

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION CLERK
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FPSC

DATE: SEPTEMBER 18, 2003

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (J-E BROWN) OFFICE OF THE GENERAL COUNSEL (TEITZMAN) *JE* *AT*

RE: DOCKET NO. 020412-TP - PETITION FOR ARBITRATION OF UNRESOLVED ISSUES IN NEGOTIATION OF INTERCONNECTION AGREEMENT WITH VERIZON FLORIDA INC. BY US LEC OF FLORIDA INC. *MS*

AGENDA: 09/30/03 - 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\020412.RCM

CASE BACKGROUND

On May 10, 2002, US LEC of Florida Inc. (US LEC) petitioned the Commission to arbitrate certain unresolved terms and conditions of an interconnection agreement with Verizon Florida Inc. (Verizon). Verizon filed a response and the matter was set for hearing. At the issue identification meeting, nine issues were identified by the parties to be arbitrated. Prior to the administrative hearing, the parties resolved one issue.

The administrative hearing was held on February 6, 2003. By Order No. PSC-03-0762-FOF-TP (Final Order), issued June 25, 2003, the Commission rendered its final decision on arbitration. By that Order, the parties were required to submit an executed, final interconnection agreement (final agreement) compliant with the Commission's decisions within 30 days of the issuance of the Final Order. The final agreement was due on July 25, 2003.

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On July 24, 2003, Verizon filed a Motion for Extension of Time requesting until September 8, 2003, to submit the signed final agreement. By Order No. PSC-03-0870-PCO-TP, issued July 28, 2003, the parties were granted until September 8, 2003 to file their final executed interconnection agreement. On September 8, 2003, Verizon filed its final executed interconnection agreement with US LEC.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the arbitrated Interconnection Agreement between Verizon and US LEC in Docket No. 020412-TP?

RECOMMENDATION: Yes. The Commission should approve the arbitrated Interconnection Agreement between Verizon and US LEC in Docket No. 020412-TP. (BROWN)

STAFF ANALYSIS: On September 8, 2003, Verizon filed its final executed Interconnection Agreement with US LEC pursuant to Order No. PSC-03-0762-FOF-TP. Staff has reviewed the agreement and has determined that it complies with the Commission's decisions in the above referenced order, as well as the Act. Therefore, staff recommends that the Commission approve the arbitrated Interconnection Agreement between Verizon and US LEC in Docket No. 020412-TP, filed September 8, 2003.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, no further action will be required in this docket. Therefore, this docket may be closed. (TEITZMAN)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no further action will be required in this docket. Therefore, this docket may be closed.