



Public Service Commission

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RECORDS AND REPORTING

**DATE:** MARCH 1, 2001

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

**FROM:** DIVISION OF COMPETITIVE SERVICES (HINTON) *CH*  
DIVISION OF LEGAL SERVICES (KEATING) *BIC*

**RE:** DOCKET NO. 990750-TP - PETITION BY ITC^DELTACOM COMMUNICATIONS, INC. D/B/A ITC^DELTACOM FOR ARBITRATION OF CERTAIN UNRESOLVED ISSUES IN INTERCONNECTION NEGOTIATIONS BETWEEN ITC^DELTACOM AND BELLSOUTH TELECOMMUNICATIONS, INC.

**AGENDA:** 03/13/01 - REGULAR AGENDA - POST HEARING DECISION - PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\990750.RCM

CASE BACKGROUND

On June 11, 1999, ITC^DELTACOM Communications, Inc., d/b/a ITC^DELTACOM (DELTACOM) filed a Petition for Arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996 (Act)<sup>1</sup> seeking arbitration of certain unresolved issues in the interconnection negotiations between DELTACOM and BellSouth Telecommunications, Inc. (BellSouth). On July 6, 1999, BellSouth filed its response.

An administrative hearing was held on October 27-29, 1999, on the issues. Subsequent to the hearing, the parties filed a Joint Motion of the Parties Notifying the Commission of Recently Resolved Issues, by which additional issues were removed from this arbitration proceeding. On March 15, 2000, the final order on

<sup>1</sup> 47 U.S.C. 252(b)

DOCUMENT NUMBER-DATE

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arbitration, Order No. PSC-00-0537-FOF-TP, (Final Order) was issued.

On March 30, 2000, BellSouth filed a Motion for Reconsideration of the Final Order. On April 11, 2000, DELTACOM filed its Response to BellSouth's Motion for Reconsideration. On April 24, 2000, BellSouth filed a Motion for Leave to File a Reply Memorandum. DELTACOM filed a Motion to Strike BellSouth's Motion for Leave to File Reply Memorandum and its Response to BellSouth's Reply Memorandum on May 8, 2000. Finally, on May 16, 2000, BellSouth filed a Response to DELTACOM's Motion to Strike Motion for Leave to File Reply Memorandum. On November 22, 2001, the Commission issued Order No. PSC-00-2233-FOF-TP granting in part and denying in part BellSouth's Motion for Reconsideration, denying BellSouth's Motion for Leave to File a Reply Memorandum, and denying DELTACOM's Motion to Strike.

On December 12, 2000, DELTACOM filed an Agreed Motion for Extension of Time to file the interconnection agreement. This motion was granted by Order No. PSC-01-0129-PCO-TP, released January 17, 2001. On January 11, 2001, DELTACOM filed a second Agreed Motion for Extension of Time, which was granted by Order No. PSC-01-0423-PCO-TP released February 22, 2001. On February 12, 2001, BellSouth filed a request for approval of an Interconnection, Unbundling, Resale and Collocation Agreement with DELTACOM.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission approve the interconnection agreement between BellSouth and DELTACOM?

**RECOMMENDATION:** Yes, the Commission should approve the interconnection agreement between BellSouth and DELTACOM. **(HINTON)**

**STAFF ANALYSIS**

Staff has reviewed the interconnection agreement and believes it meets the standards set forth in Section 252(e) of the Telecommunications Act of 1996; therefore, staff recommends that the Commission approve this agreement. Staff notes that many of the rates set forth in the agreement do not reflect the rates set by this Commission in Order Nos. PSC-00-0537-FOF-TP and PSC-00-2233-FOF-TP. The parties have arrived at the rates contained in this agreement through negotiation subsequent to the Commission's Orders. Nevertheless, these negotiated rates appear to comply with the Act. As such, staff believes the agreement should be approved, and the negotiated rates should supersede those set forth in the Commission's Orders.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. Docket No. 990750-TP should be closed.  
**(KEATING)**

**STAFF ANALYSIS**

If the Commission approves staff's recommendation in Issue 1, Docket No. 990750-TP should be closed because there is no further Commission action necessary.