

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by GTE Florida Incorporated for approval of adoption of an approved interconnection agreement between GTE Florida and AT&T Communications of the Southern States, Inc. by Supra Telecommunications and Information Systems, Inc.

DOCKET NO. 000094-TP  
ORDER NO. PSC-00-0658-FOF-TP  
ISSUED: April 7, 2000

ORDER APPROVING ADOPTION OF INTERCONNECTION AGREEMENT

BY THE COMMISSION:

On January 26, 2000, GTE Florida Incorporated (GTEFL) filed a notice of adoption of an interconnection agreement that had previously been entered into between AT&T Communications of the Southern States, Inc. (AT&T) and GTE Florida Incorporated, by Supra Telecommunications and Information Systems, Inc. (Supra).

In the letter which accompanied the Notice of Adoption GTEFL stated its position on issues regarding the adopted agreement. First, GTEFL stated that it will continue to provide all UNEs specified in the agreement, although it believes it is not legally obligated to do so. Second, GTEFL stated that Supra should not attempt to order UNE platforms or combinations of already bundled UNEs. Third, GTEFL stated that if the FCC has not promulgated new rules on UNEs and related matters prior to the expiration of the agreement, GTEFL will continue to provide services under the term of the agreement until the FCC issues its new rules. Fourth, GTEFL asserted that it does not waive any rights or its current positions by entering into this agreement. Finally, GTEFL stated that:

The provisions of the contract that might be interpreted to require reciprocal compensation or payment as local traffic from GTE to the telecommunications carrier for the delivery of traffic to the Internet are not available for adoption and are not part of the 252(i) adoption of the Terms pursuant to FCC Rule 809 and paragraphs 1317 and 1318 of the First Report and Order.

DOCUMENT NUMBER-DATE

04319 APR-78

FPSC-RECORDS/REPORTING

GTE Florida Incorporated Adoption Letter to Supra, p.3. GTEFL added that:

Specifically, the definition of "Local Traffic" includes this provision: Local Traffic excludes information service provider (ISP) traffic (i.e., Internet, 900-976, etc.).

GTEFL Adoption Letter to Supra, p.3.

GTEFL further noted that the FCC allows the ILECs to deny requests for 252(i) adoptions in situations where the cost of providing an item to the requesting carrier is higher than that incurred to serve the initial carrier, or when it is technical infeasible to provide a given element.

We note that GTEFL acknowledges that Supra is adopting the GTEFL/AT&T agreement, and that Supra does not necessarily agree with GTEFL's positions regarding traffic to ISPs. GTEFL explained that its letter is merely a statement of its position on these issues and that neither it nor Supra waives any position or argument either may have under the adopted agreement. GTEFL's letter concluded with a statement that by signing the letter, Supra waives no rights under the agreement and only agrees to the following provisions: 1) having its name substituted into the agreement where it currently reads AT&T; 2) providing an address and telephone number for correspondence; and 3) that Supra is certificated in the state of Florida to provide local telecommunications and the agreement is only valid in Florida.

Our staff contacted Supra, and Supra confirmed that it did not agree with GTEFL's positions stated in its letter. Supra emphasized that it intended to adopt the agreement pursuant to Section 252(i) of the Telecommunications Act of 1996 as written. In a separate letter written by Supra to GTEFL on December 23, 1999, Supra emphasized that it agreed only to the three specific provisions set forth at the conclusion of GTEFL's letter: 1) having its name substituted into the agreement where it currently reads AT&T; 2) providing an address and telephone number for correspondence; and 3) that Supra is certificated in the state of Florida to provide local telecommunications and the agreement is only valid in Florida.

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Based on the foregoing, we hereby approve Supra's adoption of the GTEFL/AT&T agreement in its entirety with the clarification that GTEFL's letter in no way modifies the agreement. The letter appears to be a preliminary statement by GTEFL of its position should disputes later arise under the adopted agreement. Approval of the adoption shall in no way be construed as agreement by Supra or this Commission with GTEFL's positions set forth in the letter.

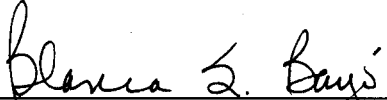
Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Supra Telecommunications and Information Systems, Inc.'s adoption in its entirety of GTE Florida Incorporated and AT&T Communications of the Southern States, Inc.'s interconnection agreement is hereby approved. It is further

ORDERED that approval of the adoption shall in no way be construed as agreement by Supra Telecommunications and Information Systems, Inc. or this Commission with GTE Florida Incorporated's positions set forth in the letter accompanying the parties' Notice of Adoption discussed herein. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of April, 2000.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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.