



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: NOVEMBER 4, 1999

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

FROM: DIVISION OF TELECOMMUNICATIONS (CORDIANO) *K*
DIVISION OF LEGAL SERVICES (CALDWELL) *duc*

RE: DOCKET NO. 981832-TP - PETITION OF SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC. TO SET ASIDE FEBRUARY 3, 1998 ORDER APPROVING INTERCONNECTION, UNBUNDLING AND RESALE AGREEMENT WITH BELLSOUTH TELECOMMUNICATIONS, INC. AND TO APPROVE AGREEMENT ACTUALLY ENTERED INTO BY THE PARTIES.

DOCKET NO. 981833-TP - PETITION OF SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC. TO INITIATE INVESTIGATION INTO UNFAIR PRACTICES OF BELLSOUTH TELECOMMUNICATIONS, INC. IN NEGOTIATING AGREEMENTS WITH ALTERNATIVE LOCAL EXCHANGE COMPANIES AND IN FILING SUCH AGREEMENTS WITH THE FLORIDA PUBLIC SERVICE COMMISSION.

DOCKET NO. 991444-TP - REQUEST BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF INTERCONNECTION, UNBUNDLING AND RESALE AGREEMENT WITH SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.

AGENDA: NOVEMBER 16, 1999 - REGULAR AGENDA - FINAL ACTION - PARTICIPATION LIMITED TO COMMISSIONERS AND STAFF

CRITICAL DATES: DECEMBER 22, 1999 - PURSUANT TO SECTION 252(e) (4) OF THE TELECOMMUNICATIONS ACT OF 1996

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\991444.RCM

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

CASE BACKGROUND

Docket Nos. 981832-TP and 981833-TP were opened upon the filing of two petitions by Supra Telecommunications & Information Systems, Inc. (Supra) to: (1) set aside Order No. PSC-98-0206-FOF-TP, issued February 3, 1998, approving a interconnection, unbundling and resale agreement with BellSouth Telecommunications, Inc. (BellSouth) and approve the agreement actually entered into by the parties; and (2) initiate an investigation into unfair practices of BellSouth in negotiating agreements with alternative local exchange companies and in filing such agreements with the Commission. On February 1, 1999, BellSouth filed Motions to Dismiss, or in the alternative, to Dismiss the Petitions as Sham. On April 16, 1999, BellSouth filed Supplements to the Motion to Dismiss Supra's Petition.

On June 1, 1999, the Commission issued Order No. PSC-99-1092-FOF-TP, dismissing on its own motion both petitions. The Commission directed the parties to submit a corrected agreement at their earliest convenience and if the parties could not agree on the corrections, the disputed terms should be brought to the Commission for arbitration.

On September 23, 1999, BellSouth submitted a request for approval of the negotiated interconnection, unbundling and resale agreement with Supra in Docket No. 991444-TP. This is staff's recommendation regarding approval of this agreement.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the negotiated interconnection, unbundling and resale agreement between BellSouth and Supra in Docket No. 991444-TP?

RECOMMENDATION: Yes. The Commission should approve the negotiated interconnection, unbundling and resale agreement between BellSouth and Supra in Docket No. 991444-TP. **(CORDIANO)**

STAFF ANALYSIS: On September 23, 1999, pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act), BellSouth submitted to the Commission a petition for approval of its negotiated interconnection, unbundling and resale agreement with Supra.

Pursuant to Section 252(e) of the Act, any agreement adopted by negotiation shall be submitted to the state commission for

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approval. A state commission may only reject an agreement if it 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.

After reviewing the said agreement to determine if it meets the standards set forth in Section 252(e), staff recommends that the Commission approve the agreement.

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, no further action will be required in these dockets. Therefore, these dockets may be closed. **(CALDWELL)**

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no further action will be required in these dockets. Therefore, these dockets may be closed.