

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by American  
Communications Services of  
Jacksonville, Inc. d/b/a e.spire  
Communications, Inc. For  
arbitration of unresolved issues  
in an interconnection agreement  
with BellSouth  
Telecommunications, Inc.

DOCKET NO. 981745-TP  
ORDER NO. PSC-99-1241-FOF-TP  
ISSUED: June 23, 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 CLOSING DOCKET

BY THE COMMISSION:

On November 25, 1998, American Communications Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. (e.spire) and its Florida operating subsidiaries filed a Petition for Arbitration under 47 U.S.C. §252(d), seeking arbitration of certain unresolved issues in its interconnection negotiations with BellSouth Telecommunications, Inc. (BellSouth). BellSouth responded on December 21, 1998. This matter was set for an arbitration hearing on March 18, 22, 23, and 24, 1999.

On April 19, 1999, e.spire and BellSouth entered into an agreement settling the arbitration proceeding. The agreement is embodied as the Fourth Amendment to the Parties' Interconnection Agreement dated July 25, 1996, as amended, and was filed with this Commission on May 12, 1999. Approval of the Amendment is pending in Docket No. 990614-TP. On May 17, 1999, e.spire filed a Notice of Withdrawal of its Petition for Arbitration without prejudice.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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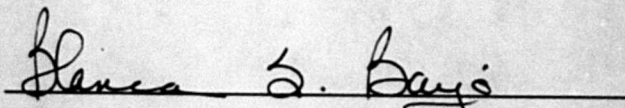
In response, we hereby acknowledge e.spire's Notice of Withdrawal of Petition for Arbitration. With e.spire's voluntary withdrawal of its Petition, no further issues remain for us to address in this docket. Accordingly, Docket No. 981745-TP is hereby closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that American Communications Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc.'s Notice of Withdrawal of Petition for Arbitration is hereby acknowledged. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 23rd day of June, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

WPC

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 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.