

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement tariff filed by BellSouth Telecommunications, Inc.

DOCKET NO. 020129-TP
ORDER NO. PSC-04-0668-AS-TP
ISSUED: July 9, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

On January 18, 2002, BellSouth Telecommunications, Inc.(BST) filed a tariff introducing the CCS7 Access Arrangement. This tariff filing also restructured the offering for Commercial Mobile Radio Service (CMRS) providers, and directed them to the equivalent CCS7 Access Arrangement available in the Access Services Tariff. Further, as part of this filing, local switching rates were reduced to reflect the introduction of charges for intrastate CCS7 usage. The tariff filing went into effect on February 17, 2002.

On February 15, 2002, US LEC of Florida, Inc., Time Warner Telecom of Florida, L.P., and ITC^DeltaCom Communications filed a Joint Petition objecting to and requesting suspension of the CCS7 Access Arrangement Tariff filed by BST, and requesting that the Commission schedule a formal administrative hearing to address the issues raised in their Petition. On March 22, 2002, BST filed its response to the Petition filed on February 15, 2002. On July 2, 2002, MCI WorldCom Communications, Inc., (MCI) and MCI Metro Access Transmission Services, LLC (MCI Metro) filed their petition to intervene in this docket. On July 16, 2002, by Order No. PSC-02-0964-PCO-TP, we granted intervention to MCI and MCI Metro. This matter was set for an administrative hearing by Order No. PSC-02-1179-PHO-TP. ITC^DeltaCom Communications and Time Warner Telecom L.P. have withdrawn from this docket.

Our staff presented its post-hearing recommendation at the February 18, 2003, Agenda Conference. At that time, we voted on nine of the issues raised in the joint petition and, on our

DOCUMENT NUMBER-DATE

07478 JUL -9 3

FPSC-COMMISSION CLERK

own motion, we scheduled oral argument on the remaining three issues in the docket. Oral argument was held on August 19, 2003. On October 7, 2003, our staff presented its post-hearing recommendation addressing the three issues that were deferred from the February 18, 2003, Agenda Conference and addressed by the parties in oral argument (Issues 8, 10, and 11).

At the October 7, 2003, Agenda Conference, it became apparent after much discussion that the remaining issues could possibly be resolved, so we deferred Issues 8, 10, and 11 to allow the parties additional time to reach a resolution. The parties continued to negotiate and on December 23, 2003, BellSouth filed a revised tariff and a refund/adjustment plan. After reviewing BellSouth's revised tariff and refund/adjustment plan, our staff had concerns which they asked BellSouth to address. While in the process of addressing our staff's concerns, the parties negotiated a settlement. On June 7, 2004, the parties filed a Joint Motion seeking our approval of their Stipulation and Agreement. On June 23, 2004, BellSouth withdrew the December 23, 2003 tariff filing.

Below is a synopsis of the Stipulation and Agreement:

- BellSouth and the Parties agree that this Stipulation and Agreement settles all outstanding issues in Docket No. 020129-TP.
- Within 15 days of the Commission order approving this Stipulation and Agreement, BellSouth will modify its CCS7 tariff to (1) delete the provisions allowing it to bill carriers for signaling messages, and (2) increase the rate for local switching to the pre-January 18, 2002 level.
- BellSouth will not back bill customers for its decision to return to the higher local switching rate.
- BellSouth will refund to the Parties, in the form of a bill credit, the net difference between the CCS7 Signaling Usage charge and the local switching rate as it existed pre-January 18, 2002.
- The credit will occur within 60 days of Commission approval of this Stipulation and Agreement.

The Parties have agreed to the refund amounts, which were developed by comparing the pre- and post-January 18, 2002 signaling and local switching rates. Further, we agree with the parties' assertion that it is in the best interest of their customers to amicably resolve the remaining issues in this proceeding without the expenditure of additional time, money, and other resources in further litigation. Therefore, we hereby grant the Joint Motion filed by BellSouth Telecommunications, Inc, US LEC of Florida, Inc., MCI WorldCom Communications, Inc., and MCI Metro Access Transmission Services, LLC, for approval of their Stipulation and Agreement. Furthermore, we find that the Stipulation and Agreement renders Issues 1, 2, and 3 which were previously voted on, and moot.

ORDER NO. PSC-04-0668-AS-TP
DOCKET NO. 020129-TP
PAGE 3

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.01(3), 364.04, 364.051(5), and 364.163, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc., MCI WorldCom Communications, Inc., and US LEC of Florida, Inc.'s Joint Motion Seeking Commission Approval of Stipulation is hereby granted.

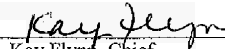
ORDERED that Issues 1, 2, and 3 previously voted on, are moot.

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 9th day of July, 2004.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By:



Kay Flynn, Chief
Bureau of Records

(SEAL)

AJT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

4

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.