

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: April 17, 2000

TO: Mary Andrews Bane, Deputy Executive Director/Technical

FROM: Kay E. Flynn, Chief of Records, Division of Records & Reporting

RE: Docket No. 971140-TP - Motions of AT&T and MCI to compel BellSouth to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth pursuant to their agreement.

EPSC, CLK - CORRESPONDENCE
✓ Administrative Parties Consumer
DOCUMENT NO. 14249.04
DISTRIBUTION: _____

BellSouth Telecommunications, Inc. has filed a complaint concerning the final order in this docket with the U.S. District Court. I am preparing the record for transmittal to the Court, and will need to copy four confidential documents, described as

02347-98 - Staff audit workpapers, Volume II of IV for audit of AT&T (Audit Control No. 98-012-4-1),

02348-98 - Staff audit workpapers, Volume III of IV for audit of AT&T (Audit Control No. 98-012-4-1),

02349-98 - Staff audit workpapers, Volume IV of IV for audit of AT&T (Audit Control No. 98-012-4-1), and

03025-98 - BellSouth's filing of certain portions of staff's audit of Loop & Port Combinations dated 2/16/98,

to include with the record. Your permission is requested for the copying of these confidential documents.

cc: Blanca S. Bayó
David Smith

OK
MMB
4/17/00

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

November 12, 1999

Debbie Causseaux, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

✓ FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 14249-04
DISTRIBUTION: _____

**Re: BellSouth Telecommunications, Inc. vs. Florida Public Service Commission
(Docket No. 971140-TP)**

Dear Ms. Causseaux:

Enclosed is a certified copy of a Notice of Appeal, filed in this office on November 10, 1999, on behalf of BellSouth Telecommunications, Inc. Also enclosed are copies of Orders Nos. PSC-98-0810-FOF-TP, PSC-98-1271-FOF-TP, and PSC-99-1989-FOF-TP, the orders on appeal.

It is our understanding that the index is due to be served on the parties to this proceeding on or before December 30, 1999.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Jeffrey W. Blacher
David E. Smith
Other Parties of Record

M E M O R A N D U M

NOVEMBER 12, 1999

TO: DAVID SMITH, DIVISION OF APPEALS

FROM: DAVID E. SMITH, DIRECTOR OF APPEALS *DES*

RE: DOCKET NO. 971140-TP - BELLSOUTH
TELECOMMUNICATIONS, INC. v. FLORIDA PUBLIC SERVICE
COMMISSION
FLORIDA SUPREME COURT CASE NO: 97,010

RECEIVED-FPSC
99 NOV 17 PM 4:08
RECORDS AND
REPORTING

The above appeal has been assigned to you. The Notice of Administrative Appeal was filed on November 9, 1999. The case schedule is as follows:

<u>Date</u>	<u>Item</u>
From day of filing:	
<u>DEC. 15, 1999</u>	Draft of Index of Record from Records and Reporting to Appeals attorney.
<u>DEC. 29, 1999</u>	Index of Record served on parties.
<u>JAN. 08, 1999</u>	Copy of Record to Appeals.
<u>JAN. 18, 1999</u>	Appellant's Initial Brief Due.
<u>FEB. 02, 1999</u>	Draft Commission Answer Brief Due.
<u>FEB. 07, 1999</u>	Commission's Answer Brief Due.
<u>FEB. 27, 1999</u>	Appellant's Reply Brief Due.

cc: Kay Flynn
Mary Diskerud
Wanda Terrell
Cathy Bedell
Noreen Davis

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

April 28, 2000

Jon W. Zeder, Esquire
Adorno and Zeder
2601 South Bayshore Drive, Suite 1600
Miami, Florida 33133

**Re: U.S. District Court Case No. 4:99CV448-WS BellSouth Telecommunications, Inc.
vs. AT&T Communications of the Southern States, Inc., et al. (Docket No. 971140-TP)**

Dear Mr. Zeder:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: 04/28/00

To: Jon W. Zeder, Esquire
Adorno and Zeder
2601 South Bayshore Drive
Suite 1600
Miami, Florida 33133

Date Paid _____

Amount Paid _____

Check # _____

☐ Check ☐ Cash

PSC Signature _____

6698

This number must appear on
all checks or correspondence
regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
5499	Copying and preparation of Docket No. 971140-TP on appeal to U.S. District Court, Case No. 4:99CV448-WS	@.05¢ per page	\$274.95
1	Certificate of Director	@\$4.00	\$ 4.00
TOTAL			\$278.95

PSC/RAR-8 Rev. 11/94

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

April 28, 2000

Jon W. Zeder, Esquire
Adorno and Zeder
2601 South Bayshore Drive, Suite 1600
Miami, Florida 33133

**Re: U.S. District Court Case No. 4:99CV448-WS - BellSouth Telecommunications vs.
AT&T Communications of the Southern States, Inc., et al. (Docket No. 971140-TP)**

Dear Mr. Zeder:

Enclosed is a revised page seven to the index to the above-referenced docket on appeal.

Please call if you have any questions concerning this revision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

mhl/kf
Enclosure

cc: Richard D. Melson, Esquire
Tracy Hatch, Esquire
David Smith, Esquire

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

April 24, 2000

Jon W. Zeder, Esquire
Adorno and Zeder
2601 South Bayshore Drive, Suite 1600
Miami, Florida 33133

Re: U.S. District Court Case No. 4:99CV448-WS - BellSouth Telecommunications vs. AT&T Communications of the Southern States, Inc., et al. (Docket No. 971140-TP)

Dear Mr. Zeder:

Enclosed is an index to the above-referenced docket on appeal. Please look the index over and let me know if you have any questions concerning the contents of the record. It should be noted that page 7 of the index includes a listing of four confidential documents that will be copied and submitted to the Court in a sealed envelope marked "confidential." It will be the responsibility of BellSouth Telecommunications, Inc. or its attorney to request continued treatment of the material as confidential by the Court.

The record will be filed in U.S. District Court by April 28, 2000.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

mhl/kf

Enclosure

cc: Richard D. Melson, Esquire
Tracy Hatch, Esquire
David Smith, Esquire

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
CASE NO. 4:99CV448-WS
BellSouth Telecommunications, Inc.**

vs.

**AT&T Communications of the Southern States, Inc.,
MCI WorldCom Network Services, Inc., f/k/a
MCI Telecommunications Corporation
and
the Florida Public Service Commission
DOCKET NO. 971140-TP**

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**DOCUMENTS SUBMITTED IN SEALED
ENVELOPE, MARKED "CONFIDENTIAL"**

- 02347-98 - Commission staff audit workpapers, Volume II of IV for audit of AT&T (Audit Control No. 98-012-4-1)
- 02348-98 - Commission staff audit workpapers, Volume III of IV for audit of AT&T (Audit Control No. 98-012-4-1)
- 02349-98 - Commission staff audit workpapers, Volume IV of IV for audit of AT&T (Audit Control No. 98-012-4-1)
- 03025-98 - BellSouth's filing of certain portions of staff's audit of Loop & Port Combinations dated 2/16/98

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

April 28, 2000

Robert A. Mossing, Clerk
United States District Court
United States Courthouse
110 East Park Avenue
Room 122
Tallahassee, Florida 32301-7795

Re: U.S District Court Case No. 4:99CV448-WS - BellSouth Telecommunications vs. AT&T Communications of the Southern States, Inc., et al. (Docket No. 971140-TP)

Dear Mr. Mossing:

The record in the above-referenced case, consisting of seven binders, six volumes of hearing transcripts, five pouches containing exhibits, and one sealed envelope marked "confidential," is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Counsel for BellSouth Telecommunications should note that the sealed envelope contains a copy of one confidential document (03025-98) that was filed with the Commission. Counsel must file a request with the Court in order for confidentiality of the document to be maintained while in the Court's possession.

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

Attachment

cc: David Smith, Esquire
Jon W. Zeder, Esquire
Richard D. Melson, Esquire
Tracy Hatch, Esquire

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Petition by MCI Metro Access Transmission Services, Inc.. to set non-recurring charges for combination of network elements with BellSouth Telecommunications, Inc.

Company: BellSouth Telecommunications, Inc.
MCI Metro Access Transmission Services, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("()") indicates OPR)

ADM AFA APP CAF (CMU) EAG GCL LEG RAR RRR WAW
 _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff

Staff Counsel

OCRs ()

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Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: _____

Initials: OPR _____
 Staff Counsel _____

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level**

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Due Dates

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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	KS	GR		

- Prehearing Officer

Commissioners						ADM
JN	DS	CL	KS	GR		

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____

Date: ____/____/____

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Petition by MCI Metro Access Transmission Services, Inc., to set non-recurring charges for combination of network elements with BellSouth Telecommunications, Inc.

Company: BellSouth Telecommunications, Inc.
MCI Metro Access Transmission Services, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____ ADM _____ AFA _____ APP _____ CAF _____ (CMU) X _____ EAG _____ GCL _____ LEG X _____ RAR _____ RRR _____ WAW _____
 ("() " indicates OPR)

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff M Sirianni

Staff Counsel C Pellegrini

OCRs () _____

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

Due Dates

Previous Current

1. Issue Identification	NONE	10/02/1997
2. Revised CASR Due	NONE	11/03/1997
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Recommended assignments for hearing
 and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 09/26/1997

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	KS	GR		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	KS	GR	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

Approved: 8/9/97Date: 09/29/1997

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Petition by MCI Metro Access Transmission Services, Inc., to set non-recurring charges for combination of network elements with BellSouth Telecommunications, Inc.

Company: BellSouth Telecommunications, Inc.
MCI Metro Access Transmission Services, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____

Expiration: _____

Referred to:
 ("() " indicates OPR)

ADM AFA APP CAF (CMU) EAG GCL LEG RAR RRR WAW
 _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff M Sirianni

Staff Counsel C Pellegrini

OCRs () _____

() _____

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

Due Dates

Previous Current

1. Testimony - All	11/10/1997	11/13/1997
2. Testimony - Rebuttal All	SAME	12/09/1997
3. Prehearing Statements	SAME	12/09/1997
4. Notice of Prehearing and Hearing	SAME	01/07/1998
5. Prehearing	SAME	01/14/1998
6. Prehearing Transcripts Due	SAME	01/22/1998
7. Hearing 1/26-28/97	SAME	01/26/1998
8. Hearing Transcripts Due	SAME	02/10/1998
9. Briefs Due	02/17/1998	03/03/1998
10. Staff Recommendation	SAME	03/26/1998
11. Agenda - Regular	SAME	04/07/1998
12. Standard Order	SAME	04/27/1998
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Recommended assignments for hearing
 and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 10/27/1997

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	KS	GR		
X							

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	KS	GR	
		X			

Approved: 7/12Date: 10/27/1997

C

Case Scheduling/Rescheduling Advice

12/12/1997

To:

<input checked="" type="checkbox"/>	Commissioner Deason
<input checked="" type="checkbox"/>	Commissioner Clark
<input checked="" type="checkbox"/>	Commissioner Kiesling
<input checked="" type="checkbox"/>	Commissioner Garcia
<input checked="" type="checkbox"/>	Executive Director
<input checked="" type="checkbox"/>	Public Information Officer

<input checked="" type="checkbox"/>	Deputy Ex. Director/Technical
<input checked="" type="checkbox"/>	Appeals Director
<input checked="" type="checkbox"/>	Legal Director
<input checked="" type="checkbox"/>	Auditing & Financial Analysis Director
<input checked="" type="checkbox"/>	Communications Director
<input checked="" type="checkbox"/>	Consumer Affairs Director

<input type="checkbox"/>	Electric & Gas Director
<input checked="" type="checkbox"/>	Records & Reporting Director
<input checked="" type="checkbox"/>	Research Director
<input type="checkbox"/>	Water & Wastewater Director
<input checked="" type="checkbox"/>	Court Reporter
<input checked="" type="checkbox"/>	Staff Contact - C Pellegrini

From: Office of Chairman Julia L. Johnson

Docket No. 971140-TP

RECEIVED

DEC 17 1997

FPSC - Records/Reporting

Title: Petition by MCI Metro Access
Transmission Services, Inc., to set
non-recurring charges for combination of
network elements with BellSouth ...

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		02/10/1998	Tallahassee,148	13:00-17:00
Hearing		02/24/1998	Tallahassee,148	09:30-18:00

Remarks: Docket(s): 971140, 960846,960833,960757
Scheduled from item #12 on 12/02/97 agenda.

2. Hearing/Prehearing Assignment Information:

Former Assignments

Hearing

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	KS	GR		

New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	KS	GR		
X							

Prehearing
Officer

Commissioners					
JN	DS	CL	KS	GR	ADM

Commissioners					
JN	DS	CL	KS	GR	ADM
		X			

Remarks:

Document ID is 97114001.CCS

PSC/NAN 8 (07/97)

FORM KEY IS 121297144214

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Petition by MCI Metro Access Transmission Services, Inc., to set non-recurring charges for combination of network elements with BellSouth Telecommunications, Inc.

Company: BellSouth Telecommunications, Inc.
MCI Metro Access Transmission Services, Inc.

Official Filing Date: _____
 Last Day to Suspend: _____

Expiration: _____

Referred to:
 ("()") indicates OPR)

ADM AFA APP CAF (CMU) EAG GCL LEG RAR RRR WAW
 _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff W Stavanja, V CordianoStaff Counsel C Pellegrini

OCRs () _____

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Recommended assignments for hearing
 and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 01/06/1998

Initials: OPR _____
 Staff Counsel _____

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

Due Dates

Previous Current

1. Testimony - All	11/13/1997	01/16/1998
2. Notice of Prehearing and Hearing	SAME	02/03/1998
3. Testimony - Rebuttal All	12/09/1997	02/05/1998
4. Prehearing Statements	12/09/1997	02/05/1998
5. Prehearing	01/14/1998	02/10/1998
6. Prehearing Transcript Due	01/22/1998	02/20/1998
7. Hearing	01/26/1998	02/24/1998
8. Hearing Transcript Due	02/10/1998	03/09/1998
9. Briefs Due	03/03/1998	03/17/1998
10. Staff Recommendation	03/26/1998	04/09/1998
11. Agenda - Regular	04/07/1998	04/21/1998
12. Standard Order	04/27/1998	05/11/1998
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
		X			

Approved: g/mDate: 01/06/1998

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Motions of AT&T Communications of the Southern States, Inc. and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc. pursuant to their agreement.

Company: AT&T (AT&T Communications of the Southern States, Inc. BellSouth Telecommunications, Inc. MCI Metro Access Transmission Services, Inc. MCI Telecommunications Corporation)

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("()" indicates OPR)

ADM AFA APP CAF (CMU) EAG GCL LEG RAR RRR WAW
 _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff W Stavanja, V CordianoStaff Counsel C Pellegrini

OCRs () _____

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Recommended assignments for hearing
 and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 01/06/1998

Initials: OPR _____
 Staff Counsel _____

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

2

Due Dates

Previous Current

1. Testimony - All	11/13/1997	01/16/1998
2. Notice of Prehearing and Hearing	SAME	02/03/1998
3. Testimony - Rebuttal All	12/09/1997	02/05/1998
4. Prehearing Statements	12/09/1997	02/05/1998
5. Prehearing	02/10/1998	02/09/1998
6. Prehearing Transcript Due	01/22/1998	02/20/1998
7. Hearing	01/26/1998	02/24/1998
8. Hearing Transcript Due	02/10/1998	03/09/1998
9. Briefs Due	03/03/1998	03/17/1998
10. Staff Recommendation	03/26/1998	04/09/1998
11. Agenda - Regular	04/07/1998	04/21/1998
12. Standard Order	04/27/1998	05/11/1998
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
		X			

Approved: gg/mDate: 01/12/1998

CSRA

C

Case Scheduling/Rescheduling Advice

01/09/1998

To: <input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Garcia <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Ex. Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input checked="" type="checkbox"/> Communications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> Research Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - C Pellegrini
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From: Office of Chairman Julia L. Johnson

Docket No. 971140-TP

RECEIVED

JAN 14 1998

Title: Motions of AT&T Communications of the
 Southern States, Inc. and MCI
 Telecommunications Corporation and MCI
 Metro Access Transmission Services, Inc.

