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Public Service Commission

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COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: March 23, 2006

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Competitive Markets & Enforcement (Beard, Bulecza-Banks, Casey)
Office of the General Counsel (Scott) *KS Raw*

BMS

RE: Docket No. 041464-TP – Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

AGENDA: 04/04/06 – Regular Agenda – Posthearing Decision – Participation is Limited to Commissioners and Staff

COMMISSIONERS ASSIGNED: Edgar, Deason

PREHEARING OFFICER: Deason

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\CMP\WP\041464.RCM.DOC

Case Background

On December 30, 2004, Sprint-Florida, Inc. (Sprint) filed a petition with the Florida Public Service Commission (the Commission) to arbitrate certain unresolved issues associated with negotiations for an Interconnection, Collocation, and Resale Agreement between itself and Florida Digital Network, Inc. d/b/a FDN Communications (FDN). An administrative hearing was held on August 4, 2005.

On January 10, 2006, the Commission issued Order No. PSC-06-0027-FOF-TP (Order on Arbitration) rendering its specific findings on the issues established for this Docket. On January

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25, 2006, Sprint filed its Motion for Reconsideration of the Commission's determination of Issues 5, 21, 22, and 24. Later, on February 1, 2006, FDN filed its Response to Sprint's Motion for Reconsideration and Motion for Stay Pending Reconsideration. On February 8, 2006, the Commission issued Order No. PSC-06-0089-PCO-TP (Order Granting Stay Pending Reconsideration) rendering a stay of the required date for the submission of the conforming agreement between Sprint and FDN. Commission Order No. PSC-06-0238-FOF-TP issued March 20, 2006, granted in part and denied in part Sprint's motion for reconsideration and clarified certain portions of Order PSC-06-0027-FOF-TP, ordered that the parties' agreement be submitted to this Commission for approval within 15 days of the vote on the Motion for Reconsideration. Also on March 21, 2006, a letter was filed with the Commission on behalf of Sprint, correcting a discrepancy in the Final Interconnection, Collocation and Resale Agreement between it and FDN. Both parties are agreeable to the language and terms set forth in the Final Interconnection, Collocation and Resale Agreement.

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Discussion of Issues

Issue 1: Should the Commission approve the interconnection, collocation and resale agreement between Sprint and FDN?

Recommendation: Yes, the Commission should approve the interconnection, collocation and resale agreement between Sprint and FDN. (Beard)

Staff Analysis: On March 15, 2006 Sprint filed its final executed Interconnection, Collocation and Resale Agreement with FDN pursuant to Commission Order No. PSC-06-0238-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 Telecommunications Act of 1996. Therefore, staff recommends that the Commission approve the arbitrated Interconnection, Collocation and Resale Agreement between Sprint and FDN in Docket No. 041464-TP, filed March 15, 2006.

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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. (Scott)

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.