

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

OCTOBER 7, 2003

RE: Docket No. 020129-TP - Joint petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement tariff filed by BellSouth Telecommunications, Inc. (Issues deferred from February 18, 2003 conference.)

ISSUE 8: What is the impact, if any, of BellSouth's CCS7 Access Arrangement Tariff on subscribers? Does such impact, if any, affect whether BellSouth's CCS7 Access Arrangement Tariff should remain in effect? RECOMMENDATION: Staff recommends that the evidence supports a finding that BellSouth's CCS7 Access Arrangement Tariff would unnecessarily and unreasonably increase costs for competitive carriers that provision their own SS7 networks by requiring that they invest in a system simply to reciprocal bill BellSouth. Staff notes that the Commission determined that CLECs are precluded from providing access in BellSouth's territory for themselves or any other entity where interconnection trunks are employed with BellSouth. Therefore, carriers are practically forced to interconnect with BellSouth's SS7 network. Further, by imposing unnecessary costs and,

DEFERRED

COMMISSIONERS ASSIGNED: Jaber, Deason, Baez, Bradley

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

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in effect, unduly discriminating against carriers that provide their own SS7 networks, staff believes that the tariff violates Sections 364.01(4) and 364.10(1), Florida Statutes. Staff believes these impacts should be considered in determining whether BellSouth's tariff should remain in effect.

ISSUE 10: Should BellSouth's CCS7 Access Arrangement Tariff remain in effect? If not, what action(s) should the Florida Public Service Commission take?

RECOMMENDATION: Staff recommends that the evidence supports a finding that BellSouth's CCS7 Access Arrangement tariff should be canceled. BellSouth should be ordered to refund, on a customer-specific basis, any net increase resulting from applying the present tariff as compared to a revenue-neutral tariff, in which the CCS7 rates would be adjusted and the application of those rates would be limited to carriers that do not have their own SS7 networks. BellSouth should be required to submit a refund plan within 30 days of the Final Order from this recommendation for staff review.

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ISSUE 11: If the tariff is to be withdrawn, what alternatives, if any, are available to BellSouth to establish a charge for non-local CCS7 access service pursuant to Florida law?

RECOMMENDATION: Given the limited nature of the record, staff believes there is insufficient support for a Commission decision. However, if the parties to this docket wish to explore alternatives, staff believes an informal staff workshop could be held for this purpose.

ISSUE 12: Should the docket be closed?

RECOMMENDATION: If the Commission approves staff's recommendation on Issue 10, then the docket should remain open to address the refunds. BellSouth should be required to submit a refund plan within 30 days of the Final Order from this recommendation for staff review. If BellSouth satisfactorily completes the refunds in accordance with its plan, this docket should be closed administratively. However, if the Commission denies staff's recommendation on Issue 10, then the docket should be closed upon expiration of the appeals period.