

MEMORANDUM

February 11, 1999

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX) *MEB for WPC*

RE: DOCKET NO. 981718-TP - In re: Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, and resale agreement with PaeTec Communications, Inc.

99-0286-FOT

Attached is an:

ORDER APPROVING AGREEMENT TO ADOPT IN ITS ENTIRETY
A RESALE, INTERCONNECTION, AND UNBUNDLING AGREEMENT

with attachment, to be issued in the above-referenced docket.
(Number of pages in order - 6)

WPC/slh
Attachment
cc: Division of Communications
I:981718.kmp

See 1

ATTACHMENT(S) NOT ON-LINE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth
Telecommunications, Inc. for
approval of interconnection,
unbundling, and resale agreement
with PaeTec Communications, Inc.

DOCKET NO. 981718-TP
ORDER NO. PSC-99-0286-FOF-TP
ISSUED: February 11, 1999

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING AGREEMENT TO ADOPT IN ITS ENTIRETY
A RESALE, INTERCONNECTION, AND UNBUNDLING AGREEMENT

BY THE COMMISSION:

On November 24, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a request for approval of an agreement with PaeTec Communications, Inc. (PaeTec) to adopt in its entirety a resale, interconnection, and unbundling agreement, pursuant to 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The agreement is attached to this Order as Attachment A and incorporated by reference herein. BellSouth and PaeTec adopt in its entirety the resale, interconnection, and unbundling agreement between BellSouth and U S West Enterprise America, Inc. d/b/a Enterprise America, Inc. (Enterprise America), which was approved by this Commission in Order No. PSC-98-0144-FOF-TP, issued on January 27, 1998.

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

01816 FEB 11 99

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0286-FOF-TP
DOCKET NO. 981718-TP
PAGE 2

This agreement covers the same time period specified in the BellSouth and Interprise America agreement and governs the relationship between the BellSouth and PaeTec 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 find that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. BellSouth and PaeTec must file any supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e). We note that approval of this agreement does not constitute a determination that BellSouth has met the requirements of Section 271 of the Telecommunications Act.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the agreement between BellSouth Telecommunications, Inc. and PaeTec Communications, Inc., to adopt in its entirety a resale, interconnection, and unbundling agreement 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.

ORDER NO. PSC-99-0286-FOF-TP
DOCKET NO. 981718-TP
PAGE 3

By ORDER of the Florida Public Service Commission, this 11th
day of February, 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.

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).

AGREEMENT

This Agreement, which shall become effective as of the 12th day of November, 1998, is entered into by and between PaeTec Communications, Inc., ("PaeTec") a Delaware corporation on behalf of itself, and BellSouth Telecommunications, Inc., ("BellSouth"), a Georgia corporation, having an office at 675 W. Peachtree Street, Atlanta, Georgia, 30375, on behalf of itself and its successors and assigns.

WHEREAS, the Telecommunications Act of 1996 (the "Act") was signed into law on February 8, 1996; and

WHEREAS, section 252(i) of the Act requires BellSouth to make available any interconnection, service, or network element provided under an agreement approved by the appropriate state regulatory body to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement in its entirety; and

WHEREAS, PaeTec has requested that BellSouth make available the interconnection agreement in its entirety executed between BellSouth and US West Interprise America, Inc. d/b/a Interprise America dated October 8, 1997 for the state of Florida.

NOW, THEREFORE, in consideration of the promises and mutual covenants of this Agreement, PaeTec and BellSouth hereby agree as follows:

1. PaeTec and BellSouth shall adopt in its entirety the US West Interprise America, Inc. d/b/a Interprise America Interconnection Agreement dated October 8, 1997 and any and all amendments to said agreement executed and approved by the appropriate state regulatory commission as of the date of the execution of this Agreement. The US West Interprise America, Inc. d/b/a Interprise America Interconnection Agreement and all amendments are attached hereto as Exhibit 1 and incorporated herein by this reference.

2. The term of this Agreement shall be from the effective date as set forth above and shall expire as set forth in section 2 of the General Terms and Conditions of the US West Interprise America, Inc. d/b/a Interprise America Interconnection Agreement. For the purposes of determining the expiration date of this Agreement pursuant to section 2 of the General Terms and Conditions of the US West Interprise America, Inc. d/b/a Interprise America Interconnection Agreement, the effective date shall be October 8, 1997.

3. PaeTec shall accept and incorporate any amendments to the US West Interprise America, Inc. d/b/a Interprise America Interconnection Agreement executed as a result of any final judicial, regulatory, or legislative action.

4. Every notice, consent, approval, or other communications required or contemplated by this Agreement shall be in writing and shall be delivered in person or given by postage prepaid mail, address to:

BellSouth Telecommunications, Inc.

CLEC Account Team
9th Floor
600 North 19th Street
Birmingham, Alabama 35203

and

General Attorney - COU
Suite 4300
675 W. Peachtree St.
Atlanta, GA 30375

PaeTec Communications, Inc.
Attn: J.T. Ambrosi
290 Woodcliff Drive
Fairport, NY 14450

or at such other address as the intended recipient previously shall have designated by written notice to the other Party. Where specifically required, notices shall be by certified or registered mail. Unless otherwise provided in this Agreement, notice by mail shall be effective on the date it is officially recorded as delivered by return receipt or equivalent, and in the absence of such record of delivery, it shall be presumed to have been delivered the fifth day, or next business day after the fifth day, after it was deposited in the mails.

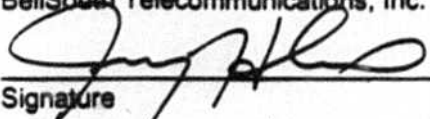
ORDER NO. PSC-99-0286-FOF-TP
DOCKET NO. 981718-TP
PAGE 6

ATTACHMENT A

Page 3

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

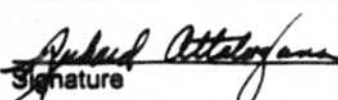
BellSouth Telecommunications, Inc.


Signature

Jerry D. Hendrix
Name

11/12/98
Date

PaeTec Communications, Inc.


Signature

Ricardo Ortalano
Name

11-11-98
Date

10/09/98