

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of DIECA
Communications, Inc. d/b/a Covad
Communications Company for
arbitration to establish
interconnection agreement with
GTE Florida Incorporated.

DOCKET NO. 990182-TP
ORDER NO. PSC-99-1200-PAA-TP
ISSUED: June 14, 1999

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING NEGOTIATED INTERCONNECTION AGREEMENT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On September 9, 1998, DIECA Communications Inc. d/b/a Covad Communications Company (Covad) requested interconnection negotiations with GTE in three states, including GTE Florida Incorporated (GTEFL) pursuant to Section 252 of the Telecommunications Act of 1996 (the Act). The parties were unable to reach agreement on a number of issues. Therefore, Covad filed a Petition for Arbitration of the unresolved issues on February 16, 1999. This matter was set for hearing April 28, 1999.

Prior to the hearing, the parties notified us that they had reached an agreement. The hearing was, therefore, canceled. On April 30, 1999, pursuant to Section 252(e) of the Act, GTEFL filed a petition with us for approval of its negotiated interconnection, resale, and unbundling agreement with Covad.

DOCUMENT NUMBER-DATE

07207 JUN 14 8

FPSC-RECORDS-REPORTING

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According to Section 252(e), any interconnection agreement adopted by negotiation shall be submitted to the state commission for approval. A state commission may only reject an interconnection agreement if the agreement discriminates against a carrier not a party to the agreement, if the agreement is inconsistent with the public interest, convenience, and necessity, or if the agreement does not meet the requirements of Section 251.

Having reviewed this agreement, we find that it meets the standards set forth in Section 252(e). The agreement is, therefore, approved. We note that this agreement includes three appendices that have not been executed (signed), but have been included in the filing. These appendices are: Appendix G, SS7 Services; Appendix H, Pole Attachment Agreement; and Appendix I, Conduit Occupancy Agreement. When and if any of these appendices are executed, the parties shall amend their agreement and submit the amendment for our approval.

It is therefore

ORDERED by the Florida Public Service Commission that GTE Florida Incorporated's Petition for Approval of Interconnection, Resale and Unbundling Agreement with DIECA Communications, Inc. d/b/a Covad Communications Company is approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon issuance of the consummating order.

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By ORDER of the Florida Public Service Commission this 14th
day of June, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

BK

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 that is available under Section 120.57, 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 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.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 5, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a consummating order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

M E M O R A N D U M

June 9, 1999

RECEIVED-FPSC

99 JUN 14 PM 1:45

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK CB*

RE: DOCKET NO. 990182-TP - PETITION OF DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS COMPANY FOR ARBITRATION TO ESTABLISH INTERCONNECTION AGREEMENT WITH GTE FLORIDA INCORPORATED.

99-1200-PAA

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING NEGOTIATED INTERCONNECTION AGREEMENT, to be issued in the above-referenced docket. (Number of pages in order - *13*)

BK/anr
Attachment
cc: Division of Communications
I: 990182or.bk

See 1.8

2F/om

Requisition for Photocopying and Mailing

Date 6/14/99

Number of Originals 3 Copies Per Original 17

Requested By Mark Taylor

Item Presented

Agenda For (Date) _____ Order No. 99-1200 In Docket No. 990120 TP

Notice of _____ For (Date) _____ In Docket No. _____

Other 1

Special Handling Instructions

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<u>17</u>	<u>Commission Offices</u>
<u>0</u>	<u>Docket Mailing List - Mailed</u>
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Note: Items must be mailed and/or returned within one working day after issue unless specified here.

Print Shop Verification

Job Number 143 Verified By Mark Taylor

Date and Time Completed 6/16 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____ Verified By _____