

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of) DOCKET NO. 950984-TP
petition(s) to establish) ORDER NO. PSC-96-0010-PHO-TP
nondiscriminatory rates, terms,) ISSUED: January 4, 1996
and conditions for resale)
involving local exchange)
companies and alternative local)
exchange companies pursuant to)
Section 364.161, Florida)
Statutes.)
_____)

Pursuant to Notice, a Prehearing Conference was held on December 22, 1995, in Tallahassee, Florida, before Commissioner J. Terry Deason, as Prehearing Officer.

APPEARANCES:

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Michael J. Henry, Suite 700, 780 Johnson ferry
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On behalf of MCI Metro Access Transmission Services, Inc.

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On behalf of BellSouth Telecommunications, Inc. d/b/a
Southern Bell Telephone and Telegraph Company.

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On behalf of Florida Cable Telecommunications
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On behalf of Intermedia Communications of Florida, Inc.

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On behalf of WorldCom, Inc. d/b/a LDDS WorldCom Communications.

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On behalf of Sprint Communications Company Limited Partnership.

Charles W. Murphy, Esquire, Pennington & Haben, P.A., Post Office Box 10095, Tallahassee, Florida 32302-2095
On behalf of Time Warner AxS of Florida L. P. and Digital Media Partners.

Donna L. Canzano, Esquire, Robert V. Elias, Esquire, Scott Edmonds, Esquire, and Tracy Hatch, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Commission Staff.

Mr. Pruitt, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Commissioners.

PREHEARING ORDER

I. CASE BACKGROUND

The 1995 Florida Legislature approved substantial revisions to Chapter 364, Florida Statutes. Included in these changes are provisions that authorize the competitive provision of local exchange telecommunications service. Incumbent local exchange companies may elect to be price regulated, rather than rate base rate-of-return regulated companies.

Section 364.161, Florida Statutes, provides that upon request, each local exchange telecommunications company shall unbundle all of its network features, functions, and capabilities, and offer them to any other telecommunications provider requesting them for

resale to the extent technically and economically feasible. If the parties to this proceeding are unable to successfully negotiate the terms, conditions, and prices of any feasible unbundling request, the Commission, pursuant to Section 364.162(3), Florida Statutes, is required to set nondiscriminatory rates, terms, and conditions for resale of services and facilities within 120 days of receiving a petition. To ensure that this requirement is met, this docket has been opened to process petitions which could be filed by eligible local exchange or alternative local exchange companies.

On August 30, 1995, the Prehearing Officer set forth the procedural dates governing petitions filed requesting the Commission to establish nondiscriminatory rates, terms, and conditions for resale. On November 13, 1995, Metropolitan Fiber Systems of Florida, Inc. (MFS) and on November 14, 1995, MCI Metro Access Transmission Services, Inc. (MCImetro) filed petitions requesting that the Commission establish such nondiscriminatory rates, terms and conditions for resale with BellSouth Telecommunications, Inc. By Order No. PSC-95-1422-PCO-TP, issued November 22, 1995, the Prehearing Officer set forth further procedural dates. The Chairman set the matter for an administrative hearing beginning January 8, 1995.

II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183(2), Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Commission Clerk's confidential files.

Post-hearing procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. The rule also provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

IV. ORDER OF WITNESSES

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
<u>Direct</u>		
Timothy T. Devine	MFS-FL	1 - 4
Don Price	MCImetro	1, 2, 4
Dr. Nina Cornell	MCImetro	1, 2, 3
Mike Guedel	AT&T	1 - 4
Robert Scheye	BellSouth	1 - 4
Dr. Andy Banerjee	BellSouth	3

<u>Rebuttal</u>		
Timothy T. Devine	MFS-FL	1 - 4
Don Price	MCImetro	1, 2, 3
Dr. Nina Cornell	MCImetro	1, 2, 3
*Joseph Gillan	AT&T	1 - 3
Robert Scheye	BellSouth	1 - 4
Dr. Andy Banerjee	BellSouth	3

*The witness is available on January 11 and 12, 1996. No party objected.

V. BASIC POSITIONS

MFS-FL:

BellSouth should unbundle and separately price and offer two-wire and four-wire, analog and digital loop and port elements such that MFS-FL will be able to lease and interconnect to whichever of these unbundled elements MFS-FL requires and to combine the BellSouth-provided elements with facilities and services that MFS-FL may provide itself. BellSouth should price these unbundled elements at Long Run Incremental Cost,

subject to the pricing guidelines recommended in this proceeding by MFS-FL.

