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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the matter of

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ORIGINAL

Application of BellSouth Corporation, )  
BellSouth Telecommunications, Inc., and )  
BellSouth Long Distance, Inc., for Provision )  
of In-Region, InterLATA Service in the )  
State of Louisiana )  
\_\_\_\_\_ )

CC Docket  
No. 97-231

**COMMENTS OF AT&T CORP.  
IN OPPOSITION TO BELLSOUTH'S  
SECTION 271 APPLICATION**

**APPENDIX - VOLUME IV**

**ATTACHMENTS 56 - 66 TO THE AFFIDAVIT OF  
JAY M. BRADBURY**

**and**

**AFFIDAVIT OF JIM CARROLL**

**APPENDIX TO COMMENTS OF AT&T CORP.  
IN OPPOSITION TO BELLSOUTH'S  
SECTION 271 APPLICATION FOR LOUISIANA**

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C	Jay M. Bradbury	Operations Support Systems
D	Jim Carroll	AT&T Entry Plans
E	Robert V. Falcone and Michael E. Leshner	Unbundled Network Elements: Combinations
F	Jordan Roderick	PCS
G	Gregory R. Follensbee	Unbundled Network Elements: Pricing
H	R. Glenn Hubbard and William H. Lehr	Public Interest
I	Patricia A. McFarland	Resale Restrictions
J	Patricia A. McFarland	Section 272 Compliance
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THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of  
BellSouth Telecommunications,  
Inc.'s entry into interLATA  
services pursuant to Section 271  
of the Federal  
Telecommunications Act of 1996.

DOCKET NO. 960786-TL  
ORDER NO. PSC-97-1459-FOF-TL  
ISSUED: November 19, 1997

The following Commissioners participated in the disposition  
of this matter:

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FINAL ORDER ON BELLSOUTH TELECOMMUNICATIONS, INC.'S  
PETITION FILED PURSUANT TO SECTION 271(C) OF THE  
TELECOMMUNICATIONS ACT OF 1996

AND

PROPOSED AGENCY ACTION

ORDER ON STATEMENT OF GENERALLY AVAILABLE TERMS AND CONDITIONS

BY THE COMMISSION:

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ACRONYMS

ACSI	American Communications Services, Inc., American Communications Services of Jacksonville Inc.
AIN	Advanced Intelligence Network
ALEC	Alternative Local Exchange Carrier
ALI/DMS	Automatic Location Identification/Data Management System
AT&T	AT&T Communications of the Southern States, Inc.
BAPCO	BellSouth Advertising and Publishing Company
BOC	Bell Operating Company
BellSouth/BellSouth	BellSouth Telecommunications, Inc
CABS	Carrier Access Billing System
CGI	Common Gateway Interface
CSR	Customer Service Record
CWA	Communications Workers of America
DA	Directory Assistance
DOE	Direct Order Entry
DOJ	Department of Justice
DSAP	Direct Order Entry Support Application Program
EBI	Electronic Bonding Interface
ECG	Electronic Communications Gateway

EDI	Electronic Data Interchange
EDI-PC	Electronic Data Interchange- Personal Computer
EXACT	Exchange Access Control and Tracking System
FCC	Federal Communications Commission
FCCA	Florida Competitive Carriers Association
FCTA	Florida Cable Television Association
FID	Field Identifier
FOC	Firm Order Confirmation
FPSC	Florida Public Service Commission
FUEL	FID, USOC, and Edit Library
ICI	Intermedia Communications of Florida, Inc.
ILEC	Incumbent Local Exchange Carrier
ISP	Information Service Provider
ISDN	Integrated Services Digital Network
IXC	Interexchange Carrier
LCSC	Local Carrier Service Center
LENS	Local Exchange Navigation System
LEO	Local Exchange Ordering
LESOG	Local Exchange Service Order Generator

LIDB	Line Information Database
LRIC	Long Run Incremental Cost
LSR	Local Service Request
LTR	Local Transport Restructure
MAC	Move, add, or change order
MCI	MCI Metro Access Transmission Services, Inc. & MCI Telecommunications Corporation
MFS	Metropolitan Fiber Systems of Florida, Inc.
OSS	Operational Support Systems
PCS	Preferred Carrier Services, Inc.
RBOC	Regional Bell Operating Company
RNS	Regional Negotiation System
SCE	Service Creation Environment
SCP	Signaling Control Point
SGAT	Statement of Generally Available Terms and Conditions
SMS	Service Management System
SOCS	Service Order Control System
SOLAR	Service Order Layout Assembly Routine
SONGS	Service Order Negotiation System
Sprint/SMNI	Sprint Communications Company Limited Partnership/Sprint Metropolitan Network, Inc.
SS7	Signaling System 7

