

MEMORANDUM

December 17, 1997

RECEIVED

DEC 18 1997

3:50

FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*

RE: DOCKET NO. 971159-TP - PETITION FOR APPROVAL OF ELECTION OF INTERCONNECTION AGREEMENT WITH GTE FLORIDA INCORPORATED PURSUANT TO SECTION 252 (I) OF THE TELECOMMUNICATIONS ACT OF 1996, BY SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP D/B/A SPRINT.

PSC-97-1595-PCO-TP

Attached is an ORDER APPROVING STIPULATION AND SCHEDULING MATTER FOR INFORMAL PROCEEDING, with attachments, to be issued in the above referenced docket. (Number of pages in order - 7)

BK/anr
 Attachment
 cc: Division of Communications
 I: 971159in.bk

See pg 2

Sprint .
404 - 649-5174
Parties
Successfully found to
be.
12/19

GTE.
813-223-4488

MUST GO TODAY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of election of interconnection agreement with GTE Florida Incorporated pursuant to Section 252(i) of the Telecommunications Act of 1996, by Sprint Communications Company Limited Partnership d/b/a Sprint.

DOCKET NO. 971159-TP
ORDER NO. PSC-97-1585-PCO-TP
ISSUED: December 19, 1997

ORDER APPROVING STIPULATION AND SCHEDULING MATTER FOR INFORMAL PROCEEDING

In Docket No. 961173-TP, the Commission conducted an arbitration proceeding between Sprint Communications Company Limited Partnership d/b/a Sprint (Sprint) and GTE Florida Incorporated (GTEFL) regarding rates, terms and conditions of interconnection in accordance with the Telecommunications Act of 1996 (Act). By Order No. PSC-97-0641-FOF-TP, issued June 4, 1997, the Commission approved the final arbitrated agreement between Sprint and GTEFL. On September 3, 1997, Sprint filed a Petition for Approval of Section 252(i) Election of Interconnection Agreement. By its petition, Sprint seeks to elect the interconnection agreement between AT&T Communications of the Southern States (AT&T) and GTEFL. On September 23, 1997, GTEFL filed its Opposition to Sprint's Petition for Election. On November 20, 1997, Sprint filed a Legal Memorandum in Support of its Petition.

On December 11, 1997, GTEFL and Sprint filed a Stipulation. See Attachment A. Therein, the parties set forth a list of Stipulated Facts. The parties agree that these are the material facts involved in consideration of Sprint's Petition. Having reached a stipulation of the facts, the parties request that the stipulated facts be accepted and that the Commission conduct an informal proceeding in accordance with Section 120.57(2), Florida Statutes.

In view of the fact that Sprint has already filed an initial brief, the parties request that Sprint be allowed to file a supplementary brief which shall be due on December 15, 1997, and that GTEFL be allowed to file a brief, to be due on December

DOCUMENT NUMBER-DATE

12982 DEC 19 97

FPSC-REGISTRATION/REPORTING

ORDER NO. PSC-97-1585-PCO-TP
DOCKET NO. 971159-TP
PAGE 2

that GTEFL be allowed to file a brief, to be due on December 29, 1997, that is responsive to Sprint's briefs. The parties also agree that the issue to be briefed is as follows:

Should the Commission approve Sprint's petition to elect the AT&T-GTE interconnection and resale agreement?

Upon consideration, the Stipulation Between GTEFL and Sprint is accepted. Sprint shall, therefore, file a supplementary brief of no more than 60 pages on December 15, 1997, and GTEFL shall file a responsive brief limited to the same number of pages on December 29, 1997. The arguments shall be limited to the issue set forth above.

It is therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Stipulation Between GTE Florida Incorporated and Sprint Communications Company Limited Partnership, attached and incorporated herein as Attachment A, is accepted as set forth in the body of this Order.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 19th Day of December, 1997.



SUSAN F. CLARK
Commissioner and Prehearing Officer

(S E A L)

BK

ORDER NO. PSC-97-1585-PCO-TP
DOCKET NO. 971159-TP
PAGE 3

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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Sprint Communications)
Company Limited Partnership for Approval) Docket No. 971159-TP
of Section 252(i) of Interconnection) Filed: December 11, 1997
Agreement with GTE Florida Concerning)
Interconnection Rates, Terms and Conditions,)
Pursuant to the Federal Telecommunications)
Act of 1996)

**STIPULATION BETWEEN GTE FLORIDA INCORPORATED
AND SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP**

In the interest of conducting this docket in the most efficient manner, GTE Florida Incorporated (GTEFL) and Sprint Communications Company Limited Partnership (Sprint) have jointly stipulated to the following procedural facts and issues.

