telecommunications, Inc. as the incumbent LEC, what conditions or modifications, if any, should the Commission impose?

**RECOMMENDATION:** No conditions or modifications to the certificate should be imposed by the Commission. (MOSES)

**POSITION OF THE PARTIES**

**FCCA/AT&T/MCI:** The Commission should not grant the certificate to BellSouth BSE, the ALEC, without first requiring BellSouth BSE to abide by all terms and conditions imposed on BellSouth Telecommunications, the ILEC, by the Telecommunications Act of 1996 and Chapter 364, if BellSouth BSE's purpose in applying for the certificate is to be able to package certain products and follow certain customers who change or add locations, as BellSouth BSE contends, these requirements would serve no impediment to BellSouth BSE's claimed business purposes.

**TCG:** The Commission should impose four conditions to the certificate: (1) the duty under Section 251(c)(4) to offer for resale at wholesale rates, the local service that BellSouth BSE provides at retail to its customers in that territory, including the provision of such service under Contract Service Arrangements; (2) the duty under Section 251(b)(3) to provide nondiscriminatory access to network elements on an unbundled basis; (3) the duty to provide information, in the form of monthly reports, regarding the service quality BellSouth BSE receives from BellSouth Telecommunications; and (4) that BellSouth BSE utilize the same operational support systems available to ALECs. Additionally, BellSouth Telecommunications' performance of its duty under Section 252(c)(2)(c) of the Act, should be reported separately for BellSouth BSE.

**BELLSOUTH BSE:** None. The petitioners and intervenors have raised issues of anti-competitive behavior and predatory pricing that are nothing more than unsubstantiated and unsupported speculation and conjecture. The PSC has sufficient investigative compliance and enforcement capabilities to ensure that any improper or illegal behavior is addressed if such behavior is ever found to have occurred. Based upon the standards that are to be applied in the certification process, the PSC should grant BellSouth BSE's ALEC certification without any limitations or modifications.

**STAFF ANALYSIS:**

**FCCA's MCI's, TCG's and AT&T's arguments**

Witness Gillan asserts that a condition of BSE's certification should be the acceptance of all the obligations applicable to an incumbent LEC in the Act, as well as the requirements of Chapter 364, Florida Statutes, and the Commission's rules applicable to non-ALEC local carriers. (Gillan TR 110) The parties opposing BSE state in their brief that the Commission should impose all terms and conditions imposed on BellSouth the ILEC by the Act and Chapter 364. (BR 21) The parties state further that the Commission should, in the alternative, prohibit BSE from acquiring services from BellSouth for resale. (BR 22)

**BSE's arguments**

Sections 251 and 252 of the 1996 Act and the provisions adopted by the Federal Communications Commission (FCC) require the ILEC to treat all ALECs on a nondiscriminatory basis. Therefore, according to witness Scheye, these provision ensure that BellSouth cannot provide any advantage in the marketplace to BellSouth BSE. (Scheye TR 29) As described in Issue 1, witness Scheye contends that the FCC also found the arguments made by the intervenors that BSE might engage in discrimination or cross-subsidy "speculative" and "non-persuasive". The FCC found no basis in the record for concluding that competition in the local market would be harmed if a Section 272 affiliate offers local exchange service to the public that is similar to local exchange service offered by the Bell Operating Company. FCC Order No. 96-149 at paragraph 315. (Scheye TR 29)

**Discussion**

If the authority to provide alternative local exchange service is granted in Issue 1, staff recommends, for the reasons stated in Issue 1, that the Commission should not place conditions or restrictions on the certification of BellSouth BSE. Staff does not believe that it is necessary, or in the public interest, to treat the BellSouth ALEC any differently than the ALECs of other incumbent local telecommunications companies in the state. If demonstrable anticompetitive behavior occurs, Section 364.01(g), Florida Statutes, gives the Commission the authority to "[e]nsure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint."



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**ISSUE 3:** Should this docket be closed?

**RECOMMENDATION:** Yes. If the Commission approves Issues 1 and 2, no further issues remain for the Commission to address. Therefore, this docket should be closed. (BEDELL)

**STAFF ANALYSIS:** If the Commission approves Issues 1 and 2, no further issues remain for the Commission to address. Therefore, this docket should be closed.