

RECORD OF LOUISIANA PSC DOCKET NO. U-22252		
Section 271 Proceeding		
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139	09/15/97	BellSouth's Comments Pursuant to Order No. 22252-A
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141	09/15/97	AT&T's Comments on the Eighth Circuit's Decision
142	09/16/97	BellSouth's Local Interconnection and Facility-Based Ordering Guide, Resale Ordering Guide, and Negotiations Handbook for Collocation
143	10/01/97	Transcript excerpt of Open Session
144	04/30/98	BellSouth's Proposed Revisions to SGAT
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RECORD OF LOUISIANA PSC DOCKET NO. U-22145 AT&T/BellSouth Arbitration		
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151	09/20/96	AT&T's Petition for Arbitration Under the Telecommunications Act of 1996
152	09/27/96	Arbitrator's Notice of Telephone Status Conference
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154	10/04/96	Motion of Sprint Communications Company L.P. for Consolidation
155	10/04/96	Official Bulletin No. 603
156	10/15/96	BellSouth's Response to AT&T's Petition for Arbitration Under the Telecommunications Act of 1996
157	10/15/96	Exception of BellSouth Advertising & Publishing Corporation (BAPCO)
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159	10/18/96	Notice of Order of the Eighth Circuit Court of Appeals' Order Granting Stay Pending Judicial Review and Request for Relief
160	10/24/96	AT&T's Motion to Reschedule Arbitration Trial and for Adoption of Revised Procedural Schedule
161	10/28/96	Ruling on AT&T's Motion to Reschedule Arbitration Trial and for Adoption of Revised Procedural Schedule
162	10/28/96	Amended Hearing Notice
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RECORD OF LOUISIANA PSC DOCKET NO. U-22145 AT&T/BellSouth Arbitration		
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166	11/13/96	AT&T's Response to BAPCO's Exception
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168	11/22/96	Direct Testimony of John Hamman, Wayne Ellison, Ronald Shurter, David Kaserman, William Carroll, Joseph Gillan, L.G. Sather, and Don Wood
169	11/22/96	Direct Testimony of Dr. Richard Emmerson, Gloria Calhoun, Robert Scheye, Alphonso Varner, and Keith Milner on Behalf of BellSouth
170	12/03/96	Order Granting Party Status to BellSouth Advertising & Publishing Corporation and Amending Procedural Schedule
171	12/06/96	Rebuttal Testimony of Ronald Shurter, David Kaserman, Wayne Ellison, Joseph Gillan, John Hannan, and William Carroll on Behalf of AT&T Communications of the South Central States, Inc.
172	12/06/96	Rebuttal Testimony of Daonne Caldwell, Gloria Calhoun, Dr. Richard Emmerson, Keith Milner, and Alphonso J. Varner on Behalf of BellSouth
173	12/06/96	Pre-Filed Direct Testimony of Randall J. Cadenhead on Behalf of BellSouth Advertising & Publishing Corporation
174	12/06/96	Rebuttal Testimony of Robert C. Scheye
175	12/09/96	BellSouth's Letter Submitting to LPSC Affidavit of Dr. Richard Emmerson and RCS Exhibit 2 of Robert Scheye's Rebuttal Testimony
176	12/13/96	Pre-Hearing Brief of AT&T Communications of the Southern States, Inc.
177	12/13/96	Pre-Hearing Brief of BellSouth
178	12/16/96	Hearing Transcript: Volume I
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RECORD OF LOUISIANA PSC DOCKET NO. U-22145 AT&T/BellSouth Arbitration		
TAB	DATE	DESCRIPTION
180	12/20/96	Post Hearing Memorandum of BellSouth Advertising & Publishing Corporation
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189	02/12/97	Notice Establishing Procedural Schedule for Submission of Interconnection Agreement Adopted Pursuant to Arbitration
190	02/19/97	Transcript of Open Session
191	03/14/97	Interconnection Agreement between AT&T Communications of the South Central States, Inc. and BellSouth
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193	03/19/97	Transcript of Open Session
194	04/01/97	General Order Amending Regulations for Competition
195	04/14/97	AT&T Letter to LPSC Regarding Revised Matrix of Prices
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197	06/10/97	Transcript of Open Session
198	06/10/97	BellSouth's Letter to LPSC regarding Nine-State Agreement

