

VOTE SHEET

JULY 11, 2000

RE: DOCKET NO. 991854-TP - Petition of BellSouth Telecommunications, Inc. for Section 252(b) arbitration of interconnection agreement with Intermedia Communications, Inc.

Issue A: Should the Commission grant Intermedia's Motion for Leave to Submit Supplemental Authority?

Recommendation: Yes. The Commission should grant Intermedia's Motion for Leave to Submit Supplemental Authority subject to the limitations set forth in staff's analysis.

DEFERRED

COMMISSIONERS ASSIGNED: JC JB

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

Staff to advise

DOCUMENT NUMBER-DATE

08432 JUL 12 8

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Issue 2: Should the definition of "Local Traffic" for purposes of the parties' reciprocal compensation obligations under Section 251(b)(5) of the 1996 Act include the following:

a) ISP traffic?

Recommendation: Staff recommends that the parties should continue to operate under the terms of their current interconnection agreement in regards to this issue until the FCC issues its final ruling on whether ISP-bound traffic should be defined as local or whether reciprocal compensation is due for ISP-bound traffic.

Issue 3: Should Intermedia be compensated for end office, tandem, and transport elements, for purposes of reciprocal compensation?

Recommendation: Yes, in part. Staff recommends that Intermedia be compensated for end office and transport elements, for purposes of reciprocal compensation. However, Staff recommends that Intermedia not be compensated for the tandem element.

Issue 10: Are BellSouth's policies regarding conversion of virtual to physical collocation reasonable?

Recommendation: No. The Commission should adopt its decision regarding the conversion of virtual to physical collocation, made in Dockets Nos. 981834-TP and 990321-TP, Order No. PSC-00-0941-FOF-TP, issued May 11, 2000.

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Issue 12: What is the appropriate definition of "currently combines" pursuant to FCC Rule 51.315(b)?

Recommendation: The appropriate definition of "currently combines" pursuant to FCC Rule 51.315(b) is currently pending before the Eighth Circuit Court. Until the Eighth Circuit Court renders its decision, where combinations are in fact already combined and existing within BellSouth's network, staff recommends that, at a minimum, BellSouth should be required to make them available to requesting telecommunications carriers in that combined form at UNE rates.

Issue 13(a): Should BellSouth be required to provide access to enhanced extended links ("EELs") at UNE rates?

Recommendation: Yes. Per FCC Order No. 99-238, BellSouth should be required to provide access only to enhanced extended links ("EELs") that are "currently combined" within its network at UNE rates.

Issue 13(b): Should BellSouth be required to allow Intermedia to convert existing special services to EELs at UNE rates?

Recommendation: Yes, BellSouth should be required to allow Intermedia to convert existing special access services to "EELs" at UNE rates, if Intermedia is providing a "significant amount of local traffic" to the customer. At a minimum, if an ALEC is providing all of a customer's local service, the ALEC is carrying a "significant amount of local traffic" for that customer and therefore the incumbent should be required to convert any existing special access services to "EELs" at UNE rates.

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Issue 18(c): Should BellSouth be required to provide access on an unbundled basis in accordance with, and as defined in, the FCC's UNE Remand Order to packet switching capabilities?

Recommendation: Yes. Staff recommends that BellSouth should only be required to provide access to packet switching capabilities as an unbundled network element under the limited circumstances identified in FCC Rule 51.319(c)(5). Moreover, since BellSouth is bound by FCC Rules, it is unnecessary to include the language of FCC Rule 51.319(c)(5) in the agreement.

Issue 22: Should BellSouth be required to provide non-discriminatory access to interoffice transmission facilities in accordance with, and as defined in, the FCC's UNE Remand Order?

Recommendation: Yes. Staff recommends that BellSouth should be required to provide non-discriminatory access to interoffice transmission facilities, in accordance with, and as defined in, the FCC's Remand Order.

Issue 25: Should BellSouth be required to furnish access to the following as UNEs: (i) User to Network Interface ("UNI"); (ii) Network-to-Network Interface ("NNI") and (iii) Data Link Control Identifiers ("DLCI"), at Intermedia-specified committed information rates ("CIR")?

Recommendation: No. BellSouth should not be required to furnish access to UNI, NNI, and DLCI as UNEs.

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Issue 26: Should parties be allowed to establish their own local calling areas and assign numbers for local use anywhere within such areas, consistent with applicable law?

Recommendation: Yes, staff recommends that parties be allowed to establish their own local calling areas. However, staff recommends that parties not be allowed to assign numbers for local use anywhere within such local calling areas, since there is no evidence in the record indicating that parties can provide information necessary for the proper rating of calls to numbers assigned outside of the areas to which they are traditionally associated.

Issue 29: In the event Intermedia chooses multiple tandem access ("MTA"), must Intermedia establish points of interconnection at all BellSouth access tandems where Intermedia's NXXs are "homed"?

Recommendation: Yes. Staff recommends that in the event Intermedia chooses MTA as an interconnection option, Intermedia should be required to establish points of interconnection at all BellSouth access tandems where Intermedia's NXXs are homed.

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Issue 30: Should Intermedia be required to:

- a) designate a "home" local tandem for each assigned NPA/NXX; and
- b) establish points of interconnection to BellSouth access tandems within the LATA on which Intermedia has NPA/NXXs homed?

Recommendation: Yes. Staff recommends that for each assigned NPA/NXX, Intermedia should be required to designate a "home" local tandem, as well as establish a point of interconnection to each of BellSouth's local and switched access tandems within the LATA to which Intermedia has those NPA/NXXs homed. Also, staff recommends the following language changes in BellSouth's proposed definition of local tandem interconnection:

- (1) the exchange of local traffic between Intermedia and BellSouth end offices within the local calling area as defined in BellSouth's GSST, section A3 served by those BellSouth local tandems, and (2) . .

Issue 31: For purposes of compensation, how should IntraLATA Toll Traffic be defined?

Recommendation: IntraLATA Toll Traffic should be defined as any telephone call that is not local or switched access per the parties' agreement.

Issue 32: How should "Switched Access Traffic" be defined?

Recommendation: Switched Access Traffic should be defined in accordance with BellSouth's existing access tariff and should include IP Telephony.

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Issue 37: Should all framed packet data transported within a Virtual Circuit that originate and terminate within a LATA be classified as local traffic?

Recommendation: Yes. For purposes of establishing interconnection between the parties, framed packet data transported within a Virtual Circuit that originate and terminate within a LATA should be classified as local traffic. However, there is insufficient record evidence for this Commission to conclude that this traffic is subject to reciprocal compensation.

Issue 39: What are the appropriate charges for the following:

- a) interconnection trunks between the parties' frame relay switches,
- b) frame relay network-to-network interface ("NNI") parts,
- c) permanent virtual circuit ("PVC") segment (i.e., Data Link Connection Identifier ("DLCI") and Committed Information Rates ("CIR"), and
- d) requests to change a PVC segment or PVC service order record?

Recommendation: The appropriate charges for these frame relay rate elements are the rates contained in BellSouth's interstate access tariff.

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Issue 45: Should the interconnection agreement specifically state that the agreement does not address or alter either party's provision of Exchange Access Frame Relay Service or interLATA Frame Relay Service?

Recommendation: The parties have resolved this issue; therefore, no action is required by the Commission.

Issue 49: Should this docket be closed?

Recommendation: No. The parties should be required to submit a signed agreement that complies with the Commission's decisions in this docket for approval within 30 days of issuance of the Commission's Order. This docket should remain open pending Commission approval of the final arbitration agreement in accordance with Section 252 of the Telecommunications Act of 1996.