

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by XO Florida,
Inc. for arbitration of
unresolved issues with BellSouth
Telecommunications, Inc.

DOCKET NO. 011119-TP
ORDER NO. PSC-03-0198-FOF-TP
ISSUED: February 10, 2003

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY

ORDER APPROVING INTERCONNECTION AGREEMENT

BY THE COMMISSION:

Pursuant to Section 252 of the Telecommunications Act, XO Florida, Inc. (XO) petitioned for arbitration with BellSouth Telecommunications, Inc. (BellSouth) on August 17, 2001. On September 11, 2001, BellSouth filed its Response to XO's petition for arbitration. By Order No. PSC-01-2192-PCO-TP, Order Establishing Procedure, issued November 9, 2001, the procedures were established and the controlling dates set for resolving the fourteen issues identified in the petition and response.

On May 15, 2002, XO, with the concurrence of BellSouth, filed an agreed motion requesting continuance of hearing and to hold discovery in abeyance. In this motion the parties informed the Commission that they had entered a settlement agreement that resolved all of the issues presented in this docket. By Order No. PSC-02-0673-PCO-TP, issued May 16, 2002, XO's motion requesting continuance of hearing and to hold discovery in abeyance was granted.

On December 5, 2002, BellSouth and XO filed a negotiated interconnection agreement. 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

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reject or approve the agreement within 90 days after submission or it shall be deemed approved.

Having reviewed the interconnection agreement, we find it meets the standards set forth in Section 252(e) of the Telecommunications Act of 1996. Therefore, we hereby approve this agreement.

It is therefore,

ORDERED by the Florida Public Service Commission that the final negotiated interconnection agreement between XO Florida, Inc. and BellSouth Telecommunications, Inc. filed on December 5, 2002 is hereby approved. It is further

ORDERED that this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 10th day of February, 2003.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.