

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by MCI) DOCKET NO. 961230-TP
Telecommunications Corporation) ORDER NO. PSC-97-0565-FOF-TP
for arbitration with United) ISSUED: May 20, 1997
Telephone Company of Florida and)
Central Telephone Company of)
Florida concerning)
interconnection rates, terms,)
and conditions, pursuant to the)
Federal Telecommunications Act)
of 1996.)
_____)

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

ORDER APPROVING ARBITRATED AGREEMENT

BY THE COMMISSION:

On October 11, 1996, MCI Telecommunications Corporation (MCI) filed a Petition with this Commission for Arbitration of its agreement with United Telephone Company of Florida (Sprint) concerning interconnection rates, terms, and conditions, pursuant to 47 U.S.C. Section 252 of the Telecommunications Act of 1996. Section 252(b)(1) of the Telecommunications Act of 1996, states:

During the period from the 135th to 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

MCI, individually and on behalf of its affiliates, formally requested negotiations with Sprint under Section 252 of the Act. A Stipulated Agreement was entered into by the companies on December 11, 1996, in an effort to resolve certain issues. The Stipulation was presented to the Commission as a preliminary issue at the evidentiary hearing on December 18, 1996, and was approved

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in Order No. PSC-97-0294-FOF-TP. In that Order the Commission directed the parties to file an agreement within 90 days of its issuance, and Sprint filed a motion on March 31, 1997, requesting a stay of this portion of the Order. Sprint's motion also included a request for reconsideration/clarification of the Order.

Sprint and MCI filed a joint interconnection agreement with the Commission on April 14, 1997, pursuant to the Order, thus rendering Sprint's motion for a stay of the Order moot. The agreement addressed all issues except the ones submitted for reconsideration or clarification in Sprint's motion. These issues will be addressed by the Commission in a later proceeding.

Under Section 252(e)(2)(B) of the Act, the Commission can only reject an arbitrated agreement if it finds that the agreement does not meet the requirements of Section 251 or the standards set forth in subsection (d) of Section 252 of the Act. Our review of the agreement indicates that it conforms to the requirements of Section 251 and 252 of the Act, and with the FCC rules and Order. Any further modifications to the agreement, except those stated in the motion for reconsideration/clarification must be filed separately with the Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the joint interconnection agreement filed by Sprint and MCI is approved as outlined in the body of this Order. It is further


ORDERED that United Telephone Company of Florida's (Sprint) motion for a stay of the portion of the Order which addressed the thirty-day filing requirement is moot. It is further

ORDERED that this docket shall remain open pending resolution of Sprint's Motion for reconsideration/clarification and the Commission's review of cost studies to be filed by Sprint pursuant to the Order.

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BY ORDER of the Florida Public Service Commission this 20th,
day of May, 1997.



BLANCA S. BAYO, Director
Division of Records and Reporting

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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 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 Records and Reporting, 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 Records and Reporting 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.

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