

ORIGINAL

POST OFFICE DRAWER 1657
TALLAHASSEE, FLORIDA 32302

WIGGINS & VILLACORTA, P.A.
ATTORNEYS AT LAW
2145 DELTA BOULEVARD, SUITE 200
TALLAHASSEE, FLORIDA 32303

TELEPHONE (850) 385-6007
FACSIMILE (850) 385-6008
INTERNET: wiggvill@netally.com

April 8, 1998

Mr. Charlie Pellegrini
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

971478
980184

Re: Consolidated Complaints of WorldCom, TCG, MCImetro, and
Intermedia Against BellSouth Telecommunications, Inc. and
Request for Immediate Relief

Dear Charlie:

During the staff issue identification workshop on April 3, 1998, the parties agreed to the issue of whether under the specific interconnection agreements, the companies are required to compensate each other for transport and termination of traffic to Internet Service Providers (ISPs), and if so, what action, if any should be taken. The parties, however, did not agree to the proposed issues of BellSouth Telecommunications, Inc. (BellSouth).

Intermedia Communications Inc. (Intermedia) asserts that the only relevant, material issue to the proceeding is the issue established by staff. The dispute is strictly one of contract interpretation. Intermedia's comments regarding BellSouth's proposed issues are set forth below:

- ACK BellSouth's Proposed
- AFA Issue 1: Describe the type of traffic in dispute.
- APP Issue 1(A): What is the jurisdictional nature of such traffic?
- CAF
- CMU Intermedia's Position: BellSouth's Proposed Issues 1 and 1(A) are merely informational issues, and the Commission need not vote on these issues to resolve the dispute. Moreover, these issues are subsumed in Staff Issue 1, and the parties may address this information in that issue if they believe it is necessary to do so.
- CTR
- EAG
- LEG
- LIN
- OPC
- RCH BellSouth's Proposed
- SEC Issue 5: In their interconnection agreement, did Intermedia Communications Inc. and BellSouth Telecommunications, Inc. mutually intend to treat this type of traffic as local traffic
- WAS

04061 APR-88
FPSC-RECORDS/REPORTING

Mr. Charlie Pellegrini
April 8, 1998
Page 2

for the purposes of reciprocal compensation?

Issue 5(A): If Intermedia Communications Inc. and BellSouth Telecommunications Inc. did not mutually intend to treat this type of traffic as local traffic for purposes of reciprocal compensation, can BellSouth Telecommunications, Inc., be required to pay reciprocal compensation for that traffic?

Intermedia's Position: Intermedia objects to the inclusion of BellSouth's Proposed Issues 5 and 5(A). If BellSouth's position is that the matters contemplated by proposed Issues 5 and 5(A) are important to the proper interpretation of the contract provision, then evidence of these matters can be addressed under Staff Issue 1.

BellSouth's Proposed

Issue 6: Is the payment of reciprocal compensation for this type of traffic in the public interest?

Intermedia's Position: Intermedia objects to inclusion of BellSouth's Proposed Issue 6, because the issue is irrelevant to the resolution of this contract dispute. To the extent that BellSouth wishes to place into the record evidence somehow related to public interest concerns, that evidence can be addressed in Staff Issue 1.

Staff also includes Intermedia Proposed Issues 1 and 2 on the list of issues. Intermedia seeks to include these issues only if BellSouth's Proposed Issues 5 and 5(A) are issues in this proceeding.

Sincerely,



Donna L. Canzano

cc: Blanca Bayo (for Docket file)
Nancy White
Rick Melson
Floyd Self
Ken Hoffman

donna\010\ispltr.fl