

Marguerite McLean

090501-TP

From: beth.keating@akerman.com
Sent: Wednesday, May 12, 2010 2:33 PM
To: Filings@psc.state.fl.us
Subject: Docket NO. 090501-TP
Attachments: 20100512141621546.pdf

Attached for electronic filing in the referenced docket, please find Bright House Networks Information Services (Florida), LLC's Response to Inquiry of Commission Staff. Please don't hesitate to let me know if you have any questions.

Sincerely,
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B. Docket No. 090501-TP: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida, LLC by Bright House Networks Information Services (Florida), LLC.

C. On behalf of Bright House Networks Information Services (Florida), LLC

D. Number of Pages: 6

E: BHNIS's Response to Inquiry of Commission Staff



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May 12, 2010

VIA Electronic Filing

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 090501-TP: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida LLC by Bright House Networks Information Services (Florida), LLC

Dear Ms. Cole:

Attached for filing, please find the response of Bright House Networks Information Services (Florida), LLC's to Commission Staff's Inquiry Regarding "ACCESS" Terminology in this docket. If you have any questions whatsoever, please do not hesitate to contact me at the number in my contact information below.

Thank you for your assistance with this filing.

Sincerely,

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Enclosures
cc: Parties of Record
Staff Counsel

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03987 MAY 12 0
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida, LLC by Bright House Networks Information Services (Florida), LLC.

Docket No. 090501-TP
Filed: May 12, 2010

BRIGHT HOUSE'S RESPONSE TO THE STAFF'S INQUIRY
REGARDING "ACCESS" TERMINOLOGY

Bright House Networks Information Services (Florida), LLC, ("Bright House") hereby responds to the Staff's question, posed during the deposition of Verizon's witness Mr. Vasington, regarding the distinctions between "access," "special access," and "exchange access."¹ Bright House will discuss these issues in greater detail in its post-hearing brief, but presents the following as a summary of the question.

The term "access service" is very broad, and covers any use of local facilities to originate or terminate any interstate telecommunications.² "Exchange access" is a narrower term that covers the use of the same facilities to originate or terminate *traditional toll calls*.³ All "exchange access" service is "access service," but many examples of "access service" do not fall within the "exchange access" category.

The differing scope of the two terms reflects their different legal and regulatory history. "Access service" is a regulatory term that was established by the FCC in 1983, as the industry

¹ Vasington Deposition Transcript at page 88. Due to the press of other matters related to the case, Bright House was not able to develop this response until now.

² See 47 C.F.R. § 69.2 (defining "access service" as "services and facilities provided for the origination or termination of *any interstate or foreign telecommunication*"). As far as Bright House is aware, there is no parallel definition of intrastate access services. The general concept would apply to both inter- and intrastate services, however.

³ See 47 U.S.C. § 153(16) (defining "exchange access" as the use of "telephone exchange services or facilities for the purpose of the origination or termination of *telephone toll services*").

was preparing for the break-up of the old integrated Bell System.⁴ It was intended to be quite inclusive, so that the FCC could ensure that all the different industry segments would be treated in a nondiscriminatory manner under the new industry structure. By contrast, "exchange access" is a specifically defined statutory term that was added to the Communications Act as part of the Telecommunications Act of 1996.⁵ It is used to define what it means to be a "local exchange carrier."⁶ It is also used in Section 251 of the Act, and in FCC regulations implementing Section 251, to identify a particular service that a carrier might provide and that is subject to particular regulatory treatment.⁷

"Switched access" and "special access" refer to the kind of connection the underlying service provides. As the name implies, "switched access" service involves traffic that is routed by means of a local carrier's switching equipment. On the other hand, "special access" service refers to traffic being sent directly from one point to another over a dedicated "private line" circuit. If the underlying traffic is traditional toll calls and it is routed through a local carrier's switch, you would have "switched exchange access;" if it is sent on a point-to-point, dedicated circuit, then it is "special exchange access."⁸

⁴ See *MTS and WATS Market Structure*, 93 F.C.C.2d 241 (1983) (FCC ruling establishing access charge regime). See also *United States v. AT&T*, 552 F. Supp. 131 (D.D.C. 1982) (decree breaking up old integrated Bell System).

