

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 990750-TP
ORDER NO. PSC-01-0717-FOF-TP
ISSUED: March 22, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER APPROVING INTERCONNECTION,
UNBUNDLING, RESALE, AND COLLOCATION AGREEMENT

BY THE COMMISSION:

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) 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 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

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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, we 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. The agreement is incorporated by reference herein. A copy of the agreement may be obtained by contacting our Division of Records and Reporting.

Having reviewed the interconnection agreement, we find that it meets the standards set forth in Section 252(e) of the Telecommunications Act of 1996. Therefore, upon consideration, we hereby approve this agreement. We note 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 our decisions. Nevertheless, these negotiated rates appear to comply with the Act. As such, we approve the agreement, and the negotiated rates shall supersede those set forth in our Orders in this Docket.

It is therefore

ORDERED by the Florida Public Service Commission that the Interconnection, Unbundling, Resale and Collocation Agreement between BellSouth Telecommunications, Inc. and ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom is incorporated by

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reference in this Order, and is hereby approved. A copy of the agreement 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.

By ORDER of the Florida Public Service Commission this 22nd Day of March, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

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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).