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§

September 10, 2001

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 960786-TL

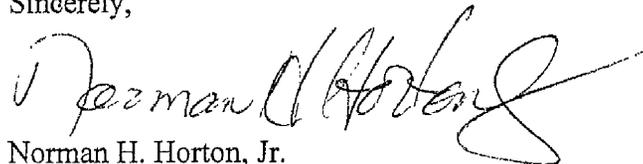
Dear Ms. Bayó:

Enclosed for filing on behalf of e.spire Communications, Inc. are an original and fifteen copies of e.spire's Prehearing Statement in the above referenced docket. Also enclosed is a 3 ½ diskette with the document on it in WordPerfect 9.0 format.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me in the enclosed self-addressed stamped envelope.

Thank you for your assistance with this filing.

Sincerely,



Norman H. Horton, Jr.

NHH/amb

Enclosures

cc: Renee Terry, Esq.
Parties of Record

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of BellSouth)
Telecommunications, Inc. entry into) Docket No. 960786-TL
interLATA services pursuant to) Dated: September 10, 2001
Section 271 of the Federal)
Telecommunications Act of 1996)
_____)

PREHEARING STATEMENT OF e.spire COMMUNICATIONS, INC.

American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, and
ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (collectively “e.spire” or the
“Company”), through undersigned counsel, submits this prehearing statement.

A. APPEARANCES

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On behalf of e.spire Communications, Inc.

B. WITNESSES

e.spire has not submitted prefiled testimony.

C. EXHIBITS

e.spire has not presented any exhibits, but reserves the right to introduce exhibits, if
necessary, as may be required by cross examination, later filed testimony, completion of discovery,
or new issues identified at the prehearing conference.

D. BASIC POSITION

BellSouth has not complied with the 14 point checklist and should not be permitted to provide InterLATA services. BellSouth does not provide access to its network on terms that are nondiscriminatory nor does BellSouth treat ALECs like it treats itself. BellSouth has delayed service to ALECs and failed to support offerings to ALECs thus impeding the development of competition. BellSouth's history with OSS and their win back programs, which are subjects of other proceedings, nevertheless are indicators of their reluctance to fully comply with checklist items. The Commission should not recommend that InterLATA relief be granted.

E. ISSUES AND POSITIONS

ISSUE 1: Has BellSouth met the requirements of Section 271(c)(1)(A) of the Telecommunications Act of 1996?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 1(a): Has BellSouth entered into one or more binding agreements approved under Section 252 with unaffiliated competing providers of telephone exchange service?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 1 (b): Does BellSouth currently provide access and interconnection to its network facilities for the network facilities of competing providers?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 1 (c): Are such competing providers providing telephone exchange service to residential and business customers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 2: Does BellSouth currently provide interconnection in accordance with the

requirements of Sections 251(c)(2) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(i) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 2(a): Has BellSouth implemented physical collocation requests in Florida consistent with FCC rules and orders?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 2(b): Does BellSouth have legally binding provisioning intervals for physical collocation?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 2 (c): Does BellSouth currently provide local tandem interconnection to ALECs?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 2 (d): Does BellSouth currently permit the use of a Percent Local Usage (PLU) factor in conjunction with trunking?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 2 (e): Does BellSouth currently provide ALECs with meet point billing data?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 2 (f): Has BellSouth satisfied other associated requirements, if any, for this item?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 3: Does BellSouth currently provide nondiscriminatory access to all required network elements, with the exception of OSS which will be handled in the third party OSS test, in accordance with Sections 251(c)(3) and 252(d)(1) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(ii) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 3(a): Does BellSouth currently provide all required unbundled network elements at TELRIC-based prices?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 3(b): Has BellSouth satisfied other associated requirements, if any, for this item?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 4: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 224 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(iii). Does BellSouth currently provide nondiscriminatory access to the poles, ducts, and conduits, and rights-of-way owned or controlled by BellSouth at just and reasonable rates in accordance with the requirements of Section 224 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(iii) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 5: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(iv) of the Telecommunications Act of 1996. Does BellSouth currently provide unbundled local loop transmission between the central office and the customer's premises from local switching or other services, pursuant to Section 271(c)(2)(B)(iv) and applicable rules and orders promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 5(a): Does BellSouth currently provide all currently required forms of unbundled loops?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 5(b): Has BellSouth satisfied other associated requirements, if any, for this item?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 6: Does BellSouth currently provide unbundled local transport on the trunk side of a wireline local exchange carrier switch from switching or other services, pursuant to Section 271(c)(2)(B)(v) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 6(a): Does BellSouth currently provide billing for usage-sensitive UNEs?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 6(b): Has BellSouth satisfied all other associated requirements, if any, for this item?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 7: Does BellSouth currently provide unbundled local switching from transport, local loop transmission, or other services, pursuant to Section 271(c)(2)(B)(vi) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 7(a): Does BellSouth bill for unbundled local switching on a usage-sensitive basis?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 7(b): Does BellSouth currently provide unbundled local switching on both the line-side and the trunk-side of the switch?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 7(c): Has BellSouth satisfied other associated requirements, if any, for this item?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 8: Does BellSouth currently provide nondiscriminatory access to the following,

