

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, and resale agreement with The Other Phone Company, Inc. d/b/a Access One Communications.

DOCKET NO. 990210-TP
ORDER NO. PSC-99-0964-PCO-TP
ISSUED: May 12, 1999

ORDER DENYING INTERVENTION

On March 24, 1999, MCI Telecommunications Corporation, MCIMetro Access Transmission Services, LLC, and WorldCom Technologies, Inc. (collectively, MCI WorldCom), filed a petition to intervene in Docket No. 990210-TP. On April 13, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed an Opposition to Petition to Intervene filed by MCI WorldCom in Docket No. 990210-TP.

MCI WorldCom asserts that its interests are affected by this docket because the interconnection agreement filed by BellSouth Telecommunications, Inc. fails to disclose all terms and conditions as required by federal law. Further, MCI WorldCom contends that pursuant to Section 252(e) of the Telecommunications Act of 1996 (the Act) a state commission may reject an interconnection agreement if the agreement discriminates against a carrier not a party to the agreement, or if the agreement is inconsistent with the public interest, convenience and necessity. MCI WorldCom further maintains it would be harmed because under Section 252(I) of the Act, the "pick and choose" provision, ALECs have the right to select provisions from another carrier's agreement and incorporate them into their own contracts. If BellSouth can shield portions of interconnection agreements from disclosure, MCI WorldCom believes its right to effectively pick and choose would be eliminated.

BellSouth opposes intervention by MCI WorldCom on the grounds that intervention is restricted because BellSouth and Access One submitted their negotiated agreement for approval pursuant to Section 252 of the Act. Additionally, BellSouth maintains that MCI WorldCom does not have a substantial interest affected by this

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docket. BellSouth asserts that its intervention is therefore inappropriate.

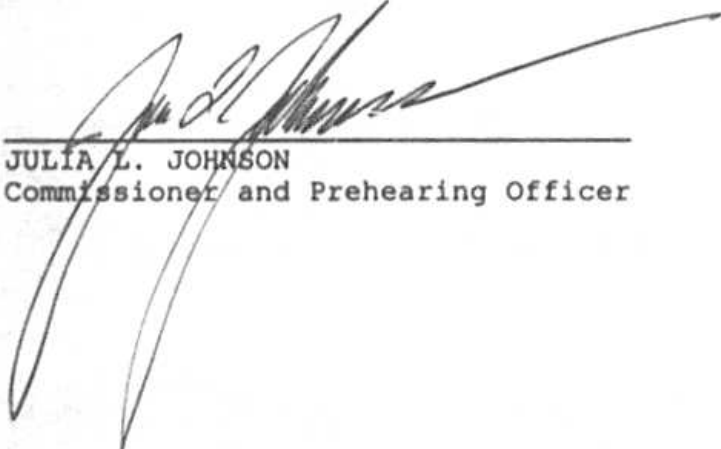
The Commission has previously determined that an interconnection agreement is an agreement between two parties that is binding only on those parties. The Act does not contemplate participation by other entities who are not parties to the negotiations and who will not be parties to the ultimate interconnection agreement that results. Entities, which are not signatories to the agreement, are not proper parties to the agreement approval proceedings. Although they may, in some indirect way, be affected by a particular decision, their substantial interests are not affected by an agreement between other parties.

This proceeding is an approval request for an interconnection agreement between BellSouth and Access One. The decisions to be made here will become part of the ultimate interconnection agreement between the parties to the negotiations and will be binding upon them. Therefore, the only proper parties are BellSouth and Access One. Accordingly, the petition for intervention in Docket No. 990210-TP of MCI WorldCom is denied.

Based on the foregoing, it is, therefore,

ORDERED by Commissioner Julia L. Johnson, that the Petition to Intervene filed by MCI Telecommunications Corporation, MCIMetro Access Transmission Services, LLC, and WorldCom Technologies, Inc. is denied.

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 12th day of May, 1999.



JULIA L. JOHNSON
Commissioner and Prehearing Officer

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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.