

James Meza III
Senior Regulatory Counsel

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November 7, 2005

Mrs. Blanca S. Bayó
Director, Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Docket No. 050419-TP
In Re: Petition of MCImetro Access Transmission Services, LLC
For Arbitration of Certain Terms and Conditions of Proposed
Agreement with BellSouth Telecommunications, Inc. Concerning
Interconnection and Resale Under the Telecommunications
Act of 1996**

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of BellSouth Telecommunications, Inc.'s Direct Testimony of Eddie Owens including the exhibit that was inadvertently omitted in our filing of October 21, 2005, 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,


James Meza III

Enclosures

cc: All parties of record
Jerry D. Hendrix
Nancy B. White
R. Douglas Lackey

606846

DOCUMENT NUMBER-DATE

10771 NOV-7 '05

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 050419-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Federal Express and Electronic Mail Mail this 7th day of November, 2005 to the
following:

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Kitessa Kennedy
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James Meza III
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BELLSOUTH TELECOMMUNICATIONS, INC.
DIRECT TESTIMONY OF EDDIE L. OWENS
BEFORE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 050419-TP
OCTOBER 21, 2005

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

A. My name is Eddie L. Owens. My business address is 675 West Peachtree Street, Atlanta, Georgia 30375. I am currently a Manager in BellSouth's Interconnection Services Marketing Organization.

Q. PLEASE SUMMARIZE YOUR BACKGROUND AND EXPERIENCE.

A. My business career spans over 25 years with BellSouth and my experience covers a wide range of network centers, as well as telephone equipment sales and customer service. Specifically, I have managed and/or supported the following centers: Switching Control Center, Network Operations Center, Access Customer Advocate Center, Local Carrier Service Center, and Customer Wholesale Interconnection Network Services Center. I have participated in and provided technical assistance for numerous Competitive Local Exchange Carrier ("CLEC") workshops in Florida, Georgia, and Louisiana on issues dealing with pre-ordering,

1 ordering, provisioning, maintenance, and repair of resold services and
2 Unbundled Network Elements ("UNEs"). I have previously testified before
3 the North Carolina Utilities Commission and the Tennessee Regulatory
4 Authority. Currently, I am responsible for managing issues related to pre-
5 ordering, ordering, provisioning, maintenance, and repair for BellSouth's
6 wholesale market customers.

7

8 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

9

10 A. In my testimony, I will address the technical and operational aspects of
11 three (3) unresolved arbitration issues that have been raised by MCImetro
12 Access Transmission Services, LLC ("MCI") in a Petition for Arbitration
13 filed with the Florida Public Service Commission ("Commission") on June
14 20, 2005. Specifically, I will address issue numbers 9, 30, and 32.

15

16 **Issue No. 9: A) What rate should be applicable for the Bulk Migration**
17 **process? B) Should BellSouth be required to offer the Bulk Migration**
18 **process for migrations of MCI customers to third-party provided**
19 **switching?**

20

21 Q. WHAT IS BELL SOUTH'S GENERAL POSITION ON SUBPART A OF
22 THIS ISSUE?

23

24 A. This issue has been resolved in the Generic Hot Cut Docket (041338-TP).
25 As set forth in the Joint Motion to Approve Stipulation, MCI is entitled to

1 the hot cut rates identified in Appendix 3 to the Joint Motion. Accordingly,
2 there is no need to arbitrate this issue in this proceeding.

3

4 Q. WAS MCI A PARTY TO THE GENERIC HOT CUT DOCKET?

5

6 A. Yes. MCI was an original party to the Generic Hot Cut Docket and
7 actively participated in it. However, MCI voluntarily withdrew from the
8 proceeding for unknown reasons immediately prior to execution of the
9 Stipulation between BellSouth and all of the participating CLECs.