RECORD OF LOUISIANA PSC DOCKET NO. U-22145 AT&T/BellSouth Arbitration		
TAB	DATE	DESCRIPTION
199	06/12/97	Order Resolving Disputed Issues Regarding Interconnection Agreement
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202	08/11/97	AT&T Letter to LPSC Containing Additional Technical Provisions for Inclusion in the Interconnection Agreement
203	08/20/97	Transcript of Open Session
204	09/10/97	LPSC Letter to BellSouth Acknowledging Receipt of Status Report in Compliance with Order
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RECORD OF LOUISIANA PSC DOCKET NOS. 22022/22093 Cost Docket		
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206	06/25/96	BellSouth's Cost Studies
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208	07/12/96	Official Bulletin No. 597
209	08/07/96	Notice of Status Conference and Transfer to Administrative Hearing Divisions
210	08/14/96	Transcript of Open Session
211	08/20/96	Report of Preliminary Status Conference and Procedural Schedule
212	09/24/96	Transcript of Open Session
213	09/27/96	AT&T's First Set of Data Requests to BellSouth
214	10/04/96	Report on Status Conference
215	10/09/96	Notice of Proposed Consolidation of Proceedings and Proposed Procedural Schedule
216	10/21/96	LPSC Letter to Dismukes Retaining Acadian Consulting Group
217	10/23/96	Direct Testimony of Robert Scheye on Behalf of BellSouth
218	10/30/96	Notice of Consolidation of Proceedings
219	11/01/96	Joint Motion to Modify Procedural Schedule Established October 9, 1996
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221	11/08/96	Notice of Modification of Procedural Schedule and Notice of Opportunity to Respond to Motion for Partial Stay and Request for Expedited Hearing Filed by BellSouth

RECORD OF LOUISIANA PSC DOCKET NOS. 22022/22093		
Cost Docket		
TAB	DATE	DESCRIPTION
222	11/12/96	AT&T's Letter to LPSC Responding to BellSouth's Motion to Stay
223	11/13/96	Transcript of Open Session
224	11/26/96	BellSouth Letter Submitting Revised Exhibit DDC-8
225	11/27/96	Joint Motion to Amend Procedural Schedule
226	12/03/96	Order Granting BellSouth's Motion for Leave to File Supplemental Direct Testimony
227	12/03/96	Order on Joint Motion to Amend Procedural Schedule
228	12/18/97	Sprint Letter to ALJ Regarding Pre-Filed Testimony
229	01/08/97	Notice of Revised Hearing Schedule and Extension of Deadline for Filing Glossary
230	01/09/97	Motion for Leave to File Supplemental Testimony, and Confidential and Non-Confidential Supplemental Testimony of Kimberly Dismukes
231	01/10/97	AT&T and MCI Letter to LPSC Submitting Exhibit DJW-3
232	01/16/97	Order Granting Motion for Leave to File Supplemental Testimony
233	02/05/97	Order Denying BellSouth's Motion for Partial Stay
234	02/06/97	Memorandum Requesting Rescheduling of Hearing
235	02/06/97	Notice of Revised Hearing Schedule
236	02/07/97	Notice of Further Revision to Procedural Schedule
237	02/10/97	Joint Glossary of Terms and Acronyms
238	02/19/97	Transcript of Open Session
239	03/19/97	Transcript of Open Session
240	03/25/97	Notice of Status Conference

RECORD OF LOUISIANA PSC DOCKET NOS. 22022/22093		
Cost Docket		
TAB	DATE	DESCRIPTION
241	04/08/97	Report on April 7, 1997 Status Conference and Notice of Procedural Schedule
242	04/30/97	BellSouth's Motion for Extension of Time
243	05/01/97	Order Granting Motion for Extension of Time
244	05/21/97	BellSouth's Tariff Filing
245	05/28/97	AT&T's Consent Motion to Amend Procedural Schedule
246	05/29/97	Order Granting Consent Motion to Amend Procedural Schedule
247	06/12/97	AT&T's Consent Motion and Order for Amendment of Procedural Schedule
248	06/12/97	Order Granting Consent Motion to Amend Procedural Schedule
249	06/20/97	Notice of Assignment, Required Filings, and Opportunity for Hearing
250	06/27/97	BellSouth's Comments on Proposed Increase in Contract Authorization
251	07/03/97	Recommendation Regarding Increase in the Authorized Budget Amount for Acadian Consulting Group
252	07/11/97	BellSouth's Cost Studies
253	07/18/97	BellSouth Letter to ALJ Regarding Status Conference
254	07/23/97	AT&T Letter to BellSouth Proposing Changes to Scheduling
255	07/23/97	WorldCom Letter to ALJ in Response to BellSouth's Letter Regarding Status Conference
256	07/25/97	MCI Telecommunications Corporation's Motion to Extend Schedule and Require Training Regarding Cost Studies
257	07/28/97	Transcript of Special Open Session
258	08/01/97	Letter to ALJ Regarding Tutorial on Hatfield Model

