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M E M O R A N D U M

April 16, 1998

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FPSC - Records/Reporting

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

FROM: DIVISION OF COMMUNICATIONS (STAVANJA) *MRS for WS*
DIVISION OF LEGAL SERVICES (KEATING) *BR MCB*

RE: DOCKET NO. 950985-TP - RESOLUTION OF PETITION(S) TO
ESTABLISH NONDISCRIMINATORY RATES, TERMS, AND CONDITIONS
FOR INTERCONNECTION INVOLVING LOCAL EXCHANGE COMPANIES
PURSUANT TO SECTION 364.162, F.S.

AGENDA: 4/28/98 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\950985TP.RCM

CASE BACKGROUND

On December 8, 1995, BellSouth Telecommunications, Inc. (BellSouth), the Florida Cable Telecommunications Association, Inc. (FCTA), Continental Cablevision, Inc. (Continental), and Time Warner AxS/Digital Media Partners (Time Warner) filed a Joint Motion For Acceptance Of Stipulation And Agreement And For Partial Stay Of Proceedings requesting that the Commission adopt and approve a proposed Stipulation and Agreement (the Agreement). The Agreement was filed in response to the 1995 revisions to Chapter 364, Florida Statutes, which included provisions encouraging parties to enter into negotiated agreements for interconnection, unbundling and resale in order to bring about local exchange competition as expeditiously as possible. The intent of the Agreement was to resolve all major issues between the signatories to the Agreement relating to Dockets Nos. 950696-TP (universal service), 950737-TP (number portability), 950984-TP (resale/unbundling), and 950985-TP (local interconnection). After the Stipulation and Agreement (Agreement) was filed, Intermedia Communications of Florida, Inc. (ICI) and TCG South Florida (TCG) signed on to the agreement. By Order No. PSC-96-0082-AS-TP, issued January 17, 1996, the Commission approved the Agreement in Docket Nos. 950984-TP, 950985-TP, 950737-TP, and 950696-TP.

DOCUMENT NUMBER DATE

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On January 22, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a request seeking approval of that Agreement under the Telecommunications Act of 1996 (the Act). Section 252(e) requires that all agreements for interconnection must be approved by the State commissions pursuant to the requirements of the Act.

On January 27, 1998, the Florida Cable Telecommunications Association filed a response in opposition to BellSouth's request. FCTA was concerned that it appeared that BellSouth wanted to include FCTA in the approval of the Agreement under federal law.

On February 12, 1998, BellSouth filed a response to the FCTA's letter of opposition. BellSouth's response clarified that it only seeks approval of the Agreement as it exists between BellSouth and Continental Cablevision, which has been purchased by MediaOne.

On April 14, 1998, FCTA filed a letter withdrawing its opposition to BellSouth's request for approval of the Stipulation, so long as the approval applies only to Continental Cablevision (MediaOne) and BellSouth.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant BellSouth Telecommunications, Inc.'s, request for approval of the Agreement as it applies between Continental Cablevision and BellSouth pursuant to Section 252(e) of the Telecommunications Act of 1996?

RECOMMENDATION: Yes, the Commission should grant BellSouth Telecommunications, Inc.'s, request for approval of the Agreement with Continental Cablevision pursuant to Section 252(e) of the Telecommunications Act of 1996.

STAFF ANALYSIS:

As explained in the Case Background, the request for approval of the Agreement by BellSouth under Section 252(e) of the Telecommunications Act of 1996, should apply only to BellSouth and Continental Cablevision (MediaOne). Continental Cablevision (MediaOne) is the only party operating under the Agreement today.

Section 252(e)(1) of the Act states that "Any interconnection agreement adopted by negotiation or arbitration shall be submitted

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for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies." Staff has not found any deficiencies and recommends that the Commission approve the Agreement pursuant to Section 252(e).

ISSUE 2: Should this Docket be closed?

RECOMMENDATION: No. This Docket should remain open pending further proceedings, as necessary.

STAFF ANALYSIS: On January 3, and January 6, 1997, the Supreme Court granted GTEFL's and BellSouth's Motions to Remand this case to the Commission for further proceedings. Since that time, however, there has been no action in this Docket -- until January 22, 1998, when BellSouth filed its request for approval of the Agreement. Staff has contacted counsel for GTEFL and BellSouth regarding the status of this Docket and is awaiting their response. It is staff's understanding that further proceedings in this Docket may not be necessary in view of the ongoing proceedings under the federal Telecommunications Act of 1996. Staff recommends, therefore, that this Docket should remain open pending further proceedings as may be necessary.