

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Telenet of South	)	
Florida, Inc. for relief under Section	)	
252(i) of the Telecommunications	)	Docket No. 970730-TP
Act of 1996 with respect to rates, terms	)	Filed: November 4, 1997
and conditions for interconnection	)	
and related arrangement with	)	
BellSouth Telecommunications, Inc.	)	
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**MOTION TO ACCEPT TELENET'S AMENDED  
REQUEST FOR RELIEF**

Telenet of South Florida, Inc. ("Telenet"), by its undersigned counsel, hereby moves that the Florida Public Service Commission (the "Commission") grant an amendment to Telenet's original Petition for Relief Under 47 U.S.C. §252(i), as filed June 16, 1997. Telenet attaches an Amended Request for Relief, and requests permission to amend on the following grounds:

1. In its current form, Telenet's Request for Relief asks the Commission to order BellSouth to allow Telenet to obtain an interconnection agreement upon the same conditions and terms as the AT&T-BellSouth Agreement. Since Telenet filed its petition for 252(i) relief, BellSouth and Telenet have continued to attempt to negotiate an interconnection agreement. However, Telenet's access to and use of BellSouth's call forwarding/call transfer services continues to preclude completion of an interconnection agreement.

2. On the basis of the ongoing negotiations, Telenet believes the underlying dispute between BellSouth and Telenet will not be resolved merely by the Commission ordering BellSouth to execute an interconnection agreement in the form of the AT&T-BellSouth Agreement. BellSouth has maintained the position that even if Telenet obtains an

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interconnection agreement in the same form as the AT&T-BellSouth Agreement, BellSouth will not make available the call forwarding/call transfer services desired by Telenet. See attached Exhibit 1.

3. Telenet requests that it be allowed to amend its Request for Relief in order for this docket to resolve the real issue with BellSouth. Telenet specifically requests that in addition to the broad question of access to the ATT-BellSouth interconnection agreement, the Commission also address Telenet's ability to obtain access to call forwarding/call transfer services under several different factual alternatives.

4. As noted in the Amended Request for Relief, Telenet requests a resolution of its access to call forwarding/call transfer services under the following specific alternatives:

**(A) May Telenet, functioning as an Alternative Local Exchange Company ("ALEC") pursuant to a written interconnection agreement with BellSouth, acquire call forwarding/call transfer service from BellSouth, either on a resale or unbundled network element ("UNE") basis, and use such call forwarding in the same manner as Telenet previously utilized it before BellSouth terminated call forwarding service to Telenet on October 8, 1997?**

This alternative involves Telenet's original business plan as a dial around local service provider within the Southeast LATA in Dade, Broward, and Palm Beach counties. The key to this service is Telenet's ability to utilize BellSouth call forwarding/call transfer services to route calls within the tri-county area. Telenet customers would call a local 7-digit number that would be routed to a Telenet-owned Interactive Voice Response ("IVR") facility within the same local calling area. The IVR would then initiate a series of local calls using call

forwarding and call transfer services to the IVR in the local calling area where the call is to terminate. The terminating IVR would then dial the telephone number of the terminating party. Once the call was completed, the IVRs would be released from the call path. This approach is diagrammed in Exhibit 2 attached hereto and incorporated herein.

**(B) May Telenet, functioning as an ALEC pursuant to a written interconnection agreement with BellSouth, acquire call forwarding/call transfer from BellSouth, either on a resale or UNE basis, and use such call forwarding in the same manner as Telenet previously utilized it before BellSouth terminated call forwarding service to Telenet on October 8, 1997, combined with Telenet's resale of BellSouth local exchange service?**

This scenario is the same as Alternative A above with the exception that Telenet would also resell BellSouth's local exchange service to the Telenet subscribers. If Telenet is actually reselling the local exchange service, the customer purchasing such local service has severed its arrangement with BellSouth. Under this arrangement the Telenet customer would deal exclusively with Telenet as its end-to-end local service provider.

