

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for arbitration concerning complaint of American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. against BellSouth Telecommunications, Inc. regarding reciprocal compensation for traffic terminated to internet service providers.

DOCKET NO. 981008-TP
ORDER NO. PSC-98-1481-PCO-TP
ISSUED: November 3, 1998

ORDER AMENDING ISSUES LIST

On August 6, 1998, American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (e.spire) filed a complaint against BellSouth Telecommunications, Inc. (BellSouth). By its Petition, e.spire requests enforcement of its interconnection agreement with BellSouth regarding reciprocal compensation for traffic terminated to Internet Service Providers. On August 31, 1998, BellSouth filed its Answer and Response to e.spire's Petition. This matter has been set for an administrative hearing on January 20, 1999.

On September 28, 1998, Commission staff conducted an issues identification meeting. All parties were in attendance at the meeting. At the meeting, an agreement was reached regarding the issues to be addressed in this proceeding. The agreed list of issues was included in the Order Establishing Procedure, Order No. PSC-98-1396-PCO-TP, issued October 16, 1998, as Attachment A. Due to a scrivener's error, however, the second issue was incorrectly identified. The correct list of issues is set forth below.

1. Is ISP traffic included in the definition of "local traffic" as that term is defined in the Interconnection Agreement between BellSouth and e.spire?

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2. Did the difference in e.spire's minutes of use for terminating local traffic exceed two million minutes in Florida on a monthly basis?
3. In this instance, how should the reciprocal compensation rate, if any, be determined under the parties' Interconnection Agreement?
4. What action, if any, should the Commission take?


Order No. PSC-98-1396-PCO-TP is, therefore, revised to reflect the correct list of issues. Order No. PSC-98-1396-PCO-TP is reaffirmed in all other respects.

Based upon the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that Order No. PSC-98-1396-PCO-TP is amended as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-98-1396-PCO-TP is reaffirmed in all other respects.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 3rd Day of November, 1998.



JOE GARCIA
Commissioner and Prehearing Officer

(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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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.