

State of Florida



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: JULY 20, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (MARSH, BLOOM)
DIVISION OF LEGAL SERVICES (FORDHAM) *2/4. PL*

RE: DOCKET NO. 991605-TP - PETITION BY BELL SOUTH TELECOMMUNICATIONS, INC. FOR ARBITRATION OF INTERCONNECTION AGREEMENT WITH TIME WARNER TELECOM OF FLORIDA, L.P., PURSUANT TO SECTION 252(B) OF THE TELECOMMUNICATIONS ACT OF 1996.

AGENDA: 08/01/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\991605.RCM

CASE BACKGROUND

On October 15, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of an interconnection agreement with Time Warner Telecom of Florida, L.P. (Time Warner) pursuant to section 252(b)(1) of the Telecommunications Act of 1996 (the Act).

Section 252(b)(1) provides that during the period from the 135th to the 160th day (inclusive) after the date an incumbent local exchange carrier receives a request for negotiation, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

On November 9, 1999, Time Warner filed its response to BellSouth's petition for arbitration. On January 12, 2000 notice

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was filed for a prehearing conference January 19, 2000 and for a hearing on the issues February 2, 2000.

On January 27, 2000, at the request of the parties, notice was filed canceling the February 2, 2000 hearing. Subsequently, on February 25, 2000, the parties filed a joint motion for withdrawal of the petition for arbitration. An interconnection agreement was approved by Order No. PSC-00-1151-FOF-TP, issued June 23, 2000, in Docket No.000524.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge BellSouth's and Time Warner's withdrawal of petition and close this docket?

RECOMMENDATION: Yes. The Commission should acknowledge the parties' joint request to withdraw the petition for arbitration and close this docket. **(Marsh, Bloom)**

ANALYSIS: By filing a joint motion to withdraw the petition for arbitration, the parties eliminated the need for the FPSC to take any action under section 252 (b) (1) of the Act. Therefore, the Commission should acknowledge the withdrawal.

With the request for withdrawal by both parties, no other issues remain for the Commission to address. The docket should be closed on issuance of the Order.