10

11 Q. WHAT IS BELLSOUTH'S POSITION ON SUBPART B OF THIS ISSUE?

12

13 A. This issue has also been resolved in the Generic Hot Cut Docket (041338-
14 TP) and as such does not need to be addressed in this arbitration. That
15 being said, BellSouth agrees that the individual and bulk hot cut processes
16 should allow CLECs to order loops directly to a third party's collocation
17 arrangement. BellSouth is in the process of developing and implementing
18 the necessary processes to allow for migrations of MCI's customers in this
19 manner. With the implementation of these processes, BellSouth has
20 addressed MCI's concerns.

21

22 **Issue No. 30: How should disputes over alleged unauthorized access to**
23 **CSR information be handled under the Agreement?**

24

25 Q. WHAT IS BELLSOUTH'S POSITION ON THIS ISSUE?

1 A. This issue concerns a Party's violation of federal law as well as the
2 Interconnection Agreement by obtaining unauthorized access to Customer
3 Service Record ("CSR") information. In such an instance and when the
4 offending Party cannot prove that the violation has been cured, the
5 alleging Party should have the right to suspend and terminate service after
6 notice sent via e-mail and an explicit cure period. If there is a legitimate
7 dispute as to the allegation of unauthorized access to CSR information,
8 the alleging Party should seek expedited resolution of the dispute at the
9 Commission before any suspension or termination of service.

10

11 Q. WHY IS IT IMPORTANT FOR THE PARTIES TO HAVE THE RIGHT TO
12 SUSPEND ACCESS TO ORDERING SYSTEMS AND/OR TERMINATE
13 SERVICES BECAUSE OF UNAUTHORIZED ACCESS TO CSR
14 INFORMATION?

15

16 A. CSR information contains Customer Proprietary Network Information
17 ("CPNI"). With its proposed reciprocal language, BellSouth is attempting
18 to insure that *both* Parties meet their legal and contractual obligations to
19 protect the CPNI that is contained in CSR information. Both Parties have
20 agreed to refrain from accessing CSR information without an appropriate
21 Letter of Authorization ("LOA"), and have agreed to access CSR
22 information only in strict compliance with the law. Given such obligations,
23 it is reasonable that if either Party suspects that the other Party is
24 accessing CSR information (and therefore is violating the law and its
25 contractual obligations), and the accused Party ***fails to produce a LOA***

1 ***or fails to dispute the unauthorized CSR access allegations***, then the
2 alleging Party should have the ability to limit the other Party's access to
3 CSR information. This right is necessary to protect the CPNI maintained
4 by the alleging Party. Without the right to timely eliminate unauthorized
5 access of CSR information, ***all*** Parties are compromised in their collective
6 ability to protect CPNI, which puts all end-user customers at risk.
7

8 Q. CAN YOU FURTHER DESCRIBE BELLSOUTH'S PROPOSED
9 LANGUAGE?

10
11 A. Yes. BellSouth has proposed language to state that if the accused Party
12 does not produce an appropriate LOA within seven (7) business days,
13 then the alleging Party will notify the accused Party's *designated contact*
14 *person by written and e-mail notice* that access to ordering systems will be
15 suspended or services terminated unless the accused Party ceases or
16 corrects the alleged unauthorized CSR access within five (5) calendar
17 days. This should eliminate any concern about a suspension/termination
18 notice becoming somehow overlooked.

19
20 Further, BellSouth's proposed language provides that if there is a dispute
21 regarding the allegation of unauthorized CSR access, *the alleging Party* –
22 prior to any suspension or termination action – would bring such dispute to
23 the Commission for expedited resolution and that no termination or
24 suspension would occur for the duration of such a dispute.
25

1 Q. HAS THIS COMMISSION AGREED WITH BELLSOUTH'S LANGUAGE
2 ON THIS ISSUE?

3

4 A. Yes. This Commission has adopted BellSouth's language on this issue in
5 the Florida Joint Petitioner arbitration proceeding (Docket No. 040130-TP),
6 finding that BellSouth's language resolved the CLECs' fears. Specifically,
7 the Commission ruled as follows:

8

9 In the event that the alleged offending party disputes
10 the allegation of unauthorized access to customer
11 service records (CSR) information (even after the
12 party's inability to produce an appropriate Letter of
13 Authorization), the alleging party should seek
14 expedited resolution from the appropriate regulatory
15 body pursuant to the dispute resolution provision in
16 the Interconnection Agreement's General Terms and
17 Conditions section. The alleging party should take no
18 action to terminate the alleged offending party during
19 any such pending regulatory proceeding. If the
20 alleged offending party does not dispute the allegation
21 of unauthorized access to CSR information, BellSouth
22 may suspend or terminate service under the time
23 lines proposed by BellSouth.

24

25 *See Joint Petition for Arbitration, Docket No. 040130-TP Staff*
26 *Recommendation (July 21, 2005) at 73-74 and Vote Sheet (Aug. 30,*
27 *2005).*

28

29 **Issue No. 32: What charges, if any, should be imposed for records changes**
30 **made by the Parties to reflect changes in corporate names or other LEC**
31 **identifiers such as OCN, CC, CIC and ACNA?**

32

1 Q. WHAT IS BELLSOUTH'S POSITION ON THIS ISSUE?

2

3 A. First, this issue is not appropriate for arbitration in this proceeding
4 because it involves a request by MCI that is not encompassed within
5 BellSouth's obligations pursuant to § 251 of the Telecommunications Act
6 of 1996 ("Act"). This is because a request to change records as a result of
7 a merger or acquisition is initiated pursuant to a MCI business decision
8 that is unrelated to any of BellSouth's obligations under the Act. That
9 being said, BellSouth is not opposed to providing this service through the
10 mergers and acquisition process but only if it can recover its costs via a
11 reasonable records change charge.

12

13 BellSouth's Mergers and Acquisition process is available on its
14 interconnection website
15 (http://www.interconnection.bellsouth.com/ma_process/) and is
16 attached as Exhibit ELO-1.

17

18 Q. HOW DOES BELLSOUTH'S PROCESS WORK?

19

20 A. Changes to "LEC Identifiers" by a CLEC that receives services from
21 BellSouth, requires work by BellSouth, at a minimum, in BellSouth's
22 record databases. While there may be no physical change in the
23 associated service, BellSouth still has work steps in making records
24 changes to collocation arrangements and the circuits connected to the
25 collocation arrangements as well as the information in BellSouth's Trunks

1 Integrated Record Keeping System ("TIRKS"), Loop Facilities
2 Administration and Control System ("LFACS"), Switch, Loop Maintenance
3 Operations System ("LMOS"), billing, and other databases.

4

5 Q. ARE CHANGES OF THIS TYPE SIMPLE ADMINISTRATIVE CHANGES
6 THAT ARE NOT UNDULY TIME OR LABOR INTENSIVE?

7

8 A. No. There are numerous services, circuits, collocation arrangements, and
9 other arrangements and assets that must undergo the records changes
10 throughout BellSouth's systems. MCI has at least 75 Access Customer
11 Name Abbreviations ("ACNAs") currently being used. Some of these
12 ACNAs have thousands if not hundreds of thousands of end user
13 accounts. In the event MCI or any CLEC requests to put everything under
14 one roof, each end user account will have to be changed. The work
15 required by BellSouth involves issuing and completing service orders on
16 each account. These records changes are at the request of the CLEC,
17 not BellSouth. As the cost causer, the CLEC should be responsible for
18 the cost of the changes.

19

20 Q. IS THE WORK REQUIRED FOR THIS PROCESS INCLUDED IN THE
21 NON-RECURRING OR RECURRING COST OF THE ASSETS BEING
22 CHANGED?

23

24 A. No. These records changes require work to be performed by BellSouth
25 that generates costs that BellSouth should be permitted to recover.

1 During a merger, acquisition, or whatever activity is precipitating the name
2 change or other records changes, the company or companies involved
3 should consider such costs as part of the business arrangement, and the
4 process permits and even encourages entities to come to BellSouth early
5 and work with BellSouth to understand what costs will be involved in the
6 process. It is not appropriate or fair to require BellSouth to fund the cost
7 of changes of this type.

