

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Telecommunications, Inc. for approval of adoption of existing interconnection, unbundling, resale, and collocation agreement, including amendments that were previously approved, between BellSouth and DIECA Communications, Inc. d/b/a Covad Communications Company by Newpath Holdings.

DOCKET NO. 001690-TP  
ORDER NO. PSC-01-0159-FOF-TP  
ISSUED: January 19, 2001

ORDER APPROVING ADOPTION OF INTERCONNECTION, UNBUNDLING,  
RESALE, AND COLLOCATION AGREEMENT

BY THE COMMISSION:

On November 13, 2000, BellSouth Telecommunications, Inc. (BellSouth) and Newpath Holdings (Newpath) filed a notice of adoption in its entirety of the interconnection, unbundling, resale, and collocation agreement and all amendments to this agreement, entered into and between BellSouth and DIECA Communications, Inc. d/b/a Covad Communications Company, 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-99-0311-FOF-TP, issued on February 18, 1999, and is incorporated by reference herein. A copy of the agreement may be obtained by contacting our Division of Records and Reporting.

The Act encourages parties to enter into negotiated agreements. 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.

DOCUMENT NUMBER-DATE

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ORDER NO. PSC-01-0159-FOF-TP  
DOCKET NO. 001690-TP  
PAGE 2

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 agreement. This agreement governs the relationship between the companies regarding physical collocation, local interconnection and the exchange of traffic pursuant to 47 U.S.C. § 251. The agreement states that collocation space will be provided for Newpath in BellSouth's Central Offices and telecommunications services provided by BellSouth for resale will be available for purchase by Newpath. Rates for the collocation space and telecommunications services are set out in the schedules included in the agreement. Under 47 U.S.C. § 252(a)(1), the agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement.

Upon review of the proposed adoption, we find that it complies with the Act; thus, we hereby approve it. We note that we hereby approve the adoption of the amendments to the agreement that we have approved as of the issuance of this Order. BellSouth and Newpath are also required to file any subsequent supplements or modifications to this agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e). We note that Newpath 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 BellSouth Telecommunications, Inc. and Newpath Holdings's adoption in its entirety of BellSouth Telecommunications, Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company's interconnection, unbundling, resale, and collocation 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

ORDER NO. PSC-01-0159-FOF-TP  
DOCKET NO. 001690-TP  
PAGE 3

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 19th  
day of January, 2001.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

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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 are 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).