

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.

DOCKET NO. 990750-TP
FILED:

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-99-1589-PCO-TP, the Staff of the Florida Public Service Commission files its Prehearing Statement.

- A. All Known Witnesses: Staff does not intend to sponsor a witness at this time.
- B. All Known Exhibits: Staff has not yet identified a tentative list of exhibits which it intends to utilize in this proceeding. Staff will supply a tentative list of such exhibits at or prior to the Prehearing Conference.
- C. Staff's Statement of Basic Position:

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

- D. Staff's Position on the Issues:

ISSUE 1:

Should BellSouth be required to comply with the performance measures and guarantees for pre-ordering/ordering, resale and unbundled network elements (UNEs), provisioning, maintenance, interim number portability and local number portability, collocation, coordinated conversions and the bona fide request

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS 3 _____
- OPC _____
- PAI _____
- SEC I _____
- WAW _____
- OTH _____

DOCUMENT NUMBER-DATE

11499 SEP 23 89

FPSC-RECORDS/REPORTING

processes as set forth fully in Attachment 10 of Exhibit A to this petition?

POSITION: It is the position of the Staff that this issue is not appropriate for arbitration and, therefore, should not be addressed in these proceedings.

ISSUE 2: Should BellSouth be required to waive any nonrecurring charges when it misses a due date?

POSITION: It is the position of the Staff that this issue is not appropriate for arbitration and, therefore, should not be addressed in these proceedings.

ISSUE 3: a) What is the definition of parity?

POSITION: Staff takes no position at this time.

b) Pursuant to this definition, should BellSouth be required to provide the following:

- 1) Operational Support Systems (OSS),
- 2) UNEs,
- 3) White Page Listing, and
- 4) Access to Numbering Resources
- 5) An unbundled loop using Integrated Digital Loop Carrier (IDLC) technology;
- 6) Interconnection;
- 7) Service intervals on winbacks;
- 8) Priority guidelines for repair and maintenance and UNE provisioning; and
- 9) White Page Listings to independent third party publishers?

POSITION: Staff takes no position at this time.

ISSUE 4: Should BellSouth be required to provide the specifications to enable ITC^DeltaCom to parse the Customer Service Records (CSRs)? If so, how?

POSITION: Staff takes no position at this time.

ISSUE 5: Should BellSouth be required to provide a download of the Regional Street Address Guide (RSAG)? If so, how?

POSITION: Staff takes no position at this time.

ISSUE 6: Should BellSouth be required to provide changes to its business rules and guidelines regarding resale and UNEs at least 45 days in advance of such changes being implemented? If so, how?

POSITION: Staff takes no position at this time.

ISSUE 7: Until the Commission makes a decision regarding UNEs and UNE combinations, should BellSouth be required to continue providing those UNEs and combinations that it is currently providing to ITC^DeltaCom under the interconnection agreement previously approved by this Commission?

POSITION: Staff takes no position at this time. Staff does believe, however, that this issue should be clarified to specify which Commission needs to make a decision; the Federal Communications Commission or the Florida Public Service Commission. Both Commissions have open dockets to address this issue.

ISSUE 8: a) Should BellSouth be required to provide to ITC^DeltaCom extended loops or the loop/port combination?

POSITION: Staff takes no position at this time.

b) If so, what should the rates be?

POSITION: Staff takes no position at this time.

ISSUE 9: Should BellSouth be required to provide UNE testing results to ITC^DeltaCom? If so, how?

POSITION: Staff takes no position at this time.

ISSUE 10: Should the parties be required to perform cooperative testing within two hours of a request from the other party?

POSITION: Staff takes no position at this time.

ISSUE 11: Should BellSouth be required to provide NXX testing functionality to ITC^DeltaCom? If so, how?

POSITION: Staff takes no position at this time.

ISSUE 12: What should be the installation interval for the following loop cutovers:

a) single

POSITION: Staff takes no position at this time.

b) multiple

POSITION: Staff takes no position at this time.

ISSUE 13: Should SL1 orders without order coordination be specified by BellSouth with an a.m. or p.m. designation?

POSITION: Staff takes no position at this time.

ISSUE 14: Should the party responsible for delaying a cutover also be responsible for the other party's reasonable labor costs?

POSITION: It is the position of the Staff that this issue is not appropriate for arbitration and, therefore, should not be addressed in these proceedings.

