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VIA FACSIMILE AND US MAIL

Charles J. Pellegrini  
WIGGINS & VILLACORTA, P.A.  
2145 Delta Boulevard, Suite 200  
Tallahassee, Florida 32303

Re: FPSC Docket No. 991534-TP (Intermedia v. BellSouth)

Dear Mr. Pellegrini,

I am in receipt of your June 29, 2000 correspondence to Nancy White. Your "outrage" at the footnote in BellSouth's Post-Hearing Brief is misplaced. Simply stated, Intermedia failed to provide BellSouth a copy of late-filed Exhibit 20. Based on Intermedia's failure to serve BellSouth, BellSouth assumed that Intermedia chose not to produce the late-filed exhibit. Intermedia's failure to serve BellSouth with the late-filed exhibit only serves to exacerbate the dilatory tactics used by Intermedia throughout this case, the most recent resulting in Commission Orders denying: (1) Intermedia's Motion to File Surrebuttal; and (2) Intermedia's Motion for Protective Order. In that regard, BellSouth requests that the Commission consider this letter as BellSouth's response to late-filed Exhibit 20, or in the alternative, a request for leave to file a Supplemental Post-Hearing Brief to address Intermedia's late-filed Exhibit 20.

The purpose behind the late-filed exhibit was for Intermedia to clear up the multiple inconsistencies in Intermedia's testimony concerning its network configuration at the time the Amendment was executed. As you are well aware, Intermedia requested MTA yet, at the same time, represented that Intermedia did not need MTA as it was directly trunked to every BellSouth tandem. Commissioner Deason requested the late-filed exhibit solely on that issue, "Let's just get a late-filed exhibit from Mr. Thomas. We'll identify at the time that this agreement was entered into, the amendment, as to exactly what tandems were connected and in what manner. And I think that should clarify the record." (TR 299)

Intermedia's late-filed Exhibit 20 far exceeds the request made by Commissioner Deason. Although BellSouth intends to fully respond in a Supplemental Post-Hearing Brief, some of the misstatements made in the "Foreword" to late-filed Exhibit 20 warrant mentioning here. First, the request for late-filed Exhibit 20 did not result from questions directed to Mr. Thomas, but instead resulted from questions directed to Ms. Gold.

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Second, during his cross-examination, Mr. Thomas did *not* note “that the BellSouth data were incomplete, and did not fully show Intermedia’s interconnection arrangements with BellSouth – in particular, the trunking arrangements to a tandem office in Columbus, Georgia.” To the contrary, Mr. Thomas accepted the information in the exhibit subject to check. (TR 139) Nothing in late-filed Exhibit 20 even remotely questions the accuracy of the information in the data warehouse, which conclusively establishes that Intermedia has MTA in the Atlanta LATA.

Third, Intermedia continues to avoid the ultimate question of whether it is directly interconnected to every access tandem in the Atlanta LATA for purposes of routing local and intraLATA toll traffic. Intermedia clings to the misplaced notion that being direct-trunked to every access tandem “in which Intermedia provides service” is sufficient to avoid MTA under the terms of the Amendment. Clearly, the Amendment provides that MTA results when Intermedia is direct-trunked to “less than all access tandems within the LATA” for the transport of Intermedia’s local and intraLATA toll traffic. Nothing in late-filed Exhibit 20 contradicts the fact that Intermedia is not direct-trunked to all the access tandems in the Atlanta LATA for the transport of Intermedia’s local and intraLATA toll traffic.<sup>1</sup> Thus, Intermedia has MTA in the Atlanta LATA but continues to bill BellSouth at the rates in the master Interconnection Agreement. Even under Intermedia’s misguided interpretation of the Amendment, this billing practice puts Intermedia in breach of the Interconnection Agreement and, at a minimum, demonstrates that even Intermedia does not believe its own interpretation.

Fourth, Intermedia’s contention that the data warehouse “failed to show existing trunking arrangements” is simply baseless. Intermedia does not, and cannot, reference *any* trunk group that currently exists that did not show up on the data warehouse. To the extent Intermedia suggests, in Footnote 1, that the Feature Group D trunk group to the Columbus tandem was not on the data warehouse, that notion is easily dispelled by reviewing the cross-examination of Mr. Thomas. (See TR 142-143) Further, even a cursory glance at page 10 of late-filed Exhibit 20 confirms that the only trunk group Intermedia has to the Columbus tandem is a Feature Group D trunk group, which according to the testimony of Mr. Thomas is for long-distance (interLATA) traffic. (TR 157) As noted above, MTA is for the routing of local and intraLATA toll traffic. Thus, Intermedia having Feature Group D trunking (for routing interLATA traffic) to the Columbus tandem has no bearing on the fact that Intermedia has MTA in the Atlanta LATA, a fact Intermedia conceded at the hearing. (TR 143-144) Intermedia’s unsubstantiated allegations are just another attempt to direct the Commission’s attention away from the fact that Intermedia does not even comply with Intermedia’s own interpretation of the Amendment.

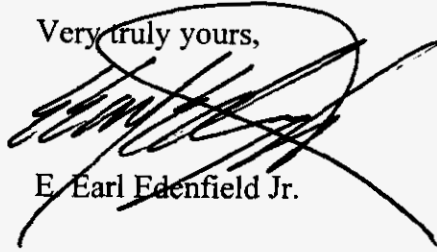
Finally, Intermedia contends that the data warehouse information was not complete because BellSouth did not query all of Intermedia’s ACNA codes. While Intermedia makes a general allegation that the data warehouse was not complete, Intermedia fails to reference any trunk group not on the data warehouse. Further, Intermedia suggests that BellSouth did not check Intermedia’s “ESF” ACNA code. Intermedia’s ACNA codes, however, are “EXF” and “ICF.” BellSouth’s data warehouse shows no ACNA of “ESF” for Intermedia for local or intraLATA toll trunk groups. There is no doubt that the data warehouse information presented

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<sup>1</sup> This fact was confirmed by Mr. Thomas at the hearing. (TR 143)

by BellSouth is accurate, complete and encompasses of all Intermedia network information for each and every ACNA assigned to Intermedia for handling Intermedia's local and intraLATA toll traffic. (TR 365)

Very truly yours,



E. Earl Edenfield Jr.

CC: Blanca Bayo, FPSC ✓  
Marlene Stern, Esq. (via facsimile)  
C. Lee Fordham, Esq. (via facsimile)

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