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December 14, 2001

VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. TCG MidSouth, Inc. and BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. § 252*
Docket No. 00-00079

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Motion for Reconsideration and Clarification. Copies of the enclosed are being provided to counsel for AT&T.

Very truly yours,

Guy M. Hicks

GMH:ch
Enclosure

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BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. TCG MidSouth, Inc. and BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. § 252*

Docket No. 00-00079

BELLSOUTH TELECOMMUNICATIONS, INC.'S MOTION FOR RECONSIDERATION AND CLARIFICATION

I. INTRODUCTION

BellSouth Telecommunications, Inc. ("BellSouth") respectfully moves that the Tennessee Regulatory Authority ("Authority"), acting as Arbitrators, reconsider certain aspects of its November 29, 2001 Order of Arbitration Award (the "Order") with respect to Issues 2, 3, 14, and 19. In addition, BellSouth respectfully moves the Authority to clarify its Order regarding Issues 15 and 18(b) and (c). Depending on the Authority's clarifications, BellSouth may also request, for the reasons set forth below, that the Authority reconsider its position on these latter issues as well.

Specifically, the Arbitrators should reconsider their decisions to (1) require BellSouth to provide "combinations" of Unbundled Network Elements (UNEs), at TELRIC-based prices rather than market prices, if BellSouth combines such UNEs anywhere in its own network (Issues 2 & 3); (2) require BellSouth to offer OS/DA as a UNE because BellSouth has not provided sufficient customized routing (Issue

14); and (3) require BellSouth to provide an integratable system that "incorporates all functionality present in the TAFI interface for CLEC usage." (Issue 19). In addition, BellSouth respectfully requests the TRA to clarify its intent in ordering BellSouth to "provide AT&T with the capability to order selective OS/DA routing with a single code." (Issue 15). If the Authority intended to order BellSouth to accept a single code for a single custom routing plan throughout the state, no reconsideration is necessary. Finally, BellSouth asks the Authority to clarify its intent regarding Issues 18(b) and (c), so that BellSouth may understand exactly what the Authority requires BellSouth to do with regard to electronic ordering. For instance, with regard to Issue 18(b), the issue was whether BellSouth was providing electronic ordering to itself for complex orders. BellSouth presented evidence that it was not; AT&T argued that BellSouth did provide that capacity to itself. The Authority's order is simply not clear as to what the Authority intended to require BellSouth to do in light of this fundamental dispute between AT&T and BellSouth. Again, depending on the clarification, BellSouth may request reconsideration of these issues for the reasons set forth in detail below.

II. ISSUES

ISSUE 2: **What does "currently combines" mean as that phrase is used in 57 C.F.R. §51.315(b)?**

ISSUE 3: **Should BellSouth be permitted to charge AT&T a "glue charge" when BellSouth combines network elements?**

With all due respect, as the law presently exists the Authority is simply wrong with regard to these issues. BellSouth is not legally obligated to combine UNEs at TELRIC prices at any location AT&T designates simply because BellSouth combines those UNEs somewhere in its network. BellSouth detailed in its post-hearing brief the current law as it addresses these issues and incorporates those remarks by reference. To expand on those remarks, it is clear that the FCC did intend to require BellSouth and other incumbent telephone carriers to "combine" UNEs in the fashion that the Authority contemplates in this order and in its earlier order on BellSouth's cost studies. The FCC adopted rules that accomplished exactly what the TRA has ordered. However, those FCC rules were stricken by the 8th Circuit Court of Appeals in *Iowa Utils. Bd. v. FCC*, 120 F.3rd 753 (8th Cir. 1997) *rvsd in part*, 525. U.S. 366 (1999). They were stricken because they extended the Act in an inappropriate manner. Importantly, the reversal of these rules was not a part of the appeal to the Supreme Court of the United States and that part of the 8th Circuit's decision was not reviewed, vacated or reversed.

