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October 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. 990750-TP (ITC^DeltaCom)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Supplemental Direct Testimony of Alphonso J. Varner Before The Florida Public Service Commission, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was 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. (BW)

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU 1
- CTR \_\_\_\_\_
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- LEG 2
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- PAI \_\_\_\_\_
- SEC 1
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

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

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**CERTIFICATE OF SERVICE**  
**Docket No. 990750-TP**

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

(+) Hand Delivery and U.S. Mail this 20th day of October, 1999 to the following:

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\*Signed a Protective Agreement

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BELLSOUTH TELECOMMUNICATIONS, INC.  
SUPPLEMENTAL DIRECT TESTIMONY OF ALPHONSO J. VARNER  
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
DOCKET NO. 990750-TP  
OCTOBER 20, 1999

Q. PLEASE STATE YOUR NAME, YOUR POSITION WITH BELLSOUTH TELECOMMUNICATIONS, INC. ("BELLSOUTH") AND YOUR BUSINESS ADDRESS.

A. My name is Alphonso J. Varner. I am employed by BellSouth as Senior Director for State Regulatory for the nine-state BellSouth region. My business address is 675 West Peachtree Street, Atlanta, Georgia, 30375.

Q. ARE YOU THE SAME ALPHONSO VARNER WHO FILED DIRECT AND REBUTTAL TESTIMONY IN THIS PROCEEDING?

A. Yes.

Q. WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL TESTIMONY?

A. This supplemental testimony provides a brief discussion of the effect the FCC's September 15, 1999 ruling has on this arbitration based on the FCC's press release.

1 Q. WHAT IS THE STATUS OF THE FCC'S 319 RULING?

2

3 A. On September 15, the FCC adopted rules on unbundling of network elements;  
4 however, the FCC has not yet released its Order. Therefore, BellSouth is  
5 surmising the impact this ruling will have on this arbitration from the FCC's press  
6 release. BellSouth reserves the right to further supplement this testimony based  
7 on actual wording of the FCC's Order, once the Order is released.

8

9 Q. BASED ON THE RECENT ACTION BY THE FCC, IS BELLSOUTH  
10 OBLIGATED TO COMBINE UNEs FOR ALECs?

11

12 A. No. BellSouth is not obligated to combine UNEs. The FCC's rules that attempted  
13 to require BellSouth to combine UNEs were vacated by the Eighth Circuit Court  
14 of Appeals and were not challenged before the United States Supreme Court.  
15 Therefore, those rules are still vacated even though the Eighth Circuit is  
16 reevaluating them. Further, the press release makes clear that the FCC's Order  
17 will not obligate BellSouth to provide combinations of UNEs. To provide  
18 Enhanced Extended Loops ("EELs") as requested by ITC^DeltaCom, BellSouth  
19 would have to combine UNEs, an activity that BellSouth is not required to do.

20

21 Q. HOW DOES THE FCC'S 319 RULING AFFECT THIS ARBITRATION?

22

23 A. The press release indicates that the FCC's Order will specify the UNEs that  
24 BellSouth must offer, as well as the conditions under which ALECs can use those  
25 UNEs. As a result, the Order will determine the extent to which there are

1 currently combined UNEs in BellSouth's network that ALECs can order.  
2 Whatever action this Commission takes in this arbitration must be consistent with  
3 the FCC's Order.

4  
5 Q. IS THE ENHANCED EXTENDED LOOP A UNE?

6  
7 A. No. In its press release, the FCC stated that EELs would not be included on the  
8 UNE list. Apparently, the FCC considered whether EELs should be on the list of  
9 UNEs and decided EELs should not be a network element.

10

11 Q. TO WHAT EXTENT CAN ALECs REPLACE SPECIAL ACCESS SERVICE  
12 WITH DEDICATED TRANSPORT?

13

14 A. The FCC decided to initiate a Notice of Proposed Rulemaking to address whether  
15 dedicated transport can be used as a substitute for special access under any  
16 circumstances. By "circumstances" I am referring to whether dedicated transport,  
17 when used alone or as part of a pre-existing combination, can be used as a  
18 substitute for special access. It does not appear that either of these questions will  
19 be answered in the FCC's 319 Order. That Order may, however, address what  
20 BellSouth is obligated to do until the FCC completes its rulemaking. At this time,  
21 it is unclear whether ITC^DeltaCom can use dedicated transport, either alone or  
22 as a part of the EEL, in the manner they have requested.

23

24 Q. IS IT CLEAR FROM THE FCC'S PRESS RELEASE WHAT CURRENTLY  
25 COMBINED UNEs BELLSOUTH MUST OFFER?

1

2 A. No. The press release does not define "currently combined." However, based on  
3 the FCC's action, BellSouth believes that "currently combined" means that the  
4 combination of UNEs must already be in existence providing service to a  
5 BellSouth end user. If BellSouth's interpretation is correct, then there are no  
6 currently combined UNEs that constitute the EEL.

7

8 Q. WHAT DOES BELLSOUTH PROPOSE THE COMMISSION DO IN THIS  
9 ARBITRATION?

10

11 A. Given the current environment, BellSouth recommends that this Commission  
12 simply rule that EELs must be provided as UNEs only to the extent required by  
13 law. The FCC and the courts are the only bodies that can resolve the question  
14 regarding obligations to provide the EEL. With respect to this arbitration, it does  
15 not appear that BellSouth is obligated to provide EELs as requested by  
16 ITC^DeltaCom. Until these questions are resolved, the prudent course of action  
17 is to obligate BellSouth to provide EELs in accordance with the FCC's and the  
18 court's decisions.

19

20 Q. DOES THAT CONCLUDE YOUR TESTIMONY?

21

22 A. Yes.

23

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