

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine; Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch; DIECA Communications, Inc. d/b/a Covad Communications Company; Florida Digital Network, Inc.; LecStar Telecom, Inc.; MCI Communications, Inc.; and Network Telephone Corporation ("Joint CLECs") for generic proceeding to set rates, terms, and conditions for hot cuts and batch hot cuts for UNE-P to UNE-L conversions and for retail to UNE-L conversions in BellSouth Telecommunications, Inc. service area.

DOCKET NO. 041338-TP

In re: Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc.

DOCKET NO. 040301-TP

ORDER NO. PSC-06-0914-FOF-TP

ISSUED: November 2, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO ARRIAGA

ORDER CLOSING DOCKETS

BY THE COMMISSION:

We are vested with jurisdiction in this matter pursuant to Sections 364.161 and 364.162, Florida Statutes.

On June 23, 2004, Supra Telecommunications and Information Systems, Inc. (Supra) filed its Amended Petition for Arbitration with BellSouth Telecommunications, Inc. (BellSouth). BellSouth filed its Answer and Response on July 21, 2004. The matter was then set for a two-day hearing (December 1-2, 2004) and later reduced to a one-day hearing scheduled for December 2, 2004.

On November 23, 2004, a Petition was filed by the following: ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine; Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch; DIECA Communications, Inc. d/b/a Covad Communications Company; Florida Digital Network, Inc. d/b/a FDN Communications; LecStar

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Telecom, Inc.; MCI Communications, Inc.; and Network Telephone Corporation (Joint CLECs). The Petition requested that the Commission establish a generic proceeding to set rates, terms and conditions for hot cuts and batch hot cuts for UNE-P to UNE-L conversions and for retail to UNE-L conversions in BellSouth Telecommunications, Inc.'s service area.

On November 29, 2004, BellSouth, among other things, asked the Commission that Docket No. 040301-TP be consolidated with Docket No. 041338-TP. By Order No. PSC-05-0157-PCO-TP, issued February 8, 2005, the dockets were consolidated.

On April 19, 2005, by a conference call with the parties, the Prehearing Officer determined which issues would be addressed in hearing and those that would be addressed informally. Specifically, Issues 1-23 were scheduled to be addressed in the October 2005 (Phase I) hearing and Issues 24-26 would be resolved informally.

On September 30, 2005, on behalf of all parties, BellSouth filed a Joint Motion to Approve Stipulation. By Order No. PSC-05-1131-PAA-TP, issued November 10, 2005, and consummated on December 6, 2005, the Commission approved the parties' Joint Stipulation, which addressed most of the issues from Phase I.

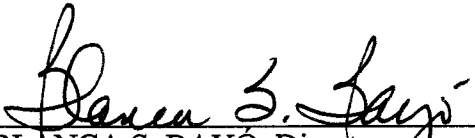
Since that time parties have worked informally to resolve all of the remaining issues. By letter dated September 29, 2006, parties indicate that in Docket No. 041338-TP all of the remaining issues have been resolved, are currently under resolution or have been withdrawn for both phases of this consolidated proceeding. We also note that there are no pending issues in Docket No. 040301-TP.

Specifically, parties indicate that there are no pending issues to be addressed by the Commission. Parties state that their letter of agreement comes with BellSouth's commitment to continue collaborating with CLECs in the resolution of any implementation issues that may arise regarding the issues presented in this proceeding. Further, the parties agree that the dismissal of the dockets cannot be used as a defense against any claim a party might bring in a subsequent proceeding regarding matters not resolved by the hot cut settlement agreement or the implementation referred to above or BellSouth's disconnect fees. Instead, the agreement provides that parties retain any other available defense to such a proceeding. With this agreement, we find that there is nothing further for us to adjudicate. Therefore, Docket Nos. 041338-TP and 040301-TP shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Docket Nos. 041338-TP and 040301-TP shall be closed.

By ORDER of the Florida Public Service Commission this 2nd day of November, 2006.



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