**(C) May Telenet, functioning as an ALEC, pursuant to a written interconnection agreement with BellSouth, acquire call forwarding from BellSouth, either on a resale or UNE basis, and use the call forwarding/call transfer functionality as one part of a transmission network operated by Telenet?**

This situation represents an alternative dial around approach. Telenet customers would place calls like under Alternative A. However, here Telenet would use call forwarding and call transfer services in combination with transport facilities purchased by Telenet to deliver the call to the terminating call area. The difference between this scenario and the method of Telenet's previous operations under Alternative A is twofold: First, there

would be no linking of multiple call forwarding/call transfer numbers; and second, Telenet would purchase from BellSouth the switching and port functionality to employ the call transfer feature and common or dedicated transport between the originating and terminating areas. This alternative is described in Exhibit 3 attached hereto and incorporated herein.

At this time, Telenet cannot be more specific about the operational requirements of this approach since BellSouth has failed to identify and price out all of the components associated with this approach. However, with this approach, Telenet's network would be nearly identical to the switching and transport networks employed by other ALECs. In addition, Telenet would utilize the call forwarding/call transfer functionality as a part of the call routing required by this network configuration.

**(D) May Telenet, functioning as an ALEC, pursuant to a written interconnection agreement with BellSouth, acquire call forwarding/call transfer from BellSouth, either on a resale or UNE basis, and use the call forwarding functionality as one part of a transmission network operated by Telenet combined with Telenet's resale of BellSouth local exchange service?**

This scenario is identical to scenario C, with the exception that Telenet would also resell the local exchange service. If Telenet is actually reselling the local exchange service, and utilizing a transport network actually owned by Telenet, BellSouth would have no right to access charges. From the customer's perspective, there is no relationship with BellSouth, and from a technical perspective, Telenet is providing the functionality necessary to complete the calls. As the seller of the local exchange service, Telenet will have the power to

prescribe its own rates for its customers and will be responsible for local interconnection charges, but not access charges.

5. Telenet believes all four alternatives described in paragraph 4 above are legally permissible notwithstanding the Commission's decision in Docket No. 961346 TP, Order No. PSC-97-0462-FOF-TL (April 23, 1997).

First, on June 19, 1997 this Commission approved an interconnection agreement between AT&T and BellSouth which defines "Local Traffic" as "any telephone call that originates and terminates in the same LATA and is billed by the originating party as a local call." Telenet's original business plan as a dial around local carrier is to offer alternative local calling within the tri-county area. Thus, under a Telenet-BellSouth interconnection agreement that is based upon the AT&T agreement, the issue of the application of toll charges or access charges under section 364.16(3)(a) would be irrelevant since BellSouth must terminate all intraLATA calls designated by Telenet as local calls.

Second, BellSouth has now defined the LATA as the local calling area for its customers. In Section A3.3.1, Local Calling Areas, of BellSouth's General Subscriber Service Tariff, BellSouth makes available its "Area Plus" and "BellSouth Business Plus" services. See Fifth Revised Page 3, Effective October 20, 1997, and following. This tariff specifically makes available the entire LATA as a subscriber's local calling area. Much like Telenet charged its customers a different rate for its local tri-county calling, BellSouth charges a different rate for these calls. But for definitional purposes, all calls within the LATA are now local calls for BellSouth's subscribers. To continue to deny Telenet's

preferred service arrangement when BellSouth can offer LATA-wide local calling is a distinction that can no longer be maintained.

Third, it is necessary to distinguish between Telenet's access to call forwarding/call transfer services on a retail basis pursuant to tariff (the issue in Docket No. 961346-TP) and Telenet's access to these services as an ALEC pursuant to a written interconnection agreement either on a resale or a UNE basis. While Telenet's use of these services may be unconventional, within the context of the executed and approved AT&T-BellSouth Telecommunications interconnection agreement, which does not contain any restrictions on AT&T access to or ability to use call forwarding/call transfer services, the same should be true for Telenet as for any other ALEC.

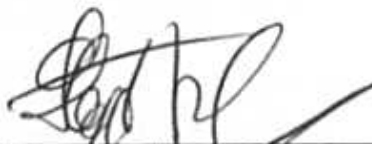
Thus, on the basis of these developments, BellSouth should be ordered to provide call forwarding/call transfer service under any and all of these alternatives as local calls pursuant to the AT&T-BellSouth interconnection agreement model. Moreover, within this context, the decision in Order No. PSC-97-0462-FOF-TL is not a bar to Telenet's access to these services under any of the four alternatives described above.

