



Public Service Commission

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RECORDS AND REPORTING

DATE: MARCH 4, 1999

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

FROM: DIVISION OF LEGAL SERVICES (BROWN) *NCB*
DIVISION OF COMMUNICATIONS (CORDIANO) *R* *BA*

RE: DOCKET NO. 970730-TP - PETITION BY TELENET OF SOUTH FLORIDA, INC. FOR RELIEF UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996 WITH RESPECT TO RATES, TERMS AND CONDITIONS FOR INTERCONNECTION AND RELATED ARRANGEMENT WITH BELLSOUTH TELECOMMUNICATIONS, INC.

AGENDA: MARCH 16, 1999 - REGULAR AGENDA - RECOMMENDATION TO DISMISS THIS CASE - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: DOCKET NO. 970730-TP IS TO APPEAR ON THE AGENDA RIGHT BEFORE DOCKET NO. 981569-TX

FILE NAME AND LOCATION: S:\PSC\CMU\WP\970730TP.RCM

CASE BACKGROUND

On June 17, 1997, Telenet filed a petition for relief under 47 U.S.C. §252(i), alleging that BellSouth has refused to extend to Telenet BellSouth's interconnection agreement with AT&T Communications of the Southern States under the same terms and conditions. This docket was opened to address Telenet's petition. On February 26, 1998, the Commission issued Order No. PSC-98-0332-PCO-TP granting Telenet's motion to accept its amended request for relief. Since that time, however, staff has not been able to contact Telenet to proceed with the petition.

After several efforts to contact Telenet by telephone, staff sent a letter to Telenet requesting that it provide a written response by November 25, 1998 explaining whether or not it wishes to pursue its Petition for relief under Section 252(i) of the

DOCUMENT NUMBER-DATE

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Telecommunications Act of 1996 with respect to rates, terms and conditions for interconnection with BellSouth Telecommunications, Inc. The letter was returned by the United States Post Office stamped "Returned To Sender - Attempted Not Known" (Attachment A, Pages 3-6). To date, neither staff nor Telenet's counsel, has been able to contact Telenet. In this regard, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission dismiss this case on its own motion?

RECOMMENDATION: Yes. The Commission should dismiss this case because the Commission cannot locate Telenet in order to proceed with its petition. **(Cordiano)**

STAFF ANALYSIS: By letter dated November 10, 1998, staff requested that Telenet provide a written response by November 25, 1998, explaining whether or not it wishes to pursue its Petition for relief under Section 252(i) of the Telecommunications Act of 1996 with respect to rates, terms and conditions for interconnection with BellSouth Telecommunications, Inc. The letter was returned by the United States Post Office stamped "Returned To Sender - Attempted Not Known" (Attachment A, Pages 3-6). Telenet's counsel of record has also informed staff that he has been unable to contact his client for many months. Consequently, staff recommends that the Commission dismiss this case because it cannot provide relief under Telenet's petition if it cannot contact or locate the company.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed. **(Brown)**

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed.

DOCKET NO. 970730-TP
DATE: MARCH 4, 1999

ATTACHMENT A

Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



~~Mr. Mitchell Kupinsky
Vice President and Secretary
Telenet of South Florida, Inc.
10422 Fair Street
Dembroke Place, FL 33026-2819~~



OF FLORIDA



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

March 10, 1998

to determine whether Telenet of South Florida wishes to pursue the Telecommunications Act of 1996 with respect to its agreement with BellSouth Telecommunications, Inc., in Docket

970730-TP. Commission staff in the Division of Communications Certification has failed to respond to Commission staff's notification of Rule 25-24.835, Florida Administrative Code. Inquiries, Telenet's certificate may soon be canceled. In several conversations with Telenet's attorney, Mr. Floyd, and these conversations, Mr. Self has stated that even he appears that without Telenet's participation in Docket 970730-TP, it is not possible to move forward with Telenet's Petition for relief. Commission staff must take the appropriate steps to either move forward with its Petition should Telenet no longer be seeking such relief. In Docket No. 970730-TP, please notify me in writing if you wish to respond to this letter, staff will have no choice but to proceed with the case.