FPSC - Records/Reporting

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	02/10/1998	02/09/1998	Tallahassee,148	13:00-17:00
Hearing		02/24/1998	Tallahassee,148	09:30-18:00

Remarks: Docket(s): 971140,960846,960833,960757

Moved to accomodate 813 hearing on 2/10/98

2. Hearing/Prehearing Assignment Information:

Former Assignments

Hearing

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		

New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

Prehearing Officer

Commissioners					
JN	DS	CL	GR	JC	ADM

Commissioners					
JN	DS	CL	GR	JC	ADM
		X			

Remarks:

Document ID is 97114002.CCS

PSC/NAN 8 (01/98)

FORM KEY IS 121297144214

Case Scheduling/Rescheduling Advice

01/15/1998

To:

<input checked="" type="checkbox"/>	Commissioner Deason	<input checked="" type="checkbox"/>	Deputy Ex. Director/Technical	<input type="checkbox"/>	Electric & Gas Director
<input checked="" type="checkbox"/>	Commissioner Clark	<input checked="" type="checkbox"/>	Appeals Director	<input checked="" type="checkbox"/>	Records & Reporting Director
<input checked="" type="checkbox"/>	Commissioner Garcia	<input checked="" type="checkbox"/>	Legal Director	<input checked="" type="checkbox"/>	Research Director
<input checked="" type="checkbox"/>	Commissioner Jacobs	<input checked="" type="checkbox"/>	Auditing & Financial Analysis Director	<input type="checkbox"/>	Water & Wastewater Director
<input checked="" type="checkbox"/>	Executive Director	<input checked="" type="checkbox"/>	Communications Director	<input checked="" type="checkbox"/>	Court Reporter
<input checked="" type="checkbox"/>	Public Information Officer	<input checked="" type="checkbox"/>	Consumer Affairs Director	<input checked="" type="checkbox"/>	Staff Contact - C Pellegrini

From: Office of Chairman Julia L. Johnson

Docket No. 971140-TP

RECEIVED

JAN 15 1998

Title: Motions of AT&T Communications of the Southern States, Inc. and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc.

FPSC - Records/Reporting

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	02/09/98	02/27/1998*	Tallahassee, 152	13:00-17:00
Hearing	02/24/1998	3/09/1998**	Tallahassee, 148	10:30-18:00
Special Agenda		05/01/1998	Tallahassee, 148	09:30-17:00

Remarks: Docket(s): 971140,960846,960833,960757

*PREHEARING WILL BE HELD AT 9:30 ON 2/27/98 IF FUEL ADJUSTMENT IS COMPLETED ON 2/26/98, AT THE CONCLUSION OF THE FUEL ADJUSTMENT HEARING ON 2/27/98 OR AS STATED ABOVE.

**AFTER INTERNAL AFFAIRS

2. Hearing/Prehearing Assignment Information:

Former Assignments

Hearing

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		

Prehearing
Officer

Commissioners					
JN	DS	CL	GR	JC	ADM
		X			

Commissioners					
JN	DS	CL	GR	JC	ADM

Remarks:

Document ID is 97114003.CCS

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Motions of AT&T Communications of the Southern States, Inc. and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc. pursuant to their agreement.

Company: AT&T (AT&T Communications of the Southern States, BellSouth Telecommunications, Inc. MCI Metro Access Transmission Services, Inc. MCI Telecommunications Corporation)

Official Filing Date: _____
Last Day to Suspend: _____ Expiration: _____

Referred to: _____
("()" indicates OPR)

ADM AFA APP CAF (CMU) EAG GCL LEG RAR RRR WAW
_____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff W Stavanja, V CordianoStaff Counsel C PellegriniOCRs (AFA) K Welch

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
IT IS TENTATIVE AND SUBJECT TO REVISION.**

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
Current CASR revision level

Due Dates

Previous Current

1. Testimony - All (Except Staff)	01/16/1998	01/29/1998
2. Testimony - Staff	NONE	02/10/1998
3. Notice of Prehearing and Hearing	02/03/1998	02/16/1998
4. Testimony - Rebuttal All	02/05/1998	02/20/1998
5. Prehearing Statements	02/05/1998	02/20/1998
6. Prehearing	02/09/1998	02/27/1998
7. Prehearing Transcript Due	02/20/1998	03/02/1998
8. Hearing	02/24/1998	03/09/1998
9. Hearing Transcript Due	03/09/1998	03/10/1998
10. Briefs Due	03/17/1998	03/23/1998
11. Staff Recommendation	04/09/1998	04/22/1998
12. Special Agenda	04/21/1998	05/01/1998
13. Standard Order	05/11/1998	05/21/1998
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Recommended assignments for hearing
and/or deciding this case:

Full Commission X Commission Panel _____
Hearing Examiner _____ Staff _____

Date filed with RAR: 01/16/1998

Initials: OPR _____
Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

CSRA

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman;
the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is
assigned the full Commission decides the case.

Approved: 7/1/98Date: 01/16/1998

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Motions of AT&T Communications of the Southern States, Inc. and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc. pursuant to their agreement.

Company: AT&T (AT&T Communications of the Southern States, BellSouth Telecommunications, Inc. MCI Metro Access Transmission Services, Inc. MCI Telecommunications Corporation)

Official Filing Date: _____
Last Day to Suspend: _____ Expiration: _____

Referred to: _____
("()" indicates OPR) _____

ADM AFA APP CAF (CMU) EAG GCL LEG RAR RRR WAW
_____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff W Stavanja, V CordianoStaff Counsel C PellegriniOCRs (AFA) K Welch

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Recommended assignments for hearing
and/or deciding this case:

Full Commission X Commission Panel _____
Hearing Examiner _____ Staff _____

Date filed with RAR: 02/05/1998

Initials: OPR _____
Staff Counsel _____

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
Current CASR revision level

3

Due Dates

Previous Current

1. Notice of Prehearing and Hearing	02/03/1998	02/16/1998
2. Testimony - Staff	NONE	02/17/1998
3. Testimony - Rebuttal All	02/05/1998	02/20/1998
4. Prehearing Statements	02/05/1998	02/20/1998
5. Testimony - Rebuttal to Staff Testimony	NONE	02/23/1998
6. Prehearing	02/09/1998	02/27/1998
7. Prehearing Transcript Due	02/20/1998	03/02/1998
8. Hearing	02/24/1998	03/09/1998
9. Hearing Transcript Due	03/09/1998	03/10/1998
10. Briefs Due	03/17/1998	03/23/1998
11. Staff Recommendation	04/09/1998	04/22/1998
12. Special Agenda	04/21/1998	05/01/1998
13. Standard Order	05/11/1998	05/21/1998
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

Where panels are assigned the senior Commissioner is Panel Chairman;
the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is
assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
		X			

Approved: 99/1Date: 02/05/1998

M E M O R A N D U M

February 18, 1998

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF AUDITING AND FINANCIAL ANALYSIS (VANDIVER) *ON*

RE: DOCKET NO. 971140-TP -- BELL SOUTH TELECOMMUNICATIONS, INC.
AUDIT REPORT - INVESTIGATION
AUDIT CONTROL NO. 98-012-4-1

The above-referenced audit report is forwarded. Audit exceptions document deviations from the Uniform System of Accounts, Commission rule or order, Staff Accounting Bulletin and generally accepted accounting principles. Audit disclosures show information that may influence the decision process.

The audit was prepared using a micro computer and has been recorded on two diskettes (one is confidential). The diskettes may be reviewed using IBM compatible equipment and LOTUS 1-2-3 software. There are confidential working papers associated with this audit.

Please forward a complete copy of this audit report to:

BellSouth Telecommunications, Inc.
Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556

DNV/sp

Attachment

cc: Chairman Johnson
Commissioner Clark
Commissioner Deason
Commissioner Garcia
Commissioner Jacobs
Mary Andrews Bane, Deputy Executive Director/Technical
Legal Services
Division of Auditing and Financial Analysis (Devlin/Causseaux/
File Folder)
Division of Communications (Stavanja)
Miami District Office (Young)

Research and Regulatory Review (Harvey)
Office of Public Counsel

Case Scheduling/Rescheduling Advice

02/23/1998

To:

<input checked="" type="checkbox"/>	Commissioner Deason
<input checked="" type="checkbox"/>	Commissioner Clark
<input checked="" type="checkbox"/>	Commissioner Garcia
<input checked="" type="checkbox"/>	Commissioner Jacobs
<input checked="" type="checkbox"/>	Executive Director
<input checked="" type="checkbox"/>	Public Information Officer

<input checked="" type="checkbox"/>	Deputy Ex. Director/Technical
<input checked="" type="checkbox"/>	Appeals Director
<input checked="" type="checkbox"/>	Legal Director
<input checked="" type="checkbox"/>	Auditing & Financial Analysis Director
<input checked="" type="checkbox"/>	Communications Director
<input checked="" type="checkbox"/>	Consumer Affairs Director

<input type="checkbox"/>	Electric & Gas Director
<input checked="" type="checkbox"/>	Records & Reporting Director
<input checked="" type="checkbox"/>	Research Director
<input type="checkbox"/>	Water & Wastewater Director
<input checked="" type="checkbox"/>	Court Reporter
<input checked="" type="checkbox"/>	Staff Contact - C Pellegrini

From: Office of Chairman Julia L. Johnson

Docket No. 971140-TP

RECEIVED

FEB 24 1998

Title: **Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, ...**

1. Schedule Information

FPSC - Records/Reporting

Event	Former Date	New Date	Location	Time
Prehearing Conference		02/27/1998	Tallahassee, 152	09:30-12:00
Hearing		03/09/1998	Tallahassee, 148	10:30-18:00
Special Agenda		05/01/1998	Tallahassee, 148	09:30-17:00

Remarks: Docket(s): 971140

TIME CHANGE FROM 1:00 PM TO 9:30 AM - SAME DAY

2. Hearing/Prehearing Assignment Information:

Former Assignments

Hearing

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		

Prehearing Officer

Commissioners					
JN	DS	CL	GR	JC	ADM
		X			

Commissioners					
JN	DS	CL	GR	JC	ADM

Remarks:

Document ID is 97114004.CCS

PSC/NAN 8 (01/98)

FORM KEY IS 121297144214

Case Scheduling/Rescheduling Agency

03/10/1998

To:

<input checked="" type="checkbox"/>	Commissioner Deason
<input checked="" type="checkbox"/>	Commissioner Clark
<input checked="" type="checkbox"/>	Commissioner Garcia
<input checked="" type="checkbox"/>	Commissioner Jacobs
<input checked="" type="checkbox"/>	Executive Director
<input checked="" type="checkbox"/>	Public Information Officer

<input checked="" type="checkbox"/>	Deputy Ex. Director/Technical
<input checked="" type="checkbox"/>	Appeals Director
<input checked="" type="checkbox"/>	Legal Director
<input checked="" type="checkbox"/>	Auditing & Financial Analysis Director
<input checked="" type="checkbox"/>	Communications Director
<input checked="" type="checkbox"/>	Consumer Affairs Director

<input type="checkbox"/>	Electric & Gas Director
<input checked="" type="checkbox"/>	Records & Reporting Director
<input checked="" type="checkbox"/>	Research Director
<input type="checkbox"/>	Water & Wastewater Director
<input checked="" type="checkbox"/>	Court Reporter
<input checked="" type="checkbox"/>	Staff Contact - C Pellegrini

From: Office of Chairman Julia L. Johnson

Docket No. 971140-TP

RECEIVED

MAR 10 1998

Title: Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, ...

1. Schedule Information

FPSC - Records/Reporting

Event	Former Date	New Date	Location	Time
Hearing		03/11/1998	Tallahassee,148	09:00-19:00
Hearing		03/12/1998	Tallahassee,148	09:00-19:00

Remarks: Docket(s): 971140

HEARING WAS CONTINUED BY THE CHAIRMAN TO 3/11&12 for all five commissioners

Hearing/Prehearing Assignment Information:

Former Assignments

Hearing

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		

New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

Prehearing Officer

Commissioners					
JN	DS	CL	GR	JC	ADM

Commissioners					
JN	DS	CL	GR	JC	ADM
		X			

Remarks:

Document ID is 97114005.CCS

PSC/NAN 8 (01/98)

FORM KEY IS 031098084953

Case Scheduling/Rescheduling Advice

03/20/1998

To:

<input checked="" type="checkbox"/>	Commissioner Deason	<input checked="" type="checkbox"/>	Deputy Ex. Director/Technical	<input type="checkbox"/>	Electric & Gas Director
<input checked="" type="checkbox"/>	Commissioner Clark	<input checked="" type="checkbox"/>	Appeals Director	<input checked="" type="checkbox"/>	Records & Reporting Director
<input checked="" type="checkbox"/>	Commissioner Garcia	<input checked="" type="checkbox"/>	Legal Director	<input checked="" type="checkbox"/>	Research Director
<input checked="" type="checkbox"/>	Commissioner Jacobs	<input checked="" type="checkbox"/>	Auditing & Financial Analysis Director	<input type="checkbox"/>	Water & Wastewater Director
<input checked="" type="checkbox"/>	Executive Director	<input checked="" type="checkbox"/>	Communications Director	<input checked="" type="checkbox"/>	Court Reporter
<input checked="" type="checkbox"/>	Public Information Officer	<input checked="" type="checkbox"/>	Consumer Affairs Director	<input checked="" type="checkbox"/>	Staff Contact - C Pellegrini

From: Office of Chairman Julia L. Johnson

Docket No. 971140-TP

RECEIVED

APR - 1 1998

Title: Motions of AT&T Communications of the
Southern States, Inc., and MCI
Telecommunications Corporation and MCI
Metro Access Transmission Services, ...

1. Schedule Information

FPSC - Records/Reporting

Event	Former Date	New Date	Location	Time
Special Agenda	05/01/1998	05/14/1998	Tallahassee, 148	09:30-17:00

Remarks: Docket(s): 971140

SPECIAL AGENDA MOVED AT REQUEST OF PREHEARING OFFICER/WITH CHAIRMAN'S APPROVAL

2. Hearing/Prehearing Assignment Information:

Former Assignments

Hearing

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

New or Changed Assignments

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		

Prehearing
Officer

Commissioners					
JN	DS	CL	GR	JC	ADM
		X			

Commissioners					
JN	DS	CL	GR	JC	ADM

Remarks:

Document ID is 97114006.CCS

PSC/NAN 8 (01/98)

FORM KEY IS 121297144214

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc., pursuant to their agreement.

Company: AT&T (AT&T Communications of the Southern States, BellSouth Telecommunications, Inc. MCI Metro Access Transmission Services, Inc. MCI Telecommunications Corporation)

Official Filing Date: _____
Last Day to Suspend: _____ Expiration: _____

Referred to: _____ ADM _____ AFA X APP _____ CAF _____ (CMU) X EAG _____ GCL _____ LEG X RAR _____ RRR _____ WAW _____
("()" indicates OPR)

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff W Stavanja, V Cordiano

Staff Counsel C Pellegrini
OCRs (AFA) K Welch

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
Current CASR revision level

Due Dates

Previous Current

4		
1. Briefs Due	03/23/1998	04/06/1998
2. Staff Recommendation	04/22/1998	05/01/1998
3. Special Agenda	05/01/1998	05/14/1998
4. Standard Order	05/21/1998	06/03/1998
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
Hearing Examiner _____ Staff _____

Date filed with RAR: 03/17/1998

Initials: OPR _____
Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

ASRA

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: *[Signature]*
Date: 03/23/1998

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc., pursuant to their agreement.

