

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, LLC d/b/a AT&T Florida d/b/a AT&T Southeast and EarthLink Business, LLC.

DOCKET NO. 20180210-TP
ORDER NO. PSC-2018-0575-PAA-TP
ISSUED: December 13, 2018

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING AMENDMENT TO INTERCONNECTION AGREEMENT BETWEEN
BELLSOUTH TELECOMMUNICATIONS, LLC D/B/A AT&T FLORIDA
AND
EARTHLINK BUSINESS, LLC.

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission (Commission) that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Case Background

On November 7, 2018, BellSouth Telecommunications, LLC d/b/a AT&T Florida (AT&T) filed an emergency amendment to its existing Interconnection Agreement (ICA) with EarthLink Business, LLC (EarthLink).

AT&T stated in its filing that the amendment was “a result of a Force Majeure event due to the fact that the provisions being amended to the underlying ICA(s) are pre-requisites for the network restoration activities CLEC is undertaking in northwestern Florida to restore service to customers impacted by Hurricane Michael.” This amendment revises the underlying ICA that was filed on March 12, 2010, in Docket Number 20100122-TP, by adding a Microwave Entrance Facilities – Collocation Attachment.

We have jurisdiction pursuant to 47 U.S.C. Section 252(e)(4) and Sections 120.80(13)(d), and 364.16, Florida Statutes.

Decision

47 U.S.C. Section 252(e) provides in relevant part that 1) negotiated ICAs must be submitted to the appropriate state commission for review, 2) a state commission may only reject such agreements for reasons specified in the law, and 3) if a state commission does not act to approve or reject the agreement within 90 days after submission, the agreement is deemed approved. In reviewing an ICA, we must consider specified criteria; if that criteria is met, the agreement goes into effect at the conclusion of the 90 day review window by operation of law.¹ Under the circumstances presented, we find it appropriate to grant AT&T's request and we hereby approve the amendment to the ICA. This will permit the ICA to go into effect sooner than 90 days from the date of filing.

Based on the foregoing, it is

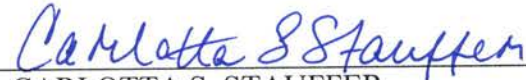
ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, LLC d/b/a AT&T Florida's request for approval of interconnection, unbundling, resale, and collocation agreement between AT&T Florida and Earthlink Business, LLC is hereby approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

¹ Section 2.07.C.5 c, FPSC Administrative Procedures Manual.

By ORDER of the Florida Public Service Commission this 13th day of December, 2018.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

AJW

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 that is available under Section 120.57, 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 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.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 3, 2019.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.