BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In Re: Request for Approval of Resale Agreement between BellSouth Telecommunications, Inc. and NOW Communications, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996. |  | )  )  )  )  )  )  )  ) | DOCKET NO. 970039-TP  ORDER NO. PSC-97-0439-FOF-TP  ISSUED: April 18, 1997 |

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman

SUSAN F. CLARK

J. TERRY DEASON

JOE GARCIA

DIANE K. KIESLING

FINAL ORDER APPROVING

NEGOTIATED RESALE AGREEMENT

BY THE COMMISSION:

I.Background

On January 8, 1997, BellSouth Telecommunications, Inc. (BellSouth) and NOW Communications, Inc. (NOW) filed a request for approval of a resale agreement. The agreement was executed on January 1, 1996, and the parties sought Commission approval of the agreement under the Telecommunications Act of 1996 (the Act).

Both the Act and revised Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. If the parties reach a negotiated agreement, under 47 U.S.C. 252(e), the agreement is to be filed with the state commission for approval. 47 U.S.C. 252(a)(1) requires that "the agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement."

Under 47 U.S.C. 252(e)(2), we may reject an agreement only if it discriminates against a telecommunications carrier not a party to an agreement or if the implementation of the agreement is not in the public interest. Under 47 U.S.C. 252(e)(4), we must approve or reject the agreement within 90 days after submission, or the agreement shall be deemed approved.

II.The Agreement

The agreement is a two-year agreement governing the relationship between the companies regarding the resale of tariffed local exchange service, toll telecommunications service, Hotel and Hospital PBX services, Customer Provided Coin Telephone service, Shared Tenant Service, access to 911/E911 services, Telecommunications Relay Services, and white page directory listings and directory distribution in states in which BellSouth operates. The agreement also includes the rates at which NOW will purchase services from BellSouth for resale, which are discounted from BellSouth's retail rate for the telecommunications service. The discounts are 18% for residential and 12% for business telecommunications services. The agreement is attached to this Order as Attachment I.

Attachment II provides a comparison of the major elements of the BellSouth and NOW agreement with Commission-ordered interconnection arrangements and other Commission-approved negotiated interconnection agreements.

III.Findings

We find that the proposed resale agreement between BellSouth and NOW meets the requirements for our approval. Furthermore, if the parties mutually agree to supplement or modify any portion of the agreement the agreed upon changes must be filed for our review pursuant to 47 U.S.C. 252 (e). In addition, we note that NOW is not certificated to operate as an alternative local exchange company (ALEC) in Florida; therefore, NOW shall not provide service under this agreement until it receives its certificate.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the resale agreement between BellSouth Telecommunications, Inc., and NOW Communications, Inc. is hereby approved. It is further

ORDERED that the parties shall submit any supplements or modifications to the resale agreement for our approval. It is further

ORDERED that NOW Communications, Inc. shall not provide service pursuant to this agreement until it is certificated to provide service in Florida. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 18th day of April, 1997.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director

Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-904-413-6770.

( S E A L )

SOME (OR ALL) ATTACHMENT PAGES ARE NOT ON ELECTRONIC DOCUMENT.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.

**Attachment II**

**Arrangements Set by the Commission**

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| **950984, 950985** | **BellSouth** - **MCIMetro and MFS-FL** |
| **Interconnection** | Mutual traffic exchange |
| **Unbundling/Resale** | $17.00 - 2-wire voice grade analog loop (interim)  $ 2.00 - 2-wire analog port (interim) |
| **Temporary Number Portability** | $ 1.00 res. or bus. - $.50 per additional path and $10.OO per order nonrecurring charge |

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| **950984, 950985** | **GTEFL - MFS-FL** |
| **Interconnection** | Mutual traffic exchange |
| **Unbundling/Resale** | $ 20.00 -2-W voice grade analog loop  $ 25.00 -4-W voice grade analog loop  $ 20.00 -2-W ISDN digital loop  $250.00 -4-W DS-1 digital loop, (interim) First System  $154.00 -Add'l System (interim)  $ 6.00 -2-W & 4-W analog line ports  $ 20.00 -2-W ISDN digital line port  $ 6.00 -2-W analog DID trunk port, plus tariffed DID charges  $ 60.00 -4-W DS-1 digital DID trunk port, plus tariffed DID charges  $350.00 -4-W ISDN DS-1 digital port |
| **Temporary Number Portability** | $ 1.00 res. or bus. - $.50 per additional path and $10.OO per order nonrecurring charge |

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| **950984, 950985** | **United/Centel - Time Warner, Continental, & MFS-FL** |
| **Interconnection** | Mutual traffic exchange |
| **Unbundling/Resale** | $15.00 - 2-wire voice grade analog loop (interim)  $ 7.00 - 2-wire analog port (interim) |
| **Temporary Number Portability** | $ 1.00 res. or bus. - $.50 per additional path and $10.OO per order nonrecurring charge |

**Agreements Negotiated and Approved by the Commission**

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| **950985** | **MCImetro - BellSouth \*\*** |
| **Interconnection** | $0.011/minute - Florida Rate |
| **Unbundling/Resale** | Not a part of agreement. |
| **Temporary Number Portability** | $ 1.25 res. & $1.50 bus. - $.50 per additional path and $25.OO per order nonrecurring charge |

\*\*Agreement allows MCImetro to take interconnection or temporary number portability via a Commission ordered tariff or another agreement.

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| **960228** | **GTEFL - Intermedia** |
| **Interconnection** | $.011136/minute, w/105% cap |
| **Unbundling/Resale** | $23.00 - 2-wire voice grade analog loop |
| **Temporary Number Portability** | $1.25 res. or bus. - $.50 per additional path and $5.OO per order nonrecurring charge |

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| **950696, 950737, 950984, 950985** | **\* BellSouth - FCTA, Time Warner, Intermedia, Teleport, Sprint Metro, & Continental** |
| **Interconnection** | $.01052/minute, w/105% cap |
| **Unbundling/Resale** | $21.15 - 2-wire voice grade analog loop |
| **Temporary Number Portability** | $1.25 res., $1.50 bus. - $.50 per additional path and $25.OO per order nonrecurring charge |

\* Approved under state law.

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| **960719** | **BellSouth - Time Warner/Digital Media Partners** |
| **Interconnection** | $0.01/minute; however,  Mutual traffic exchange will apply:  Months 1-6  Months 7-12 if out of balance <=$40,000  Months 13-18 if out of balance <=$30,000  Months 19-24 if out of balance <=$20,000 |
| **Unbundling/Resale** | No Agreement. Bell offered retail rate minus avoided costs but did not identify what the avoided costs were. |
| **Temporary Number Portability** | $1.15 res. for 6 paths - $.50 per additional path  $2.25 bus. for 10 paths - $.50 per additional path No nonrecurring charge |

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| **960769** | **BellSouth - Intermedia** |
| **Interconnection** | $0.01028/minute w/ 105% Cap -Dedicated  $0.01056/minute w/ 105% Cap -Tandem  However, Mutual traffic exchange will apply:  Months 1-6  Months 7-12 if out of balance < $40,000  Months 13-18 if out of balance < $30,000  Months 19-24 if out of balance < $20,000 |
| **Unbundling/Resale** | Unbundling:  $ 2.00 - Residence Port  $ 4.50 - Business Port  $ 7.50 - PBX Trunk Port  $ 2.00 - Rotary Service  $ 0.0275/1st minute - Usage on Port  $ 0.0125/Add'l minutes - Usage on Port  $ 17.00 - Unbundled Exchange Access Loop  $140.00 - NRC 1st Loop  $ 45.00 - NRC Add'l Loop  $ 28.50 - Unbundled Inter. Office Channel  $ 1.65 - 1-08 Miles  $ 1.60 - 9-25 Miles  $ 1.55 - Over 25 Miles  Resale:  18% off Residential Retail Rates  12% off Business Retail Rates |
| **Temporary Number Portability** | $1.15 res. for 6 paths - $.50 per additional path  $2.25 bus. for 10 paths - $.50 per additional path No nonrecurring charge |

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| **960791** | **United/Centel** - **Intermedia** |
| **Interconnection** | Option A - $2,137 DS-1 Port  Option B - $.01979/minute, w/105% cap |
| **Unbundling/Resale** | $19.05 - 2-wire voice grade analog loop |
| **Temporary Number Portability** | $ 1.25 res. or bus. - $.50 per additional path and $25.OO per order nonrecurring charge |

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| **960795** | **BellSouth** - **Telephone Company of Central Florida** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **960801** | **United/Centel** - **SprintMetro** |
| **Interconnection** | Option A - $2,137 DS-1 Port  Option B - $.01979/minute, w/105% cap |
| **Unbundling/Resale** | $19.05 - 2-wire voice grade analog loop |
| **Temporary Number Portability** | $ 1.25 res. or bus. - $.50 per additional path and $25.OO per order nonrecurring charge |

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| **960845** | **BellSouth** - **SouthEast** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **960852** | **BellSouth** - **Payphone Consultants, Inc.** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **960854** | **BellSouth -** **Hart Communications** |
| **Interconnection** | $0.01/minute w/ 105% Cap |
| **Unbundling/Resale** | Unbundling:  $2.00 - Residence Port  $4.50 - Business Port  $7.50 - PBX Trunk Port  $2.00 - Rotary Service  $0.0275/1st minute - Usage on Port  $0.0125/Add'l minutes - Usage on Port  $ 17.00 - Unbundled Exchange Access Loop  $140.00 - NRC 1st Loop  $ 45.00 - NRC Add'l Loop  Resale:  18% off Residential Retail Rates  12% off Business Retail Rates |
| **Temporary Number Portability** | Remote Call Forwarding:  $1.25 res. per # ported - $.50 per additional path  $1.50 bus. per # ported - $.50 per additional path.  $25.00 Nonrecurring charge.  Direct-Inward-Dial:  $ 0.01Per number per month recurring for both res. and bus.  $ 1.00Per number nonrecurring charge.  $25.00 Per Order nonrecurring charge. |

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| **960862** | **BellSouth - Teleport** |
| **Interconnection** | $0.01028/minute w/ 105% Cap -Dedicated  $0.01056/minute w/ 105% Cap -Tandem  However, Mutual traffic exchange will apply:  Months 1-6  Months 7-12 if out of balance < $40,000  Months 13-18 if out of balance < $30,000  Months 19-24 if out of balance < $20,000 |
| **Unbundling/Resale** | Unbundling:  $2.00 - Residence Port  $4.50 - Business Port  $7.50 - PBX Trunk Port  $2.00 - Rotary Service  $0.0275/1st minute - Usage on Port  $0.0125/Add'l minutes - Usage on Port  $ 17.00 - Unbundled Exchange Access Loop  $140.00 - NRC 1st Loop  $ 45.00 - NRC Add'l Loop  Resale:  18% off Residential Retail Rates  12% off Business Retail Rates |
| **Temporary Number Portability** | Remote Call Forwarding:  $1.15 res. for 6 paths - $.50 per add'l path  $2.25 bus. for 10 paths - $.50 per add'l path No nonrecurring charge.  Direct-Inward-Dial:  $ 0.01Per number per month recurring for both res. and bus.  $ 1.00Per number nonrecurring charge.  $25.00 Per Order nonrecurring charge. |

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| **960863** | **BellSouth** - **TriComm** |
| **Interconnection** | $0.01028/minute w/ 105% Cap -Dedicated  $0.01056/minute w/ 105% Cap -Tandem  However, Mutual traffic exchange will apply:  Months 1-6  Months 7-12 if out of balance < $40,000  Months 13-18 if out of balance < $30,000  Months 19-24 if out of balance < $20,000 |
| **Unbundling/Resale** | Unbundling:  $2.00 - Residence Port  $4.50 - Business Port  $7.50 - PBX Trunk Port  $2.00 - Rotary Service  $0.0275/1st minute - Usage on Port  $0.0125/Add'l minutes - Usage on Port  $ 21.15 - Unbundled Exchange Access Loop  $140.00 - NRC 1st Loop  $ 45.00 - NRC Add'l Loop  Resale:  18% off Residential Retail Rates  12% off Business Retail Rates |
| **Temporary Number Portability** | Remote Call Forwarding:  $1.25 res. per # ported - $.50 per additional path  $1.50 bus. per # ported - $.50 per additional path.  $25.00 Nonrecurring charge.  Direct-Inward-Dial:  $ 0.01Per number per month recurring for both res. and bus.  $ 1.00Per number nonrecurring charge.  $25.00 Per Order nonrecurring charge. |

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| **960864** | **BellSouth** - **American MetroComm** |
| **Interconnection** | $0.01028/minute w/ 105% Cap -Dedicated  $0.01056/minute w/ 105% Cap -Tandem  However, Mutual traffic exchange will apply:  Months 1-6  Months 7-12 if out of balance < $40,000  Months 13-18 if out of balance < $30,000  Months 19-24 if out of balance < $20,000 |
| **Unbundling/Resale** | Unbundling:  $2.00 - Residence Port  $4.50 - Business Port  $7.50 - PBX Trunk Port  $2.00 - Rotary Service  $0.0275/1st minute - Usage on Port  $0.0125/Add'l minutes - Usage on Port  $ 17.00 - Unbundled Exchange Access Loop  $140.00 - NRC 1st Loop  $ 45.00 - NRC Add'l Loop  Resale:  18% off Residential Retail Rates  12% off Business Retail Rates |
| **Temporary Number Portability** | Remote Call Forwarding:  $1.15 res. for 6 paths - $.50 per additional path  $2.25 bus. for 10 paths - $.50 per additional path. No nonrecurring charge.  Direct-Inward-Dial:  $ 0.01Per number per month recurring for both res. and bus.  $ 1.00Per number nonrecurring charge.  $25.00 Per Order nonrecurring charge. |

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| **960967** | **BellSouth** - **Intetech** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **960968** | **BellSouth - National Tel** |
| **Interconnection** | $0.010/minute w/ 105% Cap  However, Mutual traffic exchange will apply:  Months 1-6  Months 7-12 if out of balance < $40,000  Months 13-18 if out of balance < $30,000  Months 19-24 if out of balance < $20,000 |
| **Unbundling/Resale** | Unbundling:  $ 17.00 - Unbundled 2-Wire Local Loop  $555.00/mo/unbundled loop channelization  $490.00/non-recurring charge  Resale:  18% off Residential Retail Rates  12% off Business Retail Rates |
| **Temporary Number Portability** | $1.15 res. for 6 paths - $.50 per additional path  $2.25 bus. for 10 paths - $.50 per additional path No nonrecurring charge |

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| **960969** | **BellSouth - ACSI** |
| **Interconnection** | Mutual traffic exchange will apply unless difference in minutes of use exceed 2 million. |
| **Unbundling/Resale** | Unbundling:  $ 2.00 - Residence Port  $ 4.50 - Business Port  $ 7.50 - PBX Trunk Port  $ 2.00 - Rotary Service  $ 0.0275/1st minute - Usage on Port  $ 0.0125/Add'l minutes - Usage on Port  $ 17.00 - 2-Wire Analog  $ 27.20 - 4-Wire Analog  $ 17.00 - 2-Wire ADSL/HDSL  $ 27.20 - 4-Wire HDSL  $ 27.20 - 2-Wire ISDN Digital  $400.00/mo/unbundled loop channelization  $525.00 non-recurring charge |
| **Temporary Number Portability** | $1.15 res. for 6 paths - $.50 per additional path  $2.25 bus. for 10 paths - $.50 per additional path No nonrecurring charge |

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| **961053** | **BellSouth - MFS** |
| **Interconnection** | $0.009/minute |
| **Unbundling/Resale** | Unbundling:  BST and MFS do not agree on the rates for unbundled loops, therefore this issue will be subject to further negotiations, FCC and/or Commission Proceedings/Orders and/or Arbitration. |
| **Temporary Number Portability** | $1.15 res. for 6 paths - $.50 per additional path  $2.25 bus. for 10 paths - $.50 per additional path No nonrecurring charge |

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| **961090** | **GTEFL - MFS** |
| **Interconnection** | $0.009/minute w/ 105% Cap -Dedicated  $0.00075/minute w/ 105% Cap -Tandem  However, Mutual traffic exchange will apply: |
| **Unbundling/Resale** | Unbundling:  GTEFL and MFS do not agree on the rates for unbundled loops, therefore this issue will be subject to further negotiations, FCC and/or Commission Proceedings/Orders and/or Arbitration. |
| **Temporary Number Portability** | Remote Call Forwarding:  $1.15 res. for 6 paths - $.50 per additional path  $2.25 bus. for 10 paths - $.50 per additional path. No nonrecurring charge. |

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| **961272** | **GTEFL - MCIMETRO** |
| **Interconnection** | $0.00075/minute - Tandem  However, Mutual traffic exchange will apply: |
| **Unbundling/Resale** | Not Applicable. |
| **Temporary Number Portability** | Remote Call Forwarding:  $1.00 - $.50 per additional path  $10.00 nonrecurring charge. |

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| **961333** | **MFS - SPRINT** |
| **Interconnection** | $0.004/minute - End Office  $0.0015/minute - Tandem  However, Mutual traffic exchange will apply: |
| **Unbundling/Resale** | MFS and Sprint do not agree on the rate for unbundled loops, therefore this issue will be subject to further negotiations, FCC and/or Commission Proceedings/Orders and/or Arbitration. |
| **Temporary Number Portability** | Terms to be negotiated subject to cost-based and competitively-neutral cost-recovery. |
| **961402** | **BellSouth - CBS** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **961403** | **BellSouth - Annox** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **961414** | **BellSouth - Tie** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **961540** | **GTEFL - WINSTAR** |
| **Interconnection** | $0.00075/minute - Tandem |
| **Unbundling/Resale** | If and to the extent that GTE makes available to another ALEC or LEC telecommunications services for resale, GTE simultaneously will provide WinStar with access to those same telecommunications services for resale pursuant to identical rates, terms and/or conditions. |
| **Temporary Number Portability** | Winstar and GTE shall provide INP arrangements to one another either at the rates ordered by the FPSC in Docket No. 950737-TP or at WinStar's option, other mutually agreed upon rates. |

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| **970039** | **BellSouth - NOW** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **970041** | **BellSouth - Interlink** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **970042** | **BellSouth - USLD** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  18% off residential retail rates.  12% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **970043** | **BellSouth - ACSI** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  21.83% off residential retail rates.  16.81% off business retail rates. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **970072** | **GTEFL - TCCF** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  The parties filed a 90 page listing of services and prices available for resale in the agreement. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **970073** | **GTEFL - ICI** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  The parties filed a 90 page listing of services and prices available for resale in the agreement. |
| **Temporary Number Portability** | Not a part of the agreement. |

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| **970074** | **GTEFL - FCS** |
| **Interconnection** | Not a part of the agreement. |
| **Unbundling/Resale** | Resale:  The parties filed a 90 page listing of services and prices available for resale in the agreement. |
| **Temporary Number Portability** | Not a part of the agreement. |