ISSUE 15: Should BellSouth be required to designate specific UNE Center personnel for coordinating orders placed by ITC^DeltaCom?

POSITION: Staff takes no position at this time.

ISSUE 16: Should each party be responsible for the repair charges for troubles caused or originated outside of its network? If so, how should each party reimburse the other for any additional costs incurred for isolating the trouble to the other's network?

POSITION: It is the position of the Staff that this issue is not appropriate for arbitration and, therefore, should not be addressed in these proceedings.

ISSUE 17: Should BellSouth be responsible for maintenance to HDSL and ADSL compatible loops provided to ITC^DeltaCom?

POSITION: Staff takes no position at this time.

ISSUE 18: If a customer orders a loop which requires special construction charges be paid for by ITC^DeltaCom, and BellSouth reuses the same facilities to provide service to the customer for itself or on behalf of another CLEC, should BellSouth be required to refund ITC^DeltaCom the amount ITC^DeltaCom paid to BellSouth for Special Construction for that customer?

POSITION: Staff takes no position at this time.

ISSUE 19: Under what conditions, if any, should BellSouth be required to reimburse any costs incurred by ITC^DeltaCom to accommodate modifications made by BellSouth to an order after sending a firm order confirmation (FOC)?

POSITION: Staff takes no position at this time.

ISSUE 20: a) Should BellSouth be required to coordinate with ITC^DeltaCom 48 hours prior to the due date of a UNE conversion?

POSITION: Staff takes no position at this time.

b) If BellSouth delays the scheduled cutover date, should BellSouth be required to waive the applicable non-recurring charges?

POSITION: It is the position of the Staff that this issue is not within the jurisdiction of the Commission and,

therefore, should not be addressed in these proceedings.

- c) Should BellSouth be required to perform dial tone tests at least 48 hours prior to the scheduled cutover date?

POSITION: Staff takes no position at this time.

ISSUE 21: Should BellSouth be required to establish Local Number Portability (LNP) cutover procedures under which BellSouth must confirm with ITC^DeltaCom that every port subject to a disconnect order is worked at one time?

POSITION: Staff takes no position at this time.

ISSUE 22: How should "order flow-through" be defined?

POSITION: Staff takes no position at this time.

ISSUE 23: Should BellSouth be required to pay reciprocal compensation to ITC^DeltaCom for all calls that are properly routed over local trunks, including calls to Internet Service Providers (ISPs)?

POSITION: Staff takes no position at this time.

ISSUE 24: What should be the rate for reciprocal compensation?

POSITION: Staff takes no position at this time.

ISSUE 25: Should ITC^DeltaCom and BellSouth be required to follow the ATIS/OBF business rules?

POSITION: Staff takes no position at this time.

ISSUE 26: Should BellSouth be required to provide ITC^DeltaCom access to Universal Service Order Codes (USOCs), Field Identifiers (FIDs) and other information necessary to process orders in a downloadable format?

POSITION: Staff takes no position at this time.

ISSUE 27: Should BellSouth be required to maintain both the current and the next previous version of an electronic interface?

POSITION: Staff takes no position at this time.

ISSUE 28: Should ITC^DeltaCom have at least 90 days advance notice prior to BellSouth discontinuing an interface?

POSITION: Staff takes no position at this time.

ISSUE 29: If ITC^DeltaCom needs to reconnect service following an order for a disconnect, should BellSouth be required to reconnect service within 48 hours?

POSITION: Staff takes no position at this time.

ISSUE 30: Should BellSouth be required to maintain UNE/LCSC hours from 6 a.m. to 9 p.m.?

POSITION: Staff takes no position at this time.

ISSUE 31: Should BellSouth be required to provide a toll free number to ITC^DeltaCom to answer questions concerning BellSouth's OSS proprietary interfaces from 8 a.m. to 8 p.m.?

POSITION: Staff takes no position at this time.

ISSUE 32: What information should be included in the Firm Order Confirmation (FOC)?

POSITION: Staff takes no position at this time.

ISSUE 33: Should the Parties establish escalation procedures for ordering/provisioning problems?

POSITION: Staff takes no position at this time.

ISSUE 34: What type of repair information should BellSouth be required to provide to ITC^DeltaCom such that ITC^DeltaCom can keep the customer informed?

