

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of ICG Telecom  
Group, Inc. for arbitration of  
unresolved issues in  
interconnection negotiations  
with BellSouth  
Telecommunications, Inc.

DOCKET NO. 990691-TP  
ORDER NO. PSC-00-1497-FOF-TP  
ISSUED: August 18, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
E. LEON JACOBS, JR.

ORDER APPROVING INTERCONNECTION AGREEMENT

BY THE COMMISSION:

On October 27, 1997, we 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 our assistance 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 Since the petition was filed, however, ten of those issues were resolved and withdrawn by the parties.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 Order No. PSC-00-0128-FOF-TP was issued on January 14, 2000, setting forth our findings in the Hearing.

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

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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 we order that ICG's language be inserted into the final interconnection agreement. However, on March 27, 2000, BellSouth notified us that the parties had reached agreement on language for both of the provisions that were in dispute.

The final interconnection agreement conforming to our decisions, as memorialized in Order No. PSC-00-0128-FOF-TP, was filed by BellSouth on July 27, 2000. We have reviewed the Interconnection Agreement and find that 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, we approve this agreement.

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, those motions are 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. This Order shall also reflect the granting of the ICG Motion to Strike.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Interconnection Agreement between BellSouth Telecommunications, Inc. and ICG Telecom Group, Inc. is incorporated by reference in this Order, and is hereby approved. A copy of the agreement may be obtained by contacting the Division of Records and Reporting. It is further

ORDERED that any supplements or modifications to this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

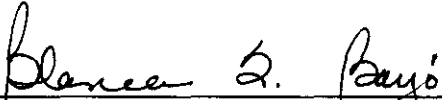
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ORDERED that the two Unopposed Motions for Extension of Time are hereby granted. It is further

ORDERED that the Motion to Strike addressed at the Hearing in this matter is hereby granted. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 18th day of August, 2000.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CLF

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6).