RECORD OF LOUISIANA PSC DOCKET NOS. 22022/22093		
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TAB	DATE	DESCRIPTION
259	08/01/97	Report on July 31, 1997 Status Conference and Notice of Revised Procedural Schedule
260	08/01/97	Notice of Date for BellSouth Tutorial Presentation
261	08/04/97	Notice of Date for Intervenors' Tutorial Presentation
262	08/05/97	Ad Hoc Committee for Consumer Choice Letter to ALJ Regarding Payphone Service
263	08/07/97	BellSouth Letter to All Parties Regarding 600 Data Requests Received
264	08/26/97	BellSouth's Motion for Leave to File Supplemental Testimony
265	08/26/97	BellSouth Letter to ALJ Regarding Its Statement of Generally Available Terms and Conditions
266	08/26/97	LPSC's Motion to Modify Procedural Schedule
267	09/03/97	BellSouth's Motion and Order for Expedited Hearing on Notices of Deposition
268	09/04/97	Notice of Telephone Status Conference on Thursday, September 4, 1997 at 2:30 P.M.
269	09/04/97	AT&T's Objections to BellSouth's Notice to Take Depositions
270	09/05/97	BellSouth's Order of Witnesses
271	09/05/97	Report on September 4, 1997 Telephone Status Conference and Order
272	09/05/97	AT&T Letter Submitting Errata Sheet for the Direct Testimony of James Wells
273	09/08/97	Hearing Transcript: Volume 1
274	09/09/97	Hearing Transcript: Volume 2
275	09/10/97	Hearing Transcript: Volume 3
276	09/11/97	Hearing Transcript: Volume 4

RECORD OF LOUISIANA PSC DOCKET NOS. 22022/22093		
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TAB	DATE	DESCRIPTION
277	09/12/97	Hearing Transcript: Volume 5
278	09/15/97	Hearing Transcript: Volume 6
279	09/16/97	Hearing Transcript: Volume 7
280	09/17/97	Hearing Transcript: Volume 8
281	09/24/97	Hearing Transcript: Volume 9
282	09/29/97	Post Hearing Brief of BellSouth
283	09/29/97	Post-Hearing Brief of WorldCom, Inc.
284	09/29/97	Post Hearing Brief of MCI Telecommunications Corporation
285	09/29/97	Post-Hearing Brief of Sprint Communications Company L.P.
286	09/29/97	Post-Hearing Brief of American Communication Services of Baton Rouge, Inc., American Communication Services of Louisiana, Inc., and American Communication Services of Shreveport, Inc.
287	09/29/97	LPSC Staff Post Hearing Brief
288	09/29/97	Post-Hearing Brief of Cox Louisiana Telecom II, L.L.C.
289	09/29/97	AT&T Communications of the South Central States, Inc.'s Post-Hearing Brief
290	09/30/97	AT&T Letter to LPSC Submitting Omitted Exhibits
291	10/15/97	BellSouth Letter to ALJ Regarding 8th Circuit Ruling
292	10/17/97	Final Recommendation of the ALJ
293	10/24/97	Order of the LPSC Setting Rates
294	11/03/97	Petition for Reconsideration on behalf of American Communication Services of Baton Rouge, Inc., American Communication Services of Louisiana, Inc., and American Communication Services of Shreveport, Inc.

RECORD OF LOUISIANA PSC DOCKET NOS. 22022/22093		
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TAB	DATE	DESCRIPTION
295	11/03/97	AT&T's Motion for Reconsideration
296	11/12/97	LPSC Letters Advising Request for Reconsideration to be Placed on Commission's Meeting Agenda for 11/19/97
297	11/14/97	BellSouth's Memorandum in Opposition to Motions for Reconsideration
298	11/18/97	LPSC Staff's Opposition to Motions for Reconsideration
299	12/22/97	LPSC Order Denying Requests for Reconsideration