6. The dispute between BellSouth and Telenet will only be completely resolved if all of the issues in the Amended Request for Relief are addressed. If the Commission orders the parties to complete an interconnection agreement, but does not resolve the continuing issue of what services Telenet is entitled to under such agreement, the problems that led Telenet to file this petition will not be solved. Therefore, for reasons of administrative

efficiency, Telenet should be permitted to proceed on the basis of the Amended Request for Relief, as attached hereto.

WHEREFORE, Telenet respectfully requests that this motion be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. Self', written over a horizontal line.

Floyd R. Self  
Norman H. Horton, Jr.  
Thomas M. Findley  
Messer, Caparello & Self, P.A.  
215 S. Monroe Street, Suite 701  
Tallahassee, FL 32302-1876  
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Attorneys for Telenet of South Florida, Inc.



October 30, 1997

Mr. Mitch Kupinsky  
Telenet of South Florida, Inc.  
10422 Taft Street  
Pembroke Pines, FL 33026

Dear Mitch,

As you requested, attached for your review is a copy of the Florida Statute 384.16(3)(a) which states that "no local exchange telecommunications company or alternative local exchange telecommunications company shall knowingly deliver traffic, for which terminating access service charges would otherwise apply, through a local interconnection arrangement without paying the appropriate charges for such terminating access service."

As discussed on Friday, October 24, call forwarding is not an unbundled network element, although can be provided to Telenet for end user purposes if Telenet purchases the unbundled port and usage and if Telenet provides its own loop. If Telenet wishes to purchase a loop from BellSouth, BellSouth will deliver a loop to a collocation space, but BellSouth has no obligation to provide a combination.

The current port and usage charges we are offering in Florida are:

<u>Port</u>	<u>Monthly</u>	<u>NRC</u>
2-Wire Analog Port	\$2.00	\$38.00 1st/\$15.00 Add'l
4-Wire Analog Port	\$10.00 (interim)	\$38.00 1st(interim)/\$15.00 Add'l(interim)
2-Wire ISDN Port	\$13.00	\$88.00 1st/\$65.00 Add'l
4-Wire DS1 Port	\$125.00	\$112.00 1st/\$91.00 Add'l

<u>Usage</u>	<u>Recurring</u>
End Office Switching Usage	\$0.0175 1st minute \$0.005 Each Add'l minute

Under no circumstances, however, is Telenet or any other alternative local exchange carrier, permitted to use call forwarding to avoid access charges.

If you have other questions regarding this, I can be reached at 404-927-7519.

Sincerely,

Betsy Melvin  
BellSouth Telecommunications, Inc.

cc: Jerry Hendrix  
Mary Jo Peed



**§ 304.14**

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of rates at the interim leaving the primary purpose of which was to fix temporary rates based upon known and fairly measurable changes which

**RAILROADS AND OTHER UTILITIES**

had caused the telephone utility rates to be unfair and unreasonable. (United Tel. Co. of Florida v. Mass., 428 So.2d 828 (1973).)

**§ 304.15. Compelling repairs, improvements, changes, additions, or extensions**

Whenever the commission finds, on its own motion or upon complaint, that repairs or improvements to, or changes in, any telecommunications facility ought reasonably to be made, or that any additions or extensions should reasonably be made to any telecommunications facility, in order to promote the security or convenience of the public or employees or in order to ensure adequate service or facilities for telecommunications services, the commission shall make and serve an order directing that such repairs, improvements, changes, additions, or extensions be made in the manner to be specified in the order.

Amended by Laws 1975, c. 70-05, § 21, eff. May 25, 1975; Laws 1980, c. 30-05, § 15, eff. July 1, 1980; Laws 1980, c. 30-064, § 10, eff. Oct. 1, 1980.