MCIMETRO:

BellSouth should make unbundled local loops, loop transport, and loop concentration available to MCImetro at prices equal to their total service long run incremental cost. Such unbundled facilities are necessary to facilitate the provision of local service by MCImetro to customers in areas where MCImetro does not have its own loop facilities. The unbundling of such elements is technically and economically feasible. Such elements should be priced equal to their direct economic cost (i.e. TSRLIC) in order to prevent the possibility of price squeezes.

BELLSOUTH:

The unbundled components and capabilities required under revised Chapter 364 will be significantly affected by the universal service issues being addressed in Florida Docket No. 950696-TP. Specifically, the manner in which the universal support mechanism is modified to include the required ALEC support, will affect the rate structure and rate levels for local interconnection arrangements. BellSouth's local interconnection arrangements in turn must accommodate the unbundled network components and capabilities. Therefore, BellSouth believes that issues concerning local interconnection, unbundling and universal service should be negotiated together as part of one comprehensive package.

BellSouth already offers many features on an unbundled basis, such as loops, interoffice transport and various forms of exchange access. BellSouth also plans to offer, on an unbundled basis, ports, channel multiplexing and associated transport, and virtual collocation. BellSouth does not plan to offer sub-loop unbundling, loop concentration or connection of unbundled loops to unbundled ports. With regard to unbundling, it is BellSouth's position that the existing ONA model and criteria should be used to the extent possible to determine the feasibility of unbundling network elements, components, or capabilities. Moreover, unbundled network elements should be offered at a tariffed rate.

AT&T:

AT&T submits that attempts to promote the development of local exchange competition serve the public interest, but it must be

recognized that the general availability of facilities-based competition, while desirable, is not likely to develop in the near term. Therefore, to encourage the development of potential local competition, and to encourage the breadth of competitive availability, the Commission must order BellSouth to unbundle its services into underlying Basic Network Functions (hereinafter "BNFs".) The unbundled BNFs should be offered to new entrants under the same basic arrangements and with the same technical capabilities as they are used by BellSouth in the provision of its services. To further encourage the potential development of competition, the unbundled elements should be priced at the Total Service Long Run Incremental Cost (hereinafter "TSLRIC") incurred by BellSouth in providing each element.

FCTA:

The FCTA urges the adoption of the comprehensive Stipulation and Agreement entered between FCTA, BellSouth, Continental and Time Warner AxS L.P./Digital Media Partners which was filed in this docket on December 8, 1995. Part of the Stipulation and Agreement addresses the terms of LEC unbundling and resale. The Stipulation and Agreement is in the public interest and will permit the introduction of local competition to Florida's consumers.

INTERMEDIA:

No position.

LDDS:

The Commission should recognize that the creation of end-to-end wholesale network arrangements are paramount to the development of meaningful local competition. Thus, in approving the pending requests, the Commission should recognize that other carriers may have different unbundling and resale requirements that would necessitate different wholesale local service arrangements.

SPRINT:

Sprint has no position at this time.

TIME WARNER:

Time Warner believes that for local competition to develop and be sustained, there must be facilities-based alternatives to

the local exchange companies. Chapter 364.161, Florida Statutes requires local exchange companies, upon request, to unbundle all of their network features, functions, and capabilities, including access to signaling databases, systems and routing processes, and offer them to any other telecommunications provider requesting them for resale. However, Time Warner believes that facilities-based providers should not be required to price their retail services at a discount for use by resellers. An aggressive resale policy to promote simple resale or rebranding of local exchange service elements will operate to deter the development of facilities-based competition.

STAFF:

As envisioned by the statute, each local exchange company, upon request, shall unbundle network features, functions, and capabilities, including access to signalling databases, systems, and routing processes. These unbundled elements should be offered to any telecommunications provider requesting such features, functions and capabilities for resale to the extent technically and economically feasible. Staff does not consider currently tariffed items to be unbundled elements but rather items to be unbundled.

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

VI. ISSUES AND POSITIONS

ISSUE 1:

What elements should be made available by BellSouth to MCImetro and MFS on an unbundled basis (e.g. link elements, port elements, loop concentration, loop transport)?

