

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Global NAPS, Inc. for arbitration of interconnection rates, terms and conditions and related relief of proposed agreement with BellSouth Telecommunications, Inc.

DOCKET NO. 991220-TP  
ORDER NO. PSC-00-0294-PCO-TP  
ISSUED: February 14, 2000

ORDER ON JOINT MOTION TO MODIFY SCHEDULE  
AND APPROVING TENTATIVE LIST OF ISSUES

Part II of the Federal Telecommunications Act of 1996 (Act) sets forth provisions regarding the development of competitive markets in the telecommunications industry. Section 251 of the Act regards interconnection with the incumbent local exchange carrier and Section 252 sets forth the procedures for negotiation, arbitration, and approval of agreements.

On August 26, 1999, Global NAPs, Inc. (GNAPs) filed a petition for arbitration of an interconnection agreement with BellSouth Telecommunications, Inc. (BellSouth) under Section 252(b) of the Telecommunications Act of 1996 (the "Act"). On September 20, 1999, BellSouth timely filed its Response to the petition. This matter has been set for an administrative hearing.

I. Motion to Modify Schedule

On January 31, 2000, the parties filed a Joint Motion to Modify Schedule. Therein, the parties explain that they believe that the following issue may be resolved as a matter of law without the submission of evidence by the parties.

ISSUE 1. Is the Interconnection Agreement between DeltaCom, Inc. And BellSouth Telecommunications, Inc., which was adopted by Global NAPs (GNAPs) on January 18, 1999, valid and binding on GNAPs and BellSouth until January 2001, or did it expire on July 1, 1999?

Thus, they ask that the schedule be modified to allow them to submit briefs on this issue and that we rule on this issue based upon the briefs. The parties further explain that they believe that it would be procedurally efficient to resolve this issue

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before proceeding with the remainder of the case. As such, they propose the following briefing schedule:

- 1) Initial briefs February 2, 2000
- 2) Reply briefs February 9, 2000

The parties also indicate that they will serve their briefs on each other by hand-delivery, facsimile, or express mail.

Upon consideration, I find that it is appropriate for the parties to brief the issue identified above. I also find the briefing schedule proposed by the parties acceptable. In addition, I agree with the parties that it would be administratively efficient to address this issue before we proceed with the hearing schedule; therefore, I encourage our staff to strive to bring this issue for our consideration at the earliest possible Agenda Conference. Therefore, it is necessary to modify the remainder of our hearing schedule. As such, the Controlling Dates set forth in Order No. PSC-99-2156-PCO-TP, issued November 4, 1999, are revised as follows:

CONTROLLING DATES

- 1) Direct testimony and exhibits (all) April 3, 2000
- 2) Rebuttal testimony and exhibits May 1, 2000
- 3) Prehearing Statements May 15, 2000
- 4) Prehearing Conference May 25, 2000
- 5) Hearing June 8, 2000
- 6) Briefs June 29, 2000

II. Issues

A series of informal issues identification meetings were held on October 14, 1999, on January 14, 2000, and on January 19, 2000, in which all parties and Commission staff participated. As a result of those meetings, the issues identified in Attachment A have also been identified for resolution in this proceeding. These issues are the issues the parties believe must be addressed should

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a hearing be necessary as a result of our decision on Issue 1. These issues appear to be appropriate. Therefore, testimony and exhibits filed in this proceeding shall address these issues. The list is, however, subject to modification up to and including the time of the prehearing conference.

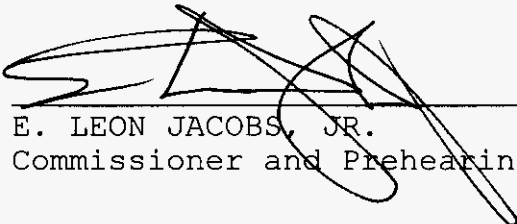
Based upon the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that the Joint Motion to Modify Schedule is approved and Order No. PSC-99-2156-PCO-TP is revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-99-2156-PCO-TP is reaffirmed in all other respects. It is further

ORDERED that the Tentative List of Issues, which is attached and incorporated herein as Attachment A, is approved for consideration in this proceeding.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 14th Day of February, 2000.

  
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E. LEON JACOBS, JR.  
Commissioner and Prehearing Officer

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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

ATTACHMENT A

**TENTATIVE LIST OF ISSUES**

- ISSUE 2. Should dial-up connections to an ISP (or "ISP-bound traffic") be treated as "local traffic" for purposes of reciprocal compensation under the new Global NAPs/BellSouth Interconnection Agreement or should it be otherwise compensated?
- ISSUE 3. If ISP-bound traffic should be compensated, what compensation rate should apply?
- ISSUE 4. What are the appropriate reciprocal compensation rates to be included in the new Global NAPs/BellSouth Interconnection Agreement?
- ISSUE 5. What is the appropriate definition of local traffic to be included in the Interconnection Agreement?
- ISSUE 6. What are the appropriate UNE rates to be included in the Interconnection Agreement?
- ISSUE 7. What are the appropriate collocation provisions to be included in the Interconnection Agreement?
- ISSUE 8. What is the appropriate language concerning order processing to be included in the Interconnection Agreement?
- ISSUE 9. What is the appropriate language relating to conversion of exchange service to network elements to be included in the Interconnection Agreement?
- ISSUE 10. What are the appropriate service quality measurements to be included in the Interconnection Agreement?
- ISSUE 11. What is the appropriate language relating to network information exchange to be included in the Interconnection Agreement?
- ISSUE 12. What is the appropriate language relating to maintenance and trouble resolution to be included in the Interconnection Agreement?

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- ISSUE 13. What is the appropriate language relating to local traffic exchange to be included in the Interconnection Agreement?
- ISSUE 14. What is the appropriate language relating to telephone number portability arrangements to be included in the Interconnection Agreement?