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December 20, 1999

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 991267-TP (Global NAPS Complaint)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of Rebuttal Testimonies of Beth Shiroishi, W. Keith Milner, Aniruddha Banerjee, Ph.D, and Albert Halprin, Jr. Also enclosed is BellSouth Telecommunications, Inc.'s Prehearing Statement. We ask that you file all of these items in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the originals were filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

E. Earl Edenfield Jr.

E. Earl Edenfield, Jr. *(EM)*

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

Shiroishi - 15527-99
Milner - 15528-99
Banerjee - 15529-99
Halprin - 15530-99

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Prehearing Statement

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FPSC-RECORDS/REPORTING

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re:)
) Docket No. 991267-TP
Complaint of Global NAPs, Inc., against)
BellSouth Telecommunications, Inc. for)
Enforcement of Section VI(B) of its)
Interconnection Agreement with BellSouth)
Telecommunications, Inc. and Request for Relief) Filed: December 20, 1999
_____)

**PRE-HEARING STATEMENT OF
BELLSOUTH TELECOMMUNICATIONS, INC.**

BellSouth Telecommunications, Inc. ("BellSouth"), in accordance with the provisions of the Order Establishing Procedure (Order No. PSC-99-2155-PCO-TP), issued November 4, 1999, submits its Pre-hearing Statement.

Witnesses

BellSouth proposes to call the following witnesses to offer testimony on the issues in this docket, as enumerated in Appendix A of the Order Establishing Procedure:

<u>Witness</u>	<u>Issue(s)</u>
1. Albert Halprin (Direct and Rebuttal)	1
2. Beth Shiroishi (Direct and Rebuttal)	1 and 2
3. David Scollard (Direct)	1
4. Keith Milner (Rebuttal)	1
5. Andy Banerjee (Rebuttal)	1

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BellSouth reserves the right to call additional witnesses, witnesses to respond to Commission inquiries not addressed in direct or rebuttal testimony and witnesses to address issues not presently designated that may be designated by the Pre-hearing Officer at the pre-hearing conference to be held on January 10, 2000. BellSouth has listed the witnesses for whom BellSouth filed testimony, but reserves the right to supplement that list if necessary.

Exhibits

Beth Shiroishi (Direct)	ERAS-1	Network diagrams
Albert Halprin (Direct)	Attachment A	Curriculum Vitae
	Attachment B	FCC Tariff filed by GNAPs
Albert Halprin (Rebuttal)	Attachment A	FCC Order dismissing GNAPs Tariff filing
Andy Banerjee (Rebuttal)	Attachment A	Curriculum Vitae

BellSouth reserves the right to file exhibits to any testimony that may be filed under the circumstances identified above. BellSouth also reserves the right to introduce exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Evidence and Rules of this Commission.

Statement of Basic Position

Each of the individually numbered issues in this docket represent a specific dispute between BellSouth and Global NAPs, Inc. (“GNAPs”) as to the proper interpretation of the provisions of the Interconnection Agreement between BellSouth and GNAPs (“BellSouth/GNAPs Agreement”) dated January 18, 1999. BellSouth’s positions are rational and reasonable interpretations of the BellSouth/GNAPs Agreement and should be sustained by the Commission.

BellSouth's Position on the Issues of Law and Fact

Issue 1: Under their Florida Partial Interconnection Agreement, are Global NAPs, Inc. and BellSouth Telecommunications, Inc required to compensate each other for delivery of traffic to Internet Service Providers (ISPs)? If so, what action, if any, should be taken?

Position: No. The plain language of the contract clearly states that reciprocal compensation will only apply to local traffic. The FCC's recent Declaratory Ruling in CC Docket Nos. 96-98 and 99-68, released on February 26, 1999, confirmed unequivocally that traffic bound for the Internet through ISPs ("ISP-bound traffic") is interstate in nature, not local. Under the provisions of the 1996 Act and FCC rules, only local traffic is subject to reciprocal compensation obligations. Thus, reciprocal compensation is clearly not applicable to ISP-bound traffic. Further, Global NAPs expressly acknowledged the interstate nature of ISP traffic by filing a specific tariff dealing with such traffic at the FCC. (FCC Tariff No. 1, Section 7A – ISP Traffic Delivery Service) In addition to being contrary to the law, treating ISP-bound traffic as local for reciprocal compensation purposes is contrary to sound public policy.

As ISP traffic is clearly interstate, the only issue arguably remaining is whether BellSouth voluntarily agreed to pay reciprocal compensation for ISP traffic under the reciprocal compensation provisions of the BellSouth/Global NAPs Interconnection Agreement. In support of its position, Global NAPs cites prior decisions of the Commission that were based on findings that the parties intended to pay reciprocal compensation for ISP-bound traffic. At the time of the execution of the BellSouth/Global NAPs Interconnection Agreement (January 18, 1999), however, BellSouth had stated publicly and repeatedly that reciprocal compensation was not due for ISP traffic under the provisions of BellSouth's interconnection agreements. It is quite obvious that Global NAPs adopted the terms and provisions of the July 1, 1997, BellSouth/DeltaCom

Interconnection Agreement simply to circumvent negotiating with BellSouth on the reciprocal compensation issue.

Issue 2: Is the prevailing party entitled to attorney's fees under the agreement?

Position: Yes, the prevailing party is entitled to recover reasonable attorney's fees under the provisions of the Interconnection Agreement.

Stipulations

None.

Pending Motions


Petition of ITC^DeltaCom Communications, Inc. to Intervene dated November 12, 1999.

Other Requirements


None.

Respectfully submitted this 20th day of December 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.



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**CERTIFICATE OF SERVICE
Docket No. 991267-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail and (*) Facsimile this 20th day of December, 1999 to the following:

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