

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Telecommunications, Inc. for approval of second amendment to interconnection agreement with 360 Communications Company pursuant to Sections 251, 252, and 271 of the Telecommunications Act of 1996.

DOCKET NO. 980399-TP  
ORDER NO. PSC-98-0859-FOF-TP  
ISSUED: June 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 APPROVING 2ND AMENDMENT TO EXISTING AGREEMENT

BY THE COMMISSION:

On March 20, 1998, BellSouth Telecommunications, Inc. (BST) and 360 Communications Company (360 Communications) filed a request for approval of an amendment to the existing interconnection agreement under the Telecommunications Act of 1996, 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The agreement is attached to this Order as Attachment A and incorporated by reference herein.

Both the Act and Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved.

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This amendment to the existing agreement will be effective 10 days after Commission approval, and thereafter, as described in the agreement. It governs the relationship between the companies regarding local interconnection and the exchange of traffic pursuant to 47 U.S.C. § 251. Under 47 U.S.C. § 252(a)(1), the agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement.

Upon review of the proposed amendment to the existing agreement, we believe that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. The Commission's approval of this amendment to the existing agreement should not be construed as a determination that BellSouth has met the requirements of Section 271 of the Act. BST and 360 Communications are also required to file any subsequent supplements or modifications to their existing agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e). We note that 360 Communications does not currently hold a Florida certificate to provide alternative local exchange telecommunications service, and therefore, it cannot provide land-line services under this agreement until it obtains a certificate from this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the amendment to the existing interconnection agreement between BellSouth Telecommunications, Inc. and 360 Communications Company, as set forth in Attachment A and incorporated by reference in this Order, is hereby approved. It is further

ORDERED that any supplements or modifications to their existing agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

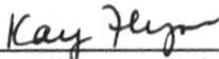
ORDERED that 360 Communications Company shall not provide land-line services under this agreement until it obtains a certificate to provide alternative local exchange telecommunications services from this Commission. It is further

ORDERED that this docket shall be closed.

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

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

  
\_\_\_\_\_  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

KMP

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 in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6).

SECOND AMENDMENT

TO

INTERCONNECTION AGREEMENT BETWEEN  
360° COMMUNICATIONS COMPANY AND BELL SOUTH TELECOMMUNICATIONS,  
INC. ("BellSouth")

WHEREAS, pursuant to sections 251 and 252 of the Telecommunications Act of 1996, 360° Communications Company and BellSouth entered into an interconnection agreement (the "Agreement") for the rates, terms, and conditions of the exchange of traffic between the parties to be effective March 1, 1997;

WHEREAS, the Agreement was approved by the Florida Public Service Commission on May 19, 1997, by the North Carolina Utilities Commission on May 14, 1997, by the South Carolina Public Service Commission on March 28, 1997, and by the Tennessee Regulatory Authority on February 3, 1998;

WHEREAS, the Agreement provided for an initial LATA-wide Additive that was included in Type 1 and Type 2A rates, subject to further negotiation by the parties; and

WHEREAS, 360° Communications Company and BellSouth have negotiated a final LATA-wide Additive as set forth herein.

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, 360° Communications Company and BellSouth hereby covenant and agree as follows:

1. Section V of the Agreement is hereby revised to read as follows:

**V. Modification of Rates**

The LATA-wide Additive reflected in Attachment B-1 for Type 1 and Type 2A rates is intended to compensate BellSouth for additional transport and other costs associated with transporting and terminating Local Traffic throughout a LATA instead of only within local calling areas as defined by the Commission as of the Effective Date. From the Effective Date until the expiration or termination of the Agreement, the LATA-wide Additive shall be the rate per minute in each state as set forth in Attachment B-1 (Amended). The parties shall make the adjustment, or "true-up" described in the original Section V of the Agreement for the purpose of applying the final LATA-wide Additive back to the Effective Date of the Agreement.

2. Attachment B-1 of the Agreement is hereby revised and replaced with Attachment B-1 (Amended) appended hereto and made a part hereof.

3. The parties agree that except as specifically modified by this Amendment all other provisions of the Agreement shall remain in full force and effect.

4. The parties further agree that either or both of the parties is authorized to submit this Amendment to the Commission or other regulatory body having jurisdiction over the subject matter of this Amendment for approval subject to Section 252(e) of the Telecommunications Act of 1996.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their respective duly authorized representatives on the date indicated below.

\_\_\_\_\_  
360° Communications Company

By: *[Signature]*

DATE: 3/7/98

\_\_\_\_\_  
BellSouth Telecommunications, Inc.

By: *[Signature]*

DATE: 3/4/98

**ATTACHMENT B-1(Amended)**

**CMRS Local Interconnection Rates**  
**(All rates are Per Minute of Use)**

Florida

Type 1 (End Office Switched):	.003776	(Includes LATAwide Additive of .000516)
Type 2A (Tandem Switched):	.003776	(Includes LATAwide Additive of .000516)
Type 2B (Dedicated End Office):	.002	

North Carolina

Type 1 (End Office Switched):	.006758	(Includes LATAwide Additive of .000568)
Type 2A (Tandem Switched):	.006758	(Includes LATAwide Additive of .000568)
Type 2B (Dedicated End Office):	.004	

South Carolina

Type 1 (End Office Switched):	.006431	(Includes LATAwide Additive of .000493)
Type 2A (Tandem Switched):	.006431	(Includes LATAwide Additive of .000493)
Type 2B (Dedicated End Office):	.00221	

Tennessee

Type 1 (End Office Switched):	.003767	(Includes LATAwide Additive of .000497)
Type 2A (Tandem Switched):	.003767	(Includes LATAwide Additive of .000497)
Type 2B (Dedicated End Office):	.0019	