

FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

May 7, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (STAVANJA) *W/S* *Y*
DIVISION OF LEGAL SERVICES (STOVER) *NK*

RE: DOCKET NO. 970236-TP - REQUEST FOR APPROVAL OF RESALE AGREEMENT NEGOTIATED BY BELLSOUTH TELECOMMUNICATIONS, INC. WITH ONYX DISTRIBUTING COMPANY, INC. d/b/a FLORIDA COMM SOUTH, INC.

AGENDA: MAY 19, 1997 - REGULAR AGENDA - PARTIES MAY PARTICIPATE

CRITICAL DATES: COMMISSION MUST APPROVE OR DENY BY MAY 22, 1997 PER TELECOMMUNICATIONS ACT OF 1996

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970236TP.RCM

CASE BACKGROUND

On February 21, 1997, BellSouth Telecommunications, Inc. (BellSouth) and Florida Comm South, Inc. (FCS) filed a request for approval of a resale agreement. The term of the agreement is for two years beginning November 15, 1997. The parties are seeking approval of the agreement under the Telecommunications Act of 1996.

DOCUMENT NUMBER-DATE

04509 MAY-75

FPSC-RECORDS/REPORTING

DOCKET NO. 970236-TP
DATE: MAY 7, 1997

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the proposed agreement between BellSouth and FCS?

RECOMMENDATION: Yes. The Commission should approve the proposed resale agreement between BellSouth and FCS. The Commission should require BellSouth and FCS to file any subsequent supplements or modifications to their agreement for Commission review under the provision of 47 U.S.C. §252(e).

STAFF ANALYSIS: As stated in the Case Background, BellSouth and FCS are seeking approval of their resale agreement under the federal Telecommunications Act of 1996 (the Act). The Act encourages 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)(4), the state commission must approve or reject the agreement within 90 days after submission, or the agreement shall be deemed approved. However, approval of this agreement by the Commission in no way constitutes a determination that BellSouth has met the requirements of Section 271 of the Act.

The agreement is a two year agreement governing the relationship between the companies regarding the resale of tariffed services. The agreement states that telecommunications services provided by BellSouth for resale will be available for purchase by FCS at a discount rate of 18% for residential services and 12% for business services (see Attachment 1). Staff has reviewed the BellSouth and FCS proposed agreement for compliance with the Act and recommends that the Commission approve it pursuant to §252(e)(2)(A).

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ISSUE 2: Should Docket No. 970236-TP be closed?

RECOMMENDATION: Yes, with the adoption of staff's recommendation in Issue 1, and issuance of the Commission's order approving the agreement, Docket No. 970236-TP should be closed.

STAFF ANALYSIS: With the adoption of staff's recommendation in Issue 1, and issuance of the Commission's order approving the agreement, Docket No. 970236-TP should be closed.