

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth
Telecommunications, Inc. for
approval of amendment to
existing interconnection,
unbundling, resale, and
collocation agreement with
BlueStar Networks, Inc.

DOCKET NO. 001578-TP
ORDER NO. PSC-01-0602-FOF-TP
ISSUED: March 13, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER RECONSIDERING VOTE AND APPROVING AMENDMENT TO EXISTING
INTERCONNECTION, UNBUNDLING, RESALE, AND COLLOCATION AGREEMENT

BY THE COMMISSION:

On October 20, 2000, BellSouth Telecommunications, Inc. (BellSouth) and BlueStar Networks, Inc. (BlueStar) filed with this Commission a petition for approval of an amendment to their existing interconnection agreement pursuant to 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). By letter dated December 1, 2000, BellSouth requested that the letter be used to correctly style the submittal and the Docket title to reflect that the existing agreement between BellSouth and BlueStar was an interconnection, unbundling, resale, and collocation agreement. The amendment to the existing agreement is incorporated by reference herein. A copy of the amendment to the existing agreement may be obtained by contacting our Division of Records and Reporting.

This docket was scheduled to go to the December 19, 2000, Agenda Conference. On December 18, 2000, our staff requested that this docket be deferred from the Agenda Conference because the

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recommendation did not reflect the docket title as amended by BellSouth. The docket was rescheduled to go to the January 2, 2001, Agenda Conference. On this date, we approved our staff's recommendation. However, after the vote, it was brought to our staff's attention that, due to a scrivener's error, the recommendation reflected that the filing was an agreement instead of an amendment. Therefore, we find it appropriate to reconsider our vote.

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(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved.

The existing 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 BlueStar in BellSouth's Central Offices and telecommunications services provided by BellSouth for resale will be available for purchase by BlueStar. 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 amendment to the existing 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 BellSouth has met the requirements of Section 271 of the Act. BellSouth and BlueStar 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).

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby reconsider our vote at the January 2, 2001, Agenda Conference and approve the amendment to the existing

ORDER NO. PSC-01-0602-FOF-TP
DOCKET NO. 001578-TP
PAGE 3

interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and BlueStar Networks, Inc., incorporated by reference in this Order. A copy of the amendment to the existing 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 13th Day of March, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

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.

ORDER NO. PSC-01-0602-FOF-TP

DOCKET NO. 001578-TP

PAGE 4

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).