

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Telecommunications, Inc. for approval of amendment to resale agreement with Pre-Cell Solutions, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

DOCKET NO. 981385-TP
ORDER NO. PSC-99-0046-FOF-TP
ISSUED: January 5, 1999

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 RESELL AGREEMENT

BY THE COMMISSION:

On October 21, 1998, BellSouth Telecommunications, Inc. (BST) and Pre-Cell Solutions, Inc. (Pre-Cell Solutions) filed a request for approval of an amendment to the existing resale agreement under 47 U.S.C. §252(e) of the Telecommunications Act of 1996. 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.

This amendment to the existing agreement governs the relationship between the companies regarding the resale of tariffed telecommunication services. 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 Pre-Cell Solutions 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).

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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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 Pre-Cell Solutions, 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 this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 5th day of January, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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.

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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
PRE-CELL SOLUTIONS, INC. AND
BELLSOUTH TELECOMMUNICATIONS, INC. DATED OCTOBER 31, 1997

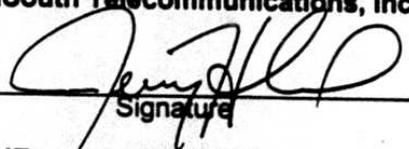
This Amendment ("Amendment") is made as of the date both parties have signed, to that certain Resale Agreement ("Resale Agreement") between BellSouth Telecommunications, Inc. ("BST") and Pre-Cell Communications. ("Pre-Cell"), hereinafter referred to collectively as the "Parties", dated October 31, 1997.

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, Pre-Cell and BellSouth hereby covenant and agree as follows:

1. The Resale Agreement is hereby amended reflect Pre-Cell's change of name from Pre-Cell Solutions, Inc. to Pre-Cell Solutions, Inc. d/b/a DPS Solutions, Inc.
2. All other terms and conditions of the Resale Agreement shall remain in full force and effect.
3. The Parties further agree that either or both of the Parties is authorized to submit this Amendment to the appropriate Public Service Commissions for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996.

IN WITNESS WHEREOF, the Parties have executed this Amendment through their authorized representatives.

BellSouth Telecommunications, Inc.

BY: 
Signature

NAME: Jerry Hendrix
Printed Name

TITLE: Director

DATE: 7/6/98

Pre-Cell Solutions, Inc. d/b/a DPS
Solutions, Inc.

BY: 
Signature

NAME: Thomas E Biddix
Printed Name

TITLE: PRES

DATE: 6/29/98