Company: AT&T
BellSouth Telecommunications, Inc.
MCI Metro Access Transmission Services, Inc.
MCI Telecommunications Corporation

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____ ADM _____ AFA _____ APP _____ CAF _____ (CMU) _____ EAG _____ GCL _____ LEG _____ RAR _____ RRR _____ WAW _____
 ("()" indicates OPR) _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff W Stavanja, V CordianoStaff Counsel H Ottinot, M BrownOCRs (AFA) K Welch

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Recommended assignments for hearing
 and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 08/03/1998

Initials: OPR _____
 Staff Counsel _____

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

5

Due Dates

Previous Current

1. Staff Recommendation	NONE	08/20/1998
2. Agenda - Regular	NONE	09/01/1998
3. Standard Order	NONE	09/21/1998
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JN	DS	CL	GR	JC		
X							

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	
		X			

Approved: g/lamDate: 08/03/1998

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc., pursuant to their agreement.

Company: AT&T (AT&T Communications of the Southern States, BellSouth Telecommunications, Inc. MCI Metro Access Transmission Services, Inc. MCI Telecommunications Corporation)

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("()") indicates OPR) _____

ADM AFA APP CAF (CMU) EAG GCL LEG RAR RRR WAW
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Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff L King, V Cordiano

Staff Counsel T Watts, M Brown

OCRs (AFA) K Welch

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

Due Dates

Previous Current

1. Staff Recommendation	NONE	06/17/1999
2. Agenda - Regular	NONE	06/29/1999
3. Standard Order	NONE	07/19/1999
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Recommended assignments for hearing
 and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 04/26/1999

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		
X							

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

Approved: *[Signature]*Date: 04/26/1999

Section 1 - Division of Records and Reporting (RAR) Completes

Official Filing Date: _____

Referred to:

("()" indicates OPR)

ADM	AFA	APP	CAF	(CMU)	EAG	GCL	LEG	RAR	RRR	WAW
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Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff L King, V Cordiano

Staff Counsel T Watts, M Brown

OCRs (AFA) K Welch

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Recommended assignments for hearing
and/or deciding this case:

Full Commission X Commission Panel _____
Hearing Examiner Staff

Date filed with RAR: 06/10/1999

Initials: OPR _____
Staff Counsel _____

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
Current CASR revision level

Current CASR revision level

Due Dates

Previous	Current
1	2
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11	12
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| 1. | Staff Recommendation | 06/17/1999 | 07/15/1999 |
| 2. | Agenda - Regular | 06/29/1999 | 07/27/1999 |
| 3. | Standard Order | 07/19/1999 | 08/16/1999 |
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		
X							

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved:

Date: 06/29/1999

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc., pursuant to their agreement.

Company: AT&T (AT&T Communications of the Southern States, BellSouth Telecommunications, Inc. MCI Metro Access Transmission Services, Inc. MCI Telecommunications Corporation)

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: _____
 ("()") indicates OPR) _____

ADM AFA APP CAF (CMU) EAG GCL LEG RAR PAI WAW
 _____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff L King, V Cordiano

Staff Counsel T Watts, M Brown

OCRs (AFA) K Welch

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level

Due Dates

Previous Current

1. Staff Recommendation	07/15/1999	08/05/1999
2. Agenda - Regular	07/27/1999	08/17/1999
3. Standard Order	08/16/1999	09/07/1999
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Recommended assignments for hearing
 and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 07/15/1999

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		
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Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	
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Approved: 4/JanDate: Pending 7/20/99

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP

Date Docketed: 08/28/1997

Title: Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc., pursuant to their agreement.

Company: AT&T (AT&T Communications of the Southern States, BellSouth Telecommunications, Inc.
MCI Metro Access Transmission Services, Inc.
MCI Telecommunications Corporation

Official Filing Date: _____

Last Day to Suspend: _____

Expiration: _____

Referred to:
("()") indicates OPR)

ADM AFA APP CAF (CMU) EAG GCL LEG RAR PAI WAW
X X X

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff L King, V Cordiano

Staff Counsel T Watts, M Brown

OCRs (AFA) K Welch

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Recommended assignments for hearing
and/or deciding this case:

Full Commission X Commission Panel _____
Hearing Examiner _____ Staff _____

Date filed with RAR: 08/05/1999

Initials: OPR _____
Staff Counsel _____

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
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FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
Current CASR revision level

10

Due Dates

Previous Current

1. Staff Recommendation	08/05/1999	08/19/1999
2. Agenda - Regular	08/17/1999	08/31/1999
3. Standard Order	09/07/1999	09/20/1999
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		
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Where panels are assigned the senior Commissioner is Panel Chairman;
the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is
assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	
		X			

Approved: 

Date: Pending 8/16/99

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 971140-TP Date Docketed: 08/28/1997 Title: Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., to compel BellSouth Telecommunications, Inc. to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc., pursuant to their agreement.

Company: AT&T (AT&T Communications of the Southern States, BellSouth Telecommunications, Inc. MCI Metro Access Transmission Services, Inc. MCI Telecommunications Corporation)

Official Filing Date: _____
Last Day to Suspend: _____ Expiration: _____

Referred to: _____
("()" indicates OPR)

ADM AFA APP CAF (CMU) EAG GCL LEG RAR PAI WAW
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Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff L King

Staff Counsel D Clemons, C Bedell

OCRs (AFA) K Welch

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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Current CASR revision level

11

Due Dates

Previous Current

1. Staff Recommendation	NONE	01/06/2000
2. Agenda - Regular	NONE	01/18/2000
3. Standard Order	NONE	02/07/2000
4. Close Docket or Revise CASR	10/26/1999	03/01/2000
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
Hearing Examiner _____ Staff _____

Date filed with RAR: 10/14/1999

Initials: OPR _____
Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		
X							

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]

Date: 10/14/1999

Requisition for Photocopying and Mailing

Number of Originals _____ Requested By _____
 Date 10/11/94 Copies Per Original 16

Item Presented _____
 Agenda For (Date) _____ Order No. 99-1985 In Docket No. 971140
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions _____

Number	Distributed/Mailed To	Commission Offices	Docket Mailing List - Mailed	Docket Mailing List - Foxed	Number	Distribution/Mailing	Distribution/Mailed To
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Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification _____

Job Number 119 Verified By Michael

Date and Time Completed 10/13 Job Checked For Correctness and Quality (Initial) "

Mail Room Verification _____

Date Mailed _____ Verified By _____

RECEIVED

OCT 03 1997

2:25

FPSC - Records/Reporting

M E M O R A N D U M

October 3, 1997

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PELLEGRINI) *CFMKB*

RE: DOCKET NO. 971140-TP - PETITION BY MCI METRO ACCESS
TRANSMISSION SERVICES, INC. TO SET NON-RECURRING CHARGES
FOR COMBINATION OF NETWORK ELEMENTS WITH BELLSOUTH
TELECOMMUNICATIONS, INC.

DOCKET NO. 960833-TP - PETITION BY AT&T COMMUNICATIONS OF
THE SOUTHERN STATES, INC. FOR ARBITRATION OF TERMS AND
CONDITIONS OF A PROPOSED AGREEMENT WITH BELLSOUTH
TELECOMMUNICATIONS, INC., CONCERNING INTERCONNECTION AND
RESALE UNDER THE TELECOMMUNICATIONS ACT OF 1996

Attached is a NOTICE OF STAFF WORKSHOP to be issued in the
above referenced docket. (Number of pages in Notice - 2)

Please issue this Order today.. Thank you.

CJP/clp
Attachment
cc: Division of Communications
I: 971140N1.cjp

faxed - 24/17
mailed -

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

August 29, 1997

Richard D. Melson, Esquire
Hopping Green Sams & Smith
Post Office Box 6526
Tallahassee, Florida 32314

Re: Docket No. 971140-TP

Dear Mr. Melson:

This will acknowledge receipt of a petition by MCI Metro Access Transmission Services, Inc., to set non-recurring charges for combination of network elements with BellSouth Telecommunications, Inc., which was filed in this office on August 28, 1997 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Division of Records and Reporting
Florida Public Service Commission

ERVIN, VARN, JACOBS & ERVIN

ATTORNEYS AT LAW

305 SOUTH GADSDEN STREET

P.O. DRAWER 1170 (32302)

TALLAHASSEE, FLORIDA 32301

TELEPHONE (850) 224-9135

TELECOPIER (850) 222-9164

THOMAS M. ERVIN, JR.
C. EVERETT BOYD, JR.
MELISSA FLETCHER ALLAMAN
ROBERT M. ERVIN, JR.
J. STANLEY CHAPMAN
DAVID R. WESTCOTT

RECEIVED

SEP 09 1997

FPSC - Records/Reporting

COUNSEL CONSULTANT
ROBERT M. ERVIN

OF COUNSEL
WILFRED C. VARN
JOSEPH C. JACOBS

RICHARD W. ERVIN
MARILEYN K. MORRIS

LEROY COLLINS
(1909-1991)

September 5, 1997

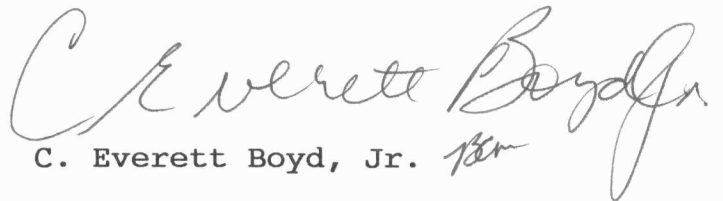
Honorable Blanca S. Bayo
Director - Records and Reporting
Florida Public Service Commission
Room 110
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Docket No. 971140-TP
Petition by MCI Metro Access Transmission
Services, Inc., to set non-recurring charges
for combination of network elements with
BellSouth Telecommunications, Inc.

Dear Ms. Bayo:

Please place my name on the mailing list for the referenced
docket to receive all notices, orders and other communication from
the Commission. Thank you for your assistance.

Sincerely,


C. Everett Boyd, Jr. *CEB*

CEBJr/bc

M E M O R A N D U M

September 25, 1997

RECEIVED

SEP 25 1997
12:17
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PELLEGRINI) *MB*

RE: DOCKET NO. 971140-TP - PETITION BY MCI METRO ACCESS
TRANSMISSION SERVICES, INC. TO SET NON-RECURRING CHARGES
FOR COMBINATION OF NETWORK ELEMENTS WITH BELL SOUTH
TELECOMMUNICATIONS, INC.

Attached is a NOTICE OF STAFF WORKSHOP to be issued in the
above referenced docket. (Number of pages in Notice - 2)

CJP/clp
Attachment
cc: Division of Communications
I: 971140id.cjp

see 1

7/14

Requisition for Photocopying and Mailing

Number of Originals _____ Requested By _____
 Date 9/29/97 Copies Per Original 19

Item Presented _____
 Agenda For (Date) _____ Order No. _____
 Notice of workshop For (Date) 10/2/97 In Docket No. 971140
 Other _____

Special Handling Instructions _____

Distribution/Mailing		Distributed/Mailed To	
Number	Distribution/Mailed To	Commission Offices	Number
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_____	_____	Docket Mailing List - Faxed	(2)

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification _____ Job Number 22
 Date and Time Completed 10-1 Job Checked For Correctness and Quality (Initial) _____
 Mail Room Verification _____ Date Mailed _____
 Verified By _____ Verified By _____

Requisition for Photocopying and Mailing

Number of Originals _____ Requested By _____
 Date 10/8/97 Copies Per Original 19

Item Presented _____
 Agenda For (Date) _____ Order No. _____ In Docket No. _____
 Notice of _____ For (Date) 10/5/97 In Docket No. 9-77114
 Other _____

Special Handling Instructions

Distribution/Mailing _____

Number	Distributed/Mailed To	Number	Distribution/Mailed To
19	Commission Offices		
17	Docket Mailing List - Mailed		
8	Docket Mailing List - Faxed		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification _____

Job Number 85 Verified By Michael
 Date and Time Completed 10/9 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification _____

Date Mailed _____ Verified By _____

From: Kay Flynn
To: Ruth Nettles
Subject: Order 97-1583

CONFIRMED

=====NOTE=====1/07/98==3:12pm==

Ruth, when you file this order, please be sure to place a copy in 971140. We have split that docket out of the consolidated dockets, and the order was part of the reason for the split. Thanks. Kay

P.S. Please print this e-mail and place it in 971140-TP. Thanks.

RECEIVED

FEB 10 1998

3:20
FPSC - Records/Reporting

M E M O R A N D U M

February 10, 1998

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PELLEGRINI) *MCB*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC. AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC. TO COMPEL BELLSOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELLSOUTH TELECOMMUNICATIONS, INC. PURSUANT TO THEIR AGREEMENT.

Attached is a NOTICE OF HEARING AND PREHEARING to be issued in the above referenced docket. (Number of pages in order - 3)

CJP/bm

Attachment

cc: Division of Communications (Stavanja)

I: 971140nh.cjp

ok
ny

72/13

12720
TA 005

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 2/12/98
 Number of Originals 3 Copies Per Original 325
 Requested By Ruth 14
 Item Presented
☒ Agenda For (Date) _____ Order No. _____ In Docket No. _____
☒ Notice of Hearing For (Date) 3/9/98 In Docket No. 971140
 Other 1st 2/27/98 971140

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>25</u>	Commission Offices	<u>--300</u>	<u>Ruth 14</u>
<u>13</u>	Docket Mailing List - Mailed		<u>TA023, TL720</u>
<u>72</u>	Docket Mailing List - Faxed		<u>TA005, TA020</u>

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 141 Verified By W.S.
 Date and Time Completed 2-16 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed 2/16 Verified By A.G.

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

February 19, 1998

BellSouth Telecommunications, Inc.
Ms. Nancy H. Sims, Esquire
150 South Monroe Suite 400
Tallahassee, Florida 32301-1556

Re: Docket No. 971140 - TP - BellSouth Telecommunications, Inc.
Audit Report - Investigation
Audit Control # 98-012-4-1

Dear Ms. Sims:

The enclosed audit report is forwarded for your review. Any company response filed with this office within ten (10) work days of the above date will be forwarded for consideration by the staff analyst in the preparation of a recommendation for this case.

The Division of Records and Reporting is holding the workpapers for which you requested confidential treatment. You have 21 days from the audit exit conference, or March 11, 1998 to file a formal request for Confidential Classification with the Division of Records and Reporting.

Thank you for your cooperation.

Sincerely,

Handwritten signature of Blanca S. Bayo.
Blanca S. Bayo

BSB/cl
Enclosure
cc: Public Counsel
Division of Auditing and Financial Analysis

M E M O R A N D U M

February 17, 1998

RECEIVED

FEB 20 1998

11:00
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PELLEGRINI) *CP MB*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC. AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC. TO COMPEL BELLSOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER NO. PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELLSOUTH TELECOMMUNICATIONS, INC. PURSUANT TO THEIR AGREEMENT.

98-0305-PCD-TP

Attached is an ORDER REVISING ORDER ESTABLISHING PROCEDURE, to be issued in the above referenced docket. (Number of pages in order - 3)

CJP/anr
Attachment
cc: Division of Communications
I: 971140rp.cjp

4 mailed 2/17/98

RECEIVED

M E M O R A N D U M

February 19, 1998

FEB 19 1998

²³⁰
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PELLEGRINI) *G NCB*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC. AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC. TO COMPEL BELLSOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELLSOUTH TELECOMMUNICATIONS, INC. PURSUANT TO THEIR AGREEMENT.

