

State of Florida.



# Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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RECORDS AND REPORTING

**DATE:** June 29, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (MARSH) *cem*  
DIVISION OF LEGAL SERVICES (BANKS) *FRB BK* *DD*

**RE:** DOCKET NO. 000601-TP - REQUEST BY SOUTHEASTERN SERVICES, INC. FOR TERMINATION OF RURAL LEC EXEMPTION OF NORTHEAST FLORIDA TELEPHONE COMPANY, INC., PURSUANT TO 47 U.S.C. 251 (f) (1) (b) OF THE TELECOMMUNICATIONS ACT OF 1996.

**AGENDA:** 07/11/00 - REGULAR AGENDA - FINAL ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\000601.RCM

## CASE BACKGROUND

On May 17, 2000, Southeastern Services, Inc. (Southeastern) notified the Florida Public Service Commission (FPSC) that it had requested an Interconnection Agreement with Northeast Florida Telephone Company (Northeast) and asked the FPSC to eliminate Northeast's status as a rural telephone company under section 251(f)(1) of the Telecommunications Act of 1996 (the Act).

Section 251(f)(1) provides that a rural telephone company is exempt from the provisions of Section 251(c). Section 251(c) imposes certain duties upon Incumbent Local Exchange Carriers (ILECs), such as the duty to provide interconnection with its network to requesting telecommunications carriers. When a rural telephone company receives a bona fide request for interconnection services or network elements, the state commission must investigate and determine whether the request is not unduly economically

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burdensome, is technically feasible, and is consistent with section 254 of the Act (Universal Service). If these criteria are met, the state commission must terminate the rural exemption within 120 days after receipt of notice of the interconnection request from the competitive carrier.

On May 23, 2000, Northeast filed a notice that it wished to depose the officers of Southeastern. On May 24, 2000, Southeastern filed an objection and motion for protective order. Northeast filed its response on May 25, 2000. Southeastern's motion was denied by Order PSC-00-2016-PCO-TP, issued on June 8, 2000.

On June 8, 2000, an issue ID meeting was held to identify and discuss issues involved in the docket, as well as any procedural matters. As a result of that meeting, the parties agreed to attempt to resolve certain issues in order to limit the scope of the hearing. Subsequently, the parties reached sufficient resolution to eliminate the need for a hearing.

On June 15, 2000, Southeastern filed a letter with the FPSC stating "Southeastern herewith withdraws the request for elimination of the 'rural telephone exemption' for Northeast without prejudice to seeking a review of that status at a later date if necessary."

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission acknowledge Southeastern's withdrawal of its Petition and close this docket?

**RECOMMENDATION:** Yes. The Commission should acknowledge Southeastern's withdrawal of its request to eliminate Northeast's status as a rural carrier under Section 251(f)(1) of the Act. With the withdrawal of Southeastern's request, no other action will remain for the Commission to address; therefore, this docket should be closed. **(Marsh, Banks)**

**ANALYSIS:** Southeastern's withdrawal of its request eliminates the need for the FPSC to take any action under 251(f) with regard to Northeast's rural exemption. There has been no significant action taken in this docket to date. Therefore, the Commission should acknowledge Southeastern's withdrawal of its request to eliminate Northeast's status as a rural carrier under Section 251(f)(1) of the Act.

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With the withdrawal of Southeastern's request, no other action will remain for the Commission to address; therefore, this docket should be closed upon issuance of the Order.