

FLORIDA PUBLIC SERVICE COMMISSION  
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MEMORANDUM

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TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (WIDELL) *RQW*  
DIVISION OF LEGAL SERVICES (DREW) *ACD MCB*

RE: DOCKET NO. 970466-TP - REQUEST FOR APPROVAL OF RESALE  
AGREEMENT NEGOTIATED BETWEEN SPRINT-FLORIDA INC. AND EASY  
CELLULAR, INC. PURSUANT TO SECTIONS 251 AND 252 OF THE  
TELECOMMUNICATIONS ACT OF 1996.

AGENDA: JULY 15, 1997 - REGULAR AGENDA - PARTIES MAY PARTICIPATE

CRITICAL DATES: COMMISSION MUST APPROVE OR DENY BY 7/15/97 PER  
TELECOMMUNICATIONS ACT OF 1996

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970466TP.RCM

CASE BACKGROUND

On April 16, 1997, Sprint-Florida, Inc. (SPRINT) and Easy Cellular, Inc. (EASY) filed a request for approval of a resale agreement. The agreement was executed on March 19, 1997, and the parties are seeking approval of the agreement under the Telecommunications Act of 1996.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 970466-TP  
DATE: JULY 2, 1997

### DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the resale agreement between SPRINT and EASY?

RECOMMENDATION: Yes. The Commission should approve the proposed resale agreement between SPRINT and EASY. The Commission should require SPRINT and EASY to file any subsequent supplements or modifications to their agreement for Commission review under the provisions of 47 U.S.C. § 252(e). (WIDELL)

STAFF ANALYSIS: As stated in the Case Background, SPRINT and EASY are seeking approval of their resale agreement (Attachment A) under the federal Telecommunications Act of 1996 (the Act). Both the Act and revised Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. If the parties reach a negotiated agreement, under 47 U.S.C. § 252(e), the agreement is to be filed with the state commission for approval. 47 U.S.C. § 252(a)(1) requires that "the agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement." Under 47 U.S.C. § 252(e)(4), the state commission must approve or reject the agreement within 90 days after submission, or the agreement shall be deemed approved.

SPRINT and EASY agree to provide service to each other under the terms of this agreement until December 31, 1998; thereafter, the agreement shall continue in force and effect until terminated by either party. Discounts from SPRINT retail rates are 12.06% for Operator Assistance/DA services and 18.95% for all other services. Staff has reviewed the SPRINT and EASY proposed agreement for compliance with the Act and recommends that the Commission approve it pursuant to § 252(e)(2)(A).

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ISSUE 2: Should Docket No. 970466-TP be closed?

RECOMMENDATION: Yes, with the adoption of staff's recommendation in Issue 1, and issuance of the Commission's order approving the agreement, Docket No. 970466-TP should be closed. (DREW)