Notwithstanding the fact that the offending rules were vacated and that part of its decision was not appealed to the Supreme Court, the 8th Circuit, essentially on its own motion, reconsidered its ruling vacating this particular part of the FCC's rules, when it reviewed other parts of its prior order at the direction of the Supreme Court. That is, even though it was not required to do so, the 8th Circuit reviewed again its decision to vacate CFR §51.315 (c), and confirmed its earlier ruling. The 8th Circuit Court of Appeals said:

> Rule 51.315(b) prohibits the ILECs from separating previously combined network elements before leasing the elements to competitors. The Supreme Court held that 51.315(b) is rational because "[section] 251(c)(3) of the Act is ambiguous on whether leased network elements may or must be separated." *AT&T Corp*, 525 U.S. at 395. Therefore, under the second prong of *Chevron*, the Supreme Court concluded 541.315(b) was a reasonable interpretation of an ambiguous statute.
>
> Unlike 51.315(b), subsections (c)-(f) pertain to the combination of network elements. Section 251(c)(3) specifically addresses the combination of network elements. It states, in part, "An incumbent local exchange carrier shall provide such unbundled network elements in a manner that allows requesting carriers to combine such elements in order to provide such telecommunications service." Here, Congress has directly spoken on the issue of who shall combine previously uncombined network elements. It is the requesting carriers who shall "combine such elements." It is not the duty of the ILEC to "perform the functions necessary to combine unbundled network elements in any manner" as required by the FCC's rule. *See* 47 C.F.R. §51.315(c).

It is hard to imagine how the Court could have been much clearer on this point.

The decision of the Authority on these issues has the effect of reinstating the vacated FCC rules regarding the FCC's interpretation of "ordinarily combined." Although various parties urged the FCC to reinstate its own rules in much the same fashion that the Authority has now done, the FCC itself declined, in the paragraphs following Paragraph 479 cited by the Authority in its Order, to reinstate those rules. If the FCC will not reinstate its own rules regarding this matter, it is difficult to understand the basis for the Authority to reinstate those rules; particularly to the extent such rules reflect an interpretation of the Act that has been explicitly rejected by the federal courts.

The Authority should reconsider its decision regarding Issues 2 and 3, and rule consistent with federal law as set forth in BellSouth's post-hearing brief in this matter.

ISSUE 14: Has BellSouth provided sufficient customized routing in accordance with State and Federal law to allow it to avoid providing Operator Services/Directory Assistance ("OS/DA") as a UNE?

The FCC has determined that where an ILEC has provided CLECs with customized routing or a compatible signaling protocol, the ILEC is not required to provide unbundled access to operator services and directory assistance. (Milner Prefiled Direct, p. 31). Customized routing, as it is used here, means that the CLEC's customers served by a BellSouth switch can reach the CLEC's choice of operator service or directory assistance service platforms instead of BellSouth's operator service or directory assistance service platforms. *Id.*

In its Order, the Authority simply concluded that "BellSouth's customized routing solutions have been insufficiently tested" and that "BellSouth admits that, to date, the only customized routing solution that exists in the entire BellSouth region is a test deployment in Georgia" (citing to Volume II-A, pp. 18-22 of the transcript). To the contrary, BellSouth's testimony did not constitute an "admission," in the pejorative sense, but rather simply reflected that no other CLEC had actually asked for customized routing. The CLECs' failure to request customized routing cannot be construed as a failure of BellSouth's systems to work.

Moreover, the test in Georgia only addresses one form of customized routing. The record is perfectly clear that BellSouth currently provides two means of customized routing, the Line Class Code (LCC) method, which was the subject of the test in Georgia, and the Advanced Intelligent Network (AIN) solution. BellSouth testified that both methods are available and both have been tested and proven workable. (Milner Prefiled Direct, pp. 33-34.) While AT&T may not be happy with it, AT&T's witness, Mr. Bradbury, conceded that the AIN technology works (Transcript Vol. 1, p. 156) and that there is no reason the other solution, involving Line Class Codes, would not work as well. (Transcript Vol.1, p. 159). Customized routing is available and can be implemented, which is exactly what AT&T has asked for. Nothing more is required and BellSouth has met its obligations in this regard.