**Notes of Decisions****Construction and application 1****1. Construction and application**

Under this section, requesting Public Service Commission to consider quantity of services and adequacy of facilities required and to hear complaints of subscribers during any rate proceedings, but providing that no public utility shall be denied reasonable rate of return. Commission to not proceed from granting rate increase, although certain are authorized to be paid. Commission must grant increase to insure reasonable rate of return and Commission has the means of hearing

that an increase will achieve goal of more efficient service and adequate facilities. *Ashley v. South, 328 So.2d 827 (1973).*

Where Public Service Commission had cited telephone company for failing to provide adequate service, but, at hearings on application for rate increase, Commission found that rate previously granted to depressed services as to telephone service's ability to furnish service in which public was entitled. Commission properly granted rate relief, but rejected that it be put under bond to ensure that relief would be paid to customers unless company improved service. *Ashley v. South, 328 So.2d 827 (1973).*

**§ 304.16. Connection of lines and transfers; local interconnection; telephone number portability**

(1) Whenever the commission finds that connections between any two or more local exchange telecommunications companies, whose lines form a continuous line of communication or shall be made to do so by the construction and maintenance of suitable connections at or across points, can reasonably be made and efficient service obtained, and that such connections are necessary, the commission may require such connections to be made, may require that telecommunications services be transferred, and may prescribe through lines and joint rates and charges to be made, used, observed, and in force in the future and fix the rates and charges by order to be served upon the company or companies affected.

(2) Each alternative local exchange telecommunications company shall provide access to and interconnection with, its telecommunications services to any other provider of local exchange telecommunications services requesting such access and interconnection at nondiscriminatory prices, terms, and conditions. If the parties are unable to negotiate mutually acceptable prices, terms, and conditions after 60 days, either party may petition the commission and the commission shall have 120 days to make a determination after proceeding as required by § 304.16(3) regarding to interconnection services.

(3) Each local exchange telecommunications company shall provide access to, and interconnection with, its telecommunications facilities to any other provider of local exchange telecommunications services requesting such access and interconnection at nondiscriminatory prices, rates, terms, and conditions established by the procedures set forth in § 304.16(2).

(4) No local exchange telecommunications company or alternative local exchange telecommunications company shall knowingly deliver traffic, for which terminating tolls service charges would otherwise apply, through a local interconnection arrangement without paying the appropriate charges for such terminating access service.

(5) Any party with a substantial interest may petition the commission for an investigation of any suspected violation of paragraph (4). In the event any certified local exchange

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service provider knowingly transmits tolls and upon such complaint, telecommunications

(4) In order to ensure providers without being customer's ability to have access to local telephone numbers, telecommunications companies providing telephone numbers shall set up a number portability investigation for number portability and issuance of a temporary number to service provider that telephone numbers reasonably possible in the process, to be in the event the conditions, either party for a hearing, below cost. Number service at the time

(5) When request any poles, conduct exchange telecommunications company pursuant discriminate before Amended by Laws 1 Laws 1980, c. 30-052

Laws 1975, c. 70-05, Act of 1975, chapter effective

**§ 304.161. Unbur**

(1) Upon request network facilities and routing procedures such features, it feasible. The unbundling request either party may make a device telecommunications facilities or on rates, terms, and conditions in a certified exchange local exchange determined of

(2) Other telecommunications

## RAILROADS AND OTHER UTILITIES

§ 804.161

service provider knowingly violates paragraph (a), the commission shall have jurisdiction to arbitrate bona fide complaints arising from the requirements of this subsection and shall give such complainant, upon access to all relevant customer records and accounts of any telecommunications company.

(4) In order to assure that consumers have access to different local exchange services providers without being disadvantaged, deterred, or inconvenienced by having to give up the consumer's existing local telephone number, all providers of local exchange services must have access to local telephone numbering resources and assignments on equitable terms that include a recognition of the scarcity of such resources and are in accordance with national telecommunications guidelines. Each local exchange provider, except multi local exchange telecommunications companies under rules of rotary regulation, shall provide a temporary means of achieving telephone number portability. The parties, under the direction of the commission, shall set up a number portability standards group by no later than September 1, 1995, for the purpose of investigation and development of appropriate parameters, costs, and standards for number portability. If the parties are unable to successfully negotiate the price, terms, and conditions of a temporary number portability solution, the commission shall establish a temporary number portability solution by no later than January 1, 1996. Each local exchange service provider shall make necessary modifications to allow permanent portability of local telephone numbers between certified providers of local exchange services as soon as reasonably possible after the development of national standards. The parties shall negotiate the price, terms, and conditions for permanent telephone number portability arrangements. In no event the parties are unable to satisfactorily negotiate the price, terms, and conditions, either party may petition the commission and the commission shall, after opportunity for a hearing, set the price, terms, and conditions. The price and rules shall not be below cost. Number portability between different certified providers of local exchange services at the same location shall be provided temporarily no later than January 1, 1996.

