

FLORIDA PUBLIC SERVICE COMMISSION
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MEMORANDUM

JULY 2, 1997

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

FROM: DIVISION OF COMMUNICATIONS (WIDELL) *ROW*
DIVISION OF LEGAL SERVICES (DREW) *ASD NCB*

RE: DOCKET NO. 970489-TP - REQUEST FOR APPROVAL OF RESALE
AGREEMENT NEGOTIATED BETWEEN BELLSOUTH
TELECOMMUNICATIONS, INC. AND WRIGHT BUSINESS, 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 7/22/97 PER
TELECOMMUNICATIONS ACT OF 1996

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970489TP.RCM

CASE BACKGROUND

On April 23, 1997, BellSouth Telecommunications, Inc. (BST) and Wright Business, Inc. (WRIGHT) filed a request for approval of a resale agreement. The agreement was executed on April 15, 1997, and the parties are seeking approval of the agreement under the Telecommunications Act of 1996.

DOCUMENT NUMBER DATE
06674 JUL-25
FPSC-RECORDS/REPORTING

DOCKET NO. 970489-TP
DATE: July 2, 1997

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the resale agreement between BST and WRIGHT?

RECOMMENDATION: Yes. The Commission should approve the proposed resale agreement between BST and WRIGHT. Since WRIGHT has not been certificated to operate as an ALEC, WRIGHT should not provide service under this agreement until it receives its certificate. The Commission should require BST and WRIGHT 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, BST and WRIGHT 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.

The agreement is a two-year agreement governing the relationship between the companies regarding resale of various services. The wholesale discounts from the BST retail rates are 18% for residential services and 12% for business services. It must be noted that WRIGHT has not been certificated as an ALEC and should not provide service under this agreement until it receives its certificate. Staff has reviewed the BST and WRIGHT 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. 970489-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. 970489-TP should be closed. (DREW)