

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP
ORDER NO. PSC-07-0460-FOF-TP
ISSUED: May 29, 2007

The following Commissioner participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman

ORDER ACKNOWLEDGING WITHDRAWAL OF MOTION

BY THE COMMISSION:

I. Case Background

On November 1, 2004, BellSouth Telecommunications, Inc. (AT&T Florida)¹ filed a Petition asking this Commission to determine what changes are required in existing, approved interconnection agreements between AT&T Florida and CLECs in Florida as a result of changes in law from recent FCC and federal appellate court decisions.

A final administrative hearing was conducted on November 2-4, 2005. On March 2, 2006, this Commission issued Order No. PSC-06-0172-FOF-TP ("First Change of Law [COL] Order") in the instant docket. This decision required AT&T Florida and the CLECs to file executed amendments to their current interconnection agreements to incorporate the Commission's decision for all issues in that proceeding except Issue Nos. 5, 13, 16-18, and 22(b) by March 10, 2006.

On April 17, 2006, this Commission issued Order No. PSC-06-0299-FOF-TP ("Second COL Order") in the above-captioned docket. This decision required AT&T Florida and the CLECs to file executed amendments incorporating that decision for Issue Nos. 5, 13, 16-18 and 22(b).

Because not all of the CLECs executed amendments to implement the First and Second COL Orders, AT&T Florida filed a Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved in the captioned docket on June 13, 2006. On April 13, 2007, AT&T Florida withdrew its Motion.

¹ Order No. PSC-07-0114-FOF-TP acknowledged the name change from BellSouth Telecommunications, Inc. to BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast.

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II. Analysis

As set forth in AT&T Florida's letter dated April 13, 2007, AT&T Florida withdraws its Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved in the instant docket. Therefore, it is unnecessary for this Commission to rule on the outstanding Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved.

We understand from AT&T Florida, that all of the executed amendments to implement the First and Second COL Orders have been received. Therefore, with AT&T Florida's withdrawal of the Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved, there are no further matters for this Commission to resolve in this docket.

III. Decision

We find it appropriate to acknowledge AT&T Florida's withdrawal of its Motion. We also find that there are no further matters for this Commission to resolve in this docket and therefore, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that AT&T Florida's withdrawal of its Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved, is acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 29th day of May, 2007.



ANN COLE
Commission Clerk

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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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.