

FLORIDA PUBLIC SERVICE COMMISSION
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MEMORANDUM

February 26, 1998

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FPSC - RECORDS/REPORTING

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

FROM: DIVISION OF COMMUNICATIONS (GREEN) *SB RW*
DIVISION OF LEGAL SERVICES (COX) *JPC NRB*

RE: DOCKET NO. 971373-TP - REQUEST BY BELLSOUTH
TELECOMMUNICATIONS, INC. FOR APPROVAL OF RESALE AGREEMENT
NEGOTIATED WITH AMERICAN METROCOMM CORPORATION PURSUANT
TO SECTION 252(e) OF THE TELECOMMUNICATIONS ACT OF 1996.

AGENDA: MARCH 10, 1998 - REGULAR AGENDA - FINAL ORDER - PARTIES
MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\971373TP.RCM

CASE BACKGROUND

On November 16, 1997, BellSouth Telecommunications, Inc. (BST) filed a request for approval of agreement negotiated with American MetroComm Corporation (AMC) pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act). Staff filed a recommendation on December 18, 1997 to approve the agreement pursuant to the requirements of the Act. After the agenda conference, staff realized the agreement was inadvertently identified as a resale agreement in the recommendation when in fact it should have been identified as a collocation agreement.

DOCUMENT NUMBER-DATE

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DATE: MARCH 10, 1998

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the negotiated collocation agreement between BST and AMC pursuant to Section 252(e) of the Telecommunications Act of 1996?

RECOMMENDATION: Yes. The agreement should be considered effective as of December 18, 1997.

STAFF ANALYSIS: As discussed in the Case Background, the agreement between BST and AMC was filed on November 16, 1997. Pursuant to the Act, the Commission is required to approve the agreement within 90 days from the date of the filing. The Commission approved the agreement at the December 18, 1997 agenda conference. However, after the agenda conference, staff realized that the agreement was identified on the consent agenda as a resale agreement when in fact it should have been identified as a collocation agreement. Therefore, staff is bringing this recommendation to clarify what the Commission approved.

Since the error was not the result of any oversight of the companies and negotiated agreements are not effective until approved by the Commission, staff would recommend the agreement be considered effective as of the date of the Commission's original vote (December 18, 1997) on the agreement.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, with the adoption of staff's recommendation in Issue 1, this docket should be closed.

STAFF ANALYSIS: With the Commission's approval of Issue 1, there are no further matters in this docket the Commission must address. Therefore, staff recommends the Commission close this docket.