

PUBLIC VERSION

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
Petition of BellSouth Telecommunications,)
Inc. (BellSouth) for Pricing Flexibility)
Under §69.727 of the Commission's Rules)
for the Specific MSAs)

**PETITION OF BELL SOUTH
FOR PRICING FLEXIBILITY**

INTRODUCTION AND STATEMENT OF RELIEF REQUESTED

Pursuant to the *Pricing Flexibility Order*,¹ and Sections §§1.774 and 69.701 *et seq.* of the Commission's rules, (47 C.F.R. §§ 1.774 and 69.701 *et seq.*), BellSouth Telecommunications, Inc. (BellSouth) hereby respectfully requests that the Federal Communications Commission (Commission) grant BellSouth Phase I and Phase II pricing flexibility² as specified below.

Specifically, BellSouth requests:

(1) Phase I relief for dedicated transport and special access services, other than channel terminations between its end offices and end user "customer premises," for the Albany, GA, Athens, GA, Macon-Warner Robins, GA, Alexandria, LA, Pascagoula, MS, Anderson, SC and Florence, SC Metropolitan Statistical Areas (MSAs).

(2) Phase II relief for dedicated transport and special access services, other than channel terminations between its end offices and end user "customer premises," for the Albany, GA, Athens, GA, Alexandria, LA, Anderson, SC and Florence, SC MSAs.

¹ In the Matter of Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers, Petition of U S West Communications Inc. for Forbearance from Regulation as a Dominant Carrier in the Phoenix, Arizona MSA, FCC 99-206, *Fifth Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 96-262, CC Docket No. 94-1, CCB/CPD File No. 98-63 and CC Docket No. 98-157 (rel. Aug. 27, 1999) ("Pricing Flexibility Order").

² BellSouth will continue to adhere to the special access merger commitments set forth in its merger with AT&T Inc, including but not limited to those relating to the pricing of special access services. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, 22 FCC Rcd 5662 (2007), Appendix F - Merger Commitments.

PUBLIC VERSION

(3) Phase I relief for channel terminations between its end offices and end user “customer premises” for the Albany, GA, Athens, GA, Alexandria, LA, Anderson, SC, Charleston-North Charleston, SC and Florence, SC MSAs.

(4) Phase II relief for channel terminations between its end offices and end user “customer premises” for the Albany, GA, Athens, GA, Anderson, SC, Charleston-North Charleston, SC and Florence, SC MSAs.

As shown in the attached Appendices A, B, C, D and E, BellSouth has satisfied the Phase I triggers specified in Section 69.709(b) of the Commission’s rules, and thus should be allowed to utilize the Phase I pricing flexibility specified in (1) and/or (3), above, for the Albany, GA, Athens, GA, Macon-Warner Robins, GA, Alexandria, LA, Pascagoula, MS, Anderson, SC, Charleston-North-Charleston, SC and Florence, SC MSAs.

As shown in the attached Appendices A, B, C, D and E, BellSouth has satisfied the Phase II triggers specified in Section 69.711(c) of the Commission’s rules, and thus should be allowed to utilize the Phase II pricing flexibility specified in (2) and/or (4), above, for the Albany, GA, Athens, GA, Alexandria, LA, Anderson, SC, Charleston-North-Charleston, SC and Florence, SC, MSAs.

Pursuant to paragraph 172 of the *Pricing Flexibility Order* and Section 1.774 of the Commission’s rules, the Commission has determined that a price cap LEC may satisfy its burden of proof for the applicable trigger by demonstrating that the points specified therein have been met. Upon review of the attached Appendices, the Commission should find that BellSouth has duly met its burden of proof and should be granted the specified types of pricing flexibility so that it may further competition in the Albany, GA, Athens, GA, Macon-Warner Robins, GA, Alexandria, LA, Pascagoula, MS, Anderson, SC, Charleston-North-Charleston, SC and Florence, SC MSAs.

DESCRIPTION OF METHODOLOGY

To obtain Phase I relief for dedicated transport and special access services (excluding channel terminations between an end office and end user “customer premises”), it must be shown for each MSA that unaffiliated competitors have collocated:

(1) In fifteen percent of the petitioner’s wire centers, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center; or

(2) In wire centers accounting for thirty percent of the petitioner’s revenues from dedicated transport and special access services other than channel terminations between LEC end offices and end user “customer premises,” determined as specified in § 69.725 of this part, and that at least one such collocator in each wire center is using transport facilities owned by a transport provider other than the price cap LEC to transport traffic from that wire center.³

The same triggers are used for Phase II eligibility, except the percentages are increased to fifty percent for wire center collocation and sixty-five percent for wire centers revenues.⁴ Section 69.711 of the Rules, 47 C.F.R. § 69.711, governing pricing flexibility for end user channel termination services, establishes like triggers with required percentages of fifty percent (collocation) and sixty-five percent (revenues from channel terminations) to qualify under Phase I, and sixty-five percent (collocation) and eighty-five percent (revenues from channel terminations) for Phase II relief .⁵

Attached hereto as Appendix D is a description of the Methodology used to obtain the collocation and revenue information relied upon to support this Petition.

³ 47 C.F.R. § 69.709(b).

⁴ 47 C.F.R. § 69.709(c).

⁵ 47 C.F.R. § 69.711(b) and (c).

PUBLIC VERSION

CONCLUSION

The Commission should grant this Petition as BellSouth has shown that it is entitled to the requested Phase I and Phase II relief for the relevant services in the MSAs identified herein.

Respectfully submitted,

BELLSOUTH

By: /s/ Davida Grant

Davida Grant
Gary L. Phillips
Paul Mancini
1120 20th Street, NW, Suite 1000
Washington, D.C. 20036
(202) 457-3045

Its Attorneys

January 25, 2008

LIST OF APPENDICES

Appendix A.....Qualifying Services

Appendix B.....Summary Sheet of BellSouth MSAs

Appendix C.....Required Collocator/Revenue Demonstrations by MSA

Appendix D.....Description of Methodology

Appendix E.....Certification