

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to interconnection agreement between BellSouth Telecommunications, Inc. and MFS Communications Company, Inc., pursuant to Sections 251, 252, and 271 of the Telecommunications Act of 1996.

DOCKET NO. 980794-TP
ORDER NO. PSC-98-1375-FOF-TP
ISSUED: October 12, 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 EXISTING
INTERCONNECTION AGREEMENT

BY THE COMMISSION:

On June 26, 1998, BellSouth Telecommunications, Inc. (BellSouth) and MFS Communications Company, Inc. (MFS Communications) filed a request for approval of an amendment to the existing interconnection agreement under 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The amendment to the existing 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

11254 OCT 12 98

FPSC-RECORDS/REPORTING

This amendment to the existing agreement governs the relationship between the companies regarding local interconnection and the exchange of traffic pursuant to 47 U.S.C. § 251. 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. The Commission's approval of this agreement should not be construed as a determination that BellSouth has met the requirements of Section 271 of the Act. BellSouth and MFS Communications 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 MFS Communications does not currently hold a Florida certificate to 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 interconnection agreement between BellSouth Telecommunications, Inc. and MFS Communications Company, 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 MFS Communications Company, Inc. 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 12th
day of October, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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 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
MFS COMMUNICATIONS COMPANY, INC. AND
BELLSOUTH TELECOMMUNICATIONS, INC.
DATED AUGUST 26, 1996**

Pursuant to this Agreement, (the "Amendment") MFS Communications Company, Inc. ("MFS") and BellSouth Telecommunications, Inc. ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated August 26, 1996 ("Interconnection 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, MFS and BellSouth hereby covenant and agree as follows:

1. Paragraph 5.8.5 (b) of the Interconnection Agreement is hereby deleted in its entirety and replaced with the following:

5.8.5 (b) In INP arrangements, in order to effect this pass-through of reciprocal compensation and Switched Access charges to which each carrier would otherwise have been entitled if the ported traffic had been directly dialed to the new number, each carrier will estimate percentages of INP traffic by type (Local, Intrastate intraLATA, Intrastate interLATA, and Interstate interLATA). These percentages will then be applied against the applicable reciprocal compensation rate and switched access rate and the results totaled to arrive at a blended rate applicable to all minutes of INP traffic. The calculation and resulting blended rate is shown in Exhibit 7.0.
2. Exhibit 7.0 of the Interconnection Agreement is hereby deleted in its entirety and shall be replaced with Exhibit A of this Amendment.
3. All of the other provisions of the Interconnection Agreement shall remain unchanged and in full force and effect.
4. Either of the Parties is authorized to submit this Amendment to the Florida Public Service Commission for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996.

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ATTACHMENT A

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


MFS Communications Company, Inc.

By: 

Name: Mark Argenbright
Title: Director, Industry Relations

Date: 4/29/98

BellSouth Telecommunications, Inc.

By: 

Name: Jerry D. Hendrix
Title: Director-Interconnection Service-Pricing

Date: 5/4/98

MFS Communications Co., Inc. & BellSouth Telecommunications, Inc.
Partial Florida Interconnection Agreement
Under Sections 251 and 252 of the Telecommunications Act of 1996

Exhibit 7.0

Reciprocal Local Traffic-Local Call Termination Rate

Local Call Termination Rate

\$0.009 Per Minute of Use

Calculation of Blended Rate for Compensation of INP Traffic

Table 1

<u>Terminating Element</u>	<u>Intrastate</u>	<u>Interstate</u>
Carrier Common Line	\$0.017670	\$0.011970
Local Transport Facility	\$0.000240	\$0.00024
Tandem Switching	NA	NA
RIC	\$0.000000	\$0.004392
Local Transport Termination	\$0.000360	\$0.00036
Local Switching	\$0.008760	\$0.00755
Information Surcharge	-	\$0.0003217
Total	\$0.0270300	\$0.0248337

Table 2

	<u>Pct. Of Total Inbound Traffic</u>	<u>Rate/Minute</u>	<u>Weighted Rate</u>
Local	80.00%	\$0.0090000	\$0.0072000
Intrastate Toll	5.00%	\$0.027030	\$0.0013515
Interstate Toll	15.00%	\$0.0248340	\$0.0037251
INP Rate			\$0.0122766