MFS-FL:

MFS-FL seeks unbundled access and interconnection to the following forms of unbundled links: (1) 2-wire analog voice grade; (2) 2-wire ISDN digital grade; and (3) 4-wire DS-1 digital grade. MFS-FL also requests that the following forms of unbundled ports be made available: (1) 2-wire analog line;

(2) 2-wire ISDN digital line; (3) 2-wire analog DID trunk; (4) 4-wire DS-1 digital DID trunk; and (5) 4-wire ISDN DS-1 digital trunk. MFS-FL seeks unbundled access and interconnection to the link subelements that are resident in the modern digital loop carrier ("DLC") systems (which provide concentration) that LECs have begun to deploy in lieu of copper pair links.

MCIMETRO:

BellSouth should make available to MCImetro the unbundled loops, loop concentration and loop transport that MCImetro has requested. The unbundling of such elements is technically and economically feasible. In addition, BellSouth should make available, upon request, any other element that it is technically and economically feasible to unbundle, including the additional elements requested by MFS.

BELLSOUTH:

BellSouth plans to offer unbundled loops and associated transport, unbundled ports, channel multiplexing and associated transport, and virtual collocation. BellSouth does not plan to offer sub-loop unbundling, loop concentration, unbundling or connection of unbundled loops to unbundled ports.

AT&T:

BellSouth should be required to unbundle local loops and local switching ports.

The local loop functions to connect an end user premises to the service wire center of the local exchange company. The traditional local loop facility can be divided into three sub-elements: loop distribution, loop multiplexing and concentration, and loop feeder.

The local switch function to create on demand temporary paths connecting local loops to other local loops or local loops to interoffice transport facilities. Typical switching functions include: 1) recognizing service requests, 2) obtaining call specific information, 3) data analysis, 4) route selection, 5) call completion, 6) testing and recording, etc. Further local switching BNFs must include access to unbundled Advanced Intelligent Network (AIN) triggers. These triggers will offer a new entrant certain call control capability within the LEC

switch allowing it to customize its end user offerings without having to duplicate the LEC switch.

FCTA:

The FCTA would urge the adoption of the December 8, 1995 comprehensive Stipulation and Agreement entered into between FCTA, BellSouth, Continental, Time Warner AxS L.P./Digital Media Partners. The terms of the agreement that relate to LEC unbundling and resale are contained in Section B and in Attachment D. That agreement, taken as a whole, establishes reasonable provisions for LEC unbundling and resale over the next two years.

INTERMEDIA:

No position.

LDDS:

The requested unbundling and resale requests should be granted. However, in approving these requests, the Commission should recognize that because each competitor's service requirements may be different, the unbundled components approved in this proceeding may be insufficient or inappropriate for other competitors.

SPRINT:

Sprint has no position at this time.

TIME WARNER:

Time Warner has joined and supports a Commission-approved stipulation that would partially resolve this issue. Links, ports, loop transport and loop concentration should be available. Other elements may be negotiated at a later date.

STAFF:

Elements for consideration should include, but not be limited to, all items requested in MCImetro and MFS's petitions.

Elements for consideration should include, but not be limited to, all items requested in MCImetro and MFS's petitions.

ISSUE 2:

What are the appropriate technical arrangements for the provision of such unbundled elements?

MFS-FL:

Interconnection should be achieved via collocation arrangements MFS-FL will maintain at the wire center at which the unbundled elements are resident. MFS-FL also must be able to install DLCs at BellSouth virtual collocation sites. At MFS-FL's discretion, each link or port element should be delivered to the MFS-FL collocation arrangement over an individual 2-wire hand-off, in multiples of 24 over a digital DS-1 (or, if technically feasible, higher transmission levels) hand-off in any combination or order MFS-FL may specify, or through other technically feasible and economically comparable hand-off arrangements requested by MFS-FL (e.g., SONET STS-1 hand-off). BellSouth should unbundle and separately price and offer these elements such that MFS-FL will be able to lease and interconnect to whichever of these unbundled elements MFS-FL requires and to combine the BellSouth-provided elements with facilities and services that MFS-FL may provide itself.

MCIMETRO:

Unbundled loops should be provided from the customer's premises to BellSouth's central office and interconnectioned, at the ALEC's option, to (i) the ALEC's co-located facilities, (ii) the co-located facilities of another carrier, or (iii) loop transport facilities provided by BellSouth. Loop transport should be provided to transport traffic to or from the BellSouth central office to the point of interconnection with MCImetro, if not co-located at BellSouth's central office (e.g. to a mid-span meet or to an MCImetro entrance facility at another central office or access tandem). Loop concentration should be provided to maximize the efficiency with which traffic is delivered through transport facilities.