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RECORD OF LOUISIANA PSC DOCKET NOS. 22020 Resale Pricing		
TAB	DATE	DESCRIPTION
300	06/17/96	BellSouth's Cost Studies
301	07/01/96	LPSC Letter Regarding Previous Interventions
302	07/29/96	Notice of Status Conference
303	08/02/96	Procedural Schedule
304	08/13/96	BellSouth's Motion to Convert August 20, 1996 Informal Presentation Conference to Informal Status Conference
305	08/14/96	AT&T's Opposition to BellSouth's Motion to Convert August 20, 1996 Informal Presentation Conference to Informal Status Conference
306	08/14/96	Transcript of Open Session
307	08/15/96	Notice of Assignment: Scheduling of Additional Status Conference
308	08/26/96	Report of Status Conference
309	08/30/96	Direct Testimony of Guy L. Cochran, Robert C. Scheye and William E. Taylor on Behalf of BellSouth
310	08/30/96	Direct Testimony of Joseph Gillan on Behalf of AT&T Communications of the South Central States, Inc. and WorldCom, Inc., d/b/a LDDS WorldCom
311	08/30/96	Direct Testimony of Patricia McFarland on Behalf of AT&T Communications of the Southern States, Inc.
312	08/30/96	Direct Testimony and Exhibit of Dr. Marvin H. Kahn
313	08/30/96	Direct Testimony of Greg Darnell on Behalf of MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc.
314	09/04/96	Report of Status Conference, Procedural Schedule

RECORD OF LOUISIANA PSC DOCKET NOS. 22020		
Resale Pricing		
TAB	DATE	DESCRIPTION
315	09/13/96	Rebuttal Testimony of Patricia McFarland on Behalf of AT&T Communications of the Southern States, Inc.
316	09/13/96	Rebuttal Testimony of Greg Darnell on Behalf of MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc.
317	09/13/96	Rebuttal Testimony and Exhibit of Dr. Marvin H. Kahn
318	09/13/96	Rebuttal Testimony of Joseph Gillan on Behalf of AT&T Communications of the South Central States, Inc. and WorldCom, Inc., d/b/a LDDS WorldCom
319	09/13/96	Rebuttal Testimony of Guy L. Cochran, Robert C. Scheye, and William E. Taylor
320	09/16/96	BellSouth's Motion for Expedited Discovery and Leave to Present Surrebuttal Testimony; and Alternatively, Motion to Continue Hearing
321	09/16/96	Hearing Transcript: Volume 1
322	09/17/96	Hearing Transcript: Volume 2
323	09/18/96	Hearing Transcript: Volume 3
324	09/26/96	Brief of Sprint Communications Company L.P.
325	09/27/96	Proposed Findings of Fact and Conclusion of Law
326	09/27/96	Post-Hearing Brief of BellSouth
327	09/27/96	Post-Trial Brief of AT&T
328	09/27/96	Post-Hearing Brief of MCI Telecommunications Corporation
329	09/27/96	Post-Hearing Brief filed by the Small Company Committee of the Louisiana Telephone Association
330	09/27/96	Brief of the Louisiana Public Service Commission
331	09/27/96	Post-Hearing Brief of WorldCom, Inc. d/b/a/ LDDS WorldCom

RECORD OF LOUISIANA PSC DOCKET NOS. 22020		
Resale Pricing		
TAB	DATE	DESCRIPTION
332	09/27/96	Post Hearing Comments Submitted on Behalf of Global Tel*Link
333	09/27/96	Original Post-Hearing Brief of the Louisiana Cable Telecommunications Association
334	09/27/96	MCI Telecommunications Corporation's Proposed Findings of Fact and Conclusions of Law
335	10/01/96	Reply Brief of Sprint Telecommunications Company L.P.
336	10/02/96	Reply Brief of AT&T
337	10/02/96	Reply Brief of the Louisiana Public Service Commission
338	10/02/96	Post-Hearing Reply Brief of BellSouth
339	10/02/96	Post-Hearing Reply Brief of MCI Telecommunications Corporation
340	10/09/96	Recommendation Setting Wholesale Discount Rate at 20.72%
341	10/14/96	BellSouth's Exception to Administrative Law Judge's Recommendation and Request for Oral Argument
342	10/16/96	Transcript of Open Session
343	11/12/96	Order Setting Resale Rates
344	12/17/96	Notice of Opportunity to Comment
345	01/09/97	Comments on Behalf of Global Tel*Link, Inc.
346	01/10/97	MCI Telecommunications Corporation's Opposition to the Filing of BellSouth's Exception to Administrative Law Judge's Recommendation and Request for Oral Argument
347	01/10/97	LPSC Opposition to Filing of Exception by BellSouth

