



REGULATORY DIVISION

BellSouth Telecommunications, Inc.  
333 Commerce Street  
Suite 2101  
Nashville, TN 37201-3300

joelle.phillips@bellsouth.com

01 SEP 7 PM 4:01  
Joelle J. Phillips  
Attorney  
615 214 6311  
Fax 615 214 7406

September 7, 2001

**VIA HAND DELIVERY**

Mr. David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re: *Petition of MCI WorldCom to Enforce Interconnection Agreement with  
BellSouth*  
Docket No. 99-00662

Dear Mr. Waddell:

Enclosed please find the original and thirteen copies of an affidavit concerning the above-referenced docket and matter. In order to ensure that our response was filed quickly enough to be reviewed prior to the Agenda Conference on Tuesday, we are filing a faxed copy of the Affidavit and we will replace it with an original as soon as the original is obtained on Monday.

The affidavit responds to the allegations made in MCI WorldCom's Reply in Support of Motion for Sanctions. In that pleading, MCI WorldCom asserts that BellSouth "continues to withhold payments of reciprocal compensation for ISP-bound traffic." In support of this assertion, MCI WorldCom has submitted certain documentation noting withholding by BellSouth of payment of reciprocal compensation for ISP-bound traffic.


As explained in the affidavit, BellSouth has **already paid** the amounts withheld for ISP-bound traffic and referenced in two of the three statements. The \$2.9 million payment made on July 16, 2001 included these amounts. As to the withholding reflected in the August statement, BellSouth did erroneously withhold payment. BellSouth has initiated a payment of \$52,660.86, as well as a late payment of an additional \$526.61, in order to correct this error today. BellSouth

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September 7, 2001  
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recognizes that this was a serious error, and has taken immediate steps to correct its mistake as soon as it learned that such an error had been made.

BellSouth expects that the remaining billing disputes discussed in the context of the sanctions motion turn on factual disputes, regarding which no evidence has been presented. BellSouth has already indicated to counsel for MCI WorldCom that BellSouth will agree to make Mr. Jerry Hendrix available to testify at an evidentiary hearing on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joelle Phillips". The signature is fluid and cursive, with a large initial "J" and "P".

Joelle Phillips

JP/jej

Enclosure

cc: Henry Walker, Esquire

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

**In Re:           *Petition of MCI WorldCom to Enforce Interconnection Agreement with  
BellSouth***

**Docket No. 99-00662**

**AFFIDAVIT**

I, RICHARD McINTIRE, being first duly sworn, depose on oath and say:

1. My name is Richard McIntire and I am employed by BellSouth Telecommunications, Inc. ("BellSouth"), and my job title is Operations Director - LISC. I have held this position for approximately 3½ years. In the course of my work, I am responsible for overseeing certain aspects of the payment of bills to MCI WorldCom for reciprocal compensation.

2. I have reviewed the attachments to the Affidavit of Mr. Aronson, which was submitted with the Reply Of MCI WorldCom In Support of Motion For Sanctions. The documents attached to the Aronson Affidavit are forms used by BellSouth to provide information along with payments ("payment letters"). The documents attached are true and correct copies of the payment letters provided to MCI WorldCom on or about the dates indicated. The payment letters dated June 22, 2001 and July 11, 2001 indicate, in the Comments section, that BellSouth was withholding and disputing certain charges, in part on the basis of ISP usage. With respect to the period of time covered by the June and July payment letters, BellSouth has paid the portion it was withholding for those months and that payment was included in the \$2.9 million payment made on July 16, 2001. As to

the payment letter dated June 22, 2001, BellSouth has already paid \$51,967 plus \$1,039 in late payment charges. As to the payment letter dated July 11, 2001, BellSouth has already paid \$52,213 plus \$522 in late payment charges.

