

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP
ORDER NO. PSC-05-0639-PCO-TP
ISSUED: June 14, 2005

ORDER ESTABLISHING SCOPE OF PROCEEDING

This Order is issued pursuant to Rules 28-106.109 and 28-106.305, Florida Administrative Code.

On November 1, 2004, BellSouth Telecommunications, Inc. (BellSouth) filed its Petition to establish a generic docket to consider amendments to interconnection agreements resulting from changes of law. Specifically, BellSouth requests that the Commission determine what changes recent decisions¹ from the Federal Communications Commission (FCC) and the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) require in existing approved interconnection agreements between BellSouth and competitive local exchange carriers (CLECs) in Florida. An issue identification meeting was held on April 24, 2005, where a preliminary list of issues was drafted.

In the interest of administrative efficiency, it is appropriate that all certificated CLECs operating in BellSouth's Florida territory be bound by the ultimate findings in this proceeding. Each CLEC has an equal opportunity to participate in the litigation of this matter, including conducting discovery and sponsoring testimony for the hearing. Additionally, no CLEC is precluded from continuing to negotiate with BellSouth during the pendency of this proceeding.

In accordance with the attached Notice of Pending Docket (Attachment A), any CLEC not already a party to this docket who wishes to participate and receive service of documents should file an intervention within fourteen days of this Order. Upon issuance of this Order, the

¹ See In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket Nos. 01-338, 96-98, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, rel. August 21, 2003 (TRO); *United States Telecom Ass'n v. FCC*, 359 F. 3d 554 (D.C. Cir. 2004) (USTA II); In the Matter of Unbundling Access to Network Elements, WC Docket No. 04-313; In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Order and Notice of Proposed Rulemaking, FCC 04-179, rel. August 20, 2004 (Interim Order); In the Matter of Unbundling Access to Network Elements, WC Docket No. 04-313; In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Order on Remand, FCC 04-290, rel. Feb. 4, 2005 (TRRO).

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Division of Commission Clerk and Administrative Services shall forward the Notice to all certificated CLECs operating in BellSouth's Florida territory.


A second issue identification meeting will be scheduled to allow any CLEC not having already provided proposed issues an opportunity to do so. All parties are encouraged, but not required, to participate in the issue identification meeting. Subsequent to the second issue identification meeting, a more detailed Order Establishing Procedure will be issued.

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that all certificated CLECs operating in BellSouth's Florida territory shall be bound by the ultimate findings in this proceeding. It is further

ORDERED that the Division of Commission Clerk and Administrative Services shall forward the Notice of Pending Docket (Attachment A) to all certificated CLECs operating in BellSouth's Florida territory.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 14th day of June, 2005.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(SEAL)

AJT

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

NOTICE OF PENDING DOCKET

On or about November 1, 2004, BellSouth Telecommunications, Inc. filed with the Florida Public Service Commission its Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes of law. BellSouth's petition seeks to require the amendment of existing interconnection agreements to effectuate the FCC's *Triennial Review Order* and the FCC's *Triennial Review Remand Order* and to resolve any disputes arising out of such orders that may be raised in pending negotiations or arbitrations. BellSouth previously provided CLECs written notice of the following changes of law during the timeframes below:

Triennial Review Order:	Notice was issued between 10/17/03 -10/30/03
USTA II:	Notice was issued between 6/30/04 – 7/15/04
FCC Interim Rules:	Notice was issued between 9/22/04 – 9/30/04
Triennial Review Remand:	Notice was issued between 3/14/05 – 3/18/05

Based on a determination that the outcome of this docket will impact all Florida CLECs with existing or pending interconnection agreements with BellSouth Telecommunications, Inc., each Florida CLEC is hereby notified of this pending docket. Any CLEC not already a party to this proceeding who wishes to participate should file an intervention in Docket No. 041269-TL addressed to Ms. Blanca S. Bayó, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 within 14 days of this notice. All CLECs provided notice of this proceeding are hereby notified that existing and pending interconnection agreements between BellSouth and the noticed CLECs will be affected by the outcome of this proceeding.