Indeed, the Georgia Commission determined that BellSouth has provided sufficient customized routing to avoid providing OS/DA as a UNE. (April 20, 2001 Order at p. 12) The Florida Public Service Commission resolved this issue in BellSouth's favor as well (Order No. PSC-01-1402-FOF-TP, p.101, June 28, 2001). It is difficult to understand how customized routing could be available in those states for AT&T, but not in Tennessee, and indeed AT&T provided no explanation that would resolve this obvious conflict.

In the final analysis, BellSouth is not obligated to wait on the CLECs to make up their collective minds to use customized routing prior to being relieved of the obligation to provide OS/DA as a UNE. BellSouth currently offers customized

routing to any CLEC that wants it, and that is the end of its obligation. The Authority's conclusion otherwise is contrary to the law and to the undisputed facts in the record.

ISSUE 15: What procedure should be established for AT&T to obtain loop-port combinations (UNE-P) using both Infrastructure and Customer Specific Provisioning? (Attachment 7, Sections 3.20 – 3.24)

It is not clear that BellSouth has an issue with the Authority's decision with regard to Issue 15. This issue consisted of two parts; one involving what was referred to as the "footprint" issue, and a second issue involving how AT&T would actually order customized routing. The first part of this issue has been resolved. (Transcript Vol. 1, p.150).

With regard to the second part of this issue, AT&T's witness, Mr. Bradbury, testified that customized routing, as AT&T envisioned customized routing, involved AT&T having the capability of directing an individual subscriber's OS/DA traffic to one of four different alternative scenarios. (Transcript Vol. 1, pp. 153-155). AT&T wanted to select the particular customized routing for a specific customer by simply putting a single number or letter, or some combination of numbers and letters, in a particular field on the customer's local service request, and have BellSouth automatically route that customer's OS/DA traffic in the manner desired.

BellSouth was willing to create a single routing pattern, if AT&T told BellSouth which option it wanted to choose as the single routing. (Transcript Vol. 1, pp. 161-162). AT&T would then have the option of allowing a subscriber to "default" to that option, which would require nothing further from AT&T, or it

could select any one of the other three options by placing the appropriate Line Class Codes on the subscriber's order. (Transcript Vol. 1, p. 163). What BellSouth was not willing to do, and what the FCC did not require BellSouth to do, was to allow AT&T to have the option of simply having a single letter or a single number on a local service request to designate which of the four options AT&T was selecting for that subscriber.

This then leads to the requested clarification. The Authority ordered BellSouth to provide AT&T with the capability to order selective OS/DA routing with a single code and to provide electronic flow-through for selective OS/DA routing if BellSouth has the same functionality. BellSouth is perfectly willing to do this if the Authority meant that AT&T was to select for the state (BellSouth is willing to do this on a state-by-state basis, even though the FCC only required it on a region-wide basis) and if AT&T selects a single routing, BellSouth can provide that routing without AT&T having to provide line class codes or any other information. (Milner Prefiled Rebuttal Testimony, pp. 26-29).

An issue arises, however, if the Authority intended to order that BellSouth accept any one of four indicators (such as the numbers 1, 2, 3 and 4) and intended for BellSouth to allow the order to flow through without any manual intervention.

Consider the latter part of this issue first. Specifically, the Authority appears to have ordered BellSouth to allow AT&T's OS /DA orders to flow through without manual handling if BellSouth's orders are processed without manual handling. If the Authority intended to require AT&T to provide a single routing for all its

subscribers throughout the state, BellSouth can do that for AT&T. That is, it can process AT&T's OS/DA orders and properly route them without any manual intervention as a result of the routing request.