(5) When requested, each certified telecommunications company shall provide access to any poles, conduits, rights-of-way, and like facilities that it owns or controls to any local exchange telecommunications company or alternative local exchange telecommunications company pursuant to reasonable rates and conditions mutually agreed to which do not discriminate between similarly situated companies.

Amended by Laws 1995, c. 89-26, § 15, eff. July 1, 1995; Laws 1995, c. 89-314, § 2B, eff. Oct. 1, 1995; Laws 1995, c. 89-328, § 14, eff. July 1, 1995.

## Historical and Statutory Notes

Laws 1974, c. 76-165, § 2, the Regulatory Reform Act of 1974, provided for the repeal of this chapter effective July 1, 1995. Laws 1995, c.

89-26, § 2B, provided that notwithstanding the Regulatory Reform Act, this section is revised and renumbered.

## 804.161. Unbundling and resale

(1) Upon request, each local exchange telecommunications company shall unbundle all of its services, features, functions, and capabilities, including access to signaling channels, systems and routing processes, and offer them to any other telecommunications provider requesting such features, functions or capabilities for resale to the extent technically and economically feasible. The parties shall negotiate the terms, conditions, and price of any feasible unbundling request. If the parties cannot reach a satisfactory resolution within 60 days, either party may petition the commission to arbitrate the dispute and the commission shall issue a determination within 120 days. In no event, however, shall the local exchange telecommunications company be required to offer such unbundled services, network features, functions or capabilities, or unbundled local loops at prices that are below cost. The price, terms, and conditions for the unbundled services shall be established by the procedure set forth in § 804.162 and shall be equally applicable to both the local exchange telecommunications company and its affiliates in the provision of their own service, and from time to time the local exchange telecommunications company petitions the commission and the commission determines otherwise, but in no event prior to July 1, 1996.

(2) Other than ensuring that the resale of the same class of service, no local exchange telecommunications company may impose any restrictions on the resale of its services or



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Telenet customers dial a local telephone number and are prompted to give an access code. If the access code is valid they are prompted to dial the number they wish to reach. IVR application X will flash hook the line which will support a user call transfer feature, to receive a new line. IVR application X will then dial a forwarding number, which will forward to the appropriate IVR application (here after referred to as IVR application Y) IVR application Y will then flash hook the line and dial the number requested by the customer, connect the customer with the desired number and drop off the call.

The following example (Figure 1) depicts the process described above:

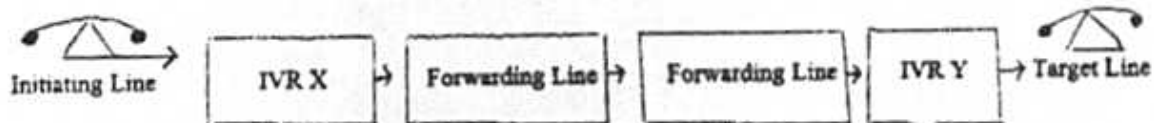
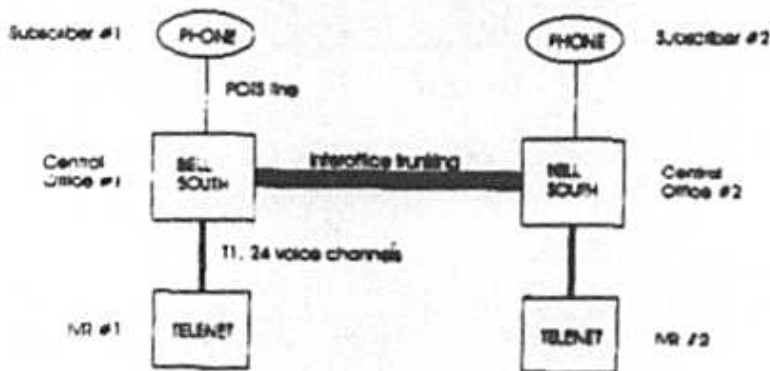


EXHIBIT 2

Telenet offers custom call-routing services to BellSouth subscribers. What follows is a description of the network configuration and call flow required to support the Telenet service. The elements of the proposed network configuration are shown in the diagram below. The call flow begins on the next page.

