

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by AT&T
Communications of the Southern
States, Inc. for arbitration of
certain terms and conditions of
a proposed agreement with GTE
Florida Incorporated concerning
interconnection and resale under
the Telecommunications Act of
1996.

DOCKET NO. 960847-TP

In re: Petition by MCI
Telecommunications Corporation
and MCI Metro Access
Transmission Services, Inc. for
arbitration of certain terms and
conditions of a proposed
agreement with GTE Florida
Incorporated concerning resale
and interconnection under the
Telecommunications Act of 1996.

DOCKET NO. 960980-TP
ORDER NO. PSC-98-0441-FOF-TP
ISSUED: March 30, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER CLOSING DOCKETS

BY THE COMMISSION:

I. BACKGROUND

On March 11, 1996, AT&T Communications of the Southern States
(AT&T) requested that GTE Florida Incorporated (GTEFL) begin
negotiations for an interconnection agreement pursuant to 47 U.S.C.
252 of the Telecommunications Act of 1996 (the Act). On August 16,

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1996, AT&T filed a petition for arbitration of unresolved issues pursuant to Section 252 of the Act (Docket No. 960847-TP).

On April 3, 1996, MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. (collectively MCI) requested that GTEFL begin negotiations. On August 28, 1996, MCI filed its petition for arbitration with GTEFL, and also filed a motion to consolidate its arbitration proceeding (Docket No. 960980-TP) with the AT&T/GTEFL arbitration proceeding. On September 13, 1996, we granted MCI's motion to consolidate the dockets in Order No. PSC-96-1152-PCO-TP.

On October 14-16, 1996, we conducted an evidentiary hearing for the consolidated dockets. In Order No. PSC-97-0064-FOF-TP, we set forth our decision on the issues addressed by the parties in four main subject areas: network elements; resale; transport and termination; and implementation matters. Although permanent rates were established for the majority of elements requested by AT&T and MCI, we established interim rates for certain elements where there was insufficient information with which to set permanent rates. Order No. PSC-97-0064-FOF-TP required, among other things, that GTEFL file new cost studies for these elements. Further hearings were scheduled to address these matters. AT&T and MCI have now notified us that they do not require immediate use of the remaining elements; they therefore have requested that these dockets be closed.

II. DISCUSSION

By separate letters dated January 30, 1998, MCI and AT&T notified us that they do not presently require the remaining unbundled network elements (UNEs) for which interim rates were set in Order No. PSC-97-0064-FOF-TP in this docket. In order not to tie up our resources and those of the parties involved, the companies have requested that these proceedings be terminated. In their letters, AT&T and MCI stated that when they need any of these UNEs, they will negotiate with GTEFL. If the parties are unable to reach agreement, they may request that we resolve the dispute. Both AT&T and MCI stated that GTEFL has agreed to this procedure and to closing these dockets.

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The remaining elements in this case are Directory Assistance and Operator Systems; 911 Service; two sub-loop elements, loop feeder and loop distribution; four-wire analog ports; and Advanced Intelligent Network (AIN) capabilities. We set permanent rates for all other requested elements in the original arbitration proceedings.

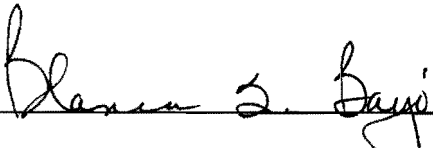
III. CONCLUSION

If the parties request that we resolve a dispute with respect to any of these elements prior to the effective date of the companies' next interconnection agreements with GTEFL, that request will not be considered a new arbitration. Rather, it will be considered a dispute arising from the current arbitrated agreement, and it would not be subject to the time frames set forth in Section 252 of the Act. By requesting that this docket be closed, the parties will have any subsequent ratesetting handled as a dispute rather than an arbitration. Upon consideration, we hereby close these dockets as requested.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Docket Nos. 960847-TP and 960980-TP are closed.

By ORDER of the Florida Public Service Commission this 30th day of March, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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 Records and Reporting, 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 Records and reporting 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.