

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

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

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Page 2 of 2

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**SUBJECT:**

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**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  | <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"/> | PNV   |
| WRIGHT   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |       |

- APPROVED \_\_\_\_\_
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- ACCEPTED FOR FILING \_\_\_\_\_
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- AMENDED \_\_\_\_\_
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- ADVISED \_\_\_\_\_
- CARRIED OVER \_\_\_\_\_
- RECORDED BY SCHMIEDING

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