APPENDIX D

TAB	DESCRIPTION	
1	07/08/98	BellSouth's Performance Measurements Report Internet Site
2	02/10/82	<u>United States v. AT&T</u> , No. 74-1698 (D.D.C. Feb. 10, 1982)
3	04/27/87	Responsive Comments of the Federal Communications As Amicus Curiae on the Report and Recommendations of the United States Concerning the Line of Business Restrictions Imposed on the Bell Companies by the Modification of Final Judgment, <u>United States v. Western Electric Co.</u> , No. 82-0192 (D.D.C. filed Apr. 27, 1987)
4	02/15/94	AT&T's Opposition to Ameritech's Motions for "Permanent" and "Temporary" Waivers from the Interexchange Restriction of the Decree, <u>United States v. Western Elec. Co.</u> , No. 82-0192 (DOJ filed Feb. 15, 1994)
5	12/09/94	MCI's Initial Comments To the Department of Justice Concerning the Motion to Vacate the Judgment and NYNEX's Request To Provide Interexchange Service In New York State, <u>United States v. Western Elec. Co.</u> , No. 82-0192 (D.D.C. filed Dec. 9, 1994)
6	04/19/96	AT&T Comments, Market Definition, Separations, Rate Averaging and Rate Integration, <u>Policy and Rules Concerning the Interstate, Interexchange Marketplace and Implementation of Section 254(g)</u> , CC Docket No. 96-61 (FCC filed Apr. 19, 1996)
7	09/16/96	AT&T Corp.'s Petition for Reconsideration, Policy and <u>Rules Concerning the Interstate, Interexchange Marketplace and Implementation of § 254(g)</u> , CC Docket No. 96-61 (FCC filed Sept. 16, 1996)
8	10/23/96	AT&T's Corp.'s Petition for Waiver and Request for Expedited Consideration, <u>AT&T Petition for Waiver of Section 64.1701 of the Commission's Rules</u> , CCB/CPD No. 96-26 (FCC filed Oct. 23, 1996)
9	11/18/96	MCI Comments, <u>AT&T Petition for Waiver of Section 64.1701 of the Commission's Rules</u> , CCB/CPD No. 96-26 (FCC filed Nov. 18, 1996)

TAB	DESCRIPTION	
10	05/16/97	Evaluation of the U.S. Department of Justice SBC Communications - Oklahoma Evaluation, CC Docket No. 97-121; Addendum to the Evaluation of the United States Department of Justice (addendum filed 5/21/97)
11	10/27/97	Ex Parte Letter from Kristen C. Thatcher, AT&T, to William F. Caton, Docket No. IB 97-142
12	01/19/98	Letter from Marius Schwartz to Magalie Salas, CC Docket No. 97-231
13	03/26/98	<u>Agenda for Wireless America in Action: PCIA Launches Advertising Blitz on Wireless Competition</u> , Press release, < http://www.pcia.com/privan.htm >
14	05/98	Local Alternative Telephone Use Survey, Louisiana
15	05/06/98	AT&T Wireless Phone Service National Coverage Map, at < http://www.attws.com/nohost/cellular/coverage/ce_ncvmp.html >
16	05/08/98	<u>AT&T Wireless Joins Sprint PCS in Single-rate Offer, But Adds Contracts</u> , Communications Daily, May 8, 1998
17	06/02/98	<u>Introducing AT&T Digital One Rate (Advertisement)</u> , N.Y. Times, June 2, 1998

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

In the Matter of

Second Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana

CC Docket No. _____

To: The Commission

**BRIEF IN SUPPORT OF SECOND APPLICATION BY BELLSOUTH
FOR PROVISION OF IN-REGION, INTERLATA SERVICES IN LOUISIANA**

Pursuant to section 271(d)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 271(d)(1), BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. (collectively, "BellSouth") hereby seek authorization to provide interLATA services originating in the State of Louisiana, including all services treated as such under 47 U.S.C. § 271(j).

In its prior decisions denying BellSouth's applications for interLATA authority in South Carolina and Louisiana, the Commission expressed a number of concerns about BellSouth's section 271 compliance. Particularly, the Commission questioned the sufficiency of CLEC access to BellSouth's OSSs, arrangements for CLEC access to unbundled network elements ("UNEs"), and the terms for resale of CSAs. BellSouth addressed all of these issues in this application. As for OSSs, BellSouth has enhanced the capabilities of its interfaces, taken further steps to aid CLEC representatives in using these interfaces, provided testing verifying the

capacities of its systems, and instituted additional measurements that allow interested parties to monitor BellSouth's performance. As for access to UNEs, BellSouth has committed to intervals for answering and implementing requests for collocation and offered CLECs additional detail about the state-approved prices and terms for collocation. BellSouth has made CSAs available for resale at the contract price, less the applicable wholesale discount, just as the Commission concluded was appropriate. These initiatives and concessions, made in response to the Commission's orders, are set out in greater detail in this Brief and are summarized in Exhibit 1.