If on the other hand, the Authority intended to allow AT&T to simply select any one of the four routing alternative identified and intended to require BellSouth to process such orders without manual intervention, a different issue arises. First, the entire point of any arbitration invoving operating support systems is to provide the CLECs with parity and non-discriminatory acccess to BellSouth's systems. In the case of OS/DA orders, BellSouth does not do what AT&T wants, and what has been described above, for itself or any of its affiliates. That is, BellSouth does not have customized routing for its subscribers at all. A BellSouth customer gets BellSouth's OS/DA service and that is it. Nothing at all needs to be put on the BellSouth customer's order in this regard, the customer defaults to the routing BellSouth offers for all its customers. (*See* Milner Prefiled Rebuttal, p.23) The Authority in its Order indicated, in response to this point, that what BellSouth offered to its subscribers was some how irrelevant. In fact, it is the only relevant concern. If BellSouth provided such customized routing to its customers, then it might be obligated to do so for AT&T. It does not, and therefore it is not so obligated. There is absolutely no evidentiary or legal basis for the Authority to order BellSouth to provide AT&T with electronic ordering options for four different customized routing alternatives, if that is in fact what the Authority intended.

Moving to the next point, if the Authority intended, by its language, to order BellSouth to create a system where AT&T could simply provide BellSouth with a single number (again, say the numbers 1, 2 ,3 and 4) and expect BellSouth to somehow translate that number into a designated customer routing scheme, the Authority should reconsider that point as well.

As its beginning point, the Authority should again consider the point that BellSouth made in the preceeding paragraph. The Authority has evidently taken the view that what BellSouth was providing to itself was not relevant to the outcome of this issue. That is incorrect. What BellSouth is required to provide to CLECs under the Act is parity with what it uses to provide its service and non-discriminatory access to its systems. In this case what BellSouth proposed was absolute parity and non-discriminatory access. BellSouth has a single routing plan for OS/DA service throughout its region. It offered to provide AT&T with a single routing plan for its OS/DA service throughout the region. Moreover, BellSouth even agreed to modify that proposal to provide that single routing plan on a state-by-state basis if AT&T desired. (Milner Prefiled Rebuttal, pp. 25, 26) If the Authority intended by its order to direct BellSouth to offer more than this, the Authority is compelling BellSouth to provide superior access to its systems, which the law does not require or allow.

Moreover, the problems inherent in such an approach, if that is what the Authority intended, can be ascertained from AT&T's own testimony. Mr. Bradbury testified, for instance, that there might be 200 BellSouth switches in Tennessee,

and that the line class codes for routing option 1 (assuming that the four options were numbers 1 through 4), might well be different for each of the 200 offices. (Transcript Vol. 1, p.164). In order for Bellsouth to accept a single number for routing option 1, a translation table would have to be used that associated the single number with the appropriate line class codes for each office. Since there are four options in AT&T's scenario, it would require four routing tables for each option, with each routing table covering 200 offices. There is not one shred of evidence in this record that such tables currently exist, or that it would be any more burdensome for AT&T to create such tables and to provide the necessary information to BellSouth for the appropriate routing, than it would be for BellSouth to create such tables.

On a final note on this issue, the Authority relies, in reaching its decision, on language in the FCC's decision rendered on BellSouth's second application for interLATA relief in Louisiana. BellSouth and AT&T disagreed in their interpretations of that language. BellSouth is seeking clarification as to whether the Authority has agreed with BellSouth's interpretation or AT&T's. Again, if the Authority intended to adopt AT&T's interpretation, that would necessarily mean that the Authority has concluded that the FCC itself intended that BellSouth provide better service to AT&T than it provides to itself. However, and although the FCC was clearly unhappy with the result, that is exactly what the FCC has now acknowledged, in Paragraph 173 of its Third Report and Order, (*In the Matter of Implementation of the Local Competition Provisions of in the Telecommunications Act of 1996,* CC

Docket No. 96-98, 95-185, *Third Report and Order*, 14 FCC Rcd 20912 (1999)) that it cannot do.

