



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: SEPTEMBER 23, 1999

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

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BR CB*
 DIVISION OF APPEALS (SMITH) *JS*
 DIVISION OF COMMUNICATIONS (FAVORS) *CRF*

RE: DOCKET NO. 980800-TP - PETITION FOR EMERGENCY RELIEF BY SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS AGAINST BELLSOUTH TELECOMMUNICATIONS, INC., CONCERNING COLLOCATION AND INTERCONNECTION AGREEMENTS.

AGENDA: OCTOBER 5, 1999 - REGULAR AGENDA - CLOSE DOCKET

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\980800CL.RCM

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CASE BACKGROUND

On June 30, 1998, Supra Telecommunications & Information Systems (Supra) filed a Petition for Emergency Relief against BellSouth Telecommunications, Inc. (BellSouth). By its Petition, Supra asked that the Commission require BellSouth to permit Supra to physically collocate in BellSouth's North Dade Golden Glades and West Palm Beach Gardens central offices. On July 20, 1998, BellSouth filed its Answer and Response to Supra's Petition.

An administrative hearing regarding space availability and interpretation of BellSouth's obligations under its collocation

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agreement with Supra was conducted on October 21, 1999. On January 6, 1999, the Commission issued Order No. PSC-99-0060-FOF-TP resolving Supra's complaint. Therein, the Commission determined that there is space available in the West Palm Beach Gardens and North Dade Golden Glades central offices to accommodate Supra's requests for physical collocation. The Commission determined that BellSouth must allocate 200 square feet in each office to Supra. In addition, the Commission determined that BellSouth should not be required to allow Supra to physically collocate its Cisco equipment or the Ascend TNT.

On January 21, 1999, Supra filed a Motion for Reconsideration of Order No. PSC-99-0060-FOF-TP. Supra also submitted a request for oral argument on its motion. That same day, BellSouth also filed a Motion for Reconsideration. On January 29, 1999, Supra filed its Response in Opposition to BellSouth's Motion for Reconsideration. On February 1, 1999, BellSouth filed its Opposition to Supra's Motion for Reconsideration and Motion to Strike Portions of Supra's Motion. BellSouth also filed an Opposition to Supra's request for oral argument. On February 15, 1999, Supra filed its Response to BellSouth's Motion to Strike. On February 4, 1999, BellSouth filed a Motion for Stay Pending Appeal of Order No. PSC-99-0047-PCO-TP. On February 15, 1999, Supra filed its Response to BellSouth's Motion for Stay. By Order No. PSC-99-0582-FOF-TP, issued March 29, 1999, the Commission granted the motion to strike, denied the motions for reconsideration, and granted the request for a stay pending appeal.

Subsequently, BellSouth appealed the Commission's decision to the U.S. District Court for the Northern District of Florida. On August 31, 1999, the Commission received notice that the Federal District Court had granted a voluntary dismissal of BellSouth's appeal. This is staff's recommendation to close the Docket.

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DISCUSSION OF ISSUES

ISSUE 1: Should this Docket be closed?

RECOMMENDATION: Yes. By Order No. PSC-99-0582-FOF-TL, this matter was placed in litigation status for staff to monitor while BellSouth pursued its appeal. The appeal has now been dismissed; therefore, this Docket should be closed. (KEATING)

STAFF ANALYSIS: Yes. By Order No. PSC-99-0582-FOF-TL, this matter was placed in litigation status for staff to monitor while BellSouth pursued its appeal. The appeal has now been dismissed; therefore, this Docket should be closed.