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**From:** Fatool, Vicki [Vicki.Fatool@BellSouth.COM]  
**Sent:** Wednesday, July 18, 2001 2:22 PM  
**To:** 'filings@psc.state.fl.us'  
**Subject:** Filing in Docket No. 010098-TP  
**Importance:** High

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The attached document is from:

Vickie Fatool  
for James Meza III  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301  
vicki.fatool@bellsouth.com

Docket No. 010098-TP - In re: Petition of Florida Digital Network, Inc., for Arbitration of Certain Terms and Conditions of Proposed Interconnection and Resale Agreement with BellSouth Telecommunications, Inc. Under the Telecommunications Act of 1996

Number of pages: 10 including letter to Ms. Bayo and pleading and certificate of service.

Pleading entitled: Prehearing Statement of BellSouth Telecommunications, Inc.

A paper copy will be filed with the Division of the Commission Clerk and Administrative Services today.

By filing electronically, BellSouth accepts that the official copy is the version printed by the Public Service Commission's Division for the Commission Clerk and Administrative Services and filed in the official docket file.

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DOCUMENT NUMBER-DATE  
08751 JUL 18 2001  
FPSC-COMMISSION CLERK

JAMES MEZA III  
Attorney

BellSouth Telecommunications, inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5561

July 18, 2001

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Mrs. Blanca S. Bay6  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

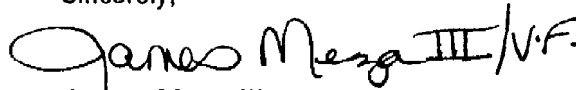
Re: Docket No. 010098-TP (Florida Digital)

Dear Ms. Bay6:

Enclosed is BellSouth Telecommunications, Inc.'s Prehearing Statement, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

  
James Meza III

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey  
Nancy B. White

DOCUMENT NUMBER-DATE

08751 JUL 18 2001

FPSC-COMMISSION CLERK


**CERTIFICATE OF SERVICE  
DOCKET NO. 010098-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and Federal Express this 18th day of July, 2001 to the following:

FeliciaBanks  
Staff Counsel  
Florida Public Service  
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MCSloan@swidlaw.com

  
James Meza III

(+) Signed Protective/Non Disclosure  
Agreement

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Digital Network, )  
Inc., for Arbitration of Certain Terms and )  
Conditions of Proposed Interconnection and )  
Resale Agreement with BellSouth )  
Telecommunications, Inc. Under the )  
Telecommunications Act of 1996 )  
\_\_\_\_\_ )

Docket No. 010098-TP

Dated: July 18, 2001

PREHEARING STATEMENT OF BELL SOUTH TELECOMMUNICATIONS, INC.

BellSouth Telecommunications, Inc. ("BellSouth"), in compliance with the Order Establishing Procedure (Order No. PSC-01-1273-PCO-TP) issued on June 7, 2001, hereby submits its Prehearing Statement for Docket No. 010098-TP.

A. Witnesses

BellSouth proposes to call the following witness to offer testimony on the issues in this docket:

<u>Witness</u>	<u>Issue(s)</u>
Jerry Kephart (Direct and Rebuttal)	3A, 3B, 10
John Ruscilli (Rebuttal)	1
Thomas G. Williams (Direct and Rebuttal)	1

BellSouth reserves the right to call additional witnesses, witnesses to respond to Commission inquiries not addressed in prefiled testimony, and witnesses to address issues not presently designated that may be designated by the Prehearing Officer at the prehearing conference to be held on August 2, 2001. BellSouth has listed the

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witnesses for whom BellSouth believes testimony will be filed, but reserves the right to supplement that list if necessary.

**B. Exhibits**

Tommy Williams	TGW-1	Precursor Group Newsletter February 22, 2001
	TGW-2	Line Sharing RT Project Charter

BellSouth reserves the right to file exhibits to any testimony that may be filed under the circumstances identified in Section "A" above. BellSouth also reserves the right to introduce exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Evidence and Rules of this Commission.

**C. Statement of Basic Position**

The Commission's goal in this proceeding is to resolve each issue that is appropriately before the Commission in this arbitration consistent with the requirements of Section 251 of the Telecommunications Act of 1996 ("1996 Act"), including the regulations prescribed by the Federal Communications Commission ("FCC"). BellSouth and Florida Digital Network, Inc. ("FDN") have continued to negotiate in good faith, and have resolved many issues since FDN's request for arbitration was filed with this Commission.

Nevertheless, there remain three issues for which the parties have not been able to reach a solution. BellSouth submits that FDN's positions on these issues will not withstand close scrutiny. BellSouth believes that its positions are both reasonable and fair. Accordingly, the Commission should adopt BellSouth's position on these issues.