Moreover, these steps are just part of BellSouth's comprehensive effort to open its local markets and satisfy all requirements for interLATA relief in Louisiana. BellSouth has not only addressed every specific concern articulated by the Commission in its South Carolina Order and Louisiana Order, but also satisfied all legally enforceable requirements established by the Commission under section 271. Part I of this Brief explains that BellSouth has received state approval of interconnection agreements under which it is providing interconnection and network access to exclusively or predominantly facilities-based providers of business and residential telephone exchange service in accordance with section 271(c)(1)(A). These carriers provide both wireline and PCS service to their local customers. Part II shows that BellSouth provides these "Track A" carriers and all CLECs in Louisiana interconnection and network access in accordance with the fourteen-point competitive checklist of section 271(c)(2)(B), and that BellSouth is in full compliance with the competitive checklist and with all legally enforceable Commission requirements. Part III confirms that BellSouth will abide by the safeguards of section 272.¹ Part

¹ BellSouth intends to offer in-region, interLATA services in Louisiana through BellSouth Long Distance, Inc., which will operate in accordance with the requirements of section 272. However, all references to BellSouth Long Distance, Inc. should be understood to encompass any affiliate of BellSouth Telecommunications, Inc. (or its successors or assigns that provide wireline

IV demonstrates that approving BellSouth's application "is consistent with the public interest, convenience, and necessity." 47 U.S.C. § 271(d)(3)(C). This Brief and its supporting affidavits are available in electronic form at <<http://www.bellsouthcorp.com>>.²

I. BELLSOUTH SATISFIES THE REQUIREMENTS OF SECTION 271(c)(1)(A) IN LOUISIANA

Where a Bell company relies upon the presence of one or more local competitors to support an application under Track A, those carriers must: (1) have "agreements that have been approved under section 252 of this title specifying the terms and conditions under which the Bell operating company is providing [the competitor(s)] access and interconnection to its network facilities"; (2) be "competing providers of telephone exchange service [other than] . . . exchange access"; (3) serve residential and business subscribers; and (4) offer local service exclusively or predominantly over their own telephone exchange service facilities. 47 U.S.C. § 271(c)(1)(A). These requirements are satisfied in Louisiana. As Gary M. Wright explains, "[t]he vigorous competition currently evidenced in Louisiana's local exchange market is economically viable, rapidly expanding, and irreversible." Wright Public Aff. ¶ 4 (App. A, Tab 28).

telephone exchange service) that operates consistent with this Application's representations regarding the future activities of BellSouth Long Distance, Inc. Concurrent with the filing of this application, BellSouth Long Distance, Inc. is filing with the Commission an application for authorization to provide international services originating in the State of Louisiana, pursuant to 47 U.S.C. § 214.

² The Anti-Drug Abuse Act certifications required under 47 C.F.R. § 1.2002 are provided as Exhibit 2 to this Brief. BellSouth has, in addition, complied with the Commission's pre-filing consultation requirements by notifying all parties that participated in the Louisiana PSC's section 271 proceeding of BellSouth's intent to file this application, by letters dated July 2, 1998. Only two parties indicated any potential interest in conducting discussions and BellSouth has responded to those parties.

The Louisiana PSC has approved interconnection and resale agreements between BellSouth and 165 wireline or wireless CLECs. Id. ¶ 18. As a result of BellSouth's efforts to open the local market, at least six wireline CLECs currently provide facilities-based local telephone service in Louisiana. Id. ¶ 66.³

American Communications Services, Inc. (ACSI, d/b/a e.spire Communications). ACSI has an approved interconnection agreement with BellSouth and serves thousands of business lines on a facilities basis, as well as providing resale service to both business and residential customers. Wright Conf. Ex. C, Wright Public Aff. ¶ 76. ACSI currently provides switched local exchange services and non-switched dedicated services, including special access, data services, and private line services over its own fiber-optic facilities in New Orleans, Baton Rouge, and Shreveport. Wright Public Aff. ¶ 70.

ACSI began providing competitive local exchange services on a resale basis in New Orleans, Baton Rouge, and Shreveport on April 1, 1997, and introduced facilities-based service to the New Orleans market on July 30, 1997. Id. ACSI announced that it is expanding its facilities-based local exchange services into Baton Rouge and Shreveport. Id. ACSI has reserved 10,000 telephone numbers for use by its facilities-based customers and has installed numerous local interconnection trunks with BellSouth. Wright Public Ex. G; Wright Conf. Ex. C.

American MetroComm ("AMC"). AMC has an approved interconnection agreement with BellSouth and serves hundreds of business lines on a facilities basis, while providing resale service to thousands of business and residential customers. Conf. Aff. ¶ 105, Conf. Ex. C.

³ Although not provided in this public Brief, competitively sensitive information regarding CLEC operations is found in the confidential version of Mr. Wright's affidavit.

