

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Consideration of BellSouth Telecommunications,)
Inc.'s entry into interLATA services pursuant to) Docket No. 960786B-TL
Section 271 of the Federal Telecommunications)
Act of 1996) Filed: October 11, 2001

MOTION REQUESTING WORKSHOP

At the October 2, 2001, Agenda Conference, the Commission denied the motion filed by Joint ALECs requesting reconsideration of the Hearing Officer's decision to strike from the hearing track of this proceeding nearly all of the testimony discussing the real world experiences of individual ALECs concerning BellSouth's compliance with the Section 271 fourteen point checklist, *i.e.*, 47 U.S.C. § 271(c)(2)(B). Nonetheless, in discussing and considering the Motion for Reconsideration, there appeared to be substantial interest on the part of the Commission in hearing from the ALECs what their real world experiences have been with BellSouth as to BellSouth's compliance with the fourteen point checklist. Accordingly, Joint ALECs hereby file this motion in Track B of this proceeding requesting that the Commission establish a workshop to allow the ALECs to discuss such real world experiences with the Commission.

The real world experiences of ALECs in their interactions with BellSouth is evidence that the FCC evaluates in its consideration of Section 271 applications.¹ It is thus the sort of evidence that the Commission should consider in fulfilling its consultative role to the FCC. Indeed, the

¹ See *In the Matter of Application by Bell Atlantic New York for Authorization Under Section 271 of the Communication Act to Provide In-Region, InterLATA Service in the State of New York ("Bell Atlantic New York Order")* ¶ 50, 53, 89, 15 FCC Rcd. 3953 (F.C.C. Dec. 22, 1999) (No. CC99-295, FCC 99-404).

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FCC has acknowledged that actual commercial usage information, *i.e.*, real world experience, is the most probative of whether a Bell Operating Company is providing nondiscriminatory access.² Thus, whether as part of a hearing or through some other mechanism, the Commission should hear the ALECs as to their real world experiences concerning BellSouth's compliance with the fourteen point checklist.

There is currently no provision, however, for the ALECs to be heard as to their real world experiences concerning BellSouth's compliance with the fourteen point checklist.³ As part of its conduct of the third party test, KPMG will review aggregate BellSouth performance data. However, that review will consider only aggregate data, and will not include any review of BellSouth's performance, or lack thereof, with respect to individual or specific ALECs. Moreover, that review will rely on BellSouth self-reported data, which ALECs believe is deficient in several respects, and which may conflict with the actual experiences of individual ALECs in their everyday interactions with BellSouth. Further, that review will be limited to BellSouth's self-reported data for the interim performance measures adopted for the third party test, which may not include all aspects of BellSouth's performance with respect to individual ALECs.

By itself, without consideration of the real world experiences of the ALECs, the third-party test report will not provide the information necessary to establish whether BellSouth is actually *providing* ALECs with non-discriminatory access to all of the items in the fourteen point checklist. More fundamentally, there is no provision for the Commission itself to hear such

² *Bell Atlantic New York Order* ¶¶ 53 & 89.

³ At the Agenda Conference, Staff agreed that absent these issues being included in the hearing, there is no provision that these issues will be heard.

evidence of the ALECs' real world experiences as to BellSouth's compliance with the fourteen point checklist. Accordingly, Joint ALECs request that the Commission establish a workshop in order to hear from the ALECs concerning their real world experiences as to BellSouth's compliance with the fourteen point checklist (including concerns about BellSouth's performance data integrity).

Joint ALECs suggest that a workshop format similar to that adopted for the structural separation proceeding would be appropriate. The goal of the workshop should be to encourage an interactive dialogue on the issues raised by the ALECs. Accordingly, the ALECs and BellSouth should be permitted to have appropriate representatives discuss their concerns with the Commission. In order to facilitate the interactive nature of the process, questions, whether from the Commission, Staff, or parties should be permitted and encouraged in some manner. The workshop should be scheduled soon after the third party test report is released by KPMG.

Such a workshop will allow the Commission to consider allegations regarding whether BellSouth actually provides nondiscriminatory access to the items in the fourteen point checklist. In order to make these evaluations, it is essential that the Commission be provided a complete factual record from which to perform its analysis. A workshop along the lines suggested by Joint ALECs should allow the Commission to fulfill its consultative role to the FCC. Accordingly, Joint ALECs respectfully request that the Commission establish such a workshop.

Respectfully submitted,

Handwritten signature of Jim Lamoureux in cursive, followed by a horizontal line and the initials "AO" in a stylized font.

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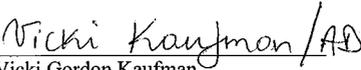
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