



Public Service Commission

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MAY 20 AM 9:59
RECORDS AND REPORTING

DATE: MAY 20, 1999

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

FROM: DIVISION OF LEGAL SERVICES (COX) *WPC CB*
DIVISION OF COMMUNICATIONS (KING) *[Signature]*

RE: DOCKET NO. 981745-TP - PETITION BY AMERICAN COMMUNICATIONS SERVICES OF JACKSONVILLE, INC. D/B/A E.SPIRE COMMUNICATIONS, INC. FOR ARBITRATION OF UNRESOLVED ISSUES IN AN INTERCONNECTION AGREEMENT WITH BELL SOUTH TELECOMMUNICATIONS, INC.

AGENDA: 06/01/99 - REGULAR AGENDA - 5/20/99-RECOMMENDATION TO CLOSE DOCKET

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\981745.RCM

CASE BACKGROUND

On November 25, 1998, e.spire Communications, Inc. (e.spire) and its Florida operating subsidiaries filed a Petition for Arbitration under 47 U.S.C. §252(d), seeking arbitration of certain unresolved issues in its interconnection negotiations with BellSouth Telecommunications, Inc. (BellSouth). BellSouth responded on December 21, 1998. This matter was set for an arbitration hearing on March 18, 22, 23, and 24, 1999.

On April 19, 1999, e.spire and BellSouth entered into an agreement settling the arbitration proceeding in Florida. The agreement is embodied as the Fourth Amendment to the Parties' Interconnection Agreement dated July 25, 1996, as amended, and was filed with the FPSC on May 11, 1999. Approval of the Amendment is pending in Docket No. 990614-TP.

DOCUMENT NUMBER-DATE

06374 MAY 20 99

FPSC-RECORDS/REPORTING

DOCKETS NO. 981745-TP
DATE: May 20, 1999

On May 17, 1999, e.spire filed a Notice of Withdrawal of Petition for Arbitration without prejudice.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge e.spire's Notice of Withdrawal of Petition for Arbitration?

RECOMMENDATION: Yes. The Commission should acknowledge e.spire's Notice of Withdrawal of Petition without prejudice.

STAFF ANALYSIS: As set forth in the Case Background, on April 19, 1999, e.spire and BellSouth entered into an Agreement settling the arbitration issues in this docket. As a result, e.spire has submitted its voluntary withdrawal of its petition without prejudice.

Staff recommends that the Commission acknowledge e.spire's Notice of Withdrawal of Petition for Arbitration.

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ISSUE 2: Should this Docket be closed?

RECOMMENDATION: Yes. Docket No. 981745-TP should be closed.

STAFF ANALYSIS: With e.spire's voluntary withdrawal of its Petition, no further issues remain open for the Commission to address in Docket No. 981745-TP. Accordingly, Docket No. 981745-TP should be closed.