



Florida Telephone Services

ORIGINAL

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6/14/00

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

Reference Docket No. 991947-TP; BellSouth Telecommunications, Inc. v. Florida Telephone Services, LLC Arbitration

Dear Ms. Bayo:

Enclosed are an original and 15 copies of Florida Telephone Services, LLC Post-Hearing Brief, which we ask that you file in the captioned matter.

Florida Telephone Services only received the copy of the transcripts on June 9th 2000. We responded as soon as possible therefore please accept this filing.

If you have any other questions please feel free to call me at (407) 869-3200.

Sincerely,

Paul Joachim
Florida Telephone Services
(407) 869-3200

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FPSC-RECORDS/REPORTING

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In re:)
)
Petition for Arbitration of the Interconnection)
Agreement Between BellSouth Telecommunications,) Docket No. 991947-TP
Inc. and Florida Telephone Services, LLC)
Pursuant to the Telecommunications Act of 1996.)

FLORIDA TELEPHONE SERVICES, INC.'S
POST-HEARING BRIEF

STATEMENT OF THE CASE

On December 17, 1999, BellSouth Telecommunications, Inc. ("BellSouth") filed a Petition for Arbitration of Resale Agreement with Florida Telephone Services, LLC ("FTS"). The issue concerned the rates to be charged by BellSouth for FTS' access to and use of BellSouth's operations support systems ("OSS"). The Commission held a Pre-hearing Conference on April 26, 2000 and issued the Pre-Hearing Order on May 3, 2000. A hearing was conducted on May 17, 2000 at which the testimony of Alphonso Varner and Daonne Caldwell was presented on behalf of BellSouth and the testimony of Paul Joachim was presented on behalf of FTS.

STATEMENT OF BASIC POSITION

The issue in this docket represents a specific dispute between BellSouth and FTS as to what should be included in the Interconnection Agreement between the parties. FTS's position is more consistent with the true meaning of the 1996 Act, the pertinent rulings of the FCC and rules of this Commission. Therefore, the Commission should sustain FTS's position.

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STATEMENT OF POSITION ON THE ISSUE

Issue 1: Why should any OSS rates to be charged by BellSouth for Florida Telephone Services' access to and use of the electronic and manual interfaces to BellSouth's OSS and functions?

Position: The Commission should not allow BellSouth to charge for costs associated with developing, providing and maintaining the electronic and manual interfaces to allow FTS to access BellSouth's OSS. BellSouth is proposing rates for electronic and manual access without first testing these interfaces. However any rates charged to FTS would be unfair as BellSouth gets paid activation fees for all orders processed. These activation fees are charged regardless if the order is sent manually or electronically.

Based on the evidence presented at the hearing, BellSouth did not know when manual orders were required and when electronic orders were required. How can BellSouth be allowed to charge for OSS when they require certain orders sent manually? This would mean BellSouth can dictate how and when certain orders are placed. This instance would require FTS to pay much more for the order. After all, FTS has no control as to how the order is sent. BellSouth being the monopoly is trying to make FTS more expensive to do business with when compared to BellSouth's own fees. BellSouth does not charge their customers these fees. This is not what the 1996 telecommunications act was supposed to do. It was supposed to make it more competitive therefore bringing prices down. If these fees were allowed then it would make the cost of purchasing a line from BellSouth for resale more expensive. Is this what the commission wants?

BellSouth, during the hearing could not confirm that they had done a complete study of all their OSS features. They also could not confirm that BellSouth was using the electronic OSS mechanism to process all orders 100% of the time. According to MS Caldwell this was not important. Yet according to BellSouth it is relevant to charge FTS for the use of this OSS mechanism.

There are many cases similar to this arbitration before the commission. They all have similar objections to BellSouth's demand to pay for OSS. This is no coincidence. It is a burden for FTS to pay more to resell BellSouth's own lines than it is for BellSouth to sell that same line to its own customers. This would be a huge competitive edge for BellSouth to have. This is not competitive; it is a monopoly finding a way to put FTS out of business by making FTS more expensive to do business with. FTS has no choice but to resell the same lines in the same areas BellSouth serves.

The Commission should not accept that OSS charges proposed by BellSouth should be paid by FTS. This would be devastating for a small company like FTS who serves the public interest by trying to provide the same services that BellSouth provides but at a lower rate. If these charges were allowed then the monopoly status has reigned and nothing would have changed prior to the telecommunications act of 1996.

Finally BellSouth should under no circumstances be allowed to charge any fees retroactively. These OSS charges remain undefined, untested and are governed by BellSouth's rules as to when orders be sent manually and others sent electronically.

CONCLUSION

FTS respectfully requests that the Commission issue an order to BellSouth to wave all fees in connection with OSS and continue with BellSouth's Resale Agreement with Florida Telephone Services. This will maintain the competitiveness of the telecommunications industry ultimately giving the customer a choice and persevering the integrity of the Telecommunications Act of 1996. Further, no rates should be implemented on an interim basis, and if any not subject to retroactive true-up.

Respectfully submitted,

Paul B. Joachim
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