

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND REPORTING

DATE: FEBRUARY 8, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (LOGUE) *SAS for KL + WDH*
DIVISION OF LEGAL SERVICES (K.PENA, B.KEATING) *[Signature]*

RE: DOCKET NO. 001701-TP - REQUEST BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF INTERCONNECTION, UNBUNDLING, RESALE, AND COLLOCATION AGREEMENT WITH KMC TELECOM INC., KMC TELECOM II, INC., KMC TELECOM III, INC., AND KMC TELECOM V, INC.

AGENDA: 02/20/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001701.RCM

CASE BACKGROUND

On November 14, 2000, BellSouth Telecommunications, Inc. (BellSouth) and KMC Holdings, Inc. (KMC Holdings), parent company of KMC Telecom Inc., KMC Telecom II, Inc., KMC Telecom III, and KMC Telecom V, Inc. (collectively, KMC Telecom), filed with this Commission a petition for approval of an interconnection, unbundling, resale, and collocation agreement.

The docket was scheduled to go to the January 2, 2001, Agenda Conference. On this date the Commission approved staff's recommendation. However, after the vote, it was brought to staff's attention that, due to a scrivener's error, the recommendation reflected that the filing was an agreement between BellSouth and KMC Holdings. This agreement was negotiated by KMC Holdings on behalf of its certificated operating affiliates in Florida, KMC Telecom.

DOCUMENT NUMBER-DATE

01807 FEB-8 2001

PPSC-RECORDS AND REPORTING

Accordingly, staff believes that the following recommendations are appropriate. The Commission is vested with jurisdiction over this matter pursuant to Sections 251 and 252 of the Telecommunications Act.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission reconsider its vote at the January 2, 2001, Agenda Conference and approve the interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and KMC Telecom Inc., KMC Telecom II, Inc., KMC Telecom III, and KMC Telecom V, Inc.?

RECOMMENDATION: Yes. The Commission should reconsider its vote and approve the interconnection, unbundling, resale, and collocation agreement.

STAFF ANALYSIS: As stated in the Case Background, the Commission approved this filing at the January 2, 2001, Agenda Conference. However, due to a scrivener's error in the recommendation, the filing was described as an agreement between BellSouth and KMC Holdings. Therefore, staff is bringing it back before the Commission to reconsider and approve the filing as an agreement between BellSouth Telecommunications, Inc. and KMC Telecom Inc., KMC Telecom II, Inc., KMC Telecom III, and KMC Telecom V, Inc. Staff believes that this agreement complies with the Telecommunications Act and should be approved.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves Issue #1, this docket should be closed upon issuance of the Commission's Order.

STAFF ANALYSIS: Since no further Commission action is necessary, this docket should be closed upon issuance of the Commission's Order.