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March 1, 2006

VIA HAND DELIVERY

Hon. Ron Jones, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Petition to Establish Generic Docket to Consider Amendments to
Interconnection Agreements Resulting from Changes of Law*
Docket No. 04-00381

Dear Chairman Jones:

On February 28, 2006, the Public Service Commission of South Carolina ("SCPSC") issued a Commission Directive in Docket No. 2004-316-C, *Petition of BellSouth Telecommunications, Inc. to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law*. A copy of that Commission Directive is attached. It is also available on the Internet at <http://dms.psc.sc.gov/matters/matters.cfc?Method=MatterDetail&MatterID=178205>.

Among other things, the SCPSC adopted BellSouth's position and reasoning on all 271-related issues, including commingling. The "Office of Regulatory Staff proposal" referenced in the first bullet point under the 271-related issues in the Commission Directive is that (1) any CLEC with a dispute regarding a 271 element may inform the PSC and ORS of the dispute, BellSouth has an opportunity to respond, and the ORS will discuss with the parties and report to the Commission so that the PSC and ORS can "remain informed of BellSouth's provisioning of Section 271 elements in SC and to consider all available options to address any concerns that may arise from such provisioning."; and (2) any CLEC that files any FCC enforcement action against BellSouth regarding a Section 271 element must provide a copy of the filing to the Commission and the ORS.

The balance of the Commission Directive is essentially self-explanatory. It either adopts BellSouth's position in whole, or it generally adopts BellSouth's position with certain modifications and/or clarifications.

Hon. Ron Jones, Chairman
March 1, 2006
Page 2

An official copy of the SCPSC's order is not yet available. If one becomes available prior to the Authority's decision in this case, BellSouth will file it in this docket.

A copy of this letter has been provided to counsel of record.

Very truly yours,

A handwritten signature in black ink, consisting of a large, sweeping loop that starts under the 'V' of 'Very', goes up and over the 'y', then loops back down and to the left, ending under the 'y'.

Guy M. Hicks

REQUIRES MONITORING OR
STAFF ACTION _____**COMMISSION DIRECTIVE****Page 1 of 2**

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>February 28, 2006</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2004-316-C - - -</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		_____

SUBJECT:

DOCKET NO. 2004-316-C – Petition of BellSouth Telecommunications, Inc. to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law – Discuss this matter with the Commission.

COMMISSION ACTION:

Mr. Chairman, I first move that the unopposed Motion to Admit the Deposition of Mr. Joseph Gillan into the record be granted.

PRESIDING	<u>Mitchell</u>	Session:	Regular
		Time of Session	<u>2:30 PM</u>
	MOTION	YES	NO
			OTHER
CLYBURN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MOSELEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			PNV
			APPROVED _____
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			ACCEPTED FOR FILING _____
			DENIED _____
			AMENDED _____
			TRANSFERRED _____
			SUSPENDED _____
			CANCELED _____
			SET FOR HEARING _____
			ADVISED _____
			CARRIED OVER _____
			RECORDED BY <u>SCHMIEDING</u>

Commissioner Moseley was on Annual Leave the day of the Hearing.

REQUIRES MONITORING OR
STAFF ACTION _____**COMMISSION DIRECTIVE**

Page 2 of 2

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>February 28, 2006</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2004-316-C - - -</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		_____

SUBJECT:

DOCKET NO. 2004-316-C – Petition of BellSouth Telecommunications, Inc. to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law – Discuss this matter with the Commission.

COMMISSION ACTION:

Next, I have a multi-part motion related to the merits of this Change of Law case. I will address the outstanding issues by category:

The first category of issues would be the 271-related issues:

- With regard to Issue 8 (a), I move that we adopt the BellSouth position, along with the proposed Office of Regulatory Staff reporting requirements. Disputes regarding 271 issues would be reported to both the Commission and ORS.
- Issues 8 (b) and 8 (c) would then be declared moot.
- I further move that we adopt BellSouth's reasoning for Issues 14, 17, 18, and 22.