Attached is a AMENDED NOTICE OF HEARING AND PREHEARING to be issued in the above referenced docket. (Number of pages in order - 3)

CJP/anr
Attachment
cc: Division of Communications (Stavanja)
I: 971140an.cjp

See 1

90 Self mailers
TA023
TL720
TA005
TA020

Requisition for Photocopying and Mailing

Number of Originals 3 Requested By Lester
 Date 2/20/98 Copies Per Original 415

Item Presented 971140
 Agenda For (Date) _____ Order No. _____ In Docket No. _____
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing _____

Number	Distributed/Mailed To	Number	Distribution/Mailed To
25	Commission Offices	300	Public Affairs
90	Docket Mailing List - Mailed		TL 7300
	Docket Mailing List - Faxed		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification _____

Job Number 201 Date and Time Completed 2-20
 Verified By 100.5 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification _____

Date Mailed 2/20/98 Verified By 48

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 2 / 21 / 98

Number of Originals 3

Copies Per Original 18

Requested By [Signature]

Item Presented

Agenda For (Date) _____ Order No. 98-0305 In Docket No. 921140

Notice of _____ For (Date) _____ In Docket No. _____

Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>18</u>	Commission Offices	<u>--</u>	
<u>(4)</u>	Docket Mailing List - Mailed <u>BAR</u>		
	Docket Mailing List - Faxed		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 258 Verified By [Signature]

Date and Time Completed 2/25 Job Checked For Correctness and Quality (Initial) "

Mail Room Verification

Date Mailed / Verified By /

Requisition for Photocopying and Mailing

Number of Originals _____ Requested By _____
 Date ____/____/____ Copies Per Original _____
 48

Item Presented _____
 Agenda For (Date) _____ Order No. _____ In Docket No. _____
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing _____

Number	Distributed/Mailed To	Number	Distribution/Mailed To
18	Commission Offices	30	Florida - 30214
(3)	Docket Mailing List - Mailed		Mailed R412
	Docket Mailing List - Faxed		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification _____

Job Number _____ Verified By _____
 Date and Time Completed _____ Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification _____

Date Mailed _____ Verified By _____



Public Service Commission

State of Florida

-M-E-M-O-R-A-N-D-U-M-

DATE: March 4, 1998
TO: Blanca Bayó, Director, Records and Reporting
FROM: Joy Kelly, Chief, Bureau of Reporting
RE: DOCKET NO. 971140-TP, PREHEARING HELD 2-27-98

RE: ATT/MCI MOTIONS TO COMPEL BELLSOUTH TO COMPLY WITH PSC
ORDER 96-1579-FOF-TP

DOCUMENT NO: 02817, 3-3-98

The transcript for the above transcribed hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, AFAD, CMU

Acknowledged by:

mas

JK/pc

PSC/RAR 28 (Rev7/94)

MUST GO TODAY

CJP/anr
Attachment
cc: Division of Communications
I: 971140po.cjp

Attached is a PREHEARING ORDER, to be issued in the above referenced docket. (Number of pages in order - 23)

98-0368-PHO-77

DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC. AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC. TO COMPEL BELLSOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELLSOUTH TELECOMMUNICATIONS, INC. PURSUANT TO THEIR AGREEMENT.

RE:

FROM:

DIVISION OF RECORDS AND REPORTING

TO:

DIVISION OF LEGAL SERVICES (PELLEGRINI)

OK for MCB

March 5, 1998

MEMORANDUM

RECEIVED
MAR 05 1998
FPSC - Records/Reporting

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

A-C-K-N-O-W-L-E-D-G-M-E-N-T

DATE: 03/10/98

TO: Nancy A. White-Eganeri
FROM: D. Schubert, DIVISION OF RECORDS AND REPORTING
RE: ACKNOWLEDGMENT OF RECEIPT OF CONFIDENTIAL FILING

THIS WILL ACKNOWLEDGE RECEIPT OF A *CONFIDENTIAL DOCUMENT*
FILED IN DOCKET NO. 971140-TP OR (IF FILED IN AN UNDOCKETED
MATTER) CONCERNING _____, AND
FILED ON BEHALF OF Bull Smith (GENERAL DESCRIPTION). THE
DOCUMENT WILL BE MAINTAINED IN LOCKED STORAGE.

ANY QUESTIONS REGARDING THIS MATTER SHOULD BE DIRECTED TO
KAY FLYNN AT (850) 413-6744.

PSC/RAR 19 (7/97)

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 13, 1998 TO:
Blanco Bayó, Director, Records and Reporting
FROM: Joy Kelly, Chief, Bureau of Reporting
RE: 971140 Hearing on March 9, 1998

IN RE: AT&T-MCI to compel BellSouth to comply with orders

DOCUMENT NOS. 03136, 03137 and 03138

The transcript for the above-described hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL and COMM

Acknowledged by: *N. Grant*

JK/pc

PSC/RAR 28 (Rev 7/94)

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 17, 1998

TO: Blanco Bayó, Director, Records and Reporting

FROM: Joy Kelly, Chief, Bureau of Reporting

RE: 971140 Hearing on March 11, 1998

IN RE: AT&T-MCI to compel BellSouth to comply with orders

DOCUMENT NOS. 03276, 03277, and 03278

The transcript for the above-described hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL and COMM

Acknowledged by: Mar

JK/pc

PSC/RAR 28 (Rev 7/94)

*Exhibit 1-39
missing 10, 31, 37*

*03276.98.TRN-Vol 1
03277.98.TRN-Vol 2
03278.98.TRN-Vol 3*

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: May 19, 1998

TO: Blanco Bayó, Director, Records and Reporting

FROM: Joy Kelly, Chief, Bureau of Reporting

RE: 971140 Special Agenda Hearing on May 14, 1998

IN RE: AT&T-MCI to compel BellSouth to comply with orders

DOCUMENT NOS. 05549

The transcript for the above-described hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL and COMM

Acknowledged by: ma

JK/pc

PSC/RAR 28 (Rev 7/94)

Donna Canzano McNulty
Senior Attorney
325 John Knox Road, Ste. 105
Tallahassee, FL 32303
Phone: 850-422-1254
Fax: 850-422-2586

Liaison: Donna C. McNulty, Senior Attorney
e-mail: donna.mcnulty@wcom.com
Internet home page: www.mciworldcom.com

WorldCom Technologies, Inc.

Company Code: TA047
Certificate: 4040

971478

Company Code: TJ032
Certificate: 1528

981834

Company Code: TS185
Certificate: 3497

No open Dockets

MCI WorldCom (MCI Telecommunications Corporation d/b/a MCI Telecommunications Corporation and ...)

Company Code: TA020
Certificate: 3996

971140

Company Code: TI731
Certificate: 61

960980, 980435, 961230

Company Code: TE644
Certificate: 3080

No open Dockets

MCImetro Access Transmission Services LLC

Company Code: TA005
Certificate: 2986

960980, 961230, 971140, 980281, 980499
981121, 981834

Southernnet Systems, Inc.

Company Code: TI907
Certificate: 126

no open Dockets

Telecom*USA or Teleconnect (Southernnet, Inc., d/b/a)

Company Code: TI906
Certificate: 47

No open Dockets

Telecom*USA, Inc. (Southernnet, Inc. d/b/a)

DOCKET NOS. for Rhonda Merritt/ AT&T/ FAX 850-425-6361

✓ 920260
✓ 950737
✓ 950984
✓ 950985
✓ 960100
✓ 960786
~~990694~~
~~990694~~
~~990675~~
✓ 990649
✓ 990546
960833 - closed
✓ 971140
✓ 971492
980000B-SP - closed
✓ 980253
✓ 980498
✓ 981834
✓ 982015
990393 - closed
✓ 990520 - ~~closed~~ closed
✓ 990546
✓ 990373
950778 - closed
~~971629~~
~~980435~~
✓ 980569
~~980986~~
✓ 981444
~~990137~~
✓ 990206
990223 - closed
~~990235~~
~~990310~~
✓ 990342
~~990362~~
✓ 990375
~~990433~~
~~990456~~
~~990452~~
~~990517~~
~~990521~~
~~990562~~

Done 6/04/99

M E M O R A N D U M

June 12, 1998

RECEIVED

JUN 12 1998

3:35
FPSC Records/Reporting

Called by leg/Pellegrini

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PELLEGRINI) *Q MB*

RE: DOCKET NO. 971140-TP - Motions of AT&T Communications of the Southern States, Inc., and MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc., to compel BellSouth Telecommunications, Inc., to Comply with Order No. PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth Telecommunications, Inc., pursuant to their agreement.

98-0810-FOF-TP

Attached is a FINAL ORDER RESOLVING INTERCONNECTION AGREEMENT DISPUTES, ADDRESSING RETAIL SERVICE COMPOSITION, AND SETTING NON-RECURRING CHARGES, to be issued in the above referenced docket. (Number of pages in order - 70)

CJP/slh
Attachment
cc: Division of Communications
I:971140o1.cjp

See 1

Requisition for Photocopying and Mailing

Number of Originals _____

Requested By _____

Item Presented _____

Agenda For (Date) _____

Order No. _____

98-0810

In Docket No. _____

971140

Notice of _____

For (Date) _____

In Docket No. _____

Other _____

Special Handling Instructions _____

Distribution/Mailing _____

Number _____

Distributed/Mailed To _____

Commission Offices _____

Docket Mailing List - Mailed _____

Docket Mailing List - Foxed _____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification _____

Job Number _____

Date and Time Completed _____

Verified By _____

Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification _____

Date Mailed _____

Verified By _____

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 9 / 28 / 98
 Number of Originals 11 Copies Per Original 17
 Requested By Butch

Item Presented
 Agenda For (Date) _____ Order No. 98-1271 In Docket No. 971140
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>12</u>	Commission Offices	<u>--</u>	
<u>15</u>	Docket Mailing List - Mailed <u>EAR</u>		
	Docket Mailing List - Faxed		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 189 Verified By W.S.
 Date and Time Completed 9-30 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____ Verified By _____

M E M O R A N D U M

September 22, 1998

RECEIVED-FPSC

98 SEP 22 PM 1:12

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (OTTINOT) *26 MCB*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC., AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC., TO COMPEL BELLSOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELLSOUTH TELECOMMUNICATIONS, INC., PURSUANT TO THEIR AGREEMENT.

PSC-98-1271-FOF-TP

Attached is an ORDER GRANTING MOTION FOR EXTENSION OF TIME AND DENYING MOTION FOR RECONSIDERATION, to be issued in the above-referenced docket. (Number of pages in order - 11)

HO/anr

Attachment

cc: Division of Communications

I: 971140or.ho

*mailed 26.
RTH.
9/25/98*

M E M O R A N D U M

November 23, 1998

RECEIVED-FPSC

98 NOV 23 PM 4:49

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW MCB*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC., AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC., TO COMPEL BELL SOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELL SOUTH TELECOMMUNICATIONS, INC., PURSUANT TO THEIR AGREEMENT.

98-1574-CFO-TP

Attached is an ORDER GRANTING REQUEST FOR CONFIDENTIAL CLASSIFICATION, with attachments, to be issued in the above-referenced docket. (Number of pages in order - 11)

See 1

CBW/anr
Attachment
cc: Division of Communications
I: 971140.cbo

MUST GO TODAY

ATTACHMENT(S) NOT ON-LINE

4 mail

Requisition for Photocopying and Mailing

Number of Originals 11 Requested By Mark J. ...
 Date 11/24/98 Copies Per Original 14

Item Presented
 Order No. 98-1574 Agenda For (Date) _____
 For (Date) _____ Notice of _____
 In Docket No. _____ Other _____
 In Docket No. 971140-TP

Special Handling Instructions

Distribution/Mailing _____

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>14</u>	Commission Offices		
<u>(A)</u>	Docket Mailing List - Mailed		
<u>(A)</u>	Docket Mailing List - Faxed		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification _____

Job Number 1416 Verified By Mark J. ...

Date and Time Completed 11/30 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification _____

Date Mailed _____ Verified By _____

RECEIVED-FPSC

M E M O R A N D U M

99 MAR 24 PM 3:41

March 10, 1999

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW*
MLB

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC., AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC., TO COMPEL BELLSOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELLSOUTH TELECOMMUNICATIONS, INC., PURSUANT TO THEIR AGREEMENT.

99-0543-PCO-TP

Attached is an ORDER AUTHORIZING QUALIFIED REPRESENTATIVE STATUS, to be issued in the above-referenced docket.

(Number of pages in order - 3)

TW/lw

MUST GO TODAY

Attachment

cc: Division of Legal Services (Brown, Watts)
Division of Communications (Stavanja, Cordiano)

I:9711400A.ALC

faxed - 4/10
mailed - 4/10

Requisition for Photocopying and Mailing

Number of Originals 3 Requested By P. J. ...
 Date 4/2/99 Copies Per Original 14

Item Presented 99-543 Order No. 971140
 Agenda For (Date) _____ Notice of _____ For (Date) _____
 Other _____ in Docket No. _____

Special Handling Instructions

Distribution/Mailing _____
 Number _____
 Distributed/Mailed To _____
 Commission Offices _____
 Docket Mailing List - Mailed _____
 Docket Mailing List - Faxed _____
 Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification _____
 Job Number 25 Date and Time Completed 4/5
 Verified By Michael J. Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification _____
 Date Mailed _____ Verified By _____

M E M O R A N D U M

May 6, 1999

RECEIVED-FFSC
Jun 1 *Lm*
99 MAY 32 AM 10:58

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW OB*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC. AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC. TO COMPEL BELL SOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELL SOUTH TELECOMMUNICATIONS, INC. PURSUANT TO THEIR AGREEMENT.

99-1097-PCO

Attached is an ORDER AUTHORIZING QUALIFIED REPRESENTATIVE STATUS, to be issued in the above-referenced docket.

(Number of pages in order - 2)

MUST GO TODAY

TW/dr

Attachment

cc: Division of Communications (King, Cordiano)
Division of Auditing and Financial Analysis (Welch)

I:\971140A.ALC

*faxed - 4/10
wanted 7*

M E M O R A N D U M

May 6, 1999

RECEIVED-PPSC
Jun 1 1999
MAY 32 AM 10:58

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS) *CBW OB*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC. AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC. TO COMPEL BELL SOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELL SOUTH TELECOMMUNICATIONS, INC. PURSUANT TO THEIR AGREEMENT.

99-1097-PCO

Attached is an ORDER AUTHORIZING QUALIFIED REPRESENTATIVE STATUS, to be issued in the above-referenced docket.

(Number of pages in order - 2)

MUST GO TODAY

TW/dr

Attachment

cc: Division of Communications (King, Cordiano)
Division of Auditing and Financial Analysis (Welch)

I:\971140A.ALC

*faxed 4/10
mailed*

*done -
Pinto*

May 12, 1999

VIA HAND DELIVERY

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

Re: Notification of Address Changes/Modifications

Dear Ms. Bayo:

Recently the Florida Public Service Commission received copies of modifications to addresses and representatives for certain entities of MCI WorldCom. The Company has subsequently changed its e-mail address. Also, staff has brought to my attention that not all of the changes have been incorporated.

To avoid any confusion, attached is the most current list of the entities, and the information required by the Commission, including the company liaison, and how to contact him or her. Please note the correct zip code for the regulatory contact for BLT Technologies, Inc., and Southernnet Systems, Inc., and the change in regulatory liaison for LDDS WorldCom, ATC Long Distance, and Biz Tel Corporation.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Donna C. McNulty
Donna C. McNulty

cc: Walter D'Haeseleer, Director, Division of Communications
Rick Moses, Division of Communications
Pam Johnson, Division of Consumer Affairs

Done - 5/14/99

OK - 5/13/99

MCI WORLDCOM

Mr. Brian Sulmonetti
Director, Regulatory Affairs
6 Concourse Parkway, Ste. 3200
Atlanta, GA 30328
Phone (800) 365-5509
Fax (770)284-5488

Liaison Officer:

Brian Sulmonetti, Director, Regulatory Affairs

Internet e-mail address: brian.sulmonetti@wcom.com
Internet home page address: www.mciworldcom.com

Touch 1 Long Distance, Inc.

Company Code: TI896
Certificate: 2363

No open dockets

TTI National, Inc.

Company Code: TI508
Certificate: 3159

No open dockets

Metropolitan Fiber Systems of Florida, Inc.

Company Code: TA012
Certificate: 3151

No open dockets

WorldCom Network Services, Inc.

Company Code: TI041
Certificate: 552

No open dockets

ALD Communications, Inc.

Company Code: TI312
Certificate: 3965

No open dockets

Requisition for Photocopying and Mailing

Date 6/3/99

Copies Per Original 19

Number of Originals 2

Requested By Puck

Item Presented

Agenda For (Date) _____

Order No. 99-1057

In Docket No. 77140

Notice of _____

For (Date) _____

In Docket No. _____

Other _____

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Date and Time Completed 6/8

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STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

November 12, 1999

Debbie Causseaux, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

**Re: BellSouth Telecommunications, Inc. vs. Florida Public Service Commission
(Docket No. 971140-TP)**

Dear Ms. Causseaux:

Enclosed is a certified copy of a Notice of Appeal, filed in this office on November 10, 1999, on behalf of BellSouth Telecommunications, Inc. Also enclosed are copies of Orders Nos. PSC-98-0810-FOF-TP, PSC-98-1271-FOF-TP, and PSC-99-1989-FOF-TP, the orders on appeal.