8

9 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

10

11 A. Yes.

12

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Mergers & Acquisitions Process

Welcome

WELCOME to the Mergers and Acquisitions (M&A) home page. The Mergers and Acquisition Process is designed to assist Wholesale Customers during their merger, acquisition, and consolidation of accounts. The Process supports all Wholesale Customers and provides step by step instructions and guidance for the ease of this critical transaction.

This home page contains links to supporting processes in an effort to provide comprehensive information useful during and at the conclusion of the M&A process. These pages contain the documents and forms essential to the M&A process, frequently asked questions as well as a method to contact us for further assistance.

If you have any questions, please contact **Your BellSouth Mergers and Acquisition Chairperson** via e-mail at [Contact Us](#). BellSouth will respond in 3 business days.

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Mergers & Acquisitions Process

1.0 Description

A merger is defined as the consolidation of two companies. In a merger, the merged company ceases to exist as a separate business and legal entity. The acquiring company assumes the assets, liabilities, franchises, and powers of the merged company by operation of law (i.e., automatically).

An acquisition applies when Company A acquires some or all of the property of company B. Typically asset acquisitions involve the transfer of some of the telephone "exchanges" operated by the selling company

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Mergers & Acquisitions Process

2.0 Expectations

The acquiring CLEC or IXC will complete Level 1 and Level 2 Checklists that will assist BellSouth in determining how the transaction will be managed. The acquiring CLEC or IXC will also be responsible for providing a spreadsheet inventory of the transferring assets.

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Mergers & Acquisitions Process

3.0 Restrictions

- No interruption or disconnection in service use.
- No relocation of all existing service.
- The new customer (Assignee) assumes all outstanding indebtedness for such services, any un-expired portion of the minimum period, and the termination liability (if any) associated with the services involved in the transfer. If the new customer does not agree to assume responsibility for all charges, Transfer of Service is not applicable and N & D orders are required.
- An outright purchase
- Acquisition of an existing business
- The merging of two or more existing businesses
- Establishment of a new/changed business structure; i.e.

Sole ownership - Partnership - Corporation

- No service order(s) will be issued/released to execute a Transfer of Service prior to the receipt of proper written agreement from both the Assignor (former owner) and the Assignee (new owner). If the former company has already been dissolved, the Transfer Document will not be appropriate.

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Mergers & Acquisitions Process

4.0 Rates

The cost of implementing the merger changes within BellSouth is dependent of the quantity and type of services involved in the merger as well as tariff defined and negotiated rates.

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Mergers & Acquisitions Process

5.0 Let's Get Started

- Contact BellSouth as noted in the notices section of the Interconnection Agreement or your Account Team Representative, we will guide you through the process and advise where to submit forms.
- Request PSC approval of the acquisition
- Verify all NECA changes and additions
- Complete and submit credit profile

<http://interconnection.bellsouth.com/forms/lec/pdf/rf-3950.pdf>

- Submit a letter providing the details of the "assumption of services" should be from the 'acquiring' customer on their letterhead
- Complete and submit level 1 checklist
- Provide inventory spreadsheets
- Should document how the 'transferring' customer's ACNA and/or OCN will be used in the issuance of service orders if applicable.
- Provide all legal names that are used or will be used in the application to BellSouth Sign the Transfer Agreement

