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November 30, 1998

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

Re: MCImetro Complaint -- Docket No. 980281-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of MCImetro Access Transmission Services, Inc. are the original and fifteen copies of its Response to BellSouth's Motion for Reconsideration, for Clarification, and for Extension of Time.

By copy of this letter, this document is being furnished to the parties on the attached service list.

Very truly yours,

Richard D. Melson

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- AFA _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of MCImetro Access)
 Transmission Services, Inc. against) Docket No. 980281-TP
 BellSouth Telecommunications, Inc.)
 For Breach of Approved) Filed: Nov. 30, 1998
 Interconnection Agreement)

**MCIMETRO ACCESS TRANSMISSION SERVICES, INC.'S
 RESPONSE TO BELL SOUTH'S MOTION FOR RECONSIDERATION,
 FOR CLARIFICATION, AND FOR EXTENSION OF TIME**

MCImetro Access Transmission Services, Inc. (MCImetro) hereby files its response to BellSouth's Motion for Reconsideration, for Clarification, and for Extension of Time.

I. Introduction

BellSouth has been on notice for months as to the corrective action MCImetro has requested, and the Commission ultimately ordered, in this case. The Commission approved the Interconnection Agreement between MCImetro and BellSouth on June 19, 1997. MCImetro attempted to resolve most of the claims at issue in this case during or before the fall of 1997. After MCImetro filed its complaint in February 1998 and filed testimony further explaining its position and the relief sought, the staff in September recommended that MCImetro prevail on

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twelve of the thirteen outstanding claims. On October 6, the Commission voted to approve the staff's recommendation and a month later the Commission issued its final order on November 5.

In its Motion, BellSouth seeks to play for yet more time and otherwise reformulate the actions required of it. BellSouth has no excuse for seeking further delay and offers no valid grounds for reconsidering the ordered relief. BellSouth wants to comply with the Interconnection Agreement on its terms, proceeding at its pace. In an effort cooperate, even at this late stage, MCImetro is willing to consent to some of the more modest extensions requested by BellSouth, as discussed below. MCImetro otherwise urges the Commission to deny BellSouth's Motion.

II. Regional Street Address Guide

BellSouth requests the Commission to (a) require MCImetro to pay for a download of the RSAG and updates to the database, (b) permit BellSouth to provide updates (really new downloads) a day after the changes to the database are made, and (c) extend the time within which BellSouth may comply.

BellSouth contends that the Commission had no rationale for ordering BellSouth to provide the RSAG and

updates at no cost to MCImetro, and that Florida law and Section 252(d) of the Telecommunications Act of 1996 require that BellSouth be compensated for its costs. These arguments have no merit. The basis for the Commission's decision is plain: The contract provides that BellSouth will provide the RSAG and updates to MCImetro, and does not require MCImetro to pay any additional cost to obtain them. The *only* reasonable interpretation of the contract is that BellSouth must provide the RSAG and updates at no cost.¹ BellSouth offers no suggestion as to how Florida law or Section 252(d) might undermine these terms to which BellSouth agreed. The Commission should stand by its Order because it was correctly decided.

BellSouth states that it "will provide updates within 24 hours of the change by sending MCI the entire RSAG download daily at MCI's request." But neither the Interconnection Agreement nor the Commission's order calls for or permits BellSouth to update the RSAG by sending successive downloads of the voluminous database. As BellSouth is well aware, providing updates in this manner would effectively negate the utility of the RSAG for MCImetro. Indeed, BellSouth contended in its direct

¹ This is the same treatment afforded to the MSAG data base, which likewise has been provided at no charge under the Agreement.

testimony that the RSAG was so voluminous that it was "inconceivable" that BellSouth would have agreed to provide a download of the database. (Stacy, Tr. III, 289.) Now BellSouth says it wants to provide such a download on a daily basis! BellSouth's attempt to "clarify" the Commission's Order in this manner should be rejected.

Based on BellSouth's Motion, it is impossible to determine whether BellSouth's request to provide updates the day after changes are made is reasonable and in compliance with the Interconnection Agreement. Specifically, it is not clear what BellSouth means when it states that "BellSouth provides RSAG updates to itself within 24 hours of the change being made to the data." (See BellSouth Motion at 4.) Presumably, it is BellSouth that makes the changes to the data, and BellSouth gives no clue as to how or why it must subsequently provide the updates "to itself."² Until BellSouth provides a reasonable explanation that squares with the contract, its request should be denied.