It is our understanding that the index is due to be served on the parties to this proceeding on or before December 30, 1999.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Jeffrey W. Blacher
David E. Smith
Other Parties of Record

M E M O R A N D U M

December 15, 1999

RECEIVED-PSC

99 DEC 16 PM 1:53

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *dmc*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC., AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC., TO COMPEL BELLSOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELLSOUTH TELECOMMUNICATIONS, INC., PURSUANT TO THEIR AGREEMENT.

2461-FOF

Attached is an ORDER APPROVING AMENDMENTS TO INTERCONNECTION AGREEMENTS, to be issued in the above-referenced docket. (Number of pages in order - 4)

DMC/anc

Attachment

cc: Division of Communications (King)

I: 971140or.dmc

SD

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 12/21/99
 Number of Originals 4 Copies Per Original 16
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Item Presented

Agenda For (Date) _____ Order No. 99-2461 In Docket No. 9 71140
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

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	<u>Docket Mailing List - Mailed</u>		
<u>5</u>	<u>Docket Mailing List - Faxed</u>		

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Job Number 245 Verified By W. S.
 Date and Time Completed 12-22 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____ Verified By _____



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: April 17, 2000
TO: Mary Andrews Bane, Deputy Executive Director/Technical
FROM: Kay E. Flynn, Chief of Records, Division of Records & Reporting *KF*
RE: Docket No. 971140-TP - Motions of AT&T and MCI to compel BellSouth to comply with Order PSC-96-1579-FOF-TP and to set non-recurring charges for combinations of network elements with BellSouth pursuant to their agreement.

BellSouth Telecommunications, Inc. has filed a complaint concerning the final order in this docket with the U.S. District Court. I am preparing the record for transmittal to the Court, and will need to copy four confidential documents, described as

02347-98 - Staff audit workpapers, Volume II of IV for audit of AT&T (Audit Control No. 98-012-4-1),
02348-98 - Staff audit workpapers, Volume III of IV for audit of AT&T (Audit Control No. 98-012-4-1),
02349-98 - Staff audit workpapers, Volume IV of IV for audit of AT&T (Audit Control No. 98-012-4-1), and
03025-98 - BellSouth's filing of certain portions of staff's audit of Loop & Port Combinations dated 2/16/98,

to include with the record. Your permission is requested for the copying of these confidential documents.

cc: Blanca S. Bayó
David Smith

OK
MAB
4/17/00

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

April 28, 2000

Robert A. Mossing, Clerk
United States District Court
United States Courthouse
110 East Park Avenue
Room 122
Tallahassee, Florida 32301-7795

**Re: U.S District Court Case No. 4:99CV448-WS - BellSouth Telecommunications vs.
AT&T Communications of the Southern States, Inc., et al. (Docket No. 971140-TP)**

Dear Mr. Mossing:

The record in the above-referenced case, consisting of seven binders, six volumes of hearing transcripts, five pouches containing exhibits, and one sealed envelope marked "confidential," is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Counsel for BellSouth Telecommunications should note that the sealed envelope contains a copy of one confidential document (03025-98) that was filed with the Commission. Counsel must file a request with the Court in order for confidentiality of the document to be maintained while in the Court's possession.

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

KF
Kay Flynn, Chief
Bureau of Records

Attachment

cc: David Smith, Esquire
Jon W. Zeder, Esquire
Richard D. Melson, Esquire
Tracy Hatch, Esquire

RECEIVED BY _____

OFFICE OF CLERK
U.S. DISTRICT CT.
NORTHERN DIST. FLA.
TALLAHASSEE, FLA.

00 APR 28 PM 3: 52

DATE _____

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Internet E-mail: contact@psc.state.fl.us

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: 04/28/00

To: Jon W. Zeder, Esquire
Adorno and Zeder
2601 South Bayshore Drive
Suite 1600
Miami, Florida 33133

Date Paid _____

Amount Paid _____

Check # _____

☐ Check ☐ Cash

PSC Signature _____

6698

This number must appear on
all checks or correspondence
regarding this invoice.

Please make checks payable to: **FLORIDA PUBLIC SERVICE COMMISSION**

QUANTITY	DESCRIPTION	PRICE	AMOUNT
5499	Copying and preparation of Docket No. 971140-TP on appeal to U.S. District Court, Case No. 4:99CV448-WS	@.05¢ per page	\$274.95
1	Certificate of Director	@\$4.00	\$ 4.00
TOTAL			\$278.95

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

April 28, 2000

Jon W. Zeder, Esquire
Adorno and Zeder
2601 South Bayshore Drive, Suite 1600
Miami, Florida 33133

**Re: U.S. District Court Case No. 4:99CV448-WS BellSouth Telecommunications, Inc.
vs. AT&T Communications of the Southern States, Inc., et al. (Docket No. 971140-TP)**

Dear Mr. Zeder:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

Enclosure

M E M O R A N D U M

August 30, 2000

RECEIVED-FPSC

00 AUG 30 PM 1:48

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *DWC ML*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC., AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC., TO COMPEL BELLSOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELLSOUTH TELECOMMUNICATIONS, INC., PURSUANT TO THEIR AGREEMENT.

1565-CF

Attached is an ORDER GRANTING REQUEST FOR EXTENSION OF DURATION OF CONFIDENTIAL CLASSIFICATION to be issued in the above-referenced docket. (Number of pages in order - 5)

DWC

Attachment

cc: Division of Competitive Services (King)

I:\971140cf.dwc

*header
has PSC-98-1574*

MUST GO TODAY

4/0

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

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Date 8/31/00
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Item Presented

Agenda For (Date) _____ Order No. 00-1565 In Docket No. 971140
 Notice of _____ For (Date) _____ In Docket No. _____
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Mail Room Verification

Date Mailed _____ Verified By _____

M E M O R A N D U M

October 7, 1999

RECEIVED-FPSC

99 OCT 11 PM 12:47

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (WATTS, BEDELL) *CBW*

RE: DOCKET NO. 971140-TP - MOTIONS OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC., AND MCI TELECOMMUNICATIONS CORPORATION AND MCI METRO ACCESS TRANSMISSION SERVICES, INC., TO COMPEL BELL SOUTH TELECOMMUNICATIONS, INC. TO COMPLY WITH ORDER PSC-96-1579-FOF-TP AND TO SET NON-RECURRING CHARGES FOR COMBINATIONS OF NETWORK ELEMENTS WITH BELL SOUTH TELECOMMUNICATIONS, INC., PURSUANT TO THEIR AGREEMENT.

1989-FOF

Attached is an ORDER APPROVING AMENDMENTS TO THE INTERCONNECTION AGREEMENTS, with attachments, to be issued in the above-referenced docket. (Number of pages in order - 8)

CBW:CB/sa
Attachment
cc: Division of Communications
I:971140or.cbw

5/0'



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: January 17, 2001

TO: J. TERRY DEASON, CHAIRMAN
E. LEON JACOBS, COMMISSIONER
LILA A. JABER, COMMISSIONER
BRAULIO L. BAEZ, COMMISSIONER
MICHAEL A. PALECKI, COMMISSIONER
WILLIAM TALBOTT, EXECUTIVE DIRECTOR
JAMES WARD, DEPUTY EXECUTIVE DIRECTOR/ADM.
MARY BANE, DEPUTY EXECUTIVE DIRECTOR/TECH.
HAROLD MCLEAN, SPECIAL COUNSEL
NOREEN DAVIS, DIRECTOR OF LEGAL SERVICES
WALTER D'HAESELEER, DIRECTOR OF COMPETITIVE SERVICES
BEV DEMELLO, DIRECTOR OF CONSUMER AFFAIRS
BLANCA BAYO, DIRECTOR OF RECORDS & REPORTING
CHUCK HILL, DIRECTOR OF POLICY ANALYSIS & INTERGOVERNMENTAL

FROM: DAVID E. SMITH, DIRECTOR OF APPEALS *DES*

RE: Recent rulings from the U. S. District Court in 1997 FPSC arbitration case appeals

RECEIVED-FPSC
01 JAN 18 AM 10:31
RECORDS AND
REPORTING

The U. S. District Court for the Northern District of Florida recently issued opinions in two review proceedings under 47 U.S.C. §252(e)(6): Case No. 4:97CV300-RH, AT&T Communications of the Southern States, Inc. v. GTE Florida, Inc., et al. and 4:97CV211-RH, GTE Florida, Inc. v. Julia Johnson, etc., et al. The first case involved the 1997 arbitration proceeding between GTE and AT&T, the second, the 1997 GTE and MCI arbitration.

Judge Hinkel's opinions build on his earlier rulings in MCI Telcomms. Corp. v. BellSouth Telecommunications, Inc., 2000 WL 1239840 (N.D. Fla. 2000) and AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97CV262-RH, (N.D. Fla. Sept. 28, 2000) with a few new wrinkles owing to the greater variety of issues involved in the GTE cases. For ease of reference, the Judgments accompanying the attached opinions succinctly summarize the Judge's holdings. Some of the contended issues in the proceedings before the court are now ancient history in the fast changing world of telecommunications law, and no notice of appeal has yet been filed. However, given the contentious disposition of competitors and incumbents, there likely will be an appeal.

The essential points of the opinions are as follows:

1. AT&T v. GTE

Pricing

The Commission's TSLRIC pricing methodology is affirmed as consistent with the Act, recognizing that the battle over the validity of the FCC's vanquished TELRIC model is pending in the Supreme Court. PP. 9-10.

The Commission was correct in rejecting GTE's claim that Unbundled Network Element (UNE) prices should include a universal service cost component. PP. 10-11. Likewise, for rejecting GTE's claim that it was entitled to recover embedded costs, PP. 12-13, and GTE's unconstitutional taking's arguments. PP. 15-16.

The Commission stumbled, said the Judge, when it priced local loops. While the Commission was within its discretion to adjust GTE's costs to remove certain items like buildings and land, it provided an "insufficient explanation for its decision to allow meaningful review". Thus, the court has punted this one back to the Commission for further explanation or consideration. PP. 13-14.

Geographic deaveraging

The Commission did not err in initially adopting UNE rates that were not deaveraged, but became obligated to follow the FCC's deaveraging rule 47 C.F.R. §51.507(f) as of May 1, 2000. The Commission is directed to review its decision to determine that it "does not produce results inconsistent with that rule". PP. 16-17.

Access charges

The court was not exactly sure what the Commission did on the matter of assessing access charges on calls terminated via UNES purchased by the ALEC. The FCC has a rule that requires that no access charges apply when the ALEC terminates a call to its customer via UNES obtained from the ILEC, and the Commission said in its order that access charges flowed to "the company terminating a toll call". It did not specifically resolve the matter in contention between GTE and AT&T, but left it for another day, should an actual dispute arise. The court concluded that the Commission should look at its decision to make sure that the FCC's controlling regulation is implemented with respect to GTE's interconnection agreement with AT&T. PP. 17-21.

Operator services

As it did in AT&T v. BellSouth, the court concluded that operator services have some avoided cost component and that that component should be determined and removed when AT&T buys local service but provides its own operator services. The issue is remanded to the Commission for further consideration. PP. 21-22.

Combining UNEs

Even though the Commission did not address the issue of who should do the combining of purchased UNEs, the court found, again as in AT&T v. BellSouth, that Commission ought to revisit the matter. The court concluded that since the Commission apparently made its decision in contemplation of the FCC's now-invalidated rule 47 C.F.R. §51.315(c), it would be appropriate for the Commission to consider the effect of the change in controlling law, if there is any. PP. 22-25.

Pick-and-choose rule

The court upheld the Commission's decision to require GTE to provide dark fiber as it had provided it to MFS. GTE claimed that was impermissible under the FCC's pick-and-choose rule, 47 C.F.R. §51.809. The pick-and-choose rule having been upheld by the U. S. Supreme Court, the district court found this argument to be a loser. PP. 25-28.

Wholesale pricing

GTE claimed that the 13.04% discount rate for resold services, specifically operator and directory assistance services, was too great. GTE claimed there were no avoided costs. The Commission rejected GTE's claims, which the court accepted, having concluded that there had to be some avoided costs involved. Nevertheless, the court found that neither AT&T nor the Commission had demonstrated that the 13.04% rate was supported in the record. Ergo, the Commission should further consider the matter, presumably, to determine the validity of this figure based on an avoided cost analysis. PP. 28-30.

Failure to arbitrate a limitation-of-liability clause

In its order, the Commission concluded it did not have to arbitrate GTE's requested limitation-of-liability clause. As it had in earlier decisions, the court found that this was error, inasmuch as the Act requires the state commissions to arbitrate "any open issues". 47 U.S.C. §252(b)(1). The court directed the Commission to arbitrate the issue. PP. 30-31.

Number portability

GTE claimed it should not have to provide number portability to AT&T as ordered by the Commission, arguing that to do so would go beyond the requirements of the Act. The court rejected this argument and upheld the Commission. PP.31-33.

2. GTE v. MCI

The court's decision in this case is basically a rerun of AT&T v. GTE. Results are the same on:

Pricing - Ok, except the Commission should "explain or further consider" specific local loop prices;

Combining unbundled network elements - Same;

Pick-and-choose - Same;

Wholesale pricing - Same;

Open issues to be arbitrated - Same;

Number portability - Same;

Geographic deaveraging - Same;

Dark Fiber - The issue here was whether dark fiber is a UNE. Consistent with earlier MCI v. BellSouth decision, the court said it was UNE, contrary to Commission's ruling in the arbitration proceeding.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

AT&T COMMUNICATIONS OF THE SOUTHERN
STATES, INC.,

VS

CASE NO. 4:97CV300-RH

GTE FLORIDA, INC., et al.,

JUDGMENT

This action came before the Court for consideration with the Honorable Robert L. Hinkle presiding. The issues have been considered and a decision has been rendered.

The Florida Public Service Commission's Final Order on Arbitration and Final Order Approving Arbitration Agreement Between AT&T and GTE are affirmed with respect to overall pricing methodology, adoption of statewide averaged rates on a transitional basis, allowing AT&T to pick and choose the dark fiber provision from an agreement between GTE and another carrier, and number portability; declared invalid with respect to failure to exclude the avoided cost of operator services from wholesale rates for local service and failure to arbitrate the issue of whether the interconnection agreement between AT&T and GTE should include a limitation-of-liability provision; and vacated for further explanation or consideration with respect to the price of local loops, continuing effects of statewide averaged rates, the parties' respective rights to terminating access charges, combining of network elements, and wholesale pricing of directory assistance and operator services, all as set forth in the Order on Merits entered December 12, 2000. Defendant Commissioners of the Florida Public Service Commission shall conduct further proceedings consistent with the Court's Order on Merits, this judgment, and any decision of the United States Supreme Court on review of *Iowa Utilities Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000). All claims against the Florida Public Service Commission, in its name, are dismissed as redundant.

ROBERT A. MOSSING, CLERK

December 12, 2000
DATE

Pam L. Lourcey
Deputy Clerk: Pamela L. Lourcey

Entered On Docket: 12/12 By lk
Rules 58 & 79(a) FRCP or 32(d)(1) & 55 FRCP
Copies mailed to Bradshaw, Logan, Rule, Lawson, Dewiler, Philbin,
Caldwell, Smith, Boyd, Murray

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE, FLORIDA

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Document No.

- 84 - FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

AT&T COMMUNICATIONS OF THE
SOUTHERN STATES, INC.,

Plaintiff,

v.

CASE NO. 4:97cv300-RH

GTE FLORIDA, INC., et al.,

Defendants.

