

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by MCI
Telecommunications Corporation
and MCI Metro Access
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.

DOCKET NO. 960846-TP

In re: Petition by Metropolitan
Fiber Systems of Florida, 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.

DOCKET NO. 960757-TP

In re: Petition by AT&T
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.

DOCKET NO. 960833-TP
ORDER NO. PSC-97-1399-PCO-TP
ISSUED: November 6, 1997

ORDER GRANTING INTERVENTION

By Petitions dated October 14, 1997, and October 16, 1997, and Supplement to Petition to Intervene in Docket No. 960833-TP filed on October 16, 1997, American Communications Services, Inc. and American Communications Services of Jacksonville, Inc. (ACSI and ACSI-Jacksonville) have requested permission to intervene in this consolidated proceeding. No response in opposition has been filed.

ACSI and ACSI-Jacksonville state, in support of their request, that the Commission is going to determine the appropriate recurring and non-recurring rates for several elements. These elements are:

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FPSC-RECORDS/REPORTING

argue, are available to and may be used by ACSI-Jacksonville as well as other providers pursuant to Most Favored Provisions clauses that may be contained in their interconnection agreements with BellSouth. ACSI-Jacksonville has a Most Favored Provisions clause in its agreement with BellSouth. Thus, ACSI-Jacksonville argues, it will be affected by the Commission's consideration of the rates for and pricing of the elements identified in this proceeding. On October 16, 1997, ACSI and ACSI-Jacksonville filed a supplement to their Petition to Intervene. They state that BellSouth and ACSI-Jacksonville specifically agreed that the rates for unbundled loops, cross-connects and loop channelization were subject to a true-up. ACSI-Jacksonville argues that these rates are "interim" rates similar to the "interim" rates under review in this proceeding.

ACSI-Jacksonville acknowledges that the Commission limited participation in the arbitration proceedings to the parties to the interconnection agreements. It argues, however, that circumstances have changed and that it should be permitted to intervene at this time.

Although participation in the original arbitration proceedings was limited to the Petitioner and Respondent, it appears intervention is appropriate at this time. The Commission will be setting permanent rates for certain network elements in this proceeding that are common to ACSI. Specifically, the rates for collocation that contain cross connect charges will be reviewed in this proceeding. Further, the Commission will set permanent rates for 2-wire ADSL and 2 wire/4 wire HDSL loops which are contained in the BellSouth/ACSI agreement. Since the Commission will be setting these rates for AT&T Communications of the Southern States, Inc., MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., and Metropolitan Systems of Florida, Inc., it appears appropriate and expedient to permit ACSI to participate at this time. Accordingly, ACSI's Petition is granted to the extent it seeks permanent rates for 2-wire ADSL and 2 wire/4 wire HDSL loops, and cross connects as they relate to collocation. Permanent rates for loop channelization, however, have been set previously therefore they will not be considered in this proceeding.

Based on the foregoing, it is

ORDERED that the Petitions for Leave to Intervene filed by ACSI and ACSI-Jacksonville are granted. It is further

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ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Norman H. Horton, Jr.
Messer, Caparello & Self, P.A.
215 S. Monroe St., Suite 701
P.O. Box 1876
Tallahassee, FL 32302-1876

James C. Falvey
American Communication
131 National Business Pkwy.
Annapolis Junction, MD 20701

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 6th day of November, 1997.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

MMB

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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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), 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.