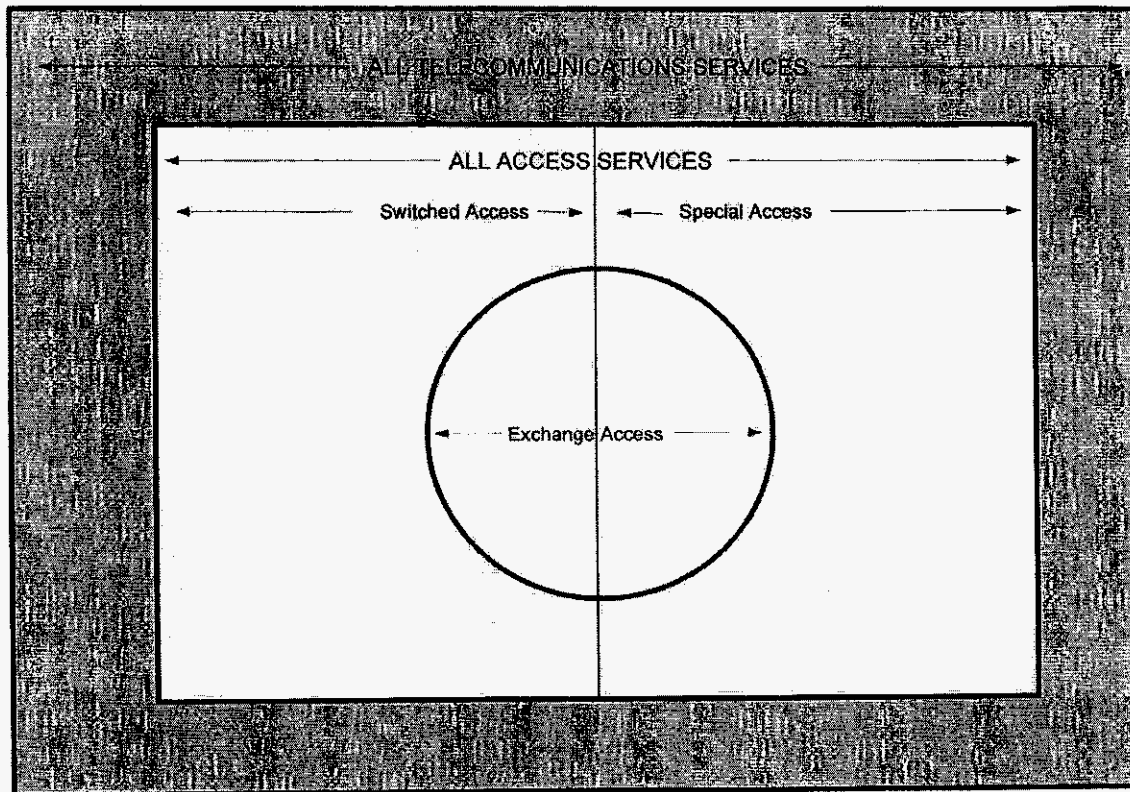
⁵ Pub. L. No. 104-104 § 3(a)(2) (defining terms, including "exchange access"), 110 Stat. 59.

⁶ 47 U.S.C. § 153(26) (defining a "local exchange carrier" as an entity that provides "exchange access" or "telephone exchange service").

⁷ See, e.g., 47 U.S.C. § 251(c)(2) (giving carriers the right to interconnect with ILECs for the "transmission and routing" of "telephone exchange service" or "exchange access"); 47 C.F.R. § 51.605(b) (carving "exchange access" out of the obligation for discounted resale); 47 C.F.R. § 51.701(b)(2) (carving "exchange access" out of scope of traffic subject to reciprocal compensation).

⁸ "Switched access" and "special access" are entirely regulatory concepts. Neither term appears anywhere in the actual text of the Telecommunications Act of 1996 or, indeed, in the broader Communications Act of 1934.

The relationship of these concepts is shown in the following diagram:



To summarize, the “universe” of possible services offered by carriers is all “telecommunications services.” Within that very broad set of services is the regulatory category of “access services” (established by regulation in 1983), which can be either switched (the traffic is routed via a local carrier switch) or special (the traffic goes on a dedicated, point-to-point circuit). Within the broad “access services” category is the narrower, statutory “exchange access” category (established by statute in 1996). Like any access service, “exchange access” may be switched or special in nature, but to be “exchange access” in the first place, the underlying traffic *must* be “telephone toll service,” *i.e.*, traditional long distance toll calls.

RESPECTFULLY SUBMITTED this 12th day of May, 2010.

By:

//Christopher W. Savage

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Attorneys for Bright House Networks Information Services, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Mail, U.S. Mail First Class, or Hand Delivery this 12th day of May, 2010, to the persons listed below:

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