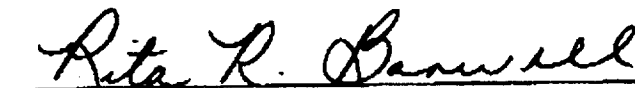
3. The payment letter dated August 15, 2001, also references withholding for ISP usage. Although management has clearly instructed that payments to MCI WorldCom must be made without withholding amounts for ISP-bound traffic, this withholding was made in error. I was made aware of this error today, Friday, September 7, 2001, when counsel provided me with a copy of the filing.

4. I have today taken steps to correct the erroneous withholding reflected in the payment letter dated August 15, 2001 by causing the amount of \$52,660.86 to be transferred by electronic transfer today to MCI WorldCom as well as a late payment charge of \$526.61 as indicated by the attached document.

FURTHER AFFIANT SAITH NOT.

  
RICHARD McINTIRE

Sworn to and subscribed before me, this 7<sup>th</sup> day of September, 2001.

  
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Dec 28, 2004  
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

STAR VOUCHER PRINT

Business Unit: BST  
Voucher ID: 10007799  
Related Voucher ID:  
Last Updated By: MURPHY, CARLA  
YDZNCMM (205) 714-0255  
Last Update Date: 09/07/01

Origin: ONL  
Voucher Entry Status: Postable  
Voucher Post Action:  
Voucher Post Status: Unposted  
Payment Terms: 00  
Disc Pct: 0.000  
Net Days: 000  
Disc Days: 000

Supplier ID: 000264910C MCI METRO  
Supplier Loc: 1  
PO BOX 844121  
DALLAS  
USA  
ACH  
,TX 752844121

Invoice ID: DTN0468M00-01191  
Invoice Date: 07/10/01  
Entered Date: 09/07/01  
Entered By: MURPHY, CARLA  
Invoice Amt: \$53,187.47  
Sales Tax: \$0.00  
Freight Amt: \$0.00  
Contract Nbr:  
BST File Nbr: 00000000  
Certifier: MURPHY, CARLA  
SERVICE REP  
YDZNCMM (205) 714-0255  
Approver: MCINTIRE, JOSEPH R  
MANAGER  
YXWLOJN

Business Rsn: Payment of usage local interconnection charge to clec.



BellSouth Interconnection Services  
 600 N. 19th Street Room 703, Birmingham, AL 35203

Please Apply BellSouth Payments as Follows

PROVIDER'S NAME: MCI METRO WORLDCOM

Date: Sep 7, 2001

\* BellSouth reserves the right to dispute at a later date

ACH TO BE RECEIVED ON OR AROUND: 08/09/01 & 09/02/01

INVOICE DATE: 7/18/01

VOUCHER ID: 0986120010007799

LOCATION (CITY/STATE): TN

CHECK #:

PROVIDER'S ACCOUNT #: 901 D TN-0488 M00

TN-USG-001DTN-0468M00-0299

PROVIDER'S INVOICE #: DTN0468M00-01191

BST'S QUEST ACCOUNT #:

7/01

TOTAL AMOUNT INVOICED	DEBIT/CREDIT ADJUSTMENT APPLIED TO CURRENT INVOICE	TOTAL AMOUNT OF PAYMENT	AMOUNT DISPUTED BY CHARGE TYPE	CHARGE TYPE	INVOICE REMAINING BAL AFTER PAYMENT /DISPUTE APPLIED	COMMENTS
\$429,828.54		\$58,937.42	\$370,889.12	Usage		
				Recurring		
				Non-recurring		
		\$526.61		Late Payment Charge		
				Other		
	\$429,828.54	\$58,464.03	\$370,366.12		-526.61	INCORRECT LOCAL RATE/INCORRECT PLU APPLIED. ADDITIONAL PAYMENT \$52,880.88.

For questions call: Carl's Murphy (256) 714-0025 Ext 5-2144

**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2001, a copy of the foregoing document was served on the parties of record, via the method indicated:

- Hand
- Mail
- Facsimile
- Overnight

Henry Walker, Esquire  
Boult, Cummings, et al.  
414 Union Ave., #1600  
Post Office Box 198062  
Nashville, TN 37219-8062

A handwritten signature in cursive script, appearing to read "J. R. Peely", is written over a horizontal line.