

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 Fuzion Wireless Communications, Inc.

DOCKET NO. 010435-TP  
ORDER NO. PSC-01-1200-FOF-TP  
ISSUED: May 29, 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 APPROVING AMENDMENT TO EXISTING  
INTERCONNECTION, UNBUNDLING, RESALE, AND COLLOCATION AGREEMENT

BY THE COMMISSION:

On April 9, 2001, BellSouth Telecommunications, Inc. (BellSouth) and Fuzion Wireless Communications Inc. (Fuzion Wireless) filed a request for approval of an amendment to the existing interconnection, unbundling, resale, and collocation agreement pursuant to 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). 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.

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

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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 Fuzion Wireless in BellSouth's Central Offices and telecommunications services provided by BellSouth for resale will be available for purchase by Fuzion Wireless. 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 Fuzion Wireless 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

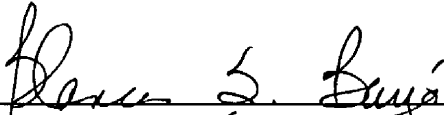
ORDERED by the Florida Public Service Commission that the amendment to the existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and Fuzion Wireless Communications Inc., is incorporated by reference in this Order, and is hereby approved. A 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.

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By ORDER of the Florida Public Service Commission, this 29th  
day of May, 2001.

  
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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 in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6).