



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

RECORDS AND REPORTING

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RECEIVED-FPSC

**DATE:** MAY 20, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAY)

**FROM:** DIVISION OF TELECOMMUNICATIONS (OLLILA, DOWDS) *SMO*  
DIVISION OF LEGAL SERVICES (B. KEATING, BEDELL) *CB*

**RE:** DOCKET NO. 990182-TP - PETITION OF GTE FLORIDA INCORPORATED FOR APPROVAL OF INTERCONNECTION, UNBUNDLING, AND RESALE AGREEMENT WITH DIECA COMMUNICATIONS, INC., D/B/A COVAD COMMUNICATIONS COMPANY.

**AGENDA:** 6/1/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** 6/9/99

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\990182.RCM

### CASE BACKGROUND

On February 16, 1999, DIECA Communications Inc., d/b/a Covad Communications Company (Covad) filed a petition for arbitration with the Florida Public Service Commission (FPSC) in order to establish an interconnection agreement with GTE Florida Incorporated (GTEFL), pursuant to Section 252(b) of the Telecommunications Act of 1996 (the Act). The FPSC opened Docket No. 990182-TP on February 16 for this arbitration.

The matter was set for a hearing to be held on April 28, 1999. Prior to April 28, however, the parties reached agreement. The hearing was canceled. On April 30, 1999, GTEFL filed a petition for approval of its interconnection, resale, and unbundling agreement with Covad.

This recommendation addresses whether the Commission should approve GTEFL's and Covad's negotiated agreement.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

**ISSUE 1:** Should the Commission approve the negotiated agreement between GTEFL and Covad in Docket No. 990182-TP?

**RECOMMENDATION:** Yes, the Commission should approve the negotiated agreement between GTEFL and Covad in Docket No. 990182-TP. (OLLILA)

**STAFF ANALYSIS:** On April 30, 1999, pursuant to Section 252(e) of the Act, GTEFL filed a petition with the Commission for approval of its interconnection, resale, and unbundling agreement with Covad.

According to Section 252(e), any interconnection agreement adopted by negotiation shall be submitted to the state commission for approval. A state commission may only reject an interconnection agreement if the agreement discriminates against a carrier not a party to the agreement, if the agreement is inconsistent with the public interest, convenience, and necessity, or if the agreement does not meet the requirements of Section 251.

Staff reviewed this agreement to determine whether it meets the standards set forth in Section 252(e). Staff believes that this agreement does meet the standards set forth in Section 252(e); therefore, staff recommends that the Commission approve this agreement.

Staff would note that this agreement includes three appendices which have not been executed (signed), but have been included in the agreement. These appendices are: Appendix G, SS7 Services; Appendix H, Pole Attachment Agreement; and Appendix I, Conduit Occupancy Agreement. When and if any of these appendices are executed, an amendment to this agreement would be necessary and it would need to be submitted to the Commission for approval.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes, upon approval of staff's recommendation in Issue 1, this docket should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of this Order. If no timely protest is filed, the Order will become final upon issuance of a consummating order and this docket should be closed. (B. KEATING)

**STAFF ANALYSIS:** Assuming staff's recommendation in Issue 1 is approved, this docket should be closed if no person whose substantial interests are affected files a protest within 21 days of the issuance of this Order. If no timely protest is filed, the Order will become final upon issuance of a consummating order and this docket should be closed.