AMC has reserved 10,000 telephone numbers for its facilities-based customers. Wright Public Ex. G. AMC has hundreds of local interconnection trunks with BellSouth, and in New Orleans AMC has a fiber-optic network, and an operational NorTel DMS Central Office switch. Wright Public Aff. ¶ 84. AMC is currently expanding its fiber facilities in Baton Rouge and plans to extend its network to Lake Charles and Lafayette. Wright Public Aff. ¶¶ 84-86

Entergy Hyperion Telecommunications (“Hyperion”). Hyperion has an approved interconnection agreement with BellSouth and provides facilities-based service to hundreds of business customers in Louisiana, as well as resold services to a smaller number of business customers. Wright Conf. Ex. C. Hyperion has a fiber-optic and microwave network that runs through New Orleans; the carrier has rolled out facilities-based local exchange services to Baton Rouge customers. Wright Public Aff. ¶¶ 96, 104. Hyperion has interconnection trunks in place with BellSouth, and a Lucent 5ESS switch in Baton Rouge. Wright Conf. Ex. C, Wright Public Aff. ¶ 105.

KMC Telecom, Inc. (“KMC”). KMC has an approved interconnection agreement with BellSouth and provides facilities-based service to hundreds of business customers and a small number of residential customers. Wright Conf. Ex. C; Wright Conf. Aff. ¶ 118. KMC also serves thousands of residential and business customers via resale service. Wright Conf. Ex. C, Wright Conf. Aff. ¶ 118. KMC has interconnection trunks with BellSouth, as well as switched fiber-optic networks in both Baton Rouge and Shreveport. Wright Public Aff. ¶ 91, Wright Conf. Aff. ¶ 121, Wright Conf. Ex. C.

Shell Offshore Services Company (“Shell”). Shell, a wholly owned subsidiary of Shell Oil Company, has an approved interconnection agreement with BellSouth and provides facilities-based service to hundreds of business lines, as well as resale service. Wright Conf. Aff. ¶ 147,

Ex. C. Shell operates a digital broadband microwave network in portions of Louisiana, Texas, and the Gulf of Mexico. Wright Public Aff. ¶ 111. Shell also has interconnection trunks with BellSouth, an operational Nortel SL-100 switch, and tandem switches in Robert, Venice, Morgan City, and Amelia, Louisiana. Id. ¶ 112; Wright Conf. Ex. C. Shell operates telecommunications operations centers for network troubles, testing, and repair in New Orleans, Morgan City, and Venice, Louisiana. Wright Public Aff. ¶ 112. Shell plans to offer local exchange service throughout Louisiana during 1998. Id. ¶ 114.

AT&T. Although it has intentionally withheld local service to most Louisianians, AT&T has an approved interconnection agreement with BellSouth and provides facilities-based service to some business lines, as well as limited resale service to business and residential customers. Wright Conf. Ex. C; Wright Conf. Aff. ¶ 158. AT&T has interconnection trunks with BellSouth and has reserved 80,000 telephone numbers for its facilities-based customers. Wright Public Ex. G; Wright Conf. Aff. ¶ 164; Wright Conf. Aff. Ex. C. AT&T utilizes its interconnection trunks to service business customers under its Digital Link Service offering. Wright Public Aff. ¶ 123.

There are also 25 “pure” resellers in Louisiana who are providing thousands of residential and business customers with local service. Wright Conf. Ex. C.

According to the best information available to BellSouth, the six facilities-based wireline carriers in Louisiana together serve 4282 local lines, including a small number of residential lines, over their own networks. Wright Conf. Aff. Ex. C; Wright Public Aff. ¶ 132. These carriers serve approximately 16,000 business lines and more than 250 residential lines in total. BellSouth believes it is eligible for interLATA relief under Track A on the strength of these carriers alone. Moreover, even if some of these facilities-based carriers were disqualified under Track A for the counterintuitive reason that they serve too many customers via resale, BellSouth

still would satisfy Track A based on wireline activity. For instance, the combination of AT&T, Hyperion, and Shell, together with the business and residential reseller Louisiana Unwired (Wright Conf. Ex. C; Wright Conf. Aff. ¶¶ 129, 147, 158, 166), collectively serves both residential and business lines and also serves more local lines on a facilities basis than through resale. See id.