BELLSOUTH:

BellSouth will make voice grade local loops available to ALECs from BellSouth's Access Services Special Access tariff. Interoffice transport facilities necessary to connect a local channel from the end user's serving wire center to the ALEC's point of interface will be available from the Access Services tariff. BellSouth will also provide an unbundled two-wire voice grade exchange port (residence, business, and PBX trunk)

for connection of an ALEC's end user loop to BellSouth's public switched network. Channel multiplexing and associated transport will be offered to an ALEC as High Capacity Service from the Special Access Service tariff. BellSouth will also offer Virtual Expanded Interconnection Service (VEIS) for basic transmission facilities, subject to the availability of space and facilities in each BellSouth location.

AT&T:

The overarching guideline should be to provide the unbundled elements in such a manner as to not inhibit the new entrant from providing the same quality of service as the incumbent LEC. That means that the technical arrangements used to connect the unbundled element(s) to a new entrant's network should be equal to those currently used to connect the element(s) within the LEC's own network. New entrants should have cooperatively engineered interconnection arrangements equal service quality or performance parity, and the opportunity to interconnect at the same points or virtually the same points where practicable as the incumbent LEC.

FCTA:

The FCTA urges the adoption of the December 8, 1995 comprehensive Stipulation and Agreement entered between FCTA, BellSouth, Continental, Time Warner AxS L.P./Digital Media Partners in its entirety. In Section B and in Attachment D of the Agreement, an initial set of technical arrangements is established that will facilitate the introduction of local competition.

INTERMEDIA:

No position.

LDDS:

The technical arrangements requested should be approved.

SPRINT:

Sprint has no position at this time.

TIME WARNER:

Unbundled elements should be available at interconnection points between the BellSouth and ALEC network.

STAFF:

No position at this time.

ISSUE 3:

What are the appropriate financial arrangements for each such unbundled element?

MFS-FL:

Absent mitigating circumstances, BellSouth's Long Run Incremental Costs (LRIC) should serve as the target price and cap for unbundled loops where such loops must be employed by ALECs to compete with BellSouth, with all of the advantages of its historical monopoly franchise. MFS-FL would also apply two additional pricing guidelines to prevent discrimination: 1) the sum of the prices of the unbundled rate elements (link, port, and cross-connect) must be no greater than the price of the bundled dial tone line; and 2) the ratio of price to LRIC for each element and for the bundled dial tone line must be the same.

MCIMETRO:

The price of each such unbundled element should be set equal to its direct economic cost, i.e. its total service long run incremental cost.

BELLSOUTH:

For those unbundled network elements that BellSouth has already tariffed, the current tariff rate is the appropriate level. BellSouth plans to price or rate unbundled ports on a measured basis consisting of a monthly rate and a usage rate, identical to that of Shared Tenant Service contained in Section A23 of BellSouth's General Subscriber Service Tariff (GSST).

AT&T:

The target price for the unbundled elements should be the Total Service Long Run Incremental Cost (TSLRIC) that the LEC incurs in providing them. Pricing at TSLRIC will simultaneously ensure that the incumbent LEC recovers all of the costs that it incurs in providing the unbundled element(s) (including cost of money), while it encourages the potential

development of competition by offer unbundled element(s) (at least from a price perspective) in a competitively neutral manner.

FCTA:

FCTA urges the adoption of the December 8, 1995 comprehensive Stipulation and Agreement entered between FCTA, BellSouth, Continental, Time Warner AxS L.P./Digital Media Partners in its entirety. The initial set of financial arrangements necessary to introduce local competition are contained in Section B and in Attachment D of the Agreement.

INTERMEDIA:

No position.

LDDS:

The pricing of the unbundled elements should be based on the direct economic cost of the wholesale component purchased.

SPRINT:

Sprint has no position at this time.

TIME WARNER:

Time Warner has joined and supports a Commission-approved stipulation that would partially resolve this issue. Additionally Time Warner takes the following position: Although Chapter 364 requires incumbent local exchange companies, including BellSouth, to unbundle the functions and features of their networks, Time Warner believes that, as a general policy, facilities based providers should not be required to price their retail services at a discount for use by resellers.

Time Warner further recognizes that existing LEC services such as special access provide a contribution toward the preservation of universal services and carrier of last resort obligations, and that until the conclusion of rate and universal service reform, it may not be appropriate for the LECs to lose this contribution. However, the price for unbundled elements provided by the LECs must pass an imputation test to ensure that new entrants are not caught in a price squeeze.

