

Order Corrected  
Per Reg/Miller. Jam

RECEIVED-FPSC

MEMORANDUM

99 APR 23 AM 10:07

April 22, 1999

RECORDS AND  
REPORTING

99 APR 22 AM 11:42

RECEIVED-FPSC

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (MILLER) *Jam CB*

RE: DOCKET NO. 990234-TP - REQUEST BY BELLSOUTH  
TELECOMMUNICATIONS, INC. FOR APPROVAL OF AMENDMENT TO  
INTERCONNECTION, UNBUNDLING, AND RESALE AGREEMENT WITH  
DIAMOND TELEPHONE SERVICES, INC.

99-0834-FOF

Attached is an ORDER APPROVING AMENDMENT TO EXISTING  
INTERCONNECTION, UNBUNDLING AND RESALE AGREEMENT, to be issued in  
the above-referenced docket. (Number of pages in order - 3)

JAM/anr  
Attachment  
cc: Division of Communications  
I: 990234.jam

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Telecommunications, Inc. for approval of amendment to interconnection, unbundling, and resale agreement with Diamond Telephone Services, Inc.

DOCKET NO. 990234-TP  
ORDER NO. PSC-99-0834-FOF-TP  
ISSUED: April 23, 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  
INTERCONNECTION, UNBUNDLING AND RESALE AGREEMENT  
AND REQUIRING A CERTIFICATE TO PROVIDE  
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE

BY THE COMMISSION:

On March 1, 1999, BellSouth Telecommunications, Inc. (BellSouth) and Diamond Telephone Services, Inc. (Diamond) filed a request for approval of an amendment to their existing interconnection, unbundling and resale agreement pursuant to 47 U.S.C. §252(e) of the Telecommunications Act of 1996. The amendment to the existing agreement is incorporated by reference herein. A copy of the amendment to the existing agreement may be obtained from the official docket file by contacting our Division of Records and Reporting.

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)

DOCUMENT NUMBER-DATE

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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 local interconnection and the exchange of traffic pursuant to 47 U.S.C. § 251. 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 agreement should not be construed as a determination that BellSouth has met the requirements of Section 271 of the Act. We note that Diamond Telephone Services, Inc. does not currently hold a Florida certificate to provide alternative local exchange telecommunications service, and therefore, it cannot provide alternative local exchange telecommunications services under this agreement until it obtains a certificate.

BellSouth and Diamond 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 interconnection, unbundling and resale agreement between BellSouth Telecommunications, Inc. and Diamond Telephone Services, Inc., is incorporated by reference in this Order, and is hereby approved. A copy of the amendment to the existing agreement may be obtained as specified in the body of this Order. It is further

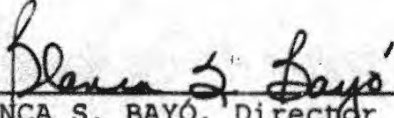
ORDERED that any supplements or modifications to this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

ORDERED that Diamond Telephone Services, Inc. shall not provide alternative local exchange telecommunications 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 23rd  
day of April, 1999.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )

JAM

**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).