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May 6, 1998

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket Nos. 971478-TP, et al.
Complaint of WorldCom Technologies, Inc. Against BellSouth Telecommunica-
tions, Inc. For Breach of Terms of Florida Partial Interconnection Agreement
Under Sections 251 and 252 of the Telecommunications Act of 1996 and
Request for Relief

Dear Ms. Bayo:

Please find enclosed an original and fifteen copies of GTE Florida Incorporated's
Petition for Permission to Submit a Brief for filing in the above matters. Service has
been made as indicated on the Certificate of Service. If there are any questions
regarding this matter, please contact me at (813) 483-2617.

Very truly, yours,

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
LIN _____
OPC _____
RCH _____
SEC _____
WAS _____
OTH _____

Anthony P. Gillman
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Enclosures

RECEIVED & FILED

A part of GTE Corporation

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of WorldCom Technologies,)
Inc. against BellSouth Telecommunications,)
Inc., for breach of terms of Florida Partial)
Interconnection Agreement under sections)
251 and 252 of the Telecommunications)
Act of 1996 and request for relief, etc.)
_____)

Docket Nos. 971478-TP, et al.
Filed: May 6, 1998

**GTE FLORIDA INCORPORATED'S
PETITION FOR PERMISSION TO SUBMIT A BRIEF**

GTE Florida Incorporated (GTEFL) asks the Commission for permission to submit a limited brief in this matter. The brief will address only the issue of the jurisdictional nature of Internet service provider (ISP) traffic for purposes of reciprocal compensation.

GTEFL sought intervention in the first two complaint proceedings initiated against BellSouth--the WorldCom and Teleport dockets. GTEFL argued that intervention was necessary because these complaints cannot be resolved without addressing whether ISP traffic is local or interstate in nature. As such, every incumbent local exchange carrier (ILEC), including GTEFL, which has Commission-mandated reciprocal compensation arrangements with alternative local exchange companies (ALECs) will be affected by the Commission's decision on this matter in this case. Despite this fact, the Commission denied intervention consistent with its policy of restricting interconnection contract complaint dockets to only the parties to the contract.

As this docket has progressed, however, it has become increasingly clear that it will be impossible for the Commission to decide this docket without addressing the jurisdictional issue. Although Staff included language in the issues that attempts to limit them to contracting parties, this tack will have no substantive effect. In fact, at the issues

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identification conference, BellSouth proposed the issue: "How is an Internet call, made through an ISP, transported and routed? (A) What is the jurisdictional nature of such a call?" This was not accepted as an official issue, but the prehearing officer made clear that BellSouth could address this generic issue within the context of the Staff's issues.

Furthermore, at the March 10, 1998 agenda conference in which the Commission voted to undertake a hearing in the WorldCom complaint docket, it was abundantly clear that the jurisdictional issue would be a central focus of the complaint resolution. BellSouth talked at length about the legal precedent supporting its view that ISP traffic is interstate, and the Staff recommendation itself discusses FCC rulings that may bear on this issue. Moreover, a number of Commissioners raised concerns that the BellSouth complaint case could not practically be decided without addressing the generic jurisdictional issue.

In short, this proceeding raises complex legal and policy issues that cannot plausibly be confined to particular contracts. GTEFL does not wish to comment on the parties' intent in contracting, or anything else specific to the parties' negotiations. It asks only to discuss the generic factual and legal matter of the nature of ISP traffic. Without such an opportunity, GTEFL will lose all rights to have input on this matter that will directly and substantially affect it. If ISP traffic is deemed local, there will be no reasonable way to avoid this same determination in the context of proceedings under GTEFL's own interconnection agreements.

Some months ago, Staff convened workshops intended to establish procedures to address complaints under interconnection contracts. During these workshops, the parties discussed the situation that is now before the Commission--that is, complaints that raise

a policy matter that will necessarily and directly affect other parties to different contracts. GTEFL recalls that a majority of participants (particularly the ALECs) felt that allowing some level of participation might be appropriate when the dispute implicated general policy matters, rather than being confined to just strict contract interpretation. Otherwise, entities will have no opportunity to influence the formulation of policies that directly affect them. Unfortunately, those workshops never concluded and rules were never proposed in this regard. But these concerns remain very acute. In the absence of adequate procedural rules to address this situation, GTEFL believes its briefing proposal is a reasonable solution.

Briefing without intervention is not unusual; amicus briefs are commonly submitted in court proceedings. GTEFL will add no new information to the record; it will take the evidence as it is. GTEFL will just comment on the facts adduced and make the legal argument about the jurisdictional nature of ISP traffic. No party will be prejudiced by this approach. Should complaints against GTEFL arise, neither GTEFL nor any other entity that has not been granted intervention in these dockets will be officially bound by the decision here.

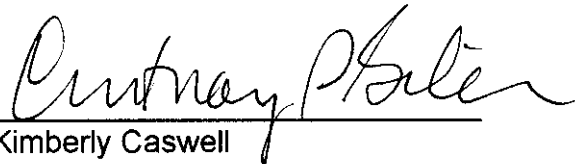
Ideally, GTEFL would propose a generic investigation to resolve the jurisdictional issue. In fact, GTEFL did propose such an investigation in its intervention request in the Teleport/BellSouth complaint case. However, given the expedited time frames in which the BellSouth complaints are to be resolved, the Commission may feel it does not have sufficient time to undertake a generic proceeding. The BellSouth cases may be determined before a generic docket could even get underway. In that case, a generic

hearing would thus be of questionable value, given that the generic jurisdictional issue had already been addressed and determined, for all practical purposes, in the BellSouth complaint cases.

If the Commission can conclude such an investigation before the decisions are to be rendered in the BellSouth case, that would be the preferable approach. If not, briefing would probably be the only other practical option.

Respectfully submitted on May 6, 1998.

By:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Petition for Permission to Submit a Brief in Docket Nos. 971478-TP, et al. were sent via U. S. mail on May 6, 1998 to the parties on the attached list.

Kimberly Caswell
by Kimberly Caswell

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