



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

DATE: November 16, 2000

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

FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *Cal*
 DIVISION OF COMPETITIVE SERVICES (HINTON, DOWDS, OLLILA, FULWOOD, KING) *Hinton Dowds Ollila Fulwood King*

RE: DOCKET NO. 991220-TP - PETITION BY GLOBAL NAPS, INC. FOR ARBITRATION OF INTERCONNECTION RATES, TERMS AND CONDITIONS AND RELATED RELIEF OF PROPOSED AGREEMENT WITH BELL SOUTH TELECOMMUNICATIONS, INC.

AGENDA: 11/28/00 - REGULAR AGENDA - POST HEARING DECISION - PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\991220B.RCM

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 RECORDS AND REPORTING

CASE BACKGROUND

On August 26, 1999, Global NAPS, Inc. (GNAPS) filed a petition for arbitration of an interconnection agreement with BellSouth Telecommunications, Inc. (BellSouth) under Section 252(b) of the Telecommunications Act of 1996 (the "Act"). On September 20, 1999, BellSouth timely filed its Response to the petition.

On January 31, 2000, the parties filed a Joint Motion to Modify Schedule. The Joint Motion was granted by Order No. PSC-00-0294-PCO-TP, issued February 14, 2000. Thereafter, the Commission considered the briefs filed by the parties. By Order No. PSC-00-0568-FOF-TP, issued March 20, 2000, the Commission determined that the agreement had, in fact, terminated on July 1, 1999. Thereafter, the parties proceeded to hearing on the remaining issues identified in Order No. PSC-00-0294-PCO-TP.

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An administrative hearing was held on June 7, 2000. By Order No. PSC-00-1680-FOF-TP, issued September 19, 2000, the Commission rendered its final decision on arbitration. On October 4, 2000, both Global NAPs and BellSouth filed Motions for Reconsideration and on October 16, 2000, both parties filed their Responses to the Motions. On October 18, 2000, BellSouth and Global NAPs jointly filed their Agreed Motion for Extension of Time (Agreed Motion).

This recommendation addresses the Agreed Motion for Extension of Time.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant BellSouth Telecommunications, Inc. and Global NAPs, Inc.'s Agreed Motion for Extension of Time to file a signed agreement within 30 days of the issuance of the Final Order on Reconsideration?

RECOMMENDATION: Yes. Staff recommends that the Commission grant BellSouth Telecommunications, Inc. and Global NAPs, Inc.'s Agreed Motion for Extension of Time to file a signed agreement within 30 days of the issuance of the Final Order on Reconsideration.

STAFF ANALYSIS: The Commission has jurisdiction to decide this matter pursuant to Section 120.569, Florida Statutes.

In their Motion, BellSouth and GNAPs state that in the Final Order on Arbitration No. PSC-00-1680-FOF-TP, the Commission ordered the parties to submit a signed agreement compliant with its decision within 30 days of the issuance of the Order. BellSouth and GNAPs state that due to the pending motions for reconsideration filed by both parties, BellSouth and GNAPs believe it would be appropriate to extend the time for filing a new interconnection agreement until 30 days after the Commission has ruled on those motions.

Staff agrees because the parties could not file an entire agreement when certain issues remain subject to reconsideration by this Commission. Therefore, staff recommends that the Commission grant BellSouth Telecommunications, Inc. and Global NAPs, Inc.'s Agreed Motion for Extension of Time to file a signed agreement

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within 30 days of the issuance of the Final Order on Reconsideration.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. There is a pending Motion for Reconsideration outstanding that needs to be addressed by the Commission, therefore, staff recommends the docket should remain open pending the Commission's consideration of the outstanding motion.

STAFF ANALYSIS: There is a pending Motion for Reconsideration outstanding that needs to be addressed by the Commission, therefore, staff recommends the docket should remain open pending the Commission's consideration of the outstanding motion.