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Credit Profile

Return By Fax To: 404-986-0166

Complete, sign and fax to: 404-986-0166 Attention: Business Credit Management		Estimated Monthly billing with BellSouth \$ _____	
For questions concerning this application call 888-634-4114		New customer <input type="checkbox"/> Existing customer <input type="checkbox"/>	
Please Print And Complete All Information.		Attach Copy of Fiscal Audited Statement (if available)	
Type of Business Applying For:			
<input type="checkbox"/> Local (Resale)		<input type="checkbox"/> Facility Based	
<input type="checkbox"/> Access		<input type="checkbox"/> CMRS (Wireless)	
		<input type="checkbox"/> Payphone Services Provider (# of lines in the first 6 months) _____	
		<input type="checkbox"/> Other _____	
Company Information			
Business Name (Legal Name)		Doing Business As (Trade Style)	
Please Check One:			
<input type="checkbox"/> Corporation		<input type="checkbox"/> Partnership	
		<input type="checkbox"/> Sole-Proprietor	
		<input type="checkbox"/> Other	
Street Address		City	State Zip
Corporate Office Location (If different from above)		City	State Zip
(Area Code) Telephone Number	(Area Code) Fax Number	E mail address of business	
Are you presently a Bellsouth Customer in another area of business? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Contact name for additional information (if needed)			
Contact e mail address:			
Officer's Names			
President	CFO	CEO	
Company History			
Year Business Established	Principal Business of Firm	Company Web Site:	
Business Credit References			
Company Name	City	State	(Area Code) Telephone Number
Account Number	Contact Name		
Company Name	City	State	(Area Code) Telephone Number
Account Number	Contact Name		
Company Name	City	State	(Area Code) Telephone Number
Account Number	Contact Name		
Bank Reference			
Bank Name	City	State	Account Number
Banking Officer	(Area Code) Telephone Number	(Area Code) Fax Number	
I hereby authorize you to release to BellSouth any and all information, which they may request concerning my account. I understand that such information will be held strictly confidential and will remain BellSouth's property whether or not credit is extended. I understand that security may be required by BellSouth to establish service. I certify that the above information provided for this credit profile is true and correct to the best of my knowledge.			
Signature (Authorized Individual Only)		Print Name	Date (MM/DD/YYYY)

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Mergers & Acquisitions Process

6.0 Collocation

If Collocation:

- Customer prepares an application in e-Application, prints the application, but does not submit the application until the agreement is finalized and the distribution of applications is authorized)
- Submit a Letter of Authorization (LOA) for the transfer and release of the of the collocation arrangement(s).
 - Should be from the 'transferring' customer on their letterhead.
 - Should include the Reference Number for each arrangement.
- Submit a letter providing the details of the "assumption of services"
 - Should be from the 'acquiring' customer on their letterhead
 - Should document how the 'transferring' customer's ACNA will be used in the issuance of service orders for services.
- Submit a complete list of the Collocation Billing Account Numbers (BANS) that will be transferred.
- Submit a complete list of all terminations (CFA) and circuits for each arrangement that will be transferred.
 - Use the attached template and provide all requested information.
- Submit a hard copy of the application to transfer ownership for each collocation arrangement being transferred.
 - Enter the application in BellSouth's eApplication system. Print a copy of the application but do not submit it until the *Transfer Agreement* has been signed.
- Submit a Virtual Collocation Equipment Inventory/Acceptance List for each virtual collocation arrangement.
- Contact your Contract Negotiator to discuss any necessary contractual revisions.
- Sign the Transfer Agreement
- Submit the e-applications(s) once the Transfer Agreement has been signed and all information and details are complete.
- The customer (buyer) and/or certified vendor is responsible for ALL re-stenciling. This includes, but is not limited to, Virtual equipment and/or cable/pair interconnection points.
- e-Application
<https://collocation.bellsouth.com>

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7.0 Forms[MNA Level I Initial Checklist V06](#)[MNA Special Access TOS Spreadsheet V11](#)[MNA Level II Access Trunking/Operator Services PrePlan V05](#)[MNA Trunking/Operator Services Spreadsheet V1](#)[MNA Level II Local Trunking/Operator Services PrePlan V05](#)[MNA UNEp Spreadsheet V1](#)[MNA Level II QACCT PMAP SEEM V03](#)[MNA Right Of Way V1](#)[MNA Level II Special Access Preplan V031](#)[TORC DForm](#)[MNA Level II UNE PrePlan V01](#)[TORC NDForm](#)[MNA Level II Wireless PrePlan V031](#)[MNA Level II Wireless Trunking PrePlan V051](#)[MNA Wireless Trunking Spreadsheet v11](#)[MNA Wireless Non-Access Specials Spreadsheet v11](#)[Line Sharing Spreadsheet Issue 11](#)[Line Splitting Spreadsheet Issue 11](#)

