

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of resale agreement and amendment to resale agreement between Sprint-Florida, Incorporated and OSCATEL Communications.

DOCKET NO. 001631-TP
ORDER NO. PSC-01-0003-FOF-TP
ISSUED: January 2, 2001

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER APPROVING RESALE AGREEMENT
AND FIRST AMENDMENT

BY THE COMMISSION:

On October 27, 2000, Sprint-Florida, Incorporated (Sprint-Florida) and OSCATEL Communications (OSCARTEL) filed a request for approval of a resale agreement and first amendment to this agreement pursuant to 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The agreement and the amendment are incorporated by reference herein. A copy of the agreement and the amendment may be obtained by contacting our Division of Records and Reporting.

Both the Act and Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved.

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This agreement covers a two-year period and governs the relationship between the companies regarding the resale of tariffed telecommunication services. The amendment to this agreement corrects a clerical date error in the underlying agreement. Under 47 U.S.C. § 252(a)(1), the agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement states that telecommunications services provided by Sprint-Florida for resale will be available for purchase by OSCATEL as specified in the agreement.

Upon review of the proposed agreement and the first amendment to this agreement, we find that both comply with the Act; thus, we hereby approve them. Sprint-Florida and OSCATEL must file any supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e). We note that OSCATEL does not currently hold a Florida certificate to provide alternative local exchange telecommunications service, and therefore, it cannot provide alternative local exchange telecommunications services under this agreement until it obtains a certificate from this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the resale agreement and first amendment to this agreement between Sprint-Florida, Incorporated and OSCATEL Communications, are incorporated by reference in this Order, and are hereby approved. A copy of the agreement and the amendment may be obtained as specified in the body of this Order. 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

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 2nd
day of January, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

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).