

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of) DOCKET NO. 960228-TP
interconnection agreement with) ORDER NO. PSC-96-0784-FOF-TP
Intermedia Communications of) ISSUED: June 17, 1996
Florida, Inc., by GTE Florida)
Incorporated.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING INTERCONNECTION AGREEMENT

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

Under both the federal Telecommunications Act of 1996 (the Act) and the recently revised Chapter 364, Florida Statutes, telecommunications services providers are encouraged to negotiate agreements to bring about local exchange competition. Under the Act, "any party may, at any point in the negotiation, ask the State commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation." Section 252(a)(1) of the Act requires that "the agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement."

If the parties reach a negotiated agreement, under Section 252(e) of the Act, they must file their agreement with the state commission for approval. Under Section 252(e)(4), the state commission must approve or reject the agreement within 90 days of its receipt, or the agreement is deemed approved.

DOCUMENT NUMBER-DATE

06495 JUN 17 96

FPSC-RECORDS/REPORTING

The Agreement

On January 26, 1996, GTE Florida Incorporated (GTEFL) and Intermedia Communications of Florida, Inc. (ICI) entered into an agreement concerning local interconnection, unbundling and resale, universal service, and temporary number portability. On February 23, 1996, GTEFL and ICI requested that we approve their agreement in accordance with the federal Act. The agreement is appended hereto as Attachment I.

Local Interconnection

Under the proposed agreement, the exchange of local traffic between GTEFL and ICI will be reciprocal and compensation will be mutual. The parties will pay each other GTEFL's terminating switched access rate, exclusive of the residual interconnection charge and carrier common line elements of the switched access rate, on a per minute of use basis. The rate is \$.011136 per minute and is a tandem connection. Neither party is required to compensate the other for more than 105 percent of the total minutes of use of the party with the lower minutes of use in the same month. In addition, if the parties mutually agree, local traffic may be exchanged on an in-kind basis.

Unbundling and Resale

Several network elements are proposed to be unbundled and made available to ICI under the agreement:

- (1) Access to 911/E911 Emergency Network
- (2) Directory Listings and Directory Distribution
- (3) IntraLATA 800 Traffic
- (4) Busy Line Verification/Emergency Interrupt Services
- (5) Class interoperability and Signaling
- (6) Local Loop

Some of the unbundling and resale sections lacked the detail required by Section 252(a)(1) of the Act. However, GTEFL and ICI subsequently submitted supplements to the agreement, which are appended hereto as Attachment II, that contain the requisite detail.

Universal Service

By Order No. PSC-95-1592-FOF-TP, issued December 27, 1995, we established an interim universal service/carrier of last resort mechanism that consists of two components. First, local exchange companies (LECs) should continue to fund their US/COLR obligations

via markups on services. Second, if a LEC is able to demonstrate an erosion of its ability to sustain its US/COLR obligations due to local competition and the amount of US subsidy thereby required, it may petition for US relief, which petition shall be processed on an expedited basis.

The language of the proposed GTEFL and ICI agreement differs somewhat from Order No. PSC-95-1592-FOF-TP; however, the intent appears to comport with the broader policy considerations. GTEFL and ICI have agreed that GTEFL will guarantee US as the COLR throughout its territory until January 1, 1998. Nevertheless, GTEFL may petition for relief if competition begins to undermine its ability to sustain US as COLR. The parties also agreed to urge this Commission to open a docket to pursue a permanent US/COLR mechanism. However, we have already determined that formal proceedings are not necessary in this regard.

Temporary Number Portability

The proposed agreement also differs from our decision on temporary number portability, made in Docket No. 950737-TP, in two respects. First, the recurring monthly rates in the proposed agreement for ported numbers are higher than the rates adopted by the Commission. The recurring charge in the agreement is \$1.25 per line per month for residential or business lines. We determined that the proper charge was \$1.00 per line per month for residential or business lines; however, we did allow for parties to negotiate different rates as part of a larger package. Second, we established a nonrecurring establishment charge of \$10.00 per order per customer account, while the proposed agreement provides for a charge of \$5.00 per order. Although this nonrecurring charge is below GTEFL's stated cost in Docket No. 950737-TP, we believe that the provisions on temporary number portability should be viewed in conjunction with all other conditions in the agreement.

Under Section 252(i) of the Act, a LEC must make any part of an agreement available to a non-party "upon the same terms and conditions as those provided in the agreement." Accordingly, any other party may choose both the recurring and the nonrecurring charges either from GTEFL's tariff or under the rates, terms, and conditions of the GTEFL/ICI agreement. However, they may not choose one charge from the tariff and the other from the agreement.

Conclusion

Upon consideration, we believe that the proposed agreement, including the supplements, complies with both the federal Act and Chapter 364, Florida Statutes. The proposed agreement, including

supplements, regarding US, number portability, resale and unbundling, and local interconnection is, therefore, approved.

Table 1 compares the major elements of the GTEFL/ICI agreement with Commission ordered interconnection arrangements and Commission approved negotiated interconnection agreements.

Table 1

	GTEFL/ICI Negotiated Agreement	BellSouth/FCTA Negotiated Agreement	Commission Approved Arrangements
Local Interconnection	\$.011136/Minute 105% Cap **	\$.01052/Minute 105% Cap **	Mutual Traffic Exchange
Unbundled Loops	\$23.00 per month	\$21.15 per month	\$17.00 per month
Temporary Number Portability			
Recurring -	\$1.25 per line per month res. or bus.	\$1.25 per line per month res. and \$1.50 per line per month bus.	\$1.00 per line per month res. or bus.
Additional Path -	\$.50 per path	\$.50 per path	\$.50 per path
Nonrecurring -	\$5.00 per order	\$25.00 per order	\$10.00 per order per customer account

** Mutual Traffic Exchange will be used if both parties agree administrative costs of billing and auditing are too high.

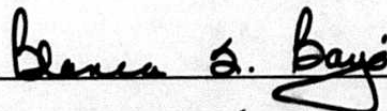
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed agreement between GTE Florida Incorporated and Intermedia Communications of Florida, Inc., including the supplements, is approved. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed on the following date.

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By ORDER of the Florida Public Service Commission, this 17th
day of June, 1996.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a solid horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 8, 1996.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.