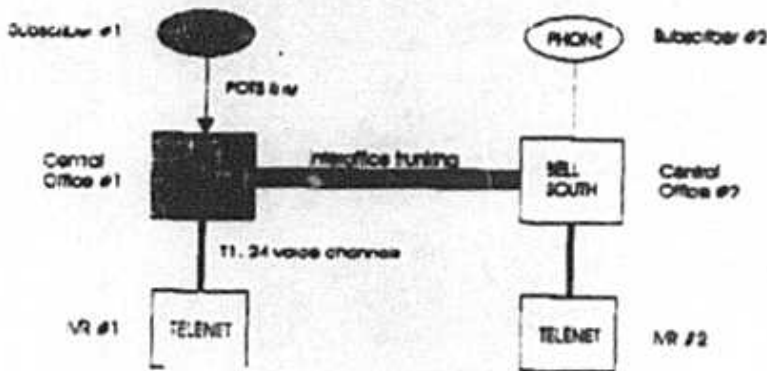
Subscriber #1 and Subscriber #2 are local users of the BellSouth PSTN. Central Office #1 and Central Office #2 (CO #1 and CO #2) are switching centers operated by BellSouth. IVR #1 and IVR #2 are interactive voice response systems operated by Telenet of South Florida. Channelized T1 circuits are used to connect CO #1 to IVR #1 and CO #2 to IVR #2. Each T1 voice channel is configured as a Centrex/Centron line or as a POTS line with User Call Transfer feature enabled.



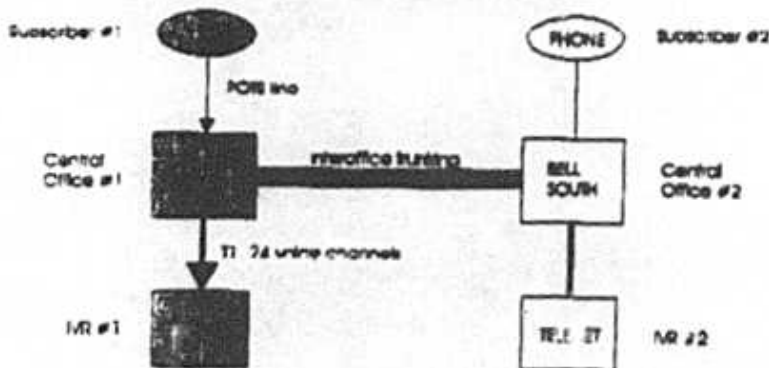
Telenet of South Florida Confidential and Proprietary

*Steps in the call flow precede the applicable diagram. Some technical considerations have been eliminated to reduce complexity. Other configurations are possible, but may not be desirable. The following information is considered confidential and proprietary.*

- Subscriber #1 goes off hook on a standard POTS line.
- CO #1 returns dial tone.
- Subscriber #1 dials the lead hunt-group number for IVR #1.

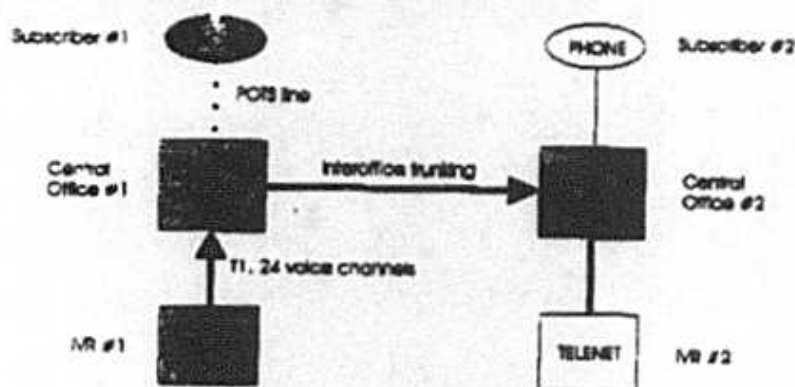


- CO #1 sends call to IVR #1 via voice channel on T1 circuit.
- IVR #1 goes off hook to answer call.
- CO #1 connects Subscriber #1 with IVR #1.
- IVR #1 collects DTMF data from Subscriber #1.

