

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice by Sprint-Florida, Incorporated of adoption of an approved interconnection and resale agreement between Sprint-Florida, Incorporated and MCImetro Access Transmission Services, Inc. by KMC Telecom III, Inc.

DOCKET NO. 990734-TP
ORDER NO. PSC-99-1413-FOF-TP
ISSUED: July 23, 1999

ORDER APPROVING ADOPTION OF INTERCONNECTION,
AND RESALE AGREEMENT

BY THE COMMISSION:

On June 8, 1999, Sprint-Florida, Incorporated (Sprint-Florida) and KMC Telecom III, Inc. (KMC Telecom III) filed a notice of adoption in its entirety of the interconnection and resale agreement entered into and between Sprint-Florida and MCImetro Access Transmission Services, Inc. (MCImetro), pursuant to 47 U.S.C. §252(i) of the Telecommunications Act of 1996 (the Act). This agreement was approved by the Commission by Order No. PSC-97-0565-FOF-TP, issued on May 20, 1997, and is incorporated by reference herein. A copy of the 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(i) requires that a local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved by the state commission to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement in its entirety. Further, 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 adoption of this agreement shall be effective on the date of issuance of this Order and will expire on the date specified in the Sprint-Florida and MCImetro agreement. This agreement governs

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the relationship between the companies regarding local interconnection and the exchange of traffic pursuant to 47 U.S.C. §251.

Upon review of the proposed adoption, we find that it complies with the Act; thus, we hereby approve it. Sprint-Florida and KMC Telecom III are also required to file any subsequent supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e). We note that KMC Telecom III 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 to provide alternative local exchange telecommunications service from this Commission.

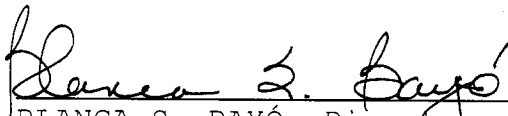
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Sprint-Florida, Incorporated and KMC Telecom III, Inc.'s adoption in its entirety of Sprint-Florida, Incorporated and MCImetro Access Transmission Services, Inc.'s interconnection and resale agreement, incorporated by reference in this Order, is hereby approved. A copy of the 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 this docket is hereby closed.

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



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.

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.