

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of interconnection, unbundling, resale and collocation agreement between BellSouth Telecommunications, Inc d/b/a AT&T Florida d/b/a AT&T Southeast and Local Access, LLC.

DOCKET NO. 130239-TP  
ORDER NO. PSC-13-0504-PAA-TP  
ISSUED: October 25, 2013

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman  
LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING INTERCONNECTION AGREEMENT  
BETWEEN  
BELLSOUTH TELECOMMUNICATIONS, LLC D/B/A AT&T FLORIDA  
AND  
LOCAL ACCESS, LLC

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission (Commission) that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

**Case Background**

On September 30, 2013, pursuant to Rule 28.106-204, Florida Administrative Code (FAC), BellSouth Telecommunications, LLC d/b/a AT&T Florida (AT&T) filed an unopposed Motion for Expedited Approval (Motion) of the interconnection agreement (ICA) between AT&T and Local Access, LLC (Local Access).

AT&T entered into the ICA with Local Access on April 30, 2013, and failed to file the ICA with the Commission until August 28, 2013. There was an error in AT&T's electronic submission of the ICA which caused it to be rejected. The electronic rejection message was overlooked by AT&T until September 16, 2013, at which point AT&T re-filed the ICA. AT&T asserts that Local Access anticipated that it would be able to begin operations under the new ICA

in September 2013. AT&T has asked that approval be expedited to accommodate Local Access's expectations.

We have jurisdiction pursuant to 47 U.S.C. Section 252(e)(4) and Sections 120.80(13)(d), and 364.16, Florida Statutes.

### **Decision**

47 U.S.C. Section 252(e) provides in relevant part that 1) negotiated ICAs must be submitted to the appropriate state commission for review, 2) a state commission may only reject such agreements for reasons specified in the law, and 3) if a state commission does not act to approve or reject the agreement within 90 days after submission, the agreement is deemed approved. In reviewing an ICA, we must consider specified criteria; if that criteria is met, the agreement goes into effect at the conclusion of the 90 day review window by operation of law.<sup>1</sup>

In the instant case, we have reviewed the ICA in accordance with the specified criteria and determined the following: Local Access is registered with the Secretary of State's Office to conduct business in Florida; Local Access is certificated as a competitive local exchange telecommunications company under the name set forth in the ICA; and, there is no basis for rejection under 47 U.S.C. Section 252(e)(2). Thus, in accordance with our routine practice, the ICA would be permitted to go into effect, by operation of the federal law, 90 days after it was filed with this Commission. However, under the circumstances presented, we shall grant the AT&T Motion and explicitly approve the ICA. This will permit the ICA to go into effect sooner than 90 days from the date of filing.<sup>2</sup>

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, LLC d/b/a AT&T Florida's unopposed Motion for Expedited Approval of the interconnection agreement between AT&T and Local Access is hereby Approved. It is further

ORDERED that if no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of this order, this docket shall be closed upon the issuance of a consummating order.

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<sup>1</sup> Section 2.07.C.5.d. FPSC Administrative Procedures Manual.

<sup>2</sup> The General Terms and Conditions of the ICA establish the effective date as "ten (10) calendar days after this Commission approves this Agreement under Section 252(e) of the Act or, absent our approval, the date this Agreement is deemed approved under Section 252(e)(4) of the Act." Thus, the effective date of the ICA will be ten days after the issuance of a consummating order in this docket.

By ORDER of the Florida Public Service Commission this 25th day of October, 2013.



HONG WANG

Chief Deputy Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 15, 2013.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.