Finally, BellSouth requests that it not be required to provide the download and updates until thirty days after it receives MCImetro's specifications for the subset of the

² In any event, it seems highly unlikely that BellSouth transmits the entire RSAG to itself, as it proposes for MCImetro.

RSAG it wishes to obtain. This proposal is generally acceptable to MCImetro.³

III. Due Date Calculation

MCImetro cannot agree to extend the deadline for UNE due date calculation to July 1999 as BellSouth proposes. Such an extension would effectively permit BellSouth to comply with the Interconnection Agreement at its leisure. MCImetro further notes that BellSouth promises only to provide the UNE due date calculation feature in TAG and LENS, but not in EDI TCP/IP/SSL3, which, as BellSouth knows, is the pre-ordering interface MCImetro intends to use once it becomes available. The Commission's Order refers to "the national standard *interfaces* being developed," not just the TAG interface. (Order at 17, emphasis added.) BellSouth's apparent attempt to limit the scope of the Commission's Order should be rejected.

IV. Number Reservation

MCImetro is willing to agree to the extension dates BellSouth proposes for automatic assignment of telephone

³MCImetro notes that the current negotiations are not simply a matter of determining what subset of information MCImetro would like to obtain. For example, BellSouth is demanding that MCImetro sign a license agreement that would limit MCImetro's use of RSAG data to address

numbers in LENS and for provision of vacant NXX codes, provided that they are true deadlines and not mere "expected completion dates." BellSouth states that it will provide vacant NXX codes in TAG; it also should provide them in EDI TCP/IP/SSL3 when it becomes available.

V. Universal Service Order Codes (USOCs)

The proposed extension until the end of December 1998, is acceptable. BellSouth states that it will provide the requested information "via a downloadable format," without specifying that it will be in the comma-spaced value format ordered by the Commission. (BellSouth Motion at 6-7.) MCImetro does not consent to any change in the scope of the relief ordered by the Commission.

VI. Customer Service Record (CSR) Information

The proposed extension until December 19, 1998 for providing the requested information is acceptable.

VII. Jeopardy Notification

The proposed extension for LNP service jeopardy notifications via EDI to August 1999 is not acceptable.

validation. MCImetro does not agree to extend BellSouth's thirty-day deadline for such demands beyond the scope of the Commission's Order.

Again, BellSouth requests the Commission to accommodate BellSouth's timetable and priorities, even though it stands in breach of contract now. Further, BellSouth fails to mention that it does not provide LNP missed appointment notifications via EDI today. BellSouth's delay is of particular concern because MCImetro understands that BellSouth already has cut its major Florida MSAs to LNP.

VIII. Firm Order Confirmations (FOCs)

BellSouth seeks an extension to February 15, 1999 to comply with the agreed-upon FOC intervals because of "the need to ensure the identification and implementation of process changes and the need to train personnel on those changes." (BellSouth Motion at 8-9.) This assertion is remarkable, considering that all BellSouth proposes to provide is an FOC that is not truly a *firm* order confirmation, but rather a response with a commitment date "based on BellSouth's standard intervals for unbundled network elements, without verification of available resources or facilities."⁴ (BellSouth Motion at 8.) BellSouth should be required to provide true firm order confirmations without further delay.

⁴ It is not clear what interval BellSouth intends to quote for the UNE combination in question; certainly it should not be longer than provided today.

IX. Network Blockage Information

The nine-day extension BellSouth seeks for the requested information is acceptable, provided this deadline is firm and not merely an expected completion date. Upon reviewing the information BellSouth provides, MCImetro will determine whether it believes the proposed format is acceptable.

X. Recorded Usage Data

The extension BellSouth proposes with respect to recorded usage data (to December 31, 1998) is acceptable, again provided that BellSouth is required to adhere to a firm deadline.

XI. Directory Assistance (DA) Listings Database

BellSouth states that it "intends to make every effort to comply with this portion of the Order" by December 5, 1998. MCImetro does not agree to a best efforts exception to the Commission's Order.

RESPECTFULLY SUBMITTED this 30th day of November,
1998.

HOPPING GREEN SAMS & SMITH, P.A.

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ATTORNEYS FOR MCIMETRO ACCESS
TRANSMISSION SERVICES, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by U. S. Mail or Hand Delivery** this 30th day of November, 1998.

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