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Mergers & Acquisitions Process

8.0 Links

[Do you want to become a CLEC?](#)

[Do you want to become a Wireless Provider?](#)

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Mergers & Acquisitions Process

9.0 Glossary

Merger - The consolidation of two companies. In a merger, the merged company ceases to exist as a separate business and legal entity. The surviving company assumes the assets, liabilities, franchises, and powers of the merged company by operation of law (i.e., automatically)

Asset acquisition - Company A acquires some or all of the property of company B. Typically asset acquisitions involve the transfer of some of the telephone "exchanges" operated by the selling company.

Company - A legal entity, formed under the laws of a particular state usually to operate a business of some type (e.g., provision of telephone service). Other types of legal entities that may perform similar functions include cooperatives, partnerships, limited liability corporations (LLCs), sub chapter S corporations, etc. For simplicity, all are referred to a "companies" in this document. As a legal entity, a "company" has the status similar to a person and can sign contracts, employ people, own assets (including other companies), and buy and sell goods and services.

M&A Chair - Merger and Acquisition Chairperson, a program manager and whose responsibility is to guide wholesale customers through the M&A process.

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10.0 FAQs

Question 1: My company, ABC Telco, has just merged with Just in Time Telecom. What do I need to do to get their customers brought over to ABC Telecom's ACNA?

Answer: If you are a CLEC- then refer to the notices section in your ICA. If you are an IXC, contact your Account Team Representative.

Question 2: If my company has merged in the corporate world, why do I have to go through a merger process with BellSouth?

Answer: If BST is not notified, you will still operate as separate entities.

Question 3: My company, ABC Telecom, already does business with BellSouth and the company we just merged with, Just in Time Telecom, does as well. Why are we charged to go through the merger process with BellSouth?

Answer: There are costs associated with the changes that BST must make to align our records with the new single entity.

Question 4: Why do I need to provide a list of customers/circuits to BellSouth in order to combine my inventory?

Answer: BST requires an explicit listing of all products that are affected by the merger to ensure that the assets you have acquired are correctly identified.

Question 5: My company already has a deposit on file with BellSouth. Why do I have to go through the credit process again now that my company has been through a merger?

Answer: You are assuming additional assets that may require analysis.

Question 6: My company just merged with another provider. We both currently have PSC certification. Do we have to contact the PSC/Regulatory boards about our merger?

Answer: Yes

Question 7: My company has not kept very good records over the years. What can I do if I cannot provide BellSouth an acceptable inventory of my circuits/customers?

Answer: BellSouth has an internal organization that will assist you in preparing the inventory.

Question 8: How long will the BellSouth merger process?

Answer: All timeframes are negotiated.

Question 9: What will the BellSouth merger process cost?

Answer: The rates are dependent upon the services that are impacted by the merger.

Question 10: Can my BellSouth Account Team handle this process for me?

Answer: Your merger process involves many BellSouth representatives, of which your Account Team is one.

Question 11: What documentation should I provide to BellSouth to begin the merger process?

Answer: Please refer to the Merger website. A list of forms and other documentation requirements are identified on this website.

Question 12: What is a merger?

Answer: Get definition from website.

Question 13: Will new account numbers be assigned after completion of merger?

Answer: Establishment of new accounts or use of existing accounts is dependent on the merger activities and will be communicated to you via the Merger and acquisition chairperson.

Question 14: How can I be assured that the merger process is complete?

Answer: The M&A chairperson will coordinate the merger on your behalf and contact you during the merger process and up on completion.

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Subject: Mergers and Acquisitions Internet site