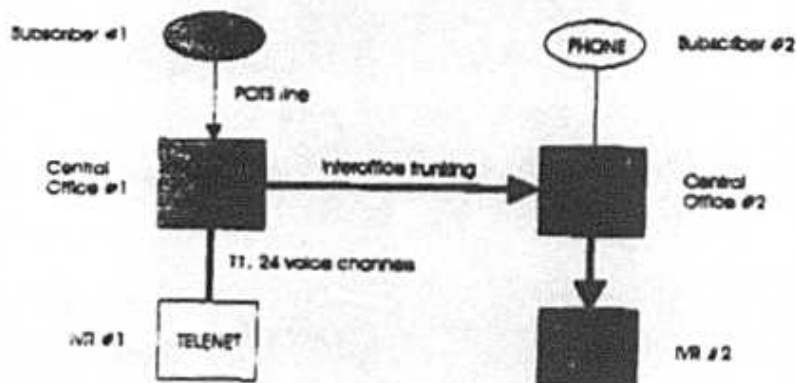




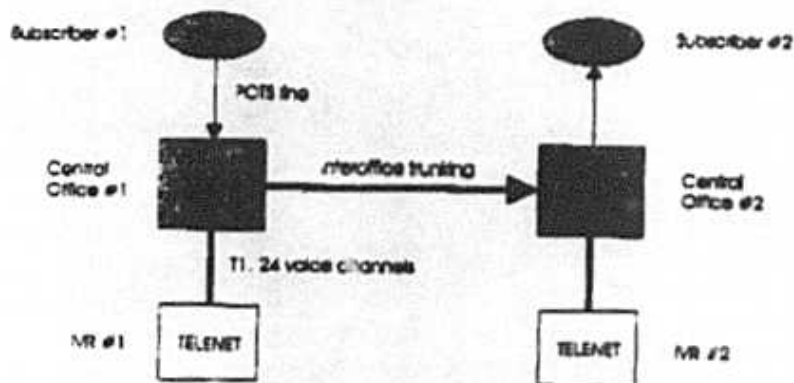
- IVR #1 performs hookflash/wink to initiate transfer over voice channel.
- CO #1 puts Subscriber #1 on hold and returns dial tone to IVR #1.
- IVR #1 dials lead hunt-group number for IVR #2.
- CO #1 signals CO #2 to ring IVR #2.



- IVR #1 waits for answer supervision.
- IVR #2 goes off hook to answer inbound call.
- CO #2 and CO #1 connect the audio path between IVR #1 and IVR #2.
- IVR #1 passes DTMF data to IVR #2.
- IVR #1 goes on hook to disconnect.
- CO #1 drops IVR #1 and connects Subscriber #1 to IVR #2.



- IVR #2 performs hookflash/wink to initiate call transfer over voice channel.
- CO #2 puts Subscriber #1 on hold and returns dial tone to IVR #2.
- IVR #2 dials Subscriber #2 and goes on hook.
- CO #2 drops IVR #2 and connects Subscriber #1 to Subscriber #2.



- Subscriber #1 converses with Subscriber #2 through CO #1 and CO #2.
- Circuit is knocked down (released) when either subscriber goes on hook.
- Channels used by IVR #1 and IVR #2 to set up this call are free to receive another call.

10/6/97 b1f



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Motion to Accept Telenet's Amended Request for Relief in Docket No. 970730-TP has been furnished by Hand Delivery (\*) and/or U.S. Mail to the following parties of record this 4th day of November, 1997:

Charles Pellegini, Esq.\*  
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