ORDER ON MERITS

This is another in a series of challenges under the Telecommunications Act of 1996, 47 U.S.C. §§ 251-52, to decisions of the Florida Public Service Commission with respect to the terms and conditions under which an incumbent local exchange carrier must provide services and make facilities and network elements available to a competitor. The new issues presented by this case include the respective

ENTERED ON DOCKET 12/12 BY HL
[Rules 58 & 79(a) FRCP or 32(d)(1) & 55 FRCP]

Copies mailed to:

Badgerow
Robert Bruce Harrison
Detweiler, Phillips
Caedwell, Smith
Boyd
Murray - 83

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE, FLORIDA

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rights of the incumbent and competitor to access charges paid by long distance carriers for terminating calls over local facilities; whether the incumbent's obligation to provide network elements to any competitor on the same terms available to any other competitor obligates the incumbent to make available to the competitor only the same overall agreement entered with the other competitor or instead allows the competitor to pick and choose specific terms of the agreement with the other competitor; the proper methodology for setting the incumbent's charges for operator and directory assistance services; and whether the incumbent must provide "number portability," that is, allow customers to change carriers without changing telephone numbers, by specified means. The case also presents additional issues that have been addressed in prior cases.

Background - The Statutory Framework

Historically, local telephone service was provided in the United States on a monopoly basis by carriers regulated under state law by state public service commissions. Congress fundamentally changed that approach by enacting the

Telecommunications Act of 1996. The Act imposes on local carriers, as a matter of federal law, various duties designed to foster competition. The Act allows state commissions the option of taking a major role in implementing the Act's requirements.

The federal duties imposed on each "incumbent local exchange carrier" - that is, on each carrier who previously provided local service on a monopoly basis - include the obligation to sell local services at wholesale to any competing carrier for resale by the competing carrier to customers, the obligation to allow competitors to interconnect with the incumbent's facilities for the purpose of providing services to the competitor's own customers, and the obligation to make certain "network elements" - parts of its telecommunications system - available to competing carriers for their use in providing service to their own customers. These duties are described in greater detail in MCI Telecomms. Corp. v. BellSouth Telecomms., Inc., 2000 WL 1239840 (N.D. Fla. 2000).

The Act also imposes on each incumbent the duty to negotiate in good faith with any requesting carrier on the

terms and conditions of an agreement under which these various duties will be fulfilled. See 47 U.S.C. § 251(c)(1). The Act likewise imposes on requesting carriers the duty to negotiate in good faith. Id.

If the parties reach a negotiated agreement, it must be submitted to the state commission for approval. See 47 U.S.C. § 252(e)(1). If the parties fail to agree on all terms and conditions, any party to the negotiation may request binding arbitration before the state commission of "any open issues." 47 U.S.C. § 252(b)(1).¹

The Act provides for judicial review of the commission's decisions in federal district court. See 47 U.S.C. § 252(e)(6). The case at bar is an action for judicial review under this provision.

Background - The Case at Bar

Defendant GTE Florida, Incorporated ("GTE") is the

¹ If the state commission chooses not to act on either a negotiated agreement or request for arbitration, the Federal Communications Commission must assume the responsibilities of the state commission. See 47 U.S.C. § 252(e)(5).

incumbent local exchange carrier in parts of the State of Florida. Plaintiff AT&T Communications of the Southern States, Inc. ("AT&T") is a competitor. In accordance with the Telecommunications Act of 1996, GTE and AT&T entered negotiations for an agreement under which AT&T would purchase certain services for resale, would interconnect with GTE's facilities, and would have access to GTE's network elements. They were unable to agree on all terms and conditions of an agreement and thus sought and obtained arbitration before the Florida Public Service Commission. Following an evidentiary hearing, the Florida Commission issued a final arbitration order and, in due course, orders approving the agreement entered between AT&T and GTE as directed by the arbitration order. AT&T now brings this action challenging the Florida Commission's decision in four respects, and GTE counterclaims challenging the decision in one of the same respects and in five additional respects. AT&T has named as defendants GTE, the Florida Commission, and each of its Commissioners in his or her official

capacity.²

The parties have agreed that this court's review should be conducted based solely on the record as compiled in the Florida Commission. The parties have submitted briefs and presented oral argument, and more recently have submitted supplemental briefs addressing the decision of the United States Supreme Court in AT&T Corp. v. Iowa Utilities Bd.,

² An action for judicial review of a state commission's decision may proceed against the individual commissioners in their official capacities in accordance with Ex Parte Young, 209 U.S. 123, 28 S. Ct. 441, 52 L. Ed. 714 (1908), and thus is not barred by the Eleventh Amendment. See MCI Telecommunications Corp. v. BellSouth Telecommunications, Inc., 1997 WL 1133453 (N.D. Fla. 1997). I dismiss this case as against the Florida Commission on the grounds that its presence in this case as a defendant is merely redundant to the presence of the Commissioners in their official capacities. Cf. Busby v. City of Orlando, 931 F.2d 764, 776 (11th Cir. 1991) (approving dismissal of official capacity defendants whose presence was merely redundant to naming of institutional defendant). I thus do not address the substantial issue of whether the Florida Commission has waived its Eleventh Amendment immunity from suit in federal court by choosing to conduct an arbitration and to render a determination explicitly subject to review in federal court. Compare, e.g., MCI Telecomms. Corp. v. Illinois Bell Tel. Co., 222 F.3d 323 (7th Cir. 2000) (finding waiver) with, e.g., GTE North, Inc. v. Strand, 209 F.3d 909, 922 n.6 (6th Cir. 2000) (expressing skepticism toward waiver theory). Any ruling on this issue in this case would make no real difference and thus appropriately should be avoided. Cf. Ashwander v. TVA, 297 U.S. 288, 341, 565 S. Ct. 466, 80 L. Ed. 688 (1936) (Brandeis, J., concurring).

525 U.S. 366, 119 S. Ct. 721, 142 L. Ed. 2d 835 (1999).

This order constitutes the court's ruling on the merits.

Five of the nine issues raised by AT&T and GTE already have been addressed by this court in cases arising from other interconnection agreements; they are resolved in this order primarily by cross-reference to those decisions. The four remaining issues - terminating access charges, the competitor's right to "pick and choose" terms from the incumbent's agreement with any other competitor, charges for operator and directory assistance services, and "number portability" - are addressed for the first time in this order. This order thus resolves each of the nine issues.

Standard of Review

The Telecommunications Act provides for actions such as the case at bar in a single sentence:

In any case in which a State commission makes a determination under [the Act], any party aggrieved by such determination may bring an action in an appropriate Federal district court to determine whether the agreement or statement meets the requirements of [the Act].

47 U.S.C. § 252(e)(6).³ The Act does not further specify the standard of review to be applied in determining "whether the agreement . . . meets the requirements of" the Act.

For the reasons set forth at length in MCI Telecomms. Corp. v. BellSouth Telecomms., Inc., 2000 WL 1239840 (N.D. Fla. 2000), I will review de novo issues regarding the meaning and import of the Telecommunications Act, and I will review state commission determinations of how to implement the Act as so construed only under the arbitrary and capricious standard. This apparently is the standard of review advocated by all parties to this proceeding.

Merits

I. PRICING

The Telecommunications Act directs state commissions to set "just and reasonable" prices for interconnection and

³ The "agreement" to which this provision applies is an interconnection agreement of the type here at issue. The "statement" to which this provision applies is a statement of a Bell operating company of generally available terms. See 47 U.S.C. § 252(f). No such statement is involved here.

network elements "based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the interconnection or network element." 47 U.S.C. § 252(d)(1). Both AT&T and GTE challenge the Florida Commission's selection of a pricing methodology, and GTE also challenges the Florida Commission's implementation of its chosen methodology.

A. Pricing Methodology

The Florida Commission adopted a methodology known as Total Service Long-Run Incremental Cost ("TSLRIC"), which uses the incumbent's current network architecture and future replacement technology as the basis for determining long-run incremental cost. For the reasons set forth in AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla. Sept. 28, 2000), I reject the parties' challenge to the Florida Commission's adoption of this methodology.⁴

⁴ In resolving this issue in AT&T v. BellSouth, *supra*, I relied on the decision of the Eighth Circuit in Iowa Utilities Bd. v. FCC, 219 F.3d 744 (8th Cir. 2000). Six days before my decision in AT&T v. BellSouth, the Eighth Circuit stayed its Iowa Utilities decision in relevant part pending disposition of petitions for certiorari. I follow

B. Implementation of Pricing Methodology

GTE also asserts that, even if TSLRIC is an appropriate pricing methodology, the Florida Commission's implementation of this methodology was flawed in four respects. I reject GTE's first, second and fourth assertions because GTE has made no showing that the Florida Commission's actions were arbitrary and capricious or contrary to the Telecommunications Act of 1996. With respect to GTE's third assertion, I direct the defendant Commissioners to provide a further explanation of their decision.

1. Universal Service Subsidy

GTE's first contention is that in setting network element prices, the Florida Commission erred by failing to

the Eighth Circuit's Iowa Utilities decision, notwithstanding entry of the stay, for the reasons set forth in my unpublished order addressing the motion to alter or amend the judgment in that case. AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla. Nov. 9, 2000). As in that case, upon further consideration of this matter by the Florida Public Service Commission, it appropriately may consider any further ruling by the United States Supreme Court in Iowa Utilities.

consider costs GTE incurs to provide "universal service."
GTE is wrong.

State commissions historically have pursued a goal of making telephone service available to as many potential users as possible. Thus basic rates have been held low, sometimes below cost, in an effort to make basic telephone service widely affordable. And rates have been held uniform, even to remote locations, so that the high cost of providing lines to remote locations would not mean service would be unavailable there. Local monopoly carriers historically took the loss for providing such service but made it up through rates to other customers or for other types of service.

Competition of course will require changes in this approach to universal service. If incumbents attempt to charge above-cost prices to some customers in an effort to offset below-cost prices to other customers, the strategy will not work, because the customers who are charged above-cost prices will simply change to other carriers whose prices are cost-based. The Telecommunications Act recognizes this and establishes a framework for development

of a different methodology for pursuing the goal of universal service. See 47 U.S.C. § 254.

GTE asserts that in setting the prices GTE charges AT&T for network elements, the Florida Commission was obligated to include an appropriate share of the costs GTE incurs in order to provide universal service, that is, costs GTE incurs not in connection with providing the network elements at issue but instead in connection with providing unrelated local service to unrelated customers. The Florida Commission properly rejected this contention. See Iowa Utilities Board v. FCC, 219 F.3d 744, 753 (8th Cir. 2000). The "cost" on which the price of a network element must be based is the cost "of providing the . . . network element," 47 U.S.C. § 252(d)(1), not the cost of providing some other service. In 47 U.S.C. § 254, the Act provides an entirely different mechanism for securing the fair allocation of the cost of providing universal service.

2. Historic or Embedded Costs

Second, GTE asserts that the Florida Commission was obligated to consider all historic or embedded costs, not

just forward-looking costs of providing the service at issue. This is essentially an attack on the TSLRIC methodology. For the reasons set forth in AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla. Sept. 28, 2000), the Florida Commission's adoption of TSLRIC was neither contrary to the Act nor arbitrary and capricious.

3. Local Loop Pricing

Third, GTE challenges the prices established by the Florida Commission for local loops. The Florida Commission of course was not obligated to accept GTE's assertions of its alleged cost of providing local loops. Thus, for example, the Commission acted within its discretion in excluding certain building and land costs it determined were not properly allocable to local loops. Nor was the Florida Commission obligated to make a precise mathematical match between some calculation of cost, on the one hand, and its approved prices, on the other. Instead, the Telecommunications Act of 1996 requires only that the price of a network element be "based on the cost" of providing the

element. 47 U.S.C. § 252(d)(1) (emphasis added). The Act also provides that cost is to be "determined without reference to a rate-of-return or other rate-based proceeding," id., thus making clear that an exact match between cost and prices is not required.

Still, pricing decisions could be used to undermine the purposes of the Act, and a state commission's pricing decisions thus properly are subject to review in district court, under the arbitrary and capricious standard. See AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla. Sept. 28, 2000). With respect to local loops, as with the per message charges at issue in AT&T v. BellSouth, the Florida Commission has provided insufficient explanation for its decision to allow meaningful review. The appropriate course thus is to direct the defendant Commissioners to explain or further consider their decision. See, e.g., Checkosky v. SEC, 23 F.3d 452, 462-63 (D.C. Cir. 1994) (remanding insufficiently explained administrative decision "so as to afford the agency an opportunity to set forth its view in a manner that would permit reasoned judicial review"; so holding even in the

absence of any conclusion that the agency acted arbitrarily or capriciously); SEC v. Chenery Corp., 318 U.S. 80, 94, 63 S. Ct. 454, 87 L. Ed. 626 (1943) (recognizing that "courts cannot exercise their duty of review unless they are advised of the considerations underlying the action under review").

4. Unconstitutional Taking

Finally, GTE asserts the Florida Commission's pricing decisions will or may effect an unconstitutional taking of GTE's property without just compensation. GTE has made no showing to this point, however, that any such taking is imminent.

For all that appears in this record, GTE now is facing only reasonably foreseeable developments in a dynamic industry. GTE remains a strong and profitable competitor in that dynamic industry. Nothing in this record suggests that the Florida Commission has reneged on any explicit or implicit promises made to GTE during the monopoly era; nobody promised GTE a world free of rapidly changing technology or the inevitable consequences thereof. Nor is GTE being compelled to sell its services to its competitors

below cost or deprived of the opportunity to earn a full and fair return on its investment.

In short, GTE has made no showing that the Florida Commission has effected an unconstitutional taking of GTE's property. I thus uphold the Florida Commission's pricing decisions, except with respect to local loops, on which I remand for further explanation.

II. GEOGRAPHIC DEAVERAGING

The cost of providing local telecommunications service is higher in some places than in others. Nonetheless, the Florida Commission adopted statewide averaged rates, rather than different rates for different geographic areas. AT&T challenges the use of statewide averaged rates.

For the reasons set forth in AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla. Sept. 28, 2000), I conclude that (1) the Florida Commission's adoption of statewide averaged rates, on a transitional basis, did not violate the Act and was not arbitrary and capricious, but that (2) effective as of May 1, 2000, the Florida Commission became obligated to

deaverage rates over at least three geographic areas, in accordance with 47 C.F.R. § 51.507(f).

Because of the passage of time, it is unclear whether the Florida Commission's decision now under review will continue to have effects inconsistent with 47 C.F.R. § 51.507(f). The defendant Florida Commissioners thus will be directed to reconsider their decision to assure that it does not produce results inconsistent with that rule.

III. ACCESS CHARGES

Long distance or "interexchange" calls - for example, from Miami to Tallahassee - typically are carried from one exchange to another by a long distance or "interexchange" carrier. Such calls typically are carried between the customer or "end user," on the one hand, and the interexchange carrier, on the other hand, by the end user's local carrier. Interexchange carriers pay local carriers for providing this service. The payments are for providing end users access to the interexchange network and thus are known as "access charges." Payments for carrying a call from the end user placing the call to the interexchange

carrier are known as "originating" access charges; payments for carrying a call from the interexchange carrier to the end user receiving the call are known as "terminating" access charges.

AT&T asserts that when an interexchange call is terminated to a customer subscribed to AT&T for local service, the local carrier entitled to the applicable terminating access charge is AT&T. GTE asserts that, if AT&T serves its local customer through unbundled network elements obtained from GTE, then GTE is entitled to the applicable terminating access charge.

GTE's position is illogical and does not comport with the purposes of the Telecommunications Act. The reason the Act allows a competitor to obtain network elements from an incumbent is so that the competitor may use those network elements to provide services in competition with the incumbent. When the competitor uses those network elements, the competitor must pay the incumbent the appropriate rate for use of the network elements, and the competitor may charge appropriate fees for the service it provides. Thus the incumbent is compensated for its elements by the

competitive carrier using those elements, and the competitor is compensated for the service it provides using the network elements just as any local carrier is compensated for providing services of the same type. When the service is terminating an interexchange call, the compensation that the competitor receives is the appropriate terminating access charge payable by the interexchange carrier. Any requirement that that access charge be paid to the incumbent local exchange carrier rather than to the competitor would undermine the Act's goal of fostering competition and render rather pointless the incumbent's obligation to make its network elements available to the competitor for the purpose of, among other things, allowing the competitor to provide terminating access service.⁵

That this is the correct result is confirmed by the binding FCC regulation addressing this very issue:

Neither the interstate access charges

⁵ This analysis is consistent with the decision in AT&T Comms. Systems v. Pacific Bell, 203 F.3d 1183 (9th Cir. 2000) (holding that an incumbent may not include switched access charges in the pricing of unbundled network elements).

described in part 69 of this chapter nor comparable intrastate access charges shall be assessed by an incumbent LEC [local exchange carrier] on purchasers of elements that offer telephone exchange or exchange access service.

