

M E M O R A N D U M

February 10, 1999

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RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX) *MCB*

RE: DOCKET NO. 981707-TP - In re: Request by BellSouth Telecommunications, Inc. for approval of amendment to resale agreement with Omnicall, Inc.

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*99-0284-FOF-TP*

Attached is an **Order Approving Amendment to Existing Resale Agreement, with attachment**, to be issued in the above-referenced docket. (Number of pages in order - 4)

WPC/slh  
Attachment  
cc: Division of Communications  
I:981707.KMP

*2 mail*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth  
Telecommunications, Inc. for  
approval of amendment to resale  
agreement with Omnicall, Inc.

DOCKET NO. 981707-TP  
ORDER NO. PSC-99-0284-FOF-TP  
ISSUED: February 11, 1999

The following Commissioners participated in the disposition of  
this matter:

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

ORDER APPROVING AMENDMENT TO EXISTING  
RESALE AGREEMENT

BY THE COMMISSION:

On November 23, 1998, BellSouth Telecommunications, Inc. (BellSouth) filed a request for approval of an amendment to their existing resale agreement with Omnicall, Inc. (Omnicall) under 47 U.S.C. §252(e) of the Telecommunications Act of 1996. The amendment to the existing 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.

The existing agreement governs the relationship between the companies regarding the resale of tariffed telecommunication services pursuant to 47 U.S.C. § 251. Upon review of the proposed amendment to the existing agreement, we believe that it complies

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with the Telecommunications Act of 1996; thus, we hereby approve it. BellSouth and Omnicall are also required to file any subsequent supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e).

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the amendment to the existing resale agreement between BellSouth Telecommunications, Inc. and Omnicall, Inc., 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 this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 11th day of February, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: \_\_\_\_\_

*Kay Flynn*  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

KMP

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

**ATTACHMENT A**

**AMENDMENT TO RESALE AGREEMENT BETWEEN  
BELLSOUTH TELECOMMUNICATIONS, INC.  
AND OMNICALL, INC.  
DATED JULY 14, 1997**

Pursuant to this Agreement (the "Amendment"), BellSouth Telecommunications, Inc. ("BellSouth or Company") and Omnicall, Inc. ("Reseller") hereinafter referred to collectively as the "Parties" hereby agree to amend that certain Resale Agreement between the Parties dated July 14, 1997 ("Resale Agreement").

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, BellSouth and Omnicall, Inc. hereby covenant and agree as follows:

1. The Parties hereby agree that Section VII.I. of the Resale Agreement is deleted in its entirety and replaced with a new Section VII.I. as follows.


"If any portion of the payment is received by the Company after the payment due date as set forth preceding, or if any portion of the payment is received by the Company in funds that are not immediately available to the Company, then a late payment penalty shall be due to the Company. However, at the Company's sole discretion, the late payment penalty may be waived for good cause shown." The late payment penalty shall be the portion of the payment not received by the payment due date times a late factor. The late factor shall be as set forth in Section A2 of the General Subscriber Services Tariff and Section B2 of the Private Line Service Tariff."

2. The Parties agree that all of the other provisions of the Resale Agreement, dated July 14, 1997 shall remain in full force and effect.

3. The Parties further agree that either or both of the Parties is authorized to submit this Amendment to the appropriate Commission or other regulatory body having jurisdiction over the subject matter of this Amendment, for approval subject to Section 252(e) of the federal 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.

BellSouth Telecommunications, Inc.

  
Signature

Jerry Hendrix  
Printed Name

Director-Interconnection Services  
Title

Date: 11/6/98

Omnicall, Inc.

  
Signature

Kim Robert Scoville  
Printed Name

Vice President  
Title

Date: 11/13/98