BellSouth respectfully requests that the Authority clarify its Order to make it clear that it did not intend to require BellSouth to provide superior service to AT&T regarding customized routing. To the extent that through such clarification the Authority indicates that such was in fact its intent, BellSouth requests that the Authority reconsider its decision to require BellSouth to provide superior service to AT&T in this regard, and to rule in BellSouth's favor on this issue.

ISSUE 18: **What should be the resolution of the following OSS issues currently pending in the change control process but not yet provided? (OSS, Attachment 7, Exhibit A)**

b) ability to submit orders electronically for all services and elements?
c) electronic processing after electronic ordering, without subsequent manual processing by BellSouth personnel?

BellSouth also seeks clarification, and depending on the clarification, reconsideration of the Authority's Order as it addresses Issues 18(b) and (c). In its Order the Authority summarily disposes of these issues by referring to the FCC's First Report and Order, (*In the Matter of Implementation of the Local Competition Provision of the Telecommunications Act of 1996*, CC Docket No. 96-98, 95-185, *First Report and Order*, 11 FCC Rcd 15499, (1996)) and the FCC's Third Report and Order (Order, p.40), and concluding that based on these orders, "BellSouth must provide electronic ordering, without manual intervention, for all network facilities which BellSouth or its retail affiliates are capable of ordering electronically without manual intervention." *Id.*

Clarification of Issue 18(b) is needed because this does not address the dispute the parties brought to the Authority through this issue. Issue 18(b) relates to the question of whether AT&T must be able to submit every order it wants to submit electronically, rather than having its service representative take down the order and then transmit the order to BellSouth by facsimile. BellSouth's position was (1) there is no such requirement in the law; and (2) BellSouth does not electronically transmit its own complex orders electronically and therefore is not required to transmit AT&T's complex orders electronically. (*See* Pate Prefiled Rebuttal, pp. 39-40) AT&T challenged both of these claims.

With regard to the factual issue identified by Mr. Pate, the issue is whether BellSouth submitted its complex orders electronically, as claimed by AT&T, or whether BellSouth processes them manually, as BellSouth asserts. The Authority's ruling on this point is not clear, since it simply requires BellSouth to allow AT&T to submit electronically all orders for network facilities that BellSouth is capable of submitting electronically for itself. However, at bottom the issue turns on the dispute as to whether BellSouth submits its complex orders electronically or whether it submits them in the same manner as AT&T. The Authority has not resolved that dispute.

Assuming, however, that the Authority did intend to require BellSouth to allow AT&T to submit all orders electronically, there is no legal or factual basis for such an order and BellSouth respectfully requests that the Authority reconsider this ruling. The evidence is that more than 88% of all orders are submitted

electronically (Transcript Vol. 1, p. 198) and that the bulk of the balance of the orders are the complex orders mentioned above. (Transcript vol. 1, p. 193) The record is clear that for BellSouth, these complex orders generally originate with BellSouth account teams who represent BellSouth's retail customers, and that these account teams send these orders to BellSouth for subsequent entry into the appropriate service order negotiation system. (Transcript Vol. 1, pp. 194-195.) BellSouth, as a matter of fact, does not submit these orders electronically in the first instance and cannot be required to provide superior service in this regard to AT&T.

In addition, while the Authority relies on the FCC's orders referenced above, there is a subsequent order, *Application by Bell Atlantic New York for Authorization Under Section 271 To Provide In-Region, InterLATA Service*, CC Docket No. 99-295, Memorandum Opinion and Order, 15 FCC 3953, released Dec. 22, 1999 ("*Bell Atlantic* Order"), that recognizes that some complex orders cannot be submitted using an industry standard local service request and must be submitted using an Access Service Request, which can be submitted electronically or by facsimile. (*Id.* at footnote 230) at Paragraph 92, Footnote 230). In short, there is no basis either legally or factually to require that AT&T be allowed to submit all orders electronically, if that is what the Authority intended by its order.