47 C.F.R. § 51.515(a). According to the plain terms of this regulation, which became effective as of June 30, 1997, GTE cannot collect access charges on account of access services provided by AT&T by means of network elements purchased by AT&T from GTE.⁶

The Florida Commission did not explicitly resolve this issue in the orders now under review. The Arbitration Order provides only that terminating access charges are owed to "the company terminating a toll call." (Arbitration Order at 124). In finally approving the interconnection agreement entered by the parties pursuant to the Arbitration Order, the Florida Commission noted the disagreement between AT&T

⁶ The FCC did allow an incumbent to collect such charges on an interim basis until June 30, 1997, in order to ameliorate the effects of the loss of those charges, which had been used to compensate incumbents for their obligation to serve all customers at sometimes below-cost rates (that is, their "universal service" obligation). The Act established an alternative universal service mechanism phased in over time.

and GTE on this issue but left the matter open for resolution on a "case by case basis, either by the parties themselves, or through the Commission's complaint process." (Final Order Approving Arbitration Agreement Between AT&T and GTE, Order No. PSC-97-0585-FOF-TP (May 22, 1997) at 51). In this court, the Florida Commission apparently has recognized the binding force of the FCC regulation for services rendered after June 30, 1997.

So that appropriate action may be taken to implement the FCC regulation as it applies to this interconnection agreement, the defendant Commissioners will be directed to address this issue further.

IV. OPERATOR SERVICES COSTS

A different method by which the Telecommunications Act of 1996 allows a competitor to compete with an incumbent is by buying services from the incumbent for resale to the competitor's own customers. Invoking this method, AT&T seeks to resell to its own customers local service obtained from GTE. AT&T does not, however, always seek to use GTE's operator services; AT&T intends, instead, to provide its own

operator services to its customers. AT&T asserts that, under 47 U.S.C. § 252(d)(3), the price charged by GTE to AT&T for local service provided for resale must be reduced by the cost of operator services avoided by GTE. The Florida Commission made no such reduction.

For the reasons set forth in AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla. Sept. 28, 2000), I conclude that the Florida Commission erred when it refused to reduce the wholesale rates charged to AT&T by the amount of costs actually avoided by GTE in the provision of local service for resale. The defendant Commissioners will be directed to reconsider this issue.⁷

V. COMBINING UNBUNDLED NETWORK ELEMENTS

As set forth above, the Telecommunications Act allows a

⁷ Although by rule the FCC originally required the exclusion not only of costs that "will be avoided" but also costs that "can be avoided," 47 C.F.R. § 51.609(b), the Eighth Circuit now has invalidated that rule, squarely holding that only actually avoided costs must be excluded from wholesale rates. See See Iowa Utilities Bd. v. FCC, 219 F.3d 744, 755 (8th Cir. 2000). The Florida Commission must exclude from the wholesale rates charged to AT&T only operator service costs that are actually avoided by GTE.

competing carrier to interconnect with an incumbent's network and also to compete with the incumbent either (1) by obtaining local services from the incumbent at wholesale prices for resale to the competing carrier's customers or (2) by obtaining from the incumbent "network elements" - parts of the incumbent's telecommunications system - for use in providing service to the competing carrier's own customers. GTE initially asserted that if AT&T provided service entirely over GTE's network elements, AT&T properly should be required to pay GTE the wholesale rate for the entire service; AT&T could not properly pay only the sometimes substantially lower aggregate price of the various network elements that, when combined, could be used to provide complete service. GTE now also asserts that, even if AT&T properly may pay only the aggregate price of the various network elements, those elements must be combined by AT&T itself; GTE asserts it has no obligation to combine network elements for use by AT&T in providing complete service.

For the reasons set forth in AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla.

Sept. 28, 2000), GTE's contention that AT&T must pay the wholesale rates for complete service, whenever AT&T provides such service entirely through network elements obtained from GTE, is incorrect.

That leaves for consideration the issue of whether GTE or AT&T must do the combining of the network elements. In the case at bar, as in AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla. Sept. 28, 2000), the Florida Commission asserts that in the orders under review, it did not address this issue. But here, as there, the Florida Commission did rely in its orders on 47 C.F.R. § 315(c), which by its terms would have required GTE, not AT&T, to do the combining. That regulation now has been invalidated by a controlling decision of the United States Court of Appeals for the Eighth Circuit. See Iowa Utilities Bd. v. FCC, 219 F.3d 744, 759 (8th Cir. 2000). Because the Florida Commission made its decision in reliance on the now-invalidated rule, the appropriate course here, as in AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla. Sept. 28, 2000), is to direct the defendant Commissioners to reconsider the matter. See, e.g., SEC v.

(1943).⁸

VI. PICK AND CHOOSE

The Telecommunications Act of 1996 seeks to prevent an incumbent (or any carrier) from favoring one competing carrier over another. The Act does so by requiring each carrier to make available to any competitor the same interconnection, service or network element terms that the carrier has made available to any other competitor. Thus the Act provides:

⁸ In further considering this matter, the Florida Commission will be bound by 47 C.F.R. § 315(b), which prevents an incumbent that is providing network elements to a competitor from separating any such network elements that the incumbent currently combines. In Iowa Utilities, the Supreme Court upheld that rule. See Iowa Utilities, 525 U.S. at 394. The Supreme Court also noted that the arguments on that issue in that case might be "academic" in light of the Court's simultaneous invalidation of the FCC's "necessary" and "impair" rule. See Iowa Utilities, 525 U.S. at 392. Nothing in this order forecloses the Florida Commission from taking otherwise proper action in response to the Supreme Court's decision on the "necessary" and "impair" rule. Cf. AT&T Comms., Inc. v. BellSouth Telecomms., Inc., 229 F.3d 457 (4th Cir. 2000) (remanding this issue for further consideration in light of the changing law concerning 47 C.F.R. § 315(b) and the Supreme Court's "necessary" and "impair" decision).

A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

47 U.S.C. § 252(i). The FCC has made clear by regulation that this means the competitor may pick and choose among the various provisions of an agreement between other carriers; the competitor need not accept the entire agreement in order to choose one or more individual provisions. See 47 C.F.R. § 51.809.

GTE entered an agreement with another carrier, Metropolitan Fiber Systems of Florida, Inc. ("MFS"), that included a provision under which GTE made "dark fiber" available to MFS. Dark fiber is fiber optic cable that is in place but not in active use. Without the associated electronic equipment needed at both ends of the cable, the fiber remains "unlit" and inactive.

AT&T sought to adopt the terms of the GTE-MFS agreement with respect to dark fiber. GTE disputed AT&T's right to do so, asserting that a carrier cannot properly "pick and

choose" among provisions of an agreement between other carriers and that dark fiber is not a "network element" that an incumbent must make available to competitors.

The Florida Commission resolved the issue in favor of AT&T. I uphold its decision. First, although the validity of the FCC regulation, 47 C.F.R. § 51.809, was in dispute when the Florida Commission acted and when GTE filed its counterclaim in this court, the Supreme Court now has upheld the regulation. See AT&T Corp. v. Iowa Utilities Bd., 525 U.S. 366, 119 S. Ct. 721, 142 L. Ed. 2d 835 (1999). The regulation is valid and binding and squarely authorizes a competing carrier such as AT&T to "pick and choose" provisions of an agreement between other carriers, precisely as AT&T has done here. Southwestern Bell Telecomms. Co v. Waller Creek Comms., Inc., 221 F.3d 812 (5th Cir. 2000), is squarely on point and reaches this same conclusion.

Thus allowing a carrier to "pick and choose" provisions from an agreement between other carriers is required by a valid FCC regulation. This result also is fully consistent with the plain terms of the statute itself and with the statute's purpose of promoting a level playing field as

between different competitors. The Florida Commission did not err in allowing AT&T to adopt the dark fiber provision GTE had made available to another carrier.⁹

VII. WHOLESALE PRICING

The Telecommunications Act of 1996 imposes on any incumbent local exchange carrier the duty

to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers

47 U.S.C. § 251(c)(4). Wholesale rates under this provision must be determined

on the basis of retail rates charge[d] to subscribers for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that will be avoided by the local exchange carrier.

⁹ I note also that GTE's assertion that "dark fiber" is not a network element within the meaning of the Act is incorrect, for the reasons set forth in MCI Telecomms. Corp. v. BellSouth Telecomms., Inc., 2000 WL 1239840 at *5 (N.D. Fla. 2000).

47 U.S.C. § 252(d)(3) (emphasis added).

Among the services that AT&T obtains from GTE under this provision are operator and directory assistance services. The Florida Commission calculated the appropriate wholesale rate for these services as 13.04% below the retail rate. GTE asserts this was arbitrary and capricious, because, it says, there are no avoided costs when these services are provided to AT&T rather than to a retail customer.

The assertion that there are no avoided costs when these services are provided to a carrier rather than to retail customers makes no sense. On the other hand, neither the Florida Commission nor AT&T has called my attention to any evidence in the record supporting the 13.04% discount. Absent an explanation of the Florida Commission's reasoning or a citation to evidence supporting the result, I conclude that the appropriate disposition of this issue is to direct the defendant Commissioners to explain or further consider their decision. See, e.g., Checkosky v. SEC, 23 F.3d 452, 462-63 (D.C. Cir. 1994) (remanding insufficiently explained administrative decision "so as to afford the agency an

opportunity to set forth its view in a manner that would permit reasoned judicial review"; so holding even in the absence of any conclusion that the agency acted arbitrarily or capriciously); SEC v. Chenery Corp., 318 U.S. 80, 94, 63 S. Ct. 454, 87 L. Ed. 626 (1943) (recognizing that "courts cannot exercise their duty of review unless they are advised of the considerations underlying the action under review").

VIII. LIMITATION OF LIABILITY

As part of its petition for arbitration before the Florida Commission, GTE sought to include in the interconnection agreement a limitation-of-liability provision making clear that in the event of any failure to deliver services as agreed, it would not be liable for consequential damages. The Florida Commission refused to arbitrate this issue.

For the reasons set forth in MCI Telecomms. Corp. v. BellSouth Telecomms., Inc., 2000 WL 1239840 (N.D. Fla. 2000), I conclude that when the Florida Commission undertook to arbitrate the overall dispute between GTE and AT&T, it became obligated to arbitrate "any open issues." 47 U.S.C.

§ 252(b)(1). Whether a limitation-of-liability provision should be included in the parties' agreement was an "open issue."

This does not mean, of course, that the Florida Commission was obligated to require a limitation-of-liability provision. Had the Florida Commission decided, as a matter of discretion, not to adopt such a provision, GTE would bear a substantial burden in attempting to demonstrate that such a determination was contrary to the Telecommunications Act or arbitrary and capricious. But the Florida Commission made no such determination, instead declining to address the issue. The defendant Commissioners will be directed to arbitrate this issue.

IX. NUMBER PORTABILITY

An important issue for any customer contemplating changing local telephone carriers is whether the customer will be able to retain the same telephone number. Changing telephone numbers is inconvenient and often expensive. If the incumbent local exchange carrier could prevent customers from keeping their same telephone numbers when changing

carriers, the incumbent could significantly forestall competition.

Apparently recognizing this, Congress imposed on incumbent local exchange carriers "[t]he duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission." 47 U.S.C. § 251(b)(2). The FCC has interpreted this provision as applying to "all forms of number portability," In re Telephone Number Portability, Fourth Memorandum Opinion and Order on Reconsideration, 1999 WL 503613 (FCC) (July 16, 1999), and as requiring incumbents to provide number portability to a requesting competitor "as soon as reasonably possible." 47 C.F.R. § 52.27.

In accordance with these provisions, the Florida Commission required GTE to provide certain number portability solutions to AT&T. GTE objects, asserting that it does not provide those same number portability solutions to itself, and that, if the Florida Commission's ruling is upheld, AT&T thus will receive service superior to what GTE provides itself. GTE says this contravenes 47 U.S.C. § 251(c)(2)(C), which requires an incumbent to provide

interconnection between a competitor's facilities and the incumbent's facilities "that is at least equal in quality to that provided by the local exchange carrier to itself." GTE also cites the statement in Iowa Utilities Board v. FCC, 219 F.3d 744, 758 (8th Cir. 2000), addressing a different issue, that "nothing in the statute requires the [incumbent] to provide superior quality interconnection to its competitor."

For three reasons, I conclude that the Florida Commission's rejection of GTE's position was not contrary to the Telecommunications Act and was not arbitrary or capricious. First, the Florida Commission's decision is fully supported by the Act's number portability provision, 47 U.S.C. § 251(b)(2), and the regulations thereunder. Second, the decision is fully supported by the pro-competitive goal of the number portability provision. Third, GTE's reliance on 47 U.S.C. § 251(c)(2)(C) is misplaced, because that provision only requires interconnection "at least equal in quality" to that provided by the incumbent to itself. "At least equal" does not mean "no greater than," and, in any event, the general interconnection standard of § 251(c)(2)(C) certainly was not

intended to undermine the specific separate requirement for number portability as set forth in § 251(b)(2).

I thus uphold the Florida Commission's determination on number portability.

Conclusion

The Florida Commission's determinations were consistent with the Telecommunications Act of 1996 and not arbitrary and capricious with respect to overall pricing methodology, statewide averaged rates on a transitional basis, a carrier's ability to pick and choose provisions from an interconnection agreement between other carriers, and number portability. The Florida Commission's failure to exclude the avoided cost of operator services from wholesale rates for local service and refusal to arbitrate the issue of a limitation-of-liability clause contravened the Telecommunications Act. The Florida Commissioners will be directed to explain or consider further their determinations on other issues as set forth above.

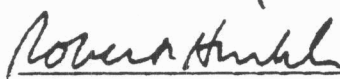
In accordance with these rulings,

IT IS ORDERED:

The clerk shall enter judgment stating, "The Florida Public Service Commission's Final Order on Arbitration and Final Order Approving Arbitration Agreement Between AT&T and GTE are affirmed with respect to overall pricing methodology, adoption of statewide averaged rates on a transitional basis, allowing AT&T to pick and choose the dark fiber provision from an agreement between GTE and another carrier, and number portability; declared invalid with respect to failure to exclude the avoided cost of operator services from wholesale rates for local service and failure to arbitrate the issue of whether the interconnection agreement between AT&T and GTE should include a limitation-of-liability provision; and vacated for further explanation or consideration with respect to the price of local loops, continuing effects of statewide averaged rates, the parties' respective rights to terminating access charges, combining of network elements, and wholesale pricing of directory assistance and operator services, all as set forth in the Order on Merits entered December 12, 2000. Defendant Commissioners of the Florida Public Service Commission shall conduct further proceedings

consistent with the Court's Order on Merits, this judgment, and any decision of the United States Supreme Court on review of Iowa Utilities Bd. v. FCC, 219 F.3d 744 (8th Cir. 2000). All claims against the Florida Public Service Commission, in its name, are dismissed as redundant." The clerk shall close the file.

SO ORDERED this 12th day of December, 2000.



Robert L. Hinkle
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

GTE FLORIDA INCORPORATED,

VS

CASE NO. 4:97CV211-RH

JULIA L. JOHNSON, et al.,

JUDGMENT

This action came before the Court for consideration with the Honorable Robert L. Hinkle presiding. The issues have been considered and a decision has been rendered.

