

M E M O R A N D U M

April 2, 1999

RECEIVED-FPSC ✓

03 APR -2 AM 11:12

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP*
RE: DOCKET NO. 990056-TP - In re: Request for approval of
amendment of existing resale agreement between BellSouth
Telecommunications, Inc. and Communications Network
Services.

99-0621-FOF

Attached is an:

ORDER APPROVING AMENDMENT TO EXISTING RESALE AGREEMENT

to be issued in the above-referenced docket. (Number of pages in
order - 3)

KMP/slh
Attachment
cc: Division of Communications
I:990056.kmp

2/0

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of
amendment of existing resale
agreement between BellSouth
Telecommunications, Inc. and
Communications Network Services.

DOCKET NO. 990056-TP
ORDER NO. PSC-99-0621-FOF-TP
ISSUED: April 2, 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 AMENDMENT TO EXISTING RESELL AGREEMENT

BY THE COMMISSION:

On January 15, 1999, BellSouth Telecommunications, Inc. (BST) and Communications Network Services (Communications Network) filed a request for approval of an amendment to their existing resale agreement pursuant to 47 U.S.C. § 252(e) of the Telecommunications Act of 1996 (the Act). The amendment to the existing agreement is incorporated by reference herein. A copy of the amendment to the existing agreement may be obtained from the official docket file by contacting our Division of Records and Reporting.

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.

The existing agreement governs the relationship between the companies regarding the resale of tariffed telecommunication services. Under 47 U.S.C. § 252(a)(1), the agreement shall include

DOCUMENT NUMBER-DATE

04283 APR-28

PESC RECORDS/REPORTING

ORDER NO. PSC-99-0621-FOF-TP
DOCKET NO. 990056-TP
PAGE 2

a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement states that telecommunications services provided by BST for resale will be available for purchase by Communications Network at a discount rate of 21.83% for residential services and 16.81% for business services.

Upon review of the proposed amendment to the existing agreement, we find that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. BST and Communications Network 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 Communications Network 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 amendment to the existing resale agreement between BellSouth Telecommunications, Inc. and Communications Network Services, is incorporated by reference in this Order, and is hereby approved. A copy of the amendment to the existing agreement may be obtained as specified in the body of this Order. 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 Communications Network Services 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.

ORDER NO. PSC-99-0621-FOF-TP
DOCKET NO. 990056-TP
PAGE 3

BY ORDER of the Florida Public Service Commission this 2nd day
of April, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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).