STP	Signaling Transfer Point
STS	Shared Tenant Services
TA96/ACT	Telecommunications Act of 1996
TCAP	Transaction Capability Application Part
TAFI	Trouble Analysis Facilitation Interface
TCG	TCG of South Florida
TELRIC	Total Element Long Run Incremental Cost
Time Warner	Time Warner AxS of Florida, L.P./Time Warner Connect
TR	Transcript
TRA	Telecommunications Resellers Association
TSLRIC	Total Service Long Run Incremental Cost
UNE	Unbundled Network Element
USOC	Uniform Service Order Code
WorldCom	WorldCom, Inc.

**I. INTRODUCTION**

Part II of the Federal Telecommunications Act of 1996 (the Act), P.L. 104-104, 104th Congress 1996, provides for the development of competitive markets in the telecommunications industry. Part III of the Act establishes special provisions applicable to the Bell Operating Companies (BOCs). In particular, BOCs must apply to the FCC for authority to provide interLATA service within their in-region service areas. The FCC must consult with the Attorney General and the appropriate state commission before making a determination regarding a BOC's entry into the interLATA market. See Subsections 271(d)(2)(A) and (B).

With respect to state commissions, the FCC is to consult with them to verify that the BOC has complied with the requirements of Section 271(c) of the Act.

Before we address the specific requirements of Section 271(c), we note that a number of complaints have been lodged against BellSouth in this proceeding. We do address or recognize the various disputes surrounding these complaints raised throughout our analysis contained herein. We caution the parties, however, that a Section 271 proceeding is not the appropriate forum to resolve disputes or complaints. We believe BellSouth and the ALECs should first seek to resolve disputes between themselves and according to the terms of their agreements. They should document their attempts to resolve disputes, and if they are unable to resolve them, either party may file a complaint with this Commission if their agreement contemplates such an action. We believe this process is necessary so that the 271 application process does not continue indefinitely.

**II. BACKGROUND**

On June 28, 1996, we opened this docket to begin to fulfill our consultative role on the eventual application of BellSouth Telecommunications, Inc. for authority to provide in-region interLATA service. The following entities intervened in the proceeding: American Communications Services of Jacksonville, (ACSI); AT&T Communications of the Southern States (AT&T); the Florida Competitive Carriers Association (FCCA); Florida Cable Telecommunications Association (FCTA) Intermedia Communications, Inc. (ICI); MCI Telecommunications Corporation (MCI); Metropolitan Fiber Systems of Florida, Inc., and WorldCom, Inc. (WorldCom); Preferred Carrier Services, Inc., (PCS); Sprint Communications Company Limited Partnership and Sprint

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Metropolitan Networks, Inc., (Sprint/SMNI); Telecommunications Resellers Association, (TRA); Teleport Communications Group, Inc., (TCG), Time Warner AxS of Florida, L.P. and Digital Media Partners (Time Warner) and the Communications Workers of America (CWA). Eventually, PCS, TRA and Time Warner withdrew from the docket. They, as well as CWA, did not file posthearing statements or briefs on the issues.

On July 19, 1996, Order No. PSC-96-0945-PCO-TL, was issued to establish a tentative list of issues to be determined in this proceeding. The issues tracked the language of Section 271(c)(1)(A), Track A, 271(c)(1)(B), Track B, and 271(c)(2)(B), also known as the competitive checklist.

On November 13, 1996, AT&T, MCI, WorldCom and FCCA filed a Joint Motion for Advance Notice of Filing. The movants requested that we order BellSouth to provide 120 days advance notice of its intent to apply to the FCC for interLATA authority. The movants also requested that we order BellSouth to include at the time it provided its notice all evidence, including prefiled testimony and exhibits, upon which BellSouth intended to rely in response to the issues identified in Order No. PSC-96-0945-PCO-TL. BellSouth filed its response in opposition to the Motion on November 21, 1996. We denied the Joint Motion by Order No. PSC-97-0081-FOF-TL, issued on January 27, 1997.

