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Legal Department

MARY K. KEYER
General Attorney

99 MAY 24 PM 4:02

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0729

RECORDS AND
REPORTING

May 24, 1999

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

RE: Docket No. 981008-TP

Dear Mrs. Bayo:

Enclosed are an original and 15 copies of the Joint Motion to Modify Portions of Order No. PSC-99-0658-FOF-TP. Please file this document in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served on the parties shown on the attached Certificate of Service.

Sincerely,

Mary K. Keyer (sk)

Mary K. Keyer

AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
MAS _____
OPC _____
RRR _____
SEC _____
WAW _____
OTH _____

Enclosures

cc: All Parties of Record
M. M. Criser, III
N. B. White
W. J. Ellenberg (w/o enclosures)

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

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CERTIFICATE OF SERVICE
Docket No. 981008-TP

I HEREBY CERTIFY that a copy of the foregoing has been furnished by

U.S. Mail this 24th day of May, 1999 to:

Beth Keating
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

e.spire Communications, Inc.
131 National Business Parkway
#100
Annapolis Junction, MD 20701
Tel. No. (301) 361-4200
Fax. No. (301) 361-4277

Ervin Law Firm
Everett Boyd
P.O. Drawer 1170
Tallahassee, FL 32302
Tel. No. (850) 224-9135
Fax. No. (850) 222-9164

Messer Law Firm
Norman Horton
P.O. Box 1876
Tallahassee, FL 32302
Tel. (850) 222-0720
Fax. (850) 224-4359
Represents e.spire

Mary K. Keyer (ke)
Mary K. Keyer

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

COMPLAINT OF e.spire)
COMMUNICATIONS, INC. AGAINST)
BELLSOUTH TELECOMMUNICATIONS,) Docket No. 981008-TP
INC. REGARDING RECIPROCAL)
COMPENSATION FOR TRAFFIC) Dated: May 24, 1999
TERMINATED TO INTERNET SERVICE)
PROVIDERS)
_____)

JOINT MOTION TO MODIFY PORTIONS OF
ORDER NO. PSC-99-0658-FOF-TP

BellSouth Telecommunications, Inc. ("BellSouth") and American Communications Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Communications, Inc. (collectively referred to as "e.spire") jointly move that the Florida Public Service Commission modify those portions of Order No. PSC-99-0658-FOF-TP issued in this docket on April 6, 1999 ("April 6 Order") that establish \$.009 as the applicable reciprocal compensation rate that should be paid by the parties for the transport and termination of local traffic after September 1, 1998.

As grounds for this joint motion, BellSouth and e.spire respectfully show the Commission the following:

1. Since the Commission's April 6 Order, the parties have executed an amendment to their Interconnection Agreement effective April 19, 1999, which, among other things, addresses the issue of reciprocal compensation for the transport and termination of local traffic from April 19, 1999 through December 31, 1999 (hereinafter referred to as "April 19 Amendment"). The April 19 Amendment was agreed to in settlement of the issues raised in e.spire's petition for

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arbitration in Docket 981745-TP. The April 19 Amendment has been filed for approval by the Commission, and e.spire will be filing a notice dismissing Docket 981745-TP.

2. In settlement of certain issues raised in the arbitration in Docket 981745-TP and in partial settlement of issues in this proceeding, the parties also have reached an agreement as to the applicable reciprocal compensation rates that should apply for local traffic transported and terminated prior to the effective date of the April 19 Amendment. This agreement is set forth in a confidential partial settlement agreement dated April 19, 1999, which the parties will file under seal if directed to do so by the Commission (hereinafter referred to as "April 19 Settlement Agreement").

3. The parties respectfully request that the Commission modify Order No. PSC-99-0658-FOF-TP to establish the applicable reciprocal compensation rates consistent with the April 19 Amendment and the April 19 Settlement Agreement. The parties do not request that the Commission's Order No. PSC-99-0658-FOF-TP be modified to the extent that it establishes \$.009 as the applicable reciprocal compensation rate prior to September 1, 1998. However, to the extent that Order No. PSC-99-0658-FOF-TP requires a rate of \$.009 after August 31, 1998, it is not entirely consistent with the parties' agreements. *See* April 6, 1999 Order at 14, 17, and 18.

4. The parties agree that nothing herein alters or modifies the parties' prior agreements.

Respectfully submitted this 24 day of May, 1999.

Nancy B. White (KR)

Nancy B. White
c/o Nancy H. Sims
BellSouth Telecommunications, Inc.
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5555

Mary K. Keyer (KR)

Mary K. Keyer
BellSouth Telecommunications, Inc.
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0711

Attorneys for BellSouth Telecommunications, Inc.

Norman H. Horton (KR)

Norman H. Horton
Floyd R. Self
MESSER, CAPARELLO & SELF
215 South Monroe Street, Suite 701
Tallahassee, Florida 32302-1876

Attorneys for American Communications Services of
Jacksonville, Inc. d/b/a e.spire Communications, Inc. and
ACSI Local Switched Services, Inc. d/b/a e.spire
Communications, Inc.