STAFF:

The prices for each unbundled element should be based on incremental cost.

ISSUE 4:

What arrangements, if any, are necessary to address other operational issues?

MFS-FL:

BellSouth should be required to apply all transport-based features, functions, service attributes, grades-of-service, and install, maintenance and repair intervals which apply to bundled service to unbundled links. Likewise, BellSouth should be required to apply all switch-based features, functions, service attributes, grades-of-service, and install, maintenance and repair intervals which apply to bundled service to unbundled ports. BellSouth should permit any customer to convert its bundled service to an unbundled service and assign such service to MFS-FL, with no penalties, rollover, termination or conversion charges to MFS-FL or the customer. BellSouth should also bill all unbundled facilities purchased by MFS-FL (either directly or by previous assignment by a customer) on a single consolidated statement per wire center. BellSouth should provide MFS-FL with an appropriate on-line electronic file transfer arrangement by which MFS-FL may place, verify and receive confirmation on orders for unbundled elements, and issue and track trouble-ticket and repair requests associated with unbundled elements.

MCIMETRO:

BellSouth should provide order entry, repair, testing, and any other administrative systems required for the provision of unbundled facilities, on a mechanized basis.

SBT: It is premature for the Commission to address operational issues. The Company believes that these issues can be negotiated to the mutual satisfaction of all parties. If negotiations fail, MFS-FL and MCImetro have the right to file a complaint with the Commission in order to resolve any issues they feel necessary.

AT&T:

AT&T takes no position on this issue at this time.

FCTA:

FCTA urges the adoption of the September 8, 1995 comprehensive Stipulation and Agreement entered between FCTA, BellSouth, Continental, and Time Warner AxS L.P./Digital Media Partners in its entirety. The initial arrangements necessary to introduce local competition are contained in Section B and Attachment B of the agreement.

INTERMEDIA:

No position.

LDDS:

The Commission should recognize that other carriers may have different unbundling and resale requirements that may require further proceedings. At a minimum, the Commission should direct the LECs to provide nondiscriminatory automated operational support mechanisms to facilitate the purchase of all elements of the wholesale local network platform.

SPRINT:

Sprint has no position at this time.

TIME WARNER:

BellSouth should provide ordering, repair, and testing, and any other administrative systems needed on an automated basis, where possible.

STAFF:

No position at this time.

VII. EXHIBIT LIST

<u>Witness</u>	<u>For</u>	<u>I.D. No.</u>	<u>Description</u>
Timothy Devine	MFS-FL	TTD-1	Correspondence between BellSouth and MFS-FL in their recent interconnection negotiations.

<u>Witness</u>	<u>For</u>	<u>I.D. No.</u>	<u>Description</u>
Timothy Devine	MFS-FL	TTD-2	An affidavit of Timothy Devine.
		TTD-3	A list of processing and billing arrangements for interim number portability.
		TTD-4	A proposed stipulation of MFS-FL dated November 8, 1995.
Don G. Price		DGP-1	Academic and Professional Qualification of Don Price
Dr. Nina W. Cornell		NWC-1	Academic and Professional Qualification of Dr. Nina Cornell
Robert Scheye	BellSouth	RCS-1	Issues List
		RCS-2	Negotiation Items
Dr. Andy Banerjee	BellSouth	AXB-1	Curriculum Vitae
		AXB-2	Rebuttal Testimony Docket 950985A-TP

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

VIII. PROPOSED STIPULATIONS

There has been a Stipulation and Agreement entered into by BellSouth, the Florida Cable Telecommunications Association, Time-Warner, Continental, Teleport and Intermedia Communications, Inc. addressing Docket No. 950985-TP, Docket No. 950985A-TP, Docket No. 950985D-TP, Docket No. 950984-TP, Docket No. 950696-TP, and Docket

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No. 950737-TP. On December 19, 1995, the Commission voted to accept the stipulation as it relates to those parties who signed it.

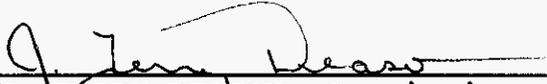
IX. OTHER MATTERS

BellSouth withdraws discovery to those parties in this docket that have signed the stipulation and agreement.

It is therefore,

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 4th day of January, 1996.



J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)

DLC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.