



Public Service Commission

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APR -5 PM 2:05
RECORDS AND REPORTING

DATE: APRIL 6, 2000

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

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *PM*
DIVISION OF COMMUNICATIONS (FAVORS, T. WATTS) *W*

RE: DOCKET NO. 991838-TP - PETITION BY BLUESTAR NETWORKS, INC. FOR ARBITRATION OF CERTAIN UNRESOLVED ISSUES IN INTERCONNECTION NEGOTIATIONS WITH BELLSOUTH TELECOMMUNICATIONS, INC.

AGENDA: APRIL 18, 2000 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\991838.RCM

CASE BACKGROUND

On December 7, 1999, BlueStar Networks, Inc. (BlueStar) filed a Petition for arbitration of certain unresolved issues in its interconnection negotiations with BellSouth Telecommunications, Inc. (BellSouth). On January 3, 2000, BellSouth filed its Response. A prehearing conference was held on February 21, 2000, and a prehearing order was issued on March 1, 2000. A hearing was scheduled for March 2-3, 2000.

On February 29, 2000, BlueStar filed a signed stipulation resolving all of the outstanding issues in the arbitration, with the exception of Issues 5, 10(c) and (d), and 16. On March 1, 2000, staff received copies of the parties' two separate

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stipulations resolving all of the remaining issues -- Issues 5, 10(c) and (d), and 16 -- in the arbitration.¹

On March 2, 2000, BlueStar filed a Notice of Withdrawal, withdrawing its Petition for Arbitration, its Motion for Reconsideration, filed on February 4, 2000, and its Motion to Strike, filed on February 18, 2000. Accordingly, the hearing scheduled for March 2-3, 2000 was canceled by the Chairman's Office.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge BlueStar's Notice of Withdrawal of its Petition for Arbitration of Certain Unresolved Issues in Interconnection Negotiations with Bellsouth Telecommunications, Inc.?

RECOMMENDATION: Yes. Staff recommends that the Commission acknowledge BlueStar's Notice of Withdrawal of its Petition for Arbitration of Certain Unresolved Issues in Interconnection Negotiations with Bellsouth Telecommunications, Inc. (CLEMONS)

STAFF ANALYSIS: On March 2, 2000, BlueStar filed its Notice of Withdrawal of its Petition for Arbitration. As previously discussed, the parties have signed stipulations resolving all of the outstanding issues in this case. Therefore, staff recommends that the Commission acknowledge BlueStar's Notice of Withdrawal of its Petition for Arbitration.

¹ On March 2, 2000, BellSouth filed the stipulation resolving Issues 5 and 16, and on March 30, 2000, BlueStar filed the stipulation resolving issues 10(c) and (d) with the Division of Records and Reporting.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation on Issue 1 to acknowledge BlueStar's Notice of Withdrawal of its Petition for Arbitration, no further action by the Commission is necessary. Therefore, this docket may be closed. (CLEMONS).

STAFF ANALYSIS: If the Commission approves staff's recommendation on Issue 1 to acknowledge BlueStar's Notice of Withdrawal of its Petition for Arbitration, then no further action will remain for the Commission to take. The parties have been advised that they may file their interconnection agreement with the Commission for approval in a separate docket. Therefore, this docket may be closed.