

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc. for adoption of existing interconnection agreement between ALLTEL Florida, Inc. and Level 3 Communications, LLC.

DOCKET NO. 040343-TP
ORDER NO. PSC-05-0763-AS-TP
ISSUED: July 25, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR

ORDER APPROVING SETTLEMENT AGREEMENT

BY THE COMMISSION:

I. Case Background

On April 19, 2004, Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc. ("Volo") filed a Petition to Adopt ("Petition") the ALLTEL Florida, Inc. ("ALLTEL") and Level 3 Communications, LLC ("Level 3") Interconnection Agreement, which was effective through June 30, 2004. In its Petition, Volo requested that this Commission acknowledge Volo's immediate adoption of the ALLTEL and Level 3 Interconnection Agreement (the "Agreement"), in its entirety, pursuant to §252(i) of the Telecommunications Act of 1996.

On May 7, 2004, ALLTEL filed its Motion to Dismiss ("Motion") the Petition on the basis that it failed to state a cause of action and was not filed within a reasonable time as set forth in 47 C.F.R. §51.809(c). Alternatively, ALLTEL requested that in the event this Commission decided not to grant the Motion, that the matter be set for hearing under §120.57(1), Florida Statutes. On May 19, 2004, Volo filed its Response to ALLTEL's Motion.

We issued Order No. PSC-04-1109-PCO-TP, on November 8, 2004, denying ALLTEL's Motion to Dismiss, and holding proceedings in abeyance for sixty (60) days to allow the parties more time to negotiate. Furthermore, we ordered that if negotiations were not successful, then the matter would be set for hearing.

Our staff counsel contacted counsels for ALLTEL and Volo approximately a week prior to the end of the 60 days, January 7, 2005, to verify the status of negotiations between the parties. Our staff counsel was informed that the holidays had interfered in negotiations, and more time was needed to continue to negotiate and reach a resolution. In order to foster

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negotiations and a settlement, our staff revised the Case Assignment and Scheduling Record to give the parties more time. Shortly thereafter, our staff counsel was advised by counsel for Volo that discussions between the parties had come to a halt, however, this stalemate was temporary. Counsels for Volo and ALLTEL were informed that the matter would be set for hearing if it was determined that the parties had reached an impasse.

Throughout the months of February, March, and April, the parties informed our staff counsel each time a status call was made or an e-mail message was sent that negotiations were ongoing and the parties were nearing settlement. Finally, on May 17, 2005, ALLTEL filed a Motion to Approve Settlement Agreement. The Settlement Agreement was signed by representatives for Volo and ALLTEL.

II. Terms of the Settlement Agreement

A summary of the relevant terms of the Settlement Agreement between ALLTEL and Volo is as follows:

- (a) Upon Commission approval of the Settlement Agreement, Volo shall be deemed to have adopted the existing interconnection agreement between ALLTEL and Level 3 (the "Agreement"), in its entirety.
- (b) The Agreement remains in effect until ALLTEL and Level 3 sign a Successor Agreement and such agreement is filed with the Commission. Upon execution of a Successor Agreement, ALLTEL will provide Volo with written notice in accordance with the notice provisions in the Agreement.
- (c) If Volo does not advise ALLTEL in writing of its intent to adopt the Successor Agreement or other agreement at the end of the notice period, then ALLTEL shall terminate its interconnection relationship with Volo without further notice.
- (d) The Settlement Agreement shall become effective upon approval by the Commission.

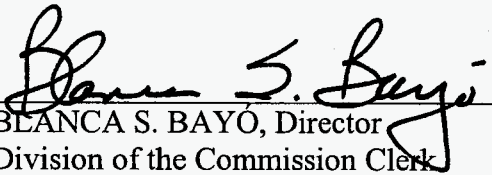
Upon consideration, we find that the parties' proposed Settlement Agreement is reasonable and resolves the issues in this docket. We hereby approve the Settlement Agreement between ALLTEL and Volo.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that ALLTEL Florida, Inc. and Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc.'s proposed Settlement Agreement is hereby approved. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 25th day of July, 2005.


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

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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.