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DEBORAH K. FLANNAGAN  
 EXECUTIVE DIRECTOR

HELEN O'LEARY  
 EXECUTIVE SECRETARY

## Georgia Public Service Commission

(404) 656-4501  
 1 (800) 282-5813

244 WASHINGTON STREET, S.W.  
 ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341  
 www.psc.state.ga.us



DOCKET # 12444

Docket No. 12444-U

DOCUMENT # 48706

GENERAL COUNSEL-  
 GEORGIA

ORDER ON RECONSIDERATION

In Re: **Petition of Sprint Communications Company L.P. For Arbitration with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Telecommunications Act of 1996**

### BY THE COMMISSION:

On June 1, 2001, the Georgia Public Service Commission ("Commission") issued its Order in the above-styled proceeding to resolve those issues upon which the parties could not agree. Sprint Communications Company, L.P. ("Sprint") filed with the Commission a Motion for Reconsideration ("Motion") on June 11, 2001. The Motion requested that the Commission reverse its decision on three issues from the June 1, 2001 Order. On June 21, 2001, BellSouth Telecommunications, Inc. ("BellSouth") filed with the Commission a Response in Opposition to Sprint Communications Company L.P.'s Motion for Reconsideration. As discussed below, the Commission denies reconsideration on the issues raised in Sprint's Motion; however, the Commission clarifies a ruling in its June 1, 2001, Order, on the recommendation of the Commission Staff.

#### 1. Issue 4

**Should BellSouth make its Custom Calling Features available for resale on a stand-alone basis?**

In its June 1, Order, the Commission concluded that BellSouth was not obligated to make its Custom Calling Features available for resale on a stand-alone basis. Sprint has requested that the Commission reconsider this decision. Sprint maintains that the Commission Order is in violation of 47 U.S.C. 251(c)(4). The Telecommunications Act of 1996 obligates ILECs "to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers." 47 U.S.C. 251(c)(4)(A). The Commission based its conclusion that BellSouth was not obligated to provide the vertical features on a stand-alone basis on the FCC's determination that ILECs are not required to "disaggregate a retail service into more discrete retail services." First Report and Order, *In the*

*Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98 (released August 8, 1996) (¶ 877).

Pursuant to BellSouth's tariff, these vertical features are only furnished in connection with individual line residence and business main service. (Order, p. 2). The Commission's finding that the vertical features constitute "more discrete retail services" as contemplated by the First Report and Order is supported by the record. The Commission declines to reconsider its decision on this issue.

2. **Issue 18**

**Should Sprint and BellSouth have the ability to negotiate a demarcation point different from Sprint's collocation space, up to and including the convention distribution frame?**

In its June 1, 2001, Order, the Commission decided that BellSouth should be allowed to choose the demarcation point. The demarcation point, as chosen by BellSouth, should be the conventional distribution frame (CDF), unless otherwise mutually agreed to by BellSouth and Sprint (Order, pp. 6-7). Sprint requested that the demarcation point be the Point of Termination (POT) bay. BellSouth contended that to timely and accurately provision collocation arrangements, it needed to standardize the collocation process. (BellSouth Post-Hearing Brief, p. 14). BellSouth stated that since it could not require other CLECs to choose the POT bay as a demarcation point, having Sprint's demarcation point at the POT bay would not provide the necessary standardization. The Commission relied on this contention in reaching its decision. Sprint questions the veracity of BellSouth's claims that a standardized demarcation point is necessary from a technical standpoint. The Commission sees no need to re-evaluate the evidence on this issue. Sprint's motion to reconsider this issue is denied.

3. **Issue 31**

**Should BellSouth be required to charge Sprint cost-based rates for dedicated OS/DA trunking?**

The Commission decided that BellSouth was not obligated to charge Sprint cost-based rates for dedicated OS/DA trunking. Sprint argues that dedicated trunking is a UNE and should be provided at cost-based rates regardless of its association with OS/DA trunking. (Sprint Motion, p.9). The FCC determined that CLECs "are not impaired without access to OS/DA service as an unbundled element." *In re: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Third Report and Order and Fourth Further Notice of Proposed Rulemaking (released November 5, 1999) ("UNE Remand Order") (¶ 441). The FCC also included the cost of dedicated trunking as part of self-provisioning OS/DA. *Id.* at ¶450. The Commission found that it would undermine the FCC's decision to separate an individual component of a service that the FCC determined was not a UNE, and obligate BellSouth to charge UNE prices for that component.

In its Motion, Sprint contests the Commission's interpretation of the UNE Remand Order. The Commission is not persuaded. In the context of its explanation of why OS/DA is not a UNE, the FCC stated the costs associated with its provisioning. If the FCC had intended to make an exception for a component cost, then that exception would have been noted in the explanation. The Commission denies reconsideration on this issue.

4. Issue 19

**In instances where Sprint desires to add additional collocation equipment that would require BellSouth to complete additional space preparation work, should BellSouth be willing to commit to specific completion intervals for specific types of additions and augmentations to the collocation space?**

The Commission Staff recommended that the Commission clarify its decision on Issue 19. In its June 1, 2001, Order, the Commission adopted Sprint's proposed intervals, with the exception of Sprint's proposed exception for major augments. The intervals proposed by Sprint that the Commission adopted were a 45-day interval for minor augments and a 60-day interval for intermediate augments. The Commission Staff recommended that the Commission clarify that the parties should jointly establish the tasks to be included in each of the augments.

The Staff also recommended that the Commission clarify its Order to state that the intervals measure the time from the receipt of a complete and accurate Bona Fide firm order to the date BellSouth completes the augmentation. This is consistent with the Commission Order in Docket No. 7892-U, *Performance Measurements for Telecommunications Interconnection, Unbundling and Resale*. The Commission adopts both of the Commission Staff's proposed clarifications.

**WHEREFORE IT IS ORDERED**, that Sprint's Motion for Reconsideration is denied in its entirety.

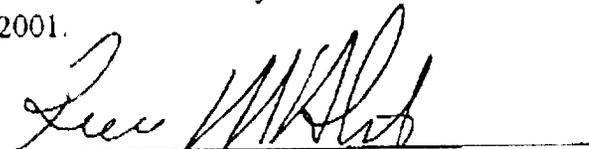
**ORDERED FURTHER**, that the Commission clarifies its decision on Issue 19 of its June 1, 2001, Order to direct the parties to jointly establish the tasks to be included in each of the augments

**ORDERED FURTHER**, that the Commission further clarifies its decision on Issue 19 of its June 1, 2001, Order to state that the intervals measure the time from the receipt of a complete and accurate Bona Fide firm order to the date BellSouth completes the augmentation.

**ORDERED FURTHER**, that a motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

**ORDERED FURTHER**, that jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 3<sup>rd</sup> day of July, 2001.



Reece McAlister  
Executive Secretary



Lauren McDonald, Jr.  
Chairman

7-12-01

Date

07-12-01

Date