#### **D. BellSouth's Position on the Issues**

**Issue 1: For purposes of the new interconnection agreement, should BellSouth be required to provide xDSL service over UNE loops when FDN is providing voice service over that loop?**

Position: No. The FCC has made it clear that BellSouth is not required to provide its ADSL service over a loop if BellSouth is not providing voice service over that loop. Additionally, without waiving and subject to BellSouth's Pending Objection and Motion to Strike FDN's testimony regarding Issue 1, and although the issues of unbundling of packet switching functionality and the creation of new UNEs are not appropriately before the Commission, BellSouth is not required to unbundle packet switching or create new UNEs for FDN so that FDN can provide its own xDSL service over a UNE loop.

**Issue 2: For the purposes of the new BellSouth/FDN interconnection agreement, should reciprocal compensation payments be made for ISP-bound traffic? If so, at what rates?**

Position: The parties have reached an agreement on this issue.

**Issue 3A: Should BellSouth be required to consult with FDN prior to closing a trouble ticket?**

Position: BellSouth is not opposed to making good faith efforts to contact FDN prior to closing a trouble ticket. In fact, BellSouth's normal procedure is to attempt to contact an ALEC before closing a trouble ticket. In addition, when BellSouth is able to reach an FDN representative, BellSouth will continue to work with FDN, at no additional charge, through 15 minutes of cooperative testing. BellSouth is also willing to "stop the clock" for up to 24 hours on a trouble ticket at the request of FDN if BellSouth reports no trouble found and FDN requests additional time to investigate the trouble. BellSouth's existing procedures are appropriate, and nothing more is required.

**Issue 3B: When FDN reports a trouble ticket, should BellSouth charge FDN for that trouble ticket when BellSouth reports "no trouble found" and the trouble is resolved while the ticket is open?**

Position: Yes. If BellSouth dispatches a technician to investigate a trouble reported by FDN or performs continued cooperative testing, BellSouth should be able to charge FDN and recover its costs for dispatching a technician or continued cooperative testing for that trouble ticket, unless it is determined **that the original trouble** was caused by a problem in BellSouth's network.

**Issue 4A: Is this issue regarding due dates for move orders as stated in 4(B) below, a performance measure issue? If so, is it appropriate to arbitrate the issue in this proceeding?**

Position: FDN has withdrawn this Issue.

**Issue 4B: For purposes of the new BellSouth/FDN interconnection agreement, in the event BellSouth misses a due date for a customer move order, should BellSouth be required to provide retail phone service to FDN at the new address at no charge until the move order is completed?**

Position: FDN has withdrawn this Issue.

**Issue 5: For purposes of the new BellSouth/FDN interconnection agreement, should BellSouth be required to tag all FDN UNE loops at no charge? If so, where?**

Position: FDN has withdrawn this issue.

**Issue 6: For purposes of the new BellSouth/FDN interconnection agreement, should BellSouth be required to test dial tone up to the NID on all UNE SL-1 and SL-2 loops without additional charge?**

Position: FDN has withdrawn this issue.

**Issue 7: For the purpose of the new interconnection agreement, should BellSouth be required to notify FDN of all loop modifications that involve a change in the circuit ID?**

Position: FDN has withdrawn this issue.



**Issue 8A: Is the issue regarding a FDN- dedicated BellSouth frame attendant, as stated in 8(B) below, a performance measure issue? If so, is it appropriate to arbitrate the issue in this proceeding?**

Position: FDN has withdrawn this issue.

**Issue 8B: For the purposes of the new BellSouth/FDN interconnection agreement, should BellSouth be required to allow FDN the option of a BellSouth frame attendant who works exclusively on FDN orders, if FDN agrees to fully fund this frame attendant?**

Position: FDN has withdrawn this issue.

**Issue 9: Should the Commission address any unresolved issues between BellSouth and FDN regarding rights-of-way, conduit and pole attachments?**

Position: The parties have reached an agreement on this issue.

**Issue 10: Should BellSouth be required to provide FDN a service order option for all voice-grade UNE loops (other than SL-1 and SL-2) whereby BellSouth will (1) design circuits served through an integrated subscriber loop carrier (SLC), where necessary and without additional requirements on FDN, (2) meet intervals at parity with retail service, (3) charge the SL-1 rate if there is no integrated SLC or the SL-2 rate if there is, and (4) offer the order coordination option?**

Position: No. BellSouth provides access to IDLC loops via eight different methods, thus ensuring that ALECs have access to all of BellSouth's loops including those served by IDLC. Additionally, BellSouth offers ALECs the ability to obtain Loop Make Up information, which will allow FDN and other ALECs to determine if the

customer is served by IDLC prior to issuing the Order. BellSouth is not required to create a new loop, customize FDN's ordering process, or create a third ordering option.

**E. Stipulations**

None.

**F. Pending Motions**

BellSouth's Objection to FDN's Request for New UNE's or Unbundled Packet Switching and Motion to Strike Testimony.

**G. Other Requirements**

None.

Respectfully submitted this 18th day of July, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

/v.f.

NANCY B. WHITE

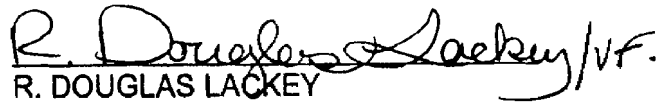
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/v.f.

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**END OF DOCUMENT**