

State of Florida



Public Service Commission

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FPSC

DATE: MAY 17, 2001

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAY00)

FROM: DIVISION OF COMPETITIVE SERVICES (HINTON) CH
DIVISION OF LEGAL SERVICES (BANKS) FRB BIC

RE: DOCKET NO. 000907-TP - PETITION BY LEVEL 3 COMMUNICATIONS, LLC FOR ARBITRATION OF CERTAIN TERMS AND CONDITIONS OF A PROPOSED AGREEMENT WITH BELLSOUTH TELECOMMUNICATIONS, INC.

AGENDA: 05/29/01 - REGULAR AGENDA - POST HEARING DECISION - PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\000907.RCM

CASE BACKGROUND

Pursuant to Section 252 of the Telecommunications Act, Level 3 Communications, LLC (Level 3) petitioned for arbitration with BellSouth Telecommunications, Inc. (BellSouth) on July 21, 2000. On August 14, 2000, BellSouth filed its Response to Level 3's petition for arbitration. By Order No. PSC-00-1646-PCO-TP, Order on Procedure, issued September 15, 2000, the procedures were established and the controlling dates set for resolving the eight issues identified in the petition and response. Subsequently, Issues 4, 5, and 8 were resolved by parties, and on December 6, 2000, an administrative hearing was held for the remaining issues.

On December 18, 2000, Level 3, with the concurrence of BellSouth, filed a joint motion requesting that the filing date for briefs be extended until January 10, 2001. By Order No. PSC-00-2469-PCO-TP, issued December 21, 2000, Level 3's motion requesting additional time to file briefs was granted. Parties filed briefs on January 10, 2001.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Final Order No. PSC-01-0806-FOF-TP was issued on March 27, 2001, setting forth the findings of the Commission. On April 26, 2001, the parties filed a Joint Motion for Extension of Time which requested until May 3, 2001 to file the interconnection agreement required by the Commission's Order. In this motion, the parties informed the Commission that they had entered a settlement agreement that resolved, on a regional basis, all of the issues presented in this docket. On May 2, 2001, the final interconnection agreement was filed by the parties.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the interconnection agreement between BellSouth and Level 3?

RECOMMENDATION: Yes, the Commission should approve the interconnection agreement between BellSouth and Level 3. **(HINTON)**

STAFF ANALYSIS: Staff has reviewed the interconnection agreement and believes it meets the standards set forth in Section 252(e) of the Telecommunications Act of 1996; therefore, staff recommends that the Commission approve this agreement. Staff notes that pursuant to the parties' settlement agreement, the final interconnection agreement has slightly different terms than those set forth in the Commission's Order No. PSC-01-0806-FOF-TP. Nevertheless, the negotiated terms appear to comply with the Act. As such, staff believes the interconnection agreement should be approved and the negotiated terms should supersede those contained in the Commission's order.

ISSUE 2: Should the Joint Motion for Extension of Time filed by BellSouth and Level 3 be granted?

RECOMMENDATION: Yes. The Joint Motion for Extension of Time filed by BellSouth and Level 3 should be granted. **(BANKS)**

STAFF ANALYSIS: Subsequent to the issuance of Final Order No. PSC-01-0806-FOF-TP, BellSouth and Level 3 filed a Joint Motion for Extension of Time to submit the Final Interconnection Agreement. In their Motion, parties state that additional time is needed to negotiate the final agreement. Accordingly, staff recommends that the motion be granted.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. Docket No. 000907-TP should be closed. **(BANKS)**

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, Docket No. 000907-TP should be closed because there is no further Commission action necessary.