

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to resale agreement negotiated by BellSouth Telecommunications, Inc. with Comm South Companies, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

DOCKET NO. 971450-TP
ORDER NO. PSC-98-0256-FOF-TP
ISSUED: February 9, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER APPROVING AMENDMENT TO RESALE AGREEMENT

BY THE COMMISSION:

On November 4, 1997, BellSouth Telecommunications, Inc. (BST) and Comm South Companies, Inc. (Comm South) filed a request for approval of an amendment to their existing resale agreement under the Telecommunications Act of 1996, 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The amendment to the agreement is attached to this Order as Attachment A and incorporated by reference herein.

Both the Act and Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved.

The amendment to the existing agreement covers a two-year period and governs the relationship between the companies regarding local interconnection and the exchange of traffic pursuant to 47

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U.S.C. § 251. Under 47 U.S.C. § 252(a)(1), the agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement.

Upon review of the proposed amendment to the existing agreement, we believe that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. BST and Comm South are also required to file any subsequent supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e). We note that Comm South does not currently hold a Florida certificate to provide alternative local exchange telecommunications services, and therefore, it cannot provide alternative local exchange telecommunications services under this agreement until it obtains a certificate from this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the amendment to the existing resale agreement between BellSouth Telecommunications, Inc. and Comm South Companies, Inc., as set forth in Attachment A and incorporated by reference in this Order, is hereby approved. It is further

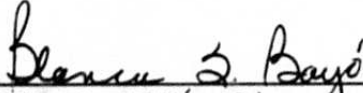
ORDERED that any supplements or modifications to this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

ORDERED that Comm South Companies, Inc. shall not provide alternative local exchange telecommunication services under this agreement until it obtains a certificate to provide alternative local exchange telecommunications services from this Commission. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 9th,
day of February, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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 in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6).

AMENDMENT
TO
RESALE AGREEMENT BETWEEN
COMM SOUTH COMPANIES, INC. AND
BELLSOUTH TELECOMMUNICATIONS, INC. DATED JULY 3, 1996

Pursuant to this Agreement (the "Amendment"), Comm South Companies, Inc. ("Comm South") and BellSouth Telecommunications, Inc. ("BellSouth") hereinafter referred to collectively as the "Parties" hereby agree to amend that certain Resale Agreement between the Parties dated July 3, 1997 ("Resale Agreement").

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Comm South and BellSouth hereby covenant and agree as follows:

1. Comm South Companies is amending the Resale Agreement as shown below

Comm South Companies, d/b/a Alabama Comm South
Comm South Companies, d/b/a Florida Comm South
Comm South Companies, d/b/a Kentucky Comm South
Comm South Companies, d/b/a Louisiana Comm South
Comm South Companies, d/b/a Mississippi Comm South
Comm South Companies, d/b/a Comm South in Tennessee

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their respective duly authorized representatives on the date indicated below.

Toby Wilson
COMM SOUTH COMPANIES, INC.

By: Toby Wilson

DATE: 10-10-97

Jerry Hendrix
BELLSOUTH TELECOMMUNICATIONS, INC.

By: Jerry Hendrix

DATE: 10/10/97