POSITION: Staff takes no position at this time.

ISSUE 35: Should both parties be required to train their technicians on the procedures contained in the interconnection agreement which sets forth the manner in which each party must treat the other's customers?

POSITION: Staff takes no position at this time.

ISSUE 36: Should BellSouth provide cageless collocation to ITC^DeltaCom 30 days after a firm order is placed?

POSITION: Staff takes no position at this time.

ISSUE 37: Should ITC^DeltaCom and its agents be subject to stricter security requirements than those applied to BellSouth's agents and third party outside contractors?

POSITION: Staff takes no position at this time.

ISSUE 38: What charges, if any, should BellSouth be permitted to impose on ITC^DeltaCom for BellSouth's OSS?

POSITION: Staff takes no position at this time.

ISSUE 39: What are the appropriate recurring and non-recurring rates and charges for:

- a) two-wire ADSL/HDSL compatible loops,
- b) four wire ADSL/HDSL compatible loops, or
- c) two-wire SL1 loops.

POSITION: Staff takes no position at this time.

ISSUE 40: a) Should BellSouth be required to provide:

- 1) two-wireSL2 loops or
- 2) two-wireSL2 loop Order Coordination for Specified Conversion Time?

POSITION: Staff takes no position at this time.

- b) If so, what are the appropriate recurring and non-recurring rates and charges?

POSITION: Staff takes no position at this time.

ISSUE 41: Should BellSouth be permitted to charge ITC^DeltaCom a disconnection charge when BellSouth does not incur any costs associated with such disconnection?

POSITION: It is the position of the Staff that this issue is not appropriate for arbitration and, therefore, should not be addressed in these proceedings.

ISSUE 42: What should be the appropriate recurring and non-recurring charges for cageless and shared collocation in light of the recent FCC Advanced Services Order No. FCC 99-48, issued March 31, 1999, in Docket No. CC 98-147?

POSITION: Staff takes no position at this time.

ISSUE 43: Should BellSouth be permitted to charge for ITC^DeltaCom for conversions of customers from resale to unbundled network elements? If so, what is the appropriate charge?

POSITION: Staff takes no position at this time.

ISSUE 44: What procedures should ITC^DeltaCom and BellSouth adopt for meet-point billing?

POSITION: Staff takes no position at this time.

ISSUE 45: Which party should be required to pay for the Percent Local Usage (PLU) and Percent Interstate Usage (PIU) audit, in the event such audit reveals that either party was found to have overstated the PLU or PIU by 20 percentage points or more?

POSITION: Staff takes no position at this time.

ISSUE 46: Should the losing party to an enforcement proceeding or proceeding for breach of the interconnection agreement be required to pay the costs of such litigation?

POSITION: It is the position of the Staff that this issue is not appropriate for arbitration and, therefore, should not be addressed in these proceedings.

ISSUE 47: What should be the appropriate standard for limitation of liability under the interconnection agreement?

POSITION: It is the position of the Staff that this issue is not appropriate for arbitration and, therefore, should not be addressed in these proceedings.

ISSUE 48: Should language covering tax liability be included in the interconnection agreement, and if so, whether that language should simply state that each Party is responsible for its tax liability?

POSITION: It is the position of the Staff that this issue is not appropriate for arbitration and, therefore, should not be addressed in these proceedings.

ISSUE 49: Should BellSouth be required to compensate ITC^DeltaCom for breach of material terms of the contract?

POSITION: It is the position of the Staff that this issue is not appropriate for arbitration and, therefore, should not be addressed in these proceedings.

ISSUE 50: Should the Parties continue operating under existing local interconnection arrangements?

POSITION: Staff takes no position at this time. ITC^DeltaCom has proposed three alternative issues to replace Issue 50. It is staff's position that the alternative issues are beyond the scope of the original Petition and that ITC^DeltaCom is prohibited from raising new issues pursuant to 47 U.S.C. § 252(4)(A).

E. Stipulation

Staff is not aware of any issues that have been stipulated at this time.

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F. Pending Motions:

Staff has no pending motions at this time.

RESPECTFULLY SUBMITTED,

Diana W. Caldwell

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ISSUED:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Staff's
Prehearing Statement has been furnished by Hand Delivery* and by
U.S. Mail this 23rd day of September, 1999, to the following:

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