The second category of issues would be the transition issues:

- I move that we adopt the BellSouth position as to Issue 2.
- With regard to Issue 3, I move that BellSouth's reasoning be adopted insofar as it addresses disputed issues under the TRO and/or the TRRO. Issues not disputed under the TRO and/or the TRRO may not be addressed in this context, and the CLECs will not be required to abide by the BellSouth language with regard to non-TRO/TRRO issues as a result of this proceeding.
- With regard to Issue 4, I move that the BellSouth language should generally be adopted, but should be amended to allow CLECs to report high capacity loops and dedicated transport that become impaired at a later date, and that the CLECs should be furnished the unbundled network elements at TELRIC pricing upon showing of impairment. Further, I move that, for collocation purposes, companies that are or become affiliated should be counted as one collocator.
- Addressing Issue 5, I move adoption of BellSouth's reasoning in general, but, with regard to future wire centers, BellSouth should issue a Carrier Notification Letter for wire centers that become impaired, as well as when they become unimpaired.
- With regard to Issue 9, this has been decided in a previous Commission order.
- Addressing Issues 10 and 11, I move adoption of BellSouth's positions as to both issues.
- With regard to Issue 32, I move that we adopt BellSouth's reasoning only insofar as it addresses disputed issues under the TRO and/or the TRRO. Again, issues not disputed under the TRO and/or the TRRO may not be addressed in the context of this proceeding.

The third category of issues would be the service-specific issues:

- I move adoption of BellSouth's positions in Issues 13, 15, 16, 29, and 31.

The last category of issues consists of network issues:

- I move adoption of BellSouth's reasoning in Issues 6 and 19.
- With regard to Issues 23, 24, and 28, I move first that BellSouth's Section 2.1.2.3 should not be removed. However with regard to Greenfield areas or fiber-overbuild areas, I move that DS-1 loops should be provided at TELRIC prices if the wire center is impaired. If it is not, then no such loop need be provided at TELRIC prices. I move adoption of the remainder of BellSouth's contract language in these areas.
- Addressing Issues 26 and 27, I move that we hold that line conditioning may not be part of routine network modification when BellSouth is being asked by the CLEC to perform non-standard modifications on a network. For routine matters, line conditioning is a part of routine network modification for services that BellSouth normally furnishes to its customers. Line conditioning for non-routine matters should be provided at a tariffed or commercial rate, whereas routine network modification (including routine line conditioning) should be provided at a TELRIC rate under this holding. This adopts BellSouth's position that if it performs non-standard modifications at the request of a CLEC, it is entitled to be compensated for doing so at rates other than TELRIC.

PRESIDING

Mitchell

Session: Regular

Time of Session

2:30 PM

MOTION

YES

NO

OTHER

CLYBURN

☒☐☐

FLEMING

☐☒☐

HAMILTON

☐☒☐

HOWARD

☐☒☐

MITCHELL

☐☒☐

MOSELEY

☐☐☐

PNV

WRIGHT

☐☒☐

APPROVED _____

APPROVED STC 30 DAYS _____

ACCEPTED FOR FILING _____

DENIED _____

AMENDED _____

TRANSFERRED _____

SUSPENDED _____

CANCELED _____

SET FOR HEARING _____

ADVISED _____

CARRIED OVER _____

RECORDED BY SCHMIEDING

Commissioner Moseley was on Annual Leave the day of the Hearing.

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2006, a copy of the foregoing document was served on the following, via the method indicated:

☐ Hand
☐ Mail
☐ Facsimile
☐ Overnight
☒ Electronic

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☐ Overnight
☒ Electronic

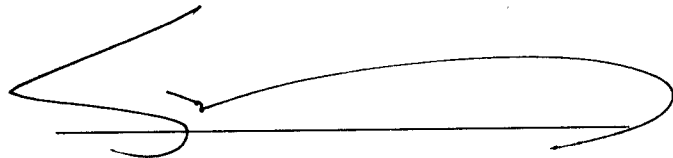
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A large, stylized handwritten signature in black ink, likely belonging to the certifier, is written across the bottom of the page.