

Original

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth  
Telecommunications, Inc. for  
approval of collocation  
agreement with Pathnet, Inc.

DOCKET NO. 991350-TP  
ORDER NO. PSC-99-2072-FOF-TP  
ISSUED: October 21, 1999

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING COLLOCATION AGREEMENT

BY THE COMMISSION:

On September 8, 1999, BellSouth Telecommunications, Inc. (BellSouth) and Pathnet, Inc. (Pathnet) filed a request for approval of a collocation agreement pursuant to 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The agreement 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(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved.

This agreement covers a two-year period and governs the relationship between the companies regarding physical collocation services under 47 U.S.C. § 251. The agreement states that collocation space will be provided for Pathnet in BellSouth's Central Office. Rates for the collocation space and telecommunications services are set out in the attached schedules.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-2072-FOF-TP  
DOCKET NO. 991350-TP  
PAGE 2

Upon review of the proposed agreement, we believe that it complies with the Act; thus, we hereby approve it. The Commission's approval of this agreement should not be construed as a determination that BST has met the requirements of Section 271 of the Act. BellSouth and Pathnet 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 Pathnet 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.

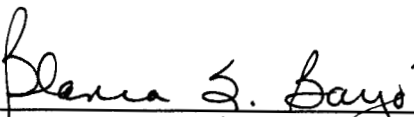
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the collocation agreement between BellSouth Telecommunications, Inc. and Pathnet, Inc., is incorporated by reference in this Order, and 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 shall be closed.

By ORDER of the Florida Public Service Commission, this 21st day of October, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

KMP

ORDER NO. PSC-99-2072-FOF-TP  
DOCKET NO. 991350-TP  
PAGE 3

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).

M E M O R A N D U M

October 20, 1999

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RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP/SL*  
RE: DOCKET NO. 991350-TP - REQUEST BY BELLSOUTH  
TELECOMMUNICATIONS, INC. FOR APPROVAL OF COLLOCATION  
AGREEMENT WITH PATHNET, INC.

*2072-FOF*

Attached is an ORDER APPROVING COLLOCATION AGREEMENT, to be issued in the above-referenced docket. (Number of pages in order - 3)

KMP/anc  
Attachment  
cc: Division of Communications  
I: 991350.kmp

*Y(10)*