The Florida Public Service Commission's Final Order on Arbitration and Final Order Approving Arbitrated Agreement Between GTE and MCI are affirmed with respect to overall pricing methodology, allowing MCI to pick and choose the dark fiber provision from an agreement between GTE and another carrier, number portability, and adoption of statewide averaged rates on a transitional basis; declared invalid with respect to failure to arbitrate the open issues of whether the parties' agreement should include a limitation of liability provision, an audit and examination system, or an inquiry procedure with respect to the availability and location of conduit, poles, ducts and right-of-way; and vacated for further explanation or consideration with respect to the price of local loops, combining of network elements, wholesale pricing of directory assistance and operator services, continuing effects of statewide averaged rates, and whether GTE should be required to make its dark fiber network element available to MCI, all as set forth in the Order on Merits entered December 13, 2000. Defendant Commissioners of the Florida Public Service Commission shall conduct further proceedings consistent with the Court's Order on Merits, this judgment, and any decision of the United States Supreme Court on review of Iowa Utilities Bd. v. FCC, 219 F.3d 744 (8th Cir. 2000).

ROBERT A. MOSSING, CLERK

December 13, 2000

DATE

Pam L. Lourcey
Deputy Clerk: Pamela L. Lourcey

Entered On Docket

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Rules 58 & 79(a) FRCP or 32(d)(1) & 55 FRCP

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Debra L. Spivey
Debbie M. Nelson
William H. Hunt
Beardman

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

GTE FLORIDA INCORPORATED,

Plaintiff,

v.

CASE NO. 4:97cv211-RH

JULIA L. JOHNSON, et al.,

Defendants.

ORDER ON MERITS

This is another in a series of challenges under the Telecommunications Act of 1996, 47 U.S.C. §§ 251-52, to decisions of the Florida Public Service Commission with respect to the terms and conditions under which an incumbent local exchange carrier must provide services and make facilities and network elements available to a competitor.

All of the issues presented by this case have been resolved

ENTERED ON DOCKET 12/13 BY PK
[Rules 58 & 79(a) FRCP or 32(d)(1) & 55 FRCP]

Copies mailed to: Detweiler

Phillips, Smith

Raepple, Nelson,

Umiller, Hunt

Beardman - 99

U.S. DISTRICT COURT
NORTHERN DISTRICT OF
FLORIDA
TALLAHASSEE, FLA.

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in prior orders of this court addressing other decisions of the Florida Commission. The issues are resolved in this order primarily by reference to those prior orders.

Background - The Statutory Framework

Historically, local telephone service was provided in the United States on a monopoly basis by carriers regulated under state law by state public service commissions. Congress fundamentally changed that approach by enacting the Telecommunications Act of 1996. The Act imposes on local carriers, as a matter of federal law, various duties designed to foster competition. The Act allows state commissions the option of taking a major role in implementing the Act's requirements.

The federal duties imposed on each "incumbent local exchange carrier" - that is, on each carrier who previously provided local service on a monopoly basis - include the obligation to sell local services at wholesale to any competing carrier for resale by the competing carrier to customers, the obligation to allow competitors to

interconnect with the incumbent's facilities for the purpose of providing services to the competitor's own customers, and the obligation to make certain "network elements" - parts of its telecommunications system - available to competing carriers for their use in providing service to their own customers. These duties are described in greater detail in MCI Telecomms. Corp. v. BellSouth Telecomms., Inc., 2000 WL 1239840 (N.D. Fla. 2000).

The Act also imposes on each incumbent the duty to negotiate in good faith with any requesting carrier on the terms and conditions of an agreement under which these various duties will be fulfilled. See 47 U.S.C. § 251(c)(1). The Act likewise imposes on requesting carriers the duty to negotiate in good faith. Id.

If the parties reach a negotiated agreement, it must be submitted to the state commission for approval. See 47 U.S.C. § 252(e)(1). If the parties fail to agree on all terms and conditions, any party to the negotiation may request binding arbitration before the state commission of

"any open issues." 47 U.S.C. § 252(b)(1).¹

The Act provides for judicial review of the commission's decisions in federal district court. See 47 U.S.C. § 252(e)(6). The case at bar is an action for judicial review under this provision.

Background - The Case at Bar

Plaintiff GTE Florida Incorporated ("GTE") is the incumbent local exchange carrier in parts of the State of Florida. Defendant MCI Telecommunications Corp. ("MCI") is a competitor. In accordance with the Telecommunications Act of 1996, GTE and MCI entered negotiations for an agreement under which MCI would purchase certain services for resale, would interconnect with GTE's facilities, and would have access to GTE's network elements. They were unable to agree on all terms and conditions of an agreement and thus sought and obtained arbitration before the Florida Public Service

¹ If the state commission chooses not to act on either a negotiated agreement or request for arbitration, the Federal Communications Commission must assume the responsibilities of the state commission. See 47 U.S.C. § 252(e)(5).

Commission. Following an evidentiary hearing, the Florida Commission issued a final arbitration order and, in due course, an order approving the agreement entered between GTE and MCI as directed by the arbitration order. GTE now brings this action challenging the Florida Commission's decision in certain respects, and MCI counterclaims challenging the decision in other respects. GTE has named as additional defendants the individual Commissioners of the Florida Public Service Commission, in their official capacities.²

The parties have agreed that this court's review should be conducted based solely on the record as compiled in the Florida Commission. The parties have submitted briefs and presented oral argument, and more recently have submitted supplemental briefs addressing the decision of the United States Supreme Court in AT&T Corp. v. Iowa Utilities Bd.,

² Such an action for judicial review of a state commission's decision may proceed against the individual commissioners in their official capacities in accordance with Ex Parte Young, 209 U.S. 123, 28 S. Ct. 441, 52 L. Ed. 714 (1908), and thus is not barred by the Eleventh Amendment. See MCI Telecommunications Corp. v. BellSouth Telecommunications, Inc., 1997 WL 1133453 (N.D. Fla. 1997).

525 U.S. 366, 119 S. Ct. 721, 142 L. Ed. 2d 835 (1999).

This order constitutes the court's ruling on the merits.

Standard of Review

The Telecommunications Act provides for actions such as the case at bar in a single sentence:

In any case in which a State commission makes a determination under [the Act], any party aggrieved by such determination may bring an action in an appropriate Federal district court to determine whether the agreement or statement meets the requirements of [the Act].

47 U.S.C. § 252(e)(6).³ The Act does not further specify the standard of review to be applied in determining "whether the agreement . . . meets the requirements of" the Act.

For the reasons set forth at length in MCI Telecomms. Corp. v. BellSouth Telecomms., Inc., 2000 WL 1239840 (N.D. Fla. 2000), I will review *de novo* issues regarding the

³ The "agreement" to which this provision applies is an interconnection agreement of the type here at issue. The "statement" to which this provision applies is a statement of a Bell operating company of generally available terms. See 47 U.S.C. § 252(f). No such statement is involved here.

meaning and import of the Telecommunications Act, and I will review state commission determinations of how to implement the Act as so construed only under the arbitrary and capricious standard. This apparently is the standard of review advocated by all parties to this proceeding.

Merits

I. PRICING

The Telecommunications Act directs state commissions to set "just and reasonable" prices for interconnection and network elements "based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the interconnection or network element." 47 U.S.C. § 252(d)(1). The parties to this action dispute the proper method of calculating cost and specific pricing decisions.

For the reasons set forth in AT&T Comms., Inc. v. GTE Florida, Inc., No. 4:97cv300-RH (N.D. Fla. Dec. 12, 2000), I uphold the Florida Commission's pricing decisions in all

respects, except that I direct the defendant Commissioners to explain or further consider their decision with respect to the specific prices established for local loops.

II. COMBINING UNBUNDLED NETWORK ELEMENTS

For the reasons set forth in AT&T Comms., Inc. v. GTE Florida, Inc., No. 4:97cv300-RH (N.D. Fla. Dec. 12, 2000), I uphold the Florida Commission's determination that when GTE provides unbundled network elements to MCI that MCI uses to provide complete service, MCI may pay only the aggregate price of the unbundled network elements; MCI need not pay the wholesale price of complete service. I direct the defendant Commissioners to reconsider the issue of whether GTE or MCI must do the combining of the network elements.

III. PICK AND CHOOSE

For the reasons set forth in AT&T Comms., Inc. v. GTE Florida, Inc., No. 4:97cv300-RH (N.D. Fla. Dec. 12, 2000), I uphold the Florida Commission's determination that MCI properly could "pick and choose" the dark fiber provision of

GTE's interconnection agreement with another carrier.

IV. WHOLESALE PRICING

For the reasons set forth in AT&T Comms., Inc. v. GTE Florida, Inc., No. 4:97cv300-RH (N.D. Fla. Dec. 12, 2000), I uphold the Florida Commission's determination that the wholesale price GTE may charge MCI for operator and directory assistance services must be reduced by avoided costs, but I direct the defendant Commissioners to explain or further consider their decision regarding the appropriate amount of the reduction.

V. OPEN ISSUES

For the reasons set forth in AT&T Comms., Inc. v. GTE Florida, Inc., No. 4:97cv300-RH (N.D. Fla. Dec. 12, 2000), and MCI Telecomms. Corp. v. BellSouth Telecomms., Inc., 2000 WL 1239840 (N.D. Fla. 2000), I conclude that the Florida Commission erred when it refused to arbitrate the open issues of whether the parties' agreement should include a limitation of liability provision, an audit and examination

system, or an inquiry procedure with respect to the availability and location of conduit, poles, ducts and right-of-way. The defendant Commissioners will be directed to arbitrate these open issues.

VI. NUMBER PORTABILITY

For the reasons set forth in AT&T Comms., Inc. v. GTE Florida, Inc., No. 4:97cv300-RH (N.D. Fla. Dec. 12, 2000), I uphold the Florida Commission's determination on number portability.

VII. GEOGRAPHIC DEAVERAGING

For the reasons set forth in AT&T Comms., Inc. v. GTE Florida, Inc., No. 4:97cv300-RH (N.D. Fla. Dec. 12, 2000), and AT&T Comms., Inc. v. BellSouth Telecomms., Inc., No. 4:97cv262-RH (N.D. Fla. Sept. 28, 2000), I conclude that (1) the Florida Commission's adoption of statewide averaged rates, on a transitional basis, did not violate the Act and was not arbitrary and capricious, but that (2) effective as of May 1, 2000, the Florida Commission became obligated to

deaverage rates over at least three geographic areas, in accordance with 47 C.F.R. § 51.507(f).

Because of the passage of time, it is unclear whether the Florida Commission's decision now under review will continue to have effects inconsistent with 47 C.F.R. § 51.507(f). The defendant Florida Commissioners thus will be directed to reconsider their decision to assure that it does not produce results inconsistent with that rule.

VIII. DARK FIBER

For the reasons set forth in MCI Telecomms. Corp. v. BellSouth Telecomms., Inc., 2000 WL 1239840 (N.D. Fla. 2000), I conclude that dark fiber is a "network element" within the meaning of the Telecommunications Act of 1996. The defendant Commissioners will be directed to consider further the issue of whether GTE should be required to make its dark fiber network element available to MCI.

Conclusion

The Florida Commission's determinations were consistent with the Telecommunications Act of 1996 and not arbitrary and capricious with respect to overall pricing methodology, pricing of network elements combined to provide entire service, a carrier's ability to pick and choose provisions from an interconnection agreement between other carriers, number portability, and statewide averaged rates on a transitional basis. The Florida Commission's refusal to arbitrate open issues and failure to treat dark fiber as a network element contravened the Telecommunications Act. The Florida Commissioners will be directed to explain or consider further their determinations on other issues as set forth above.

In accordance with these rulings,

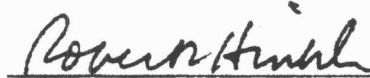
IT IS ORDERED:

The clerk shall enter judgment stating, "The Florida Public Service Commission's Final Order on Arbitration and Final Order Approving Arbitrated Agreement Between GTE and

MCI are affirmed with respect to overall pricing methodology, allowing MCI to pick and choose the dark fiber provision from an agreement between GTE and another carrier, number portability, and adoption of statewide averaged rates on a transitional basis; declared invalid with respect to failure to arbitrate the open issues of whether the parties' agreement should include a limitation of liability provision, an audit and examination system, or an inquiry procedure with respect to the availability and location of conduit, poles, ducts and right-of-way; and vacated for further explanation or consideration with respect to the price of local loops, combining of network elements, wholesale pricing of directory assistance and operator services, continuing effects of statewide averaged rates, and whether GTE should be required to make its dark fiber network element available to MCI, all as set forth in the Order on Merits entered December 13, 2000. Defendant Commissioners of the Florida Public Service Commission shall conduct further proceedings consistent with the Court's Order on Merits, this judgment, and any decision of the

United States Supreme Court on review of Iowa Utilities Bd.
v. FCC, 219 F.3d 744 (8th Cir. 2000)." The clerk shall
close the file.

SO ORDERED this 13th day of December, 2000.



Robert L. Hinkle
United States District Judge

September 23, 2002

BY HAND DELIVERY

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

COMMISSION
CLERK

02 OCT -3 AM 10:05

Re: Change of Address

Dear Ms. Bayó,

In compliance with the Commission rules, WorldCom hereby files its change of contact information for the certificated entities listed below. Starting today, September 23, 2002, I am moving to a new address, and also will have new phone and fax numbers. I would appreciate it if you could update the Master Commission Directory with the new information.

960786, 960786A, 960786B, 960833, 960846,
971140, 971478, 980499, 980986, 981121, 981444,
981834, 990455, 990649, 990649A, 990649B, 0000,
000121, 000121A, 000121B, 000649, 001503, 010774,
011077, 020125,
020649, 02070,
020891

I am the regulatory liaison for the following certificated entities and my new information is set forth below:

UPDATED REGULATORY LIAISON CONTACT INFORMATION:

Donna Canzano McNulty
1203 Governors Square Blvd.
Suite 201
Tallahassee, FL 32301

Phone: (850) 219-1008
Fax: (850) 219-1018

UPDATED CONTACT INFORMATION FOR THESE CERTIFICATED ENTITIES:

- ✓ TI731 - MCI WorldCom Network Services, Inc. (IXC)
- ✓ TE644 - MCI WorldCom Communications, Inc. (PP)
- ✓ TA020 - MCI WorldCom Network Services, Inc. (ALEC)
- ✓ TA005 - MCI metro Access Transmission Services, LLC (ALEC)
- ✓ TS185 - MCI WorldCom Communications, Inc. (STP)
- ✓ TA047 - MCI WorldCom Communications, Inc. (ALEC)
- ✓ TI724 - TransCall America, Inc. d/b/a ATC Long Distance

Done 9/25/02

- ✓ TJ032 – MCI WorldCom Communications, Inc. (IXC)
- ✓ TA012 – Metropolitan Fiber Systems of Florida , Inc. (ALEC)
- ✓ TE165 – Telecom*USA, Inc. (PP)
- ✓ TI906 – Telecom*USA, Inc. (IXC)
- ✓ TI907 – SouthernNet Systems, Inc. (IXC)
- ✓ TS173 – Intermedia Communications Inc. (STP)
- ✓ TI857 – Intermedia Communications Inc. (IXC)
- ✓ TA001 – Intermedia Communications Inc. (ALEC)
- ✓ TS171 - Access Network Services, Inc. (STP)

If you have any questions, please contact me at your earliest convenience.

Sincerely,

Donna Canzano McNulty

cc: Walter D'Haeseleer
Harold McLean
Beth Keating
Bev DeMello
Rick Moses
Roberta Bass

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

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Public Service Commission

August 19, 2004

Ms. Nancy H. Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

Re: Return of Confidential Document to the Source, Docket No. 971140-TP

Dear Ms. Sims:

Commission staff have advised that Confidential Document No. 03025-98, filed on behalf of BellSouth Telecommunications, Inc. can be returned to the source. The document is enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

KF/mhl
Enclosure

cc: Martha Brown, Office of the General Counsel
David Smith, Office of the General Counsel
Richard Bellak, Office of the General Counsel
Beth Keating, Office of the General Counsel
Mike Haff, Division of Economic Regulation

SIGNED FOR BY

A handwritten signature in cursive script, appearing to read "Richard Bellak".

DATE

8.25.04

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