Stipulated Procedure

The parties have agreed that this docket will be resolved through a "paper hearing" process, in accordance with Florida Statutes, section 120.57(2).

Stipulated Facts

1. At Sprint's request pursuant to the Telecommunications Act (Act) of 1996, the Commission conducted an arbitration between GTEFL and Sprint to resolve certain designated issues relative to interconnection and resale. The Commission conducted a full evidentiary hearing on Sprint's Petition for Arbitration and, on February 26, 1997, issued Order number PSC-97-0230-FOF-TP resolving those issues. That Order directed the parties to file an agreement implementing the rulings in the Order.

2. Instead of an agreement implementing the terms of the February 26 Order, Sprint submitted for approval a proposed interconnection and resale agreement between GTEFL and AT&T. (Sprint's Motion for Approval of Agreement and Order Directing Execution of Agreement, Mar. 28, 1997.) Shortly thereafter, Sprint asked the Commission to stay the post-arbitration proceedings to accommodate its election of the GTEFL-AT&T agreement. (Sprint's Amendment to Motion for Approval of Agreement and Order Directing Execution of Agreement of Sprint Communications Company Limited Partnership, Apr. 9, 1997.)

3. The Commission denied Sprint's request for stay and rejected its submission of the proposed GTEFL-AT&T contract. (Order no. PSC-97-0550-FOF-TP, May 13, 1997.) It ordered GTEFL and Sprint to execute an interconnection and resale agreement memorializing the Commission's rulings in the February 26 Order. (Id.)

4. On May 2, 1997, GTEFL and Sprint executed a contract in accordance with the Commission's February 28 and May 13 Orders. The Commission approved that contract on June 4, 1997, by Order number PSC-97-0641-FOF-TP.

5. On July 18, 1997, by Order number PSC-97-0664-FOF-TP, the Commission approved an interconnection contract between AT&T and GTEFL that implemented the rulings made in the GTEFL/AT&T arbitration (Docket number 960847-TP).

6. On September 3, 1997, Sprint filed a Petition for Approval of Section 252(i) Election of Interconnection Agreement. That Petition asked the Commission to approve Sprint's election of the interconnection contract between GTEFL and AT&T.

7. On September 23, 1997, GTEFL filed its Opposition to Sprint's Petition for Election.

8. On November 20, 1997, Sprint filed a Legal Memorandum in Support of its Petition for Approval of Section 252(i) Election of Interconnection Agreement.

Issue for Resolution

The parties agree that the only issue for resolution in this case is: Should the Commission approve Sprint's petition to elect the AT&T-GTE interconnection and resale agreement?

Stipulated Briefing Schedule

As noted, there have already been a number of filings in this case. Sprint filed its Petition for Election on September 3, 1997; GTEFL filed an Opposition to that Petition on September 23, 1997; and Sprint filed a Legal Memorandum in Support of its Petition on November 20, 1997. The parties have agreed that Sprint will have the opportunity to make one further filing in support of its Petition for Election. That filing is due on December 15, 1997. GTEFL will then have the opportunity to respond to Sprint's November 20 and December 15 filings. GTEFL's responsive filing will be due on December 29, 1997.

...

GTEFL and Sprint ask the Commission to approve the above-stated stipulations.

Respectfully submitted on December 11, 1997.

By:



Kimberly Caswell
Anthony Gillman
Post Office Box 110, FLTC0007
Tampa, Florida 33601
Telephone: 813-483-2617
Attorneys for GTE Florida Incorporated

By:


for

Benjamin W. Fincher
Sprint
3100 Cumberland Circle
Atlanta, Georgia 30339
(404) 649-5145

By:



C. Everett Boyd, Jr.
Ervin, Varn, Jacobs & Ervin
P. O. Drawer 1170
Tallahassee, Florida 32302
(850) 224-9135
Attorneys for Sprint Communications
Limited Partnership

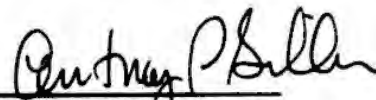
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the Stipulation Between GTE Florida Incorporated and Sprint Communications Company Limited Partnership in Docket No. 971159-TP were sent via overnight delivery on December 10, 1997, to the parties listed below.

Beth Culpepper, Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Benjamin W. Fincher
Sprint
3100 Cumberland Circle
Atlanta, GA 30339

C. Everett Boyd
Ervin, Varn, Jacobs, Odom & Irvin
305 S. Gadsden Street
Tallahassee, FL 32302


for Kimberly Caswell