

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by AT&T) DOCKET NO. 960833-TP
Communications of the Southern)
States, Inc. for arbitration of)
certain terms and conditions of)
a proposed agreement with)
BellSouth Telecommunications,)
Inc. concerning interconnection)
and resale under the)
Telecommunications Act of 1996.)

In Re: Petition by MCI) DOCKET NO. 960846-TP
Telecommunications Corporation) ORDER NO. PSC-96-1098-PCO-TP
and MCI Metro Access) ISSUED: August 27, 1996
Transmission Services, Inc. for)
arbitration of certain terms and)
conditions of a proposed)
agreement with BellSouth)
Telecommunications, Inc.)
concerning interconnection and)
resale under the)
Telecommunications Act of 1996.)

ORDER DENYING MOTION TO ESTABLISH
PROCEDURE FOR "MEDIATION PLUS"

By Order No. PSC-96-1039-PCO-TP, issued August 9, 1996, MCI Telecommunications Corporation's (MCI's) request for arbitration under the Telecommunications Act of 1996 was consolidated with AT&T Communications of the Southern States, Inc.'s (AT&T's) request for arbitration for a proposed agreement with BellSouth Telecommunications, Inc. (BellSouth). An administrative hearing is scheduled to begin October 9, 1996 to arbitrate the requests.

On August 13, 1996, MCI Telecommunications Corporation (MCI) filed a Motion to Establish Procedure for "Mediation Plus" and Request for Expedited Ruling. MCI states that its request includes a number of major unresolved issues as well as numerous other technical, operational, and administrative issues. MCI states that it has reached tentative agreement or agreement in principle on some of those other issues, but the agreements have not been fleshed-out in detail, nor incorporated into specific contractual language.

MCI intends to request arbitration on all of the unresolved issues, including those which it requests be bifurcated for Mediation Plus. MCI proposes that under Mediation Plus, the Commission would bifurcate the proceeding and refer certain issues

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to be resolved through a mediator, preferably a member of the Commission staff. If an agreement is reached, the parties would be required to file it by October 25, 1996 for Commission approval. For the technical and operational issues which the parties do not resolve through Mediation Plus, MCI proposes that the Commission schedule an additional hearing date in early November to arbitrate the issues.

On August 20, 1996, BellSouth filed a response objecting to some aspects of MCI's proposed mediation process. BellSouth, however, does not object to continuing to negotiate. BellSouth raises the concern that MCI's proposal would complicate an already complex and compressed proceeding.

Upon consideration, I find that MCI's request is inconsistent with the overriding purpose of administrative efficiency, which is the purpose of consolidation under the Act. All of the potential gains achieved through consolidation would be lost if mediation is unsuccessful. The tight time frame the Act places on the Commission does not tolerate the degree of uncertainty inherent in MCI's proposal. I encourage the parties to continue good faith negotiations. Although MCI is applauded for making an innovative effort to structure negotiations, BellSouth raises some legitimate concerns. Accordingly, MCI's Motion to Establish Procedure for "Mediation Plus" and Request for Expedited Ruling is denied.

Based on the foregoing, it is therefore

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that MCI Telecommunications Corporation's Motion to Establish Procedure for "Mediation Plus" and Request for Expedited Ruling is hereby denied.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 27th day of August, 1996.


J. TERRY DEASON, Commissioner and
Prehearing Officer

(S E A L)
DLC

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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.