

State of Florida



Public Service Commission

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RECORDS AND REPORTING

DATE: FEBRUARY 8, 2001

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

FROM: DIVISION OF COMPETITIVE SERVICES (HINTON) *CH* / *SAS for WDH*
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAE*

RE: DOCKET NO. 000084-TP - PETITION BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR ARBITRATION OF AN INTERCONNECTION AGREEMENT WITH US LEC OF FLORIDA, INC. PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996.

AGENDA: 02/20/01 - REGULAR AGENDA - DECISION PRIOR TO HEARING - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\000084.RCM

CASE BACKGROUND

On January 25, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a Petition for Arbitration of certain unresolved issues in its negotiations with US LEC of Florida, Inc. (US LEC). On February 14, 2000, US LEC filed a timely motion for a 90-day extension of time to file its response to BellSouth's petition. By Order No. PSC-00-0645-PCO-TP, issued April 6, 2000, the Commission granted US LEC's motion. On July 20, 2000, US LEC filed its response to BellSouth's Petition for Arbitration, with additional issues to resolve. On August 17, 2000, Order No. PSC-00-1483-PCO-TP establishing procedure was issued. A prehearing conference was held on November 8, 2000. The hearing was scheduled for December 14, 2000. By letter dated December 13, 2000, US LEC filed a Notice of Voluntary Dismissal of Petition for Arbitration on the basis that US LEC has elected, pursuant to 47 U.S.C. §252(i), to adopt the interconnection agreement entered into between BellSouth and Intermedia Communications, Inc. (Intermedia), filed with the

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Commission on October 4, 2000 and approved, as a matter of law, pursuant to 47 U.S.C. §252(e)(4). On January 26, 2001, BellSouth filed its Notice of Withdrawal of Petition for Arbitration. The Commission is vested with jurisdiction over this matter pursuant to Section 252 of the Act.

DISCUSSION OF ISSUES

ISSUE 1: Should this docket be closed?

RECOMMENDATION: Yes. (HINTON, ELLIOTT)

STAFF ANALYSIS: By letter dated December 13, 2000, US LEC filed a Notice of Voluntary Dismissal of Petition for Arbitration. Pursuant to 47 U.S.C. §252(i), US LEC has elected to adopt the interconnection agreement entered into between BellSouth and Intermedia. On January 26, 2001, BellSouth filed its Notice of Withdrawal of Petition for Arbitration, stating that there are no longer any issues to be arbitrated. No further action by the Commission is necessary; therefore, the docket should be closed.