Issue 18(c) presents a different question. The question raised in Issue 18(c) was whether, after being submitted electronically, all orders submitted by AT&T had to flow through BellSouth's systems without manual intervention. In resolving

this issue, again the Authority, relying on the earlier FCC orders, simply directed BellSouth to allow all AT&T orders to flow through without manual intervention where BellSouth was capable of ordering similar network facilities without manual intervention itself.

In fact, that is not the result that the FCC mandates at all. In its Bell Atlantic Order, the FCC clearly recognized that while some orders "flow through," others are not designed to flow through. (*See, e.g., Bell Atlantic* Order at Paragraph 160, Footnote 488). Similarly, in the recent FCC order involving SBC's application for interLATA relief in Texas, the FCC acknowledged that SBC's systems were not designed to allow all service order requests to "flow through." (*See, e.g. Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance To Provide In-Region, InterLATA Services in Texas*, CC Docket No. 00-65, Memorandum Opinion and Order, FCC-00-238, released June 30, 2000 ("*SBC* Order") at Paragraph 180, Footnote 490).

Again, the Authority has relied upon earlier FCC orders to formulate the basis for its ruling on this issue. However, it is clear from later orders of the FCC that the FCC did not intend the result that the Authority draws from the earlier orders. Indeed, the Authority's conclusion in this matter is diametrically opposed to what the FCC has actually required in its orders that expressly address the issue of flow through and the treatment of orders that fall out for manual handling. BellSouth

therefore, to the extent that the Authority intended to require such flow through, respectfully requests that the Authority reconsider its order.

ISSUE 19: Should BellSouth provide AT&T with the ability to access, via EBI/ECTA, the full functionality available to BellSouth from TAFI and WFA? (OSS, Attachment 7)

Issue 19 deals with repair and maintenance interfaces that are available to CLECs, which enable the CLEC to enter a trouble report for their customers for BellSouth provided services. In this regard, BellSouth has made available to AT&T the exact interface that BellSouth's retail operations have access to, but AT&T wants more. In resolving this issue, the Authority has simply given AT&T exactly what it wants, without regard to the law or the facts surrounding this issue.

When a BellSouth subscriber calls BellSouth with a service or maintenance problem, the BellSouth representative uses a system called the Trouble Analysis and Facilitation Interface ("TAFI") to deal with the problem. TAFI is an interactive, real-time human-to-machine interface (Pate Prefiled Direct, pp. 13-14) that guides the representative in processing a customer's trouble ticket. TAFI will automatically obtain data from various legacy systems, execute tests as needed, analyze the collected information (from both the customer and systems) and develop a recommended resolution path for the reported trouble condition. In many cases, TAFI will resolve the trouble condition, often with the customer still on the line. BellSouth has made the TAFI interface available to AT&T on a non-discriminatory basis. *Id.* at 89. That is, AT&T has the exact same access to TAFI that BellSouth's retail units have to TAFI.

The issue here revolves around the fact that TAFI cannot be integrated with AT&T's front-end computer systems. (Transcript Vol. 1, p. 207). There is another system, the Electronic Communications Trouble Administration (ECTA) system that is a machine-to-machine interface that could be integrated into AT&T's systems. (Pate Prefiled Direct, pp. 93-94). However, ECTA does not provide certain "on-line" functions that are available with TAFI. *Id.* It is evidently these functions that the Authority has ordered BellSouth to provide to AT&T in its resolution of this issue.

Once again, this is an issue that the FCC has already addressed and resolved in a manner consistent with BellSouth's positions. AT&T concedes that the FCC has not found that the lack of integration constitutes discriminatory access to the maintenance and repair systems. (Transcript Vol. 1, p. 207). Indeed, in the recent Bell Atlantic proceeding, the FCC stated that it specifically disagreed "with AT&T's assertion that Bell Atlantic must demonstrate that it provides an integratable, application-to-application interface for maintenance and repair." (*Bell Atlantic* Order at paragraph 215). The FCC specifically concluded that Bell Atlantic satisfied its obligations by "demonstrating that it offers competitors substantially the same means of accessing maintenance and repair functions as Bell Atlantic's retail operations." *Id.* In this case, as BellSouth witness Pate clearly stated, AT&T has non-discriminatory access to BellSouth's maintenance and repair interfaces, and nothing further is required. (Pate Prefiled Direct, p. 89).

