



# Public Service Commission

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

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RECORDS AND REPORTING

**DATE:** OCTOBER 5, 2000

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

**FROM:** DIVISION OF LEGAL SERVICES (FORDHAM) *CAF-112*  
DIVISION OF COMPETITIVE SERVICES (ARANT, SIMMONS) *KPA SAS*

**RE:** DOCKET NO. 992018-TP - PETITION BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR ARBITRATION OF RESALE AGREEMENT WITH ATLANTIC TELECOMMUNICATION SYSTEMS, INC.

**AGENDA:** OCTOBER 17, 2000 - REGULAR AGENDA - FINAL ACTION

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\992018a.RCM

### CASE BACKGROUND

Atlantic Telecommunications Systems, Inc. (Atlantic) is an ALEC, holding a Florida certificate to provide telecommunications service, and is reselling telecommunications services provided by BellSouth Telecommunications, Inc. (BellSouth).

On February 9, 1998, the Commission approved a BellSouth/Atlantic Resale Agreement, which expired on September 16, 1999. The parties agreed to continue service pursuant to the expired agreement until a successor agreement was adopted. On December 23, 1999, however, BellSouth filed a Petition for Arbitration of Resale Agreement with Atlantic. The petition consisted of two issues; however, the parties subsequently reached agreement on one issue.

At the scheduled prehearing conference, held April 7, 2000, Atlantic failed to appear. Therefore, in accordance with Order No. PSC-00-0391-PCO-TP, the Order Establishing Procedure for this case,

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Atlantic has waived all positions and issues raised in its prehearing statement.

An Administrative hearing was held on April 19, 2000. However, in accordance with the Prehearing Order, Atlantic's testimony and exhibits were not allowed to be entered into the record; therefore, the only evidence entered into the record was the prefiled direct testimony submitted by BellSouth. Moreover, Atlantic did not appear for the hearing.

At the June 29, 2000 Agenda Conference, Atlantic Telecommunications Systems, Inc. and BellSouth Telecommunications, Inc. were directed by this Commission to submit a signed final arbitrated agreement in accordance with Section 252 of the Telecommunications Act of 1996, within thirty (30) days of the issuance of the Commission's order. Commission Order PSC-00-1351-FOF-TP was issued on July 26, 2000, and the parties filed their agreement on August 18, 2000.

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**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission approve the Final arbitrated agreement between Atlantic and BellSouth which was filed on August 18, 2000?

**RECOMMENDATION:** Yes. The Commission should approve the final arbitrated agreement between Atlantic and BellSouth which was filed on August 18, 2000. (ARANT)

**STAFF ANALYSIS:** The parties have submitted a signed final arbitrated agreement in accordance with Section 252 of the Telecommunications Act of 1996, which complies with Commission Order PSC-00-1351-FOF-TP. Therefore, staff recommends that this agreement be approved.

**ISSUE 2:** Should this docket now be closed?

**RECOMMENDATION:** Yes. This docket should be closed. (ARANT, FORDHAM)

**STAFF ANALYSIS:** If the Commission approves staff's recommendation in Issue 1, this will dispose of all remaining matters in this docket. Accordingly, the docket should be closed.