On December 6, 1996, the FCC issued a Public Notice, FCC 96-469, Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act. In that Notice, the FCC stated that it would require the state commission to file its written consultation with the FCC not later than approximately 20 days after the issuance of the Initial Public Notice. The FCC also set out specific requirements for BOC applications.

On May 27, 1997, FCCA, AT&T and MCI filed a Joint Motion For Advance Ruling on BellSouth's Ineligibility for "Track B" and to Delete Portion of Issue 1. BellSouth filed its response in opposition on June 9, 1997. We denied the Motion by Order No. PSC-97-0915-FOF-TL, issued on August 4, 1997.

On June 12, 1997, Order No. PSC-97-0703-PCO-TL, Second Order Establishing Procedure, was issued. That Order established the hearing schedule in the case and required BellSouth to submit specific documentation in support of its Petition, which was scheduled to be filed on July 7, 1997. On July 2, 1997, Order No. PSC-97-0792-PCO-TL, Order Modifying Procedural Schedule, was

issued. That Order set out additional issues to be addressed.

On July 7, 1997, BellSouth filed its Petition and supporting documentation. BellSouth filed the direct testimony and exhibits of 5 witnesses and a draft Statement of Generally Available Terms and Conditions (SGAT). The intervenors filed their testimony on July 17, 1996, and all parties filed rebuttal testimony on July 31, 1997.

On July 25, 1997, Time Warner filed a Motion to Dismiss or in the Alternative for Abatement of BellSouth Telecommunications' Application for InterLATA relief. BellSouth filed its response in opposition to Time Warner's Motion on August 1, 1997. We denied Time Warner's Motion by Order No. PSC-97-1031-PCO-TL, issued on August 27, 1997.

The hearing on BellSouth's Petition began on September 2, 1997, and ended on September 10, 1997. At the commencement of the hearing, we denied BellSouth's Motion to Reconsider Order No. PSC-97-1038-PCO-TL, in which the Prehearing Officer granted FCCA's Motion to Compel certain discovery responses. We also denied the Joint Motion to Strike the Draft Statement of Generally Available Terms or in the Alternative Sever the Proceeding, filed by FCCA, AT&T, ACSI, WorldCom, MCI and ICI.

At the conclusion of the hearing, BellSouth stated that it would file the final version of the SGAT, which would mirror the draft filed on August 25, 1997, as late-filed exhibit number 125.

It also stated that it would file an additional copy of the final version to begin the 60 day review process contemplated by Section 252(f) of the Act. On September 11, 1997, BellSouth filed late-filed exhibit number 125. On September 17, 1997, AT&T filed its objection to exhibit 125 stating that it did not mirror the August 25, 1997 version. BellSouth responded by filing another version of late-filed exhibit 125 on September 18, 1997.

This version did mirror the August 25, 1997 draft. Since the official version of the SGAT was filed after the record was closed, however, we considered the August 25, 1997, draft in our findings within the context of the 271 proceeding. When BellSouth filed the official version on September 18, 1997, the 60 day review period contemplated by Section 252(f) of the Act began. Therefore, we also address the official version in this Order. Our action on the official SGAT, however, is proposed agency action since it was filed after the close of the hearing on BellSouth's Petition.

Having considered the evidence presented at hearing and the posthearing briefs of the parties, our findings on whether BellSouth has met the requirements of Section 271(c) are set forth herein. Specifically, we find that BellSouth is not eligible to proceed under Track B at this time, because it has received qualifying requests for interconnection that if implemented would meet the requirements of Section 271(c)(1)(A), also known as Track A. Our evaluation of the record on whether BellSouth meets the requirements of Section 271(c)(1)(A) indicates that while there is a competitive alternative in the business market, there is not sufficient evidence at this time to determine whether there is a competitive alternative in the residential market. Thus, it appears based on the evidence in this record that BellSouth does not meet all of the requirements of Section 271(c)(1)(A) at this time. We also find that BellSouth has met checklist items 3,4,8,9,10,11,12,13, and the majority of checklist item 7. BellSouth has not met the requirements of checklist items 1,2,5,6, and 14. BellSouth has met the requirements of several checklist items in this proceeding, and therefore may not be required to relitigate those issues before us in a future proceeding. We do find, however, that when BellSouth refiles its 271 case with us, it must provide us with all documentation that it intends to file with the FCC in support of its application. Finally, we find that we cannot approve BellSouth's SGAT at this time as discussed more fully below.

### III. COMPLIANCE WITH SECTION 271(c)(1)(A)

#### **A. Introduction**

Section 271(c)(1)(A) states that a BOC meets the requirements of this subparagraph if it has: 1) entered into one or more binding agreements; 2) that have been approved under Section 252, specifying the terms and conditions under which; 3) the company is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange service; 4) to residential and business subscribers for a fee; and 5) which service is offered either over the competitors' own telephone exchange service facilities or predominantly over their own telephone exchange service facilities in combination with the resale of the telecommunications services of another carrier.

**B. Existence of One or More Binding Agreements That Have Been Approved Under Section 252**

Section 271(c)(1)(A) requires BellSouth to have entered into binding interconnection agreements that have been approved by the Florida Commission. BellSouth asserts that as of May 30, 1997, it has entered into 55 local interconnection agreements in Florida, which for the most part have been approved by this Commission. It is undisputed by all of the parties in this proceeding that BellSouth has entered into one or more binding agreements with unaffiliated providers that have been approved under Section 252 of the Act.

Upon consideration, we agree the record in this proceeding demonstrates that BellSouth has entered into one or more binding agreements in Florida with unaffiliated competing providers that have been approved under Section 252 of the Act. As of August 6, 1997, BellSouth had entered into 29 negotiated interconnection agreements in Florida that had been approved by this Commission pursuant to Section 252 of the Act. In addition, BellSouth had entered into arbitrated interconnection agreements in Florida with MCI, MFS, AT&T, and Sprint that have been approved by this Commission pursuant to Section 252 of the Act. Furthermore, we note that the MCI and AT&T arbitrated agreements contain all of the checklist items. We discuss whether BellSouth has "fully implemented" each of the checklist items in Part VI of this Order.

**C. Provision of Access and Interconnection to Unaffiliated Competing Providers of Telephone Exchange Service**

This portion of Section 271(c)(1)(A) requires BellSouth to provide access and interconnection to unaffiliated competing providers of telephone exchange service to business and residential consumers. A number of parties in this proceeding argue that there are no "competing providers" in Florida as required by Section 271(c)(1)(A). BellSouth asserts that it is provisioning network elements and network functions to facilities-based competitors in Florida, thereby satisfying this portion of Section 271(c)(1)(A). BellSouth also argues that the Act does not require that a particular volume of customers be served. Witness Varner asserts that Section 271(c)(1)(A) does not require that competing carriers provide service to more than one

residential and one business customer in order to satisfy the Track A requirement. BellSouth asserts that the Act requires only that it provide interconnection and access to one or more facilities-based providers that, taken together, serve at least one residential and one business customer. The competing carriers in this proceeding assert that a certain threshold level of competition must exist before a BOC enters the interLATA market.

#### **1. Provision of Access and Interconnection**

BellSouth asserts that eight facilities-based ALECs; MediaOne, MCI Metro, MFS, National Tel, ICI, Sprint, TCG and Time Warner, have established local interconnection between their networks and BellSouth's network in Florida as of May 15, 1997. In addition, BellSouth contends that each of these ALECs has also completed requests for BellSouth to provide retail services at a wholesale discount in order to provide services to their business and residential customers on a resold basis. BellSouth also contends that it has received and processed requests for interim number portability for numbers that were formerly served by BellSouth as residential customers and has received reports of facilities-based ALEC marketing efforts in the multi-family dwelling unit (MDU) sector of the Florida residential market. Although BellSouth contends that it does not have the information to determine conclusively if any of these ALECs are actually providing service to residential or business customers, it believes that these carriers have the ability to provide telephone exchange service to residential and business subscribers.

BellSouth also contends that it is provisioning network elements and network functions to facilities-based competitors in Florida. Witness Varner asserts that the network elements that are being provided to competing providers in Florida include 7,612 interconnection trunks, 7 switch ports, and 1,085 loops. In addition, witness Varner contends there are 7 physical collocation arrangements in progress, 34 virtual collocation arrangements completed and 24 additional virtual collocation arrangements in progress. BellSouth also asserts that it has 9 license agreements for poles, ducts and conduits/rights of way, 277 ALEC trunks terminating to BellSouth directory assistance, 911 and intercept services, 11 verification and inward trunks, and 31 ALEC trunks to BellSouth for operator services.