

M E M O R A N D U M

May 15, 1998

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MAY 1 1998
2:50
FEDERAL BUREAU OF INVESTIGATION

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX) *WPC mcb*

RE: DOCKET NO. 980201-TP - REQUEST BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF THIRD AMENDMENT TO INTERCONNECTION AGREEMENT WITH BELLSOUTH CELLULAR CORPORATION PURSUANT TO SECTIONS 251, 252, AND 271 OF THE TELECOMMUNICATIONS ACT OF 1996.

98-0670-FDF-TP

Attached is an ORDER APPROVING THIRD AMENDMENT TO INTERCONNECTION AGREEMENT, with attachments, to be issued in the above-referenced docket. (Number of pages in order - 6)

WPC/slh
Attachment
cc: Division of Communications
I:/980201.wpc

See 1 & 2

ATTACHMENT(S) NOT ON-LINE

*3, reviewed -
KAR*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Telecommunications, Inc. for Approval of Third Amendment to Interconnection Agreement with BellSouth Cellular Corp. Pursuant to Sections 251, 252, and 271 of the Telecommunications Act of 1996.

DOCKET NO. 980201-TP
ORDER NO. PSC-98-0670-FOF-TP
ISSUED: May 15, 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

ORDER APPROVING THIRD AMENDMENT TO
INTERCONNECTION AGREEMENT

BY THE COMMISSION:

On February 6, 1998, BellSouth Telecommunications, Inc. (BST) and BellSouth Cellular Corp. (BSC) filed a request for approval of a third amendment to their interconnection agreement under the Telecommunications Act of 1996, 47 U.S.C. § 252(e) of the Telecommunications Act of 1996 (the Act). The original agreement was filed on March 7, 1997, in Docket No. 970286-TP. 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.

DOCUMENT NUMBER-DATE

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REGISTRATION REPORTING

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This agreement covers a two period and governs the relationship between the companies regarding local interconnection and the exchange of traffic pursuant to 47 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 agreement, we believe that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. The Commission's approval of this agreement should not be construed as a determination that BST has met the requirements of Section 271 of the Act. BST and BSC 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 BSC does not currently hold a Florida certificate to provide alternative local exchange telecommunications service, 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 third amendment to the interconnection agreement between BellSouth Telecommunications, Inc. and BellSouth Cellular Corp., 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 BellSouth Cellular Corp. shall not provide alternative local exchange telecommunications 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 15th
day of May, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

WPC

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).

THIRD AMENDMENT

TO

**INTERCONNECTION AGREEMENT BETWEEN
BELLSOUTH CELLULAR CORP. AND BELLSOUTH TELECOMMUNICATIONS, INC**

WHEREAS, pursuant to sections 251 and 252 of the Telecommunications Act of 1996, BellSouth Cellular Corp. and BellSouth Telecommunications, Inc. entered into an interconnection agreement (the "Agreement") for the rates, terms, and conditions of the exchange of traffic between the parties to be effective January 1, 1997;

WHEREAS, the Agreement was approved by the Alabama Public Service Commission on May 5, 1997; by the Florida Public Service Commission on May 19, 1997; by the Georgia Public Service Commission on May 27, 1997; by the Kentucky Public Service Commission on April 9, 1997; by the Louisiana Public Service Commission on June 10, 1997; by the Mississippi Public Service Commission on April 29, 1997; and as filed with the Tennessee Regulatory Authority;

WHEREAS, the Agreement provided for an initial LATA-wide Additive that was included in Type 1 and Type 2A rates, subject to further negotiation by the parties; and

WHEREAS, BellSouth Cellular Corp. and BellSouth Telecommunications Inc. have negotiated a final LATA-wide Additive as set forth herein.

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, BellSouth Cellular Corp. and BellSouth Telecommunications, Inc. hereby covenant and agree as follows:

1. Section V of the Agreement is hereby revised to read as follows:

V. Modification of Rates

The LATA-wide Additive reflected in Attachment B-1 for Type 1 and Type 2A rates is intended to compensate BellSouth for additional transport and other costs associated with transporting and terminating Local Traffic throughout a LATA instead of only within local calling areas as defined by the Commission as of the Effective Date. From the Effective Date until the expiration or termination of the Agreement, the LATA-wide Additive shall be the rate per minute in each state as set forth in Attachment B-1 (Amended). The parties shall make the adjustment, or "true-up" described in the original Section V of the Agreement for the purpose of applying the final LATA-wide Additive back to the Effective Date of the Agreement.

ATTACHMENT A

2. Attachment B-1 of the Agreement is hereby revised and replaced with Attachment B-1 (Amended) appended hereto and made a part hereof.

3. The parties agree that except as specifically modified by this Amendment all other provisions of the Agreement shall remain in full force and effect.

4. The parties further agree that either or both of the parties is authorized to submit this Amendment to the Commission or other regulatory body having jurisdiction over the subject matter of this Amendment for approval subject to Section 252(e) of the Telecommunications Act of 1996.

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

BellSouth Cellular Corp.

By: *R. M. Allent*

MSD DATE: *12/24/97*

BellSouth Telecommunications, Inc.

By: *[Signature]*

DATE: *12/16/97*

ATTACHMENT B-1(Amended)

CMRS Local Interconnection Rates
(All rates are Per Minute of Use)

Alabama

Type 1 (End Office Switched): .004709 (Includes LATAwide Additive of .000499)
Type 2A (Tandem Switched): .004709 (Includes LATAwide Additive of .000499)
Type 2B (Dedicated End Office): .0017

Florida

Type 1 (End Office Switched): .003776 (Includes LATAwide Additive of .000516)
Type 2A (Tandem Switched): .003776 (Includes LATAwide Additive of .000516)
Type 2B (Dedicated End Office): .002

Georgia

Type 1 (End Office Switched): .004513 (Includes LATAwide Additive of .000533)
Type 2A (Tandem Switched): .004513 (Includes LATAwide Additive of .000533)
Type 2B (Dedicated End Office): .00160

Kentucky

Type 1 (End Office Switched): .005273 (Includes LATAwide Additive of .000643)
Type 2A (Tandem Switched): .005273 (Includes LATAwide Additive of .000643)
Type 2B (Dedicated End Office): .002562

Louisiana

Type 1 (End Office Switched): .003730 (Includes LATAwide Additive of .000566)
Type 2A (Tandem Switched): .003730 (Includes LATAwide Additive of .000566)
Type 2B (Dedicated End Office): .001599

Mississippi

Type 1 (End Office Switched): .009104 (Includes LATAwide Additive of .000704)
Type 2A (Tandem Switched): .009104 (Includes LATAwide Additive of .000704)
Type 2B (Dedicated End Office): .0026

Tennessee

Type 1 (End Office Switched): .003767 (Includes LATAwide Additive of .000497)
Type 2A (Tandem Switched): .003767 (Includes LATAwide Additive of .000497)
Type 2B (Dedicated End Office): .0019