In resolving this issue adversely to BellSouth, the Authority acknowledges that it requires more than the FCC has, by describing the FCC standard as more lenient, presumably than the one adopted by the Authority. The difficulty is that the uncontroverted evidence is that it would take 13 to 18 months to create the interface that the Authority is contemplating (Bradbury Prefiled Direct, p.110; Pate Prefiled Rebuttal, p. 61). Moreover, while the Authority ordered BellSouth to provide this access using existing industry standards "at the time of production" (presumably a tacit acknowledgment that the actions ordered could not be accomplished for a long time), Mr. Pate clearly testified that modifying the industry standard ECTA interface to accomplish this goal would only result in a non-standard interface (Pate Prefiled Rebuttal, p. 62), which would not comply with the Authority's order. That is, as the Authority's Order is presently written, BellSouth will never be able to comply with the order, because whatever it created to provide the functionality that the Authority has ordered would not be in an industry standard format, since there is no such format (nor could one be developed).

Finally, there is the question of cost. AT&T wants this functionality. No other CLEC in Tennessee has arbitrated this specific issue. Someone has to pay for what will undeniably be a non-industry standard interface that no one, including AT&T, may really want to use when it is completed. BellSouth has already informed AT&T that it would develop this interface if AT&T would pay for it. AT&T is using this Authority to avoid that obligation. By pursuing this interface, the Authority is simply increasing the cost of OSS systems for all CLECs, including

those that do not want or need this interface. If the Authority intends to grant AT&T was it has asked for, it ought to make AT&T pay for it.

There is clearly a reason that the FCC has adopted what the Authority has characterized as a more "lenient" standard. What AT&T wants is not required by the Act, is not feasible as the Authority has ordered it, and won't be ready, according to the undisputed and uncontradicted evidence in this record until sometime in 2004. AT&T has not even asserted that it would accept such an interface, since it would not be in an industry standard format and because of the time frames involved.

Once again, AT&T has raised this issue around the region, and no other state commission has ordered the kind of relief that AT&T has sought, and that this Authority has ordered. The closest any state commission came was the North Carolina Utilities Commission that proposed such a concept in its Recommended Arbitration Order in its AT&T arbitration, a decision that it reversed after protests by BellSouth. Indeed, in its final order disposing of objections to its Recommended Arbitration Order, the North Carolina Utilities Commission simply declined to rule on this issue. (Order, North Carolina Utilities Commission, P-140, Sub 73, issued June 9, 2001, p.32), a resolution that Kentucky also followed. (Order, Kentucky Public Service Commission, Docket 2000-465, issued May 16, 2001, pp. 14-15) However, Georgia denied AT&T's position with regard to this issue (AT&T Arbitration Order, Georgia Public Service Commission, Docket U-11853 issued April 20, 2001, p.16). The Florida Public Service Commission took yet another

view, opining that if AT&T wanted a non-industry standard interface, it could make a bona fide request for one and pay for it. Alternatively, Florida ordered BellSouth to simply continue to improve ECTA and to add additional features as the industry standards changed. (Order, Florida Public Service Commission, Docket 000731-TP, issued June 28, 2001)

This aspect of the Authority's order has far ranging implications that have the potential of increasing OSS costs for every CLEC, including those who are not interested. If AT&T is interested in a non-standard interface for maintenance and repair, this Authority ought to direct AT&T to make a bona fide request for such an interface and pay for it. The Authority should reconsider its decision regarding this issue and should conclude that AT&T has all that it is entitled to, in that it already has the same access to BellSouth's maintenance and repair systems that BellSouth has.

V. CONCLUSION

For the foregoing reasons, the Arbitrators should grant BellSouth's Motion for Reconsideration and Clarification.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

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