

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth  
Telecommunications, Inc. for  
approval of negotiated interim  
interconnection cross-connect  
agreement with ITC^DeltaCom  
Communications, Inc. d/b/a  
ITC^DeltaCom.

DOCKET NO. 010186-TP  
ORDER NO. PSC-01-1270-FOF-TP  
ISSUED: June 5, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER VACATING VOTE AND CLOSING DOCKET

BY THE COMMISSION:

On February 8, 2001, BellSouth Telecommunications, Inc. filed  
with this Commission a request for approval of their negotiated  
interim interconnection cross-connect agreement with ITC^DeltaCom  
Communications, Inc. d/b/a ITC^DeltaCom. We approved the agreement  
at the March 13, 2001, Agenda Conference. This agreement was to  
remain in effect until the companies executed a new agreement  
pursuant to a Commission order in the disposition of the pending  
arbitration proceedings. After the vote, however, it was brought  
to our staff's attention that in the same Agenda Conference, we  
approved a new agreement in the arbitration proceedings, Docket No.  
990750-TP. We note that after the Agenda, the parties were  
notified of this issue, but declined to withdraw the interim  
agreement.

Section 4 of the interim interconnection cross-connect  
agreement, Term of the Agreement, states:

DOCUMENT NUMBER-DATE

07025 JUN-5

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4.1 This Agreement shall remain in effect until such time as the Parties execute a new agreement upon an effective order by the Commission resolving the disputes at issue in the pending arbitration proceeding.

4.2 This agreement shall terminate on the Effective Date of a new Agreement between the Parties.

By Order No. PSC-01-0717-FOF-TP, issued March 22, 2001, we approved the new agreement in the arbitration proceedings. Further, the arbitrated agreement states:

**THIS AGREEMENT IS** made by and between BellSouth Telecommunications, Inc., ("BellSouth"), a Georgia corporation, and ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom, hereinafter referred to as ("ITC^DeltaCom") an Alabama corporation, and shall be deemed effective as of the date of the last signature of both Parties ("Effective Date").

Page 18 of the arbitrated agreement, General Terms and Conditions-Part A, reflects that both companies executed the agreement on February 9, 2001.

Based on the evidence described above, we find that Order No. PSC-01-0717-FOF-TP and the arbitrated agreement clearly met the termination requirements posