

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

DOCKET NO. 041464-TP
ORDER NO. PSC-06-0300-FOF-TP
ISSUED: April 17, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON

ORDER APPROVING ARBITRATED INTERCONNECTION, COLLOCATION
AND RESALE AGREEMENT BETWEEN SPRINT-FLORIDA, INCORPORATED
AND FLORIDA DIGITAL NETWORK, INC. D/B/A FDN COMMUNICATIONS

BY THE COMMISSION:

On December 30, 2004, Sprint-Florida, Incorporated (Sprint) filed a petition with this Commission pursuant to 47 U.S.C. Section 252(b) of the Telecommunications Act of 1996 (Act) to arbitrate certain unresolved issues associated with negotiations for an interconnection, collocation and resale agreement between itself and Florida Digital Network, Inc. d/b/a FDN Communications (FDN). An administrative hearing was held on August 4, 2005.

On January 10, 2006, we issued Order No. PSC-06-0027-FOF-TP (Order on Arbitration) rendering specific findings on the issues established for this Docket. On January 25, 2006, Sprint filed its Motion for Reconsideration of our determinations on Issues 5, 21, 22, and 24. Later, on February 1, 2006, FDN filed its Response to Sprint's Motion for Reconsideration and Motion for Stay Pending Reconsideration. On February 8, 2006, we issued Order No. PSC-06-0089-PCO-TP rendering a stay of the required date for the submission of the conforming agreement between Sprint and FDN. On March 20, 2006, we issued Order No. PSC-06-0238-FOF-TP granting in part and denying in part Sprint's Motion for Reconsideration and clarifying certain portions of the Order on Arbitration. Furthermore, we ordered that the parties' agreement be submitted to this Commission for approval within 15 days of the vote on the Motion for Reconsideration. Consequently, the parties submitted their final executed Interconnection, Collocation and Resale Agreement (Agreement) on March 15, 2006. Also on March 21, 2006, Sprint filed a letter correcting a discrepancy in the Agreement. Both parties are agreeable to the language and terms set forth in the Agreement.

We have reviewed the final executed Agreement and have determined that it complies with our decisions in Order No. PSC-06-0027-FOF-TP and Order No. PSC-06-0238-FOF-TP, as well as the Act. Therefore, we hereby approve the arbitrated Interconnection, Collocation and Resale Agreement between Sprint and FDN in this Docket.

DOCUMENT NUMBER-DATE

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PSC-COMMISSION CLERK

Based upon the foregoing, it is


ORDERED by the Florida Public Service Commission that the final executed Interconnection, Collocation, and Resale Agreement between Sprint-Florida, Incorporated and Florida Digital Network, Inc. d/b/a FDN Communications is hereby approved. It is further

ORDERED that this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 17th day of April, 2006.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By:



Kay Flynn, Chief
Bureau of Records

(S E A L)

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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 the Commission Clerk and Administrative Services, 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 in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6).