



Public Service Commission

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RECORDS AND REPORTING

DATE: JANUARY 25, 2000

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

FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *pluc*
DIVISION OF COMPETITIVE SERVICES (MARSH) *am*

RE: DOCKET NO. 991946-TP - REQUEST FOR ARBITRATION CONCERNING COMPLAINT OF ITC^DELTA COM COMMUNICATIONS, INC. AGAINST BELLSOUTH TELECOMMUNICATIONS, INC. FOR BREACH OF INTERCONNECTION TERMS, AND REQUEST FOR IMMEDIATE RELIEF

AGENDA: 02/05/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\991946B.RCM

CASE BACKGROUND

On December 17, 1999, ITC^DeltaCom Communications, Inc. (DeltaCom) filed a request for arbitration concerning a complaint against BellSouth Telecommunications, Inc. (BellSouth). At that time, DeltaCom also filed a Motion to Consolidate its complaint proceeding with the Global NAPs (GNAPs) proceeding in Docket No. 991267-TP. On December 28, 1999, BellSouth filed its Response to DeltaCom's Motion to Consolidate the GNAPs and DeltaCom complaints. On January 11, 2000, BellSouth filed its Answer and Response to DeltaCom's complaint. By Order No. PSC-00-0211-PCO-TP, issued February 2, 2000, DeltaCom's Motion to Consolidate GNAPs' and DeltaCom's complaints was denied. On May 18, 2000, Order No. PSC-00-0979-PCO-TP establishing procedure was issued.

On May 15, 2000, DeltaCom filed a Motion to Continue Proceedings and a Motion for Summary Final Order. On May 22, 2000, BellSouth filed its Response in Opposition to DeltaCom's Motion for

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Summary Final Order and Response to DeltaCom's Motion to Continue Proceedings. By Order No. PSC-00-1177-PCO-TP, issued June 29, 2000, DeltaCom's Motion to Continue Proceedings was granted. On May 25, 2000, DeltaCom filed a Supplemental Memorandum in Support of its Motion for Summary Final Order and on June 5, 2000, BellSouth filed its Response in Opposition to DeltaCom's Supplemental Memorandum in Support of its Motion for Summary Final Order. By Order No. PSC-00-1540-FOF-TP, issued August 24, 2000, DeltaCom's Motion for Summary Final Order was granted.

On September 8, 2000, BellSouth filed a Motion for Reconsideration of Order No. PSC-00-1540-FOF-TP. On September 20, 2000, DeltaCom filed its response to BellSouth's motion. On November 13, 2000, prior to any Commission action on the Motion for Reconsideration, DeltaCom filed a letter advising that BellSouth and DeltaCom had reached a settlement on DeltaCom's complaint. On January 17, 2001, BellSouth filed a Notice of Withdrawal of Motion for Reconsideration.

DISCUSSION OF ISSUES

ISSUE 1: Should this docket be closed?

RECOMMENDATION: Yes. (Marsh, Caldwell)

STAFF ANALYSIS: By letter filed November 13, 2000, DeltaCom advised the Commission that BellSouth and DeltaCom have reached a settlement on the complaint that is the subject of this docket. In its Motion filed January 17, 2001, BellSouth states that there are no longer any issues to be decided and it hereby withdraws its Motion for Reconsideration. Because no further action is necessary by the Commission, staff recommends that the docket should be closed.