pursuant to Section 271(c)(2)(B)(vii) and applicable rules promulgated by the FCC:

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 8(i): 911 and E911 services;

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 8(ii): directory assistance services to allow other telecommunications carrier's customers to obtain telephone numbers; and

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 8(iii): operator call completion services?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 8(a): Does BellSouth currently provide ALECs access to all information contained in BellSouth's directory listing database?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 8(b): Does BellSouth currently provide selective routing in Florida?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 8(c): Has BellSouth satisfied other associated requirements, if any, for this item?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 9: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(viii) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide white pages directory listings for customers of other telecommunications carrier's telephone exchange service, pursuant to Section 271(c)(2)(B)(viii) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 10: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(ix) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide nondiscriminatory access to telephone numbers for assignment to the other telecommunications carrier's telephone exchange service customers, pursuant to Section 271(c)(2)(B)(ix) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 11: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(x) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide nondiscriminatory access to databases and associated signaling necessary for call routing and completion, pursuant to Section 271(c)(2)(B)(x) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 12: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(xi) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide number portability, pursuant to Section 271(c)(2)(B)(xi) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 13: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(xii) of the

Communications Act of 1934, as amended by the Telecommunications Act of 1996.
Does BellSouth currently provide nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of Section 271(c)(2)(B)(xii) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 14: In Order PSC-97-1459-FOF-TL, issued November 19, 1997, the Commission found that BellSouth met the requirements of Section 271(c)(2)(B)(xiii) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Does BellSouth currently provide reciprocal compensation arrangements in accordance with the requirements of Section 252(d)(2) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(xiii) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 15: Does BellSouth currently provide telecommunications services available for resale in accordance with the requirements of Sections 251(c)(4) and 252(d)(3) of the Telecommunications Act of 1996, pursuant to Section 271(c)(2)(B)(xiv) and applicable rules promulgated by the FCC?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 16: By what date does BellSouth propose to provide intraLATA toll dialing parity throughout Florida pursuant to Section 271(e)(2)(A) of the Telecommunications Act of 1996?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 17: If the answers to issues 2 through 15 are "yes," have those requirements been met in a single agreement or through a combination of agreements?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

ISSUE 18: Should this docket be closed?

e.spire's POSITION: e.spire concurs with the position of the Joint ALECs.

F. PENDING MOTIONS

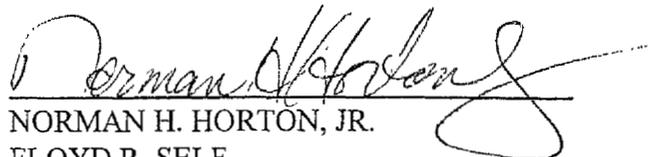
e.spire Communications, Inc. has no pending motions.

G. REQUIREMENTS THAT CANNOT BE COMPLIED WITH

All requirements of the procedural order can be met by e.spire Communications, Inc.

Dated this 10th day of September, 2001.

Respectfully submitted,



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FLOYD R. SELF

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Attorneys for e.spire Communications, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of e.spire Communications, Inc.'s Prehearing Statement in Docket 960786-TL have been served upon the following parties by Hand Delivery (*) and/or U. S. Mail this 10th day of September, 2001.

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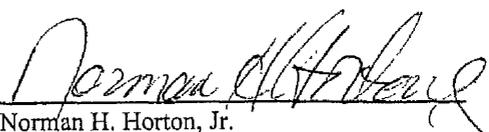
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