

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Motions of AT&T  
Communications of the Southern  
States, Inc., and MCI  
Telecommunications Corporation  
and MCI Metro Access  
Transmission Services, Inc., to  
compel BellSouth  
Telecommunications, Inc. to  
comply with Order PSC-96-1579-  
FOF-TP and to set non-recurring  
charges for combinations of  
network elements with BellSouth  
Telecommunications, Inc.,  
pursuant to their agreement.

DOCKET NO. 971140-TP  
ORDER NO. PSC-99-2461-FOF-TP  
ISSUED: December 16, 1999

The following Commissioners participated in the disposition of  
this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.

ORDER APPROVING AMENDMENTS TO  
INTERCONNECTION AGREEMENTS

BY THE COMMISSION:

On June 9, 1997, in Docket No. 960833-TP, AT&T Communications of the Southern States, Inc. (AT&T), filed a Motion to Compel Compliance of BellSouth Telecommunications, Inc. (BellSouth) with certain provisions of Order Nos. PSC-96-1579-FOF-TP, PSC-97-0298-FOF-TP, and PSC-97-0600-FOF-TP, as well as certain provisions of its interconnection agreement with BellSouth having to do with the provisioning and pricing of combinations of unbundled network elements (UNEs). On October 27, 1997, in Docket No. 960846-TP, MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc., (MCI) filed a similar Motion to Compel Compliance of BellSouth.

On August 28, 1997, MCI filed a Petition to Set Non-Recurring Charges for Combinations of Network Elements, and this docket was opened. By Order No. PSC-97-1303-PCO-TP, issued October 21, 1997, this docket was consolidated with Dockets Nos. 960757-TP, 960833-TP

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-2461-FOF-TP  
DOCKET NO. 971140-TP  
PAGE 2

and 960846-TP for purposes of hearing. At our December 2, 1997, Agenda Conference, the Commission directed that the Motions to Compel Compliance be set for hearing. Accordingly, in Order No. PSC-98-0090-PCO-TP, issued January 14, 1998, Docket No. 971140-TP, now embracing the Motions to Compel Compliance, was severed from Dockets Nos. 960757-TP, 960833-TP and 960846-TP.

On March 9, 1998, an evidentiary hearing was conducted. On June 12, 1998, Order No. PSC-98-0810-FOF-TP was issued, memorializing the Commission's decisions in this docket with respect to the provisioning and pricing of network element combinations, the standard to be applied to determine whether a combination of network elements constitutes a recreation of an existing BellSouth retail service, the non-recurring charges for certain loop and port combinations, and the furnishing of switched access usage data. The parties were required to submit written agreements memorializing and implementing the Commission's decisions within thirty days of the issuance of Order No. PSC-98-0810-FOF-TP.

In October 1998, the parties stated that they were unable to reach agreement on the content of the amendments to be incorporated into their interconnection agreements. Accordingly, AT&T, MCI, and BellSouth each submitted individual amendments which they believed captured the Commission's decisions.

On March 2, 1999, our staff met with the parties to discuss what impact, if any, the Supreme Court's decision in AT&T Corp. v. Iowa Utilities Bd., 119 525 U.S. 366, 142 L. Ed. 2d 834, 119 S.Ct. 721 (1999), may have on the amendments to the interconnection agreements. At the conclusion of the March 2, 1999 meeting, we asked the parties to once again try and reach agreement on language that could be incorporated into the existing interconnection agreements, taking into consideration our decisions as well as the Supreme Court's opinion. The parties proposed and discussed language in an effort to reach a mutual agreement as to the amendments on combinations of network elements. Unfortunately, the parties were still unable to reach agreement, and once again each party submitted separate amendments to be incorporated into the agreements. Since the parties could not agree, the issues were again presented to this Commission at our August 31, 1999, Agenda Conference.

On October 11, 1999, Order No. PSC-99-1989-FOF-TP, was issued, requiring AT&T, BellSouth, and MCI to incorporate the language

ORDER NO. PSC-99-2461-FOF-TP  
DOCKET NO. 971140-TP  
PAGE 3

contained in Attachments A and B of the Order into their respective interconnection agreements. On November 15, 1999, the parties submitted their amendments as required. We have reviewed the amendments and find that they accurately incorporate the language contained in Attachments A and B of Order No. PSC-99-1989-FOF-TP. Accordingly, we hereby approve the amendments.

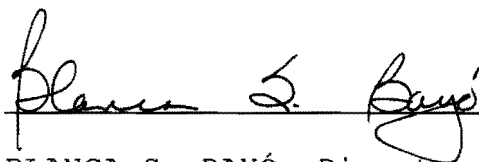
We note that BellSouth has filed a Notice of Appeal of Order No. PSC-99-1989-FOF-TP. This docket, therefore, shall remain open pending the resolution of the appeal.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the amendments filed in this docket by AT&T Communications of the Southern States, Inc., MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc., and BellSouth Telecommunications, Inc., incorporating the language contained in Attachments A and B of Order No. PSC-99-1989-FOF-TP, are approved. It is further

ORDERED that this docket shall remain open pending the resolution of the appeal of Order No. PSC-99-1989-FOF-TP by BellSouth Telecommunications, Inc.

By ORDER of the Florida Public Service Commission this 16th day of December, 1999.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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ORDER NO. PSC-99-2461-FOF-TP  
DOCKET NO. 971140-TP  
PAGE 4

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.