

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

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**DATE:** AUGUST 3, 2000

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (HINTON) *CH*  
DIVISION OF LEGAL SERVICES (FORDHAM) *C.P.F. AK*

**RE:** DOCKET NO. 990691-TP - PETITION OF ICG TELECOM GROUP, INC. FOR ARBITRATION OF UNRESOLVED ISSUES IN INTERCONNECTION NEGOTIATIONS WITH BELL SOUTH TELECOMMUNICATIONS, INC.

**AGENDA:** 08/15/00 - REGULAR AGENDA - POST HEARING DECISION - PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\990691.RCM

CASE BACKGROUND

On October 27, 1997, this Commission approved a one-year agreement between ICG Telecom Group, Inc. (ICG), and BellSouth Telecommunications, Inc. (BellSouth), providing for interconnection services. That agreement expired on October 27, 1998, but the parties mutually agreed to extend it pending finalization of a successor agreement. Negotiations for a successor agreement failed, and on May 27, 1999, ICG filed a Petition for Arbitration, seeking the assistance of the Commission in resolving the remaining issues. The Petition enumerated a total of twenty-five issues. Since the petition was filed, however, ten of those issues were resolved and withdrawn by the parties.

At the September 21, 1999 Prehearing Conference, BellSouth's Motion to Remove Issues From Arbitration was granted, and nine additional issues were removed from consideration. The remaining issues were addressed at a hearing held on October 7, 1999. Final

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Order No. PSC-00-0128-FOF-TP was issued on January 14, 2000, setting forth the findings of the Commission.

On February 14, 2000, ICG filed an Unopposed Motion for Extension of Time to Prepare Conforming Agreement. This motion requested an additional ten days to complete negotiations. On February 24, 2000, ICG filed a second Unopposed Motion for Extension of Time, requesting an additional two weeks. In that motion ICG proposed that by March 9, 2000, the parties would either submit a single document to which both parties agree, or in the event it became necessary, submit the portion to which there was agreement and the language proposed by each with respect to any outstanding issues.

On March 9, 2000, BellSouth submitted a final interconnection agreement between BellSouth and ICG, including proposed language regarding two unresolved issues. That same day, ICG submitted its proposed language regarding those two issues, requesting that the Commission order that ICG's language be inserted into the final interconnection agreement. However, on March 27, 2000, BellSouth notified the Commission that the parties had reached agreement on language for both of the provisions that were in dispute.

The final interconnection agreement conforming to this Commission's decisions as memorialized in Order No. PSC-00-0128-FOF-TP, was filed by BellSouth on July 27, 2000. This recommendation addresses whether the Commission should approve the BellSouth/ICG interconnection agreement filed on July 27, 2000.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission approve the interconnection agreement between BellSouth and ICG?

**RECOMMENDATION:** Yes, the Commission should approve the interconnection agreement between BellSouth and ICG. **(HINTON)**

**STAFF ANALYSIS:** Staff has reviewed the interconnection agreement and believes it incorporates the Commission's decisions in Order No. PSC-00-0128-FOF-TP. Furthermore, the agreement meets the standards set forth in Section 252(e) of the Telecommunications Act of 1996; therefore, staff recommends that the Commission approve this agreement.

**ISSUE 2:** Should the two Unopposed Motions for Extension of Time filed by ICG be granted?

**RECOMMENDATION:** Yes. The two Unopposed Motions for Extension of Time filed by ICG should be granted. Staff recommends that the Order on this Recommendation also reflect the granting of the ICG Motion to Strike. **(FORDHAM)**

**STAFF ANALYSIS:** Subsequent to the issuance of Final Order No. PSC-00-0128-FOF-TP, ICG, on two occasions, filed for an extension of time to submit the Final Agreement. Both motions were unopposed by BellSouth. Accordingly, staff recommends that those motions be granted. Additionally, ICG had filed a prehearing Motion to Strike portions of the testimony of BellSouth witness Varner. That Motion was granted at the Hearing in this Docket, but not reflected in the Final Order. Staff recommends that the Order on this Recommendation also reflect the granting of the ICG Motion to Strike.

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**ISSUE 3:** Should this docket be closed?

**RECOMMENDATION:** Yes. Docket No. 990691-TP should be closed.  
**(FORDHAM)**

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issues 1 and 2, Docket No. 990691-TP should be closed because there is no further Commission action necessary.