Section 271(c)(1)(A) authorizes interLATA relief based on “one or more binding agreements” under which a Bell company provides access and interconnection for the facilities of “one or more unaffiliated competing providers of telephone exchange service . . . to residential and business subscribers.” 47 U.S.C. § 271(c)(1)(A) (emphasis added). Track A therefore can be satisfied by a combination of CLECs, rather than the activities of just one CLEC alone.⁴

Moreover, where a CLEC or combination of CLECs provides service to both residential and business subscribers, Track A does not require that both classes of subscribers be served on a facilities basis. The Department of Justice has explained that “there is no reason to delay BOC entry into interLATA markets simply because competitors that have a demonstrated ability to operate as facilities-based competitors, and that are in fact providing service predominantly over their own facilities, find it most advantageous to serve one class of customers on a resale basis.”

⁴ See Memorandum Opinion and Order, Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services In Michigan, 12 FCC Rcd 20543, 20587-88, ¶ 82 (1997) (“Michigan Order”) (“[W]hen a BOC relies upon more than one competing provider to satisfy section 271(c)(1)(A), each such carrier need not provide service to both residential and business customers . . . this aspect of section 271(c)(1)(A) is met if multiple carriers collectively serve residential and business customers.”).

Addendum to DOJ Oklahoma Evaluation at 3-4, CC Docket No. 97-121 (May 21, 1997) (“DOJ Oklahoma Addendum”) (App. D, Tab 10).⁵

The Department of Justice’s analysis is apt as applied to the local exchange market in Louisiana. As explained above, six wireline carriers in Louisiana have facilities in place that readily could be used to serve residential customers. These carriers have simply decided it is more profitable to focus most of their attention on business customers. At the same time, resellers such as Louisiana Unwired and others have chosen to serve principally or exclusively residential customers. Requiring BellSouth to wait until facilities-based carriers alter their business plans and join pure resellers as strong participants in the residential market “would tip unnecessarily the statute’s balance between facilitating local entry and providing for additional competition in interLATA services by adding an unnecessary prerequisite to Track A that might foreclose entry in certain cases for no beneficial competitive purpose.” *Id.* at 4.

Nor does it matter that CLECs overall are serving a large number of customers on a resale basis. The 1996 Act requires a Bell company applying under Track A to point to “one or more binding agreements” with “one or more unaffiliated competing providers.” 47 U.S.C. § 271(c)(1)(A). In its Michigan Order, the FCC indicated that when a Bell company decides which agreements it wishes to rely upon to satisfy Track A, the Commission will evaluate its eligibility for interLATA relief based upon those agreements. 12 FCC Rcd at 20585, ¶ 78. Section 271(c)(1)(A) does not take into account the activities of other CLECs with which the Bell company may also have implemented agreements.

⁵ Three Commissioners appear to have endorsed this view. See Letter from William E. Kennard, Chairman, FCC, to Sen. Sam Brownback, dated April 22, 1998; Letter from Michael K. Powell, Commissioner, FCC, to Sen. Samuel D. Brownback, dated April 22, 1998; Letter from Gloria Tristani, Commissioner, FCC, to Sen. Sam Brownback, dated April 22, 1998.

Moreover, even if in Louisiana there are more resold lines being served by CLECs than there are facilities-based lines, this does not undermine BellSouth's satisfaction of Track A. Such a construction of Track A would punish BellSouth for fully opening the local market to more extensive and varied competition. The BOC would obtain interLATA relief if there were one CLEC in the State and it served 5000 business and residential customers over its own network, but not if a second CLEC then entered the market and signed up 10,000 resale customers. It would be a perverse reading of the Act to suggest that increased local competition could block Track A compliance.

Finally, the total number of customers served by Track A CLECs in Louisiana (or any other CLECs in the State) is not relevant to determining BellSouth's compliance with Track A. As the Chairman of the Commission has recently stated, "it is my view that the goal of the 1996 Act is not to ensure that competitors have taken a certain amount of business from the Bell Operating Company, but rather to bring the benefits of competition to consumers."⁶

In addition to satisfying Track A through the activities of wireline carriers, BellSouth also is eligible for Track A relief based on the existence of PCS carriers in Louisiana. In its Louisiana Order, the Commission ruled that the presence of active PCS carriers in a state could satisfy Track A, where the BOC applicant could show that PCS "both satisfies the statutory definition of 'telephone exchange service' in section 3(47)(A) and competes with the telephone exchange service offered by the applicant in the relevant state." 13 FCC Rcd at 6289-90, ¶¶ 72-73. This test is satisfied in Louisiana, where five carriers (AT&T, Sprint Spectrum, PrimeCo, MereTel,

⁶ Letter from William E. Kennard, Chairman, FCC, to Sen. John B. Breaux, dated July 7, 1998 at 2 ("July 7th Kennard Letter"); see also Michigan Order, 12 FCC Rcd at 20583-86, ¶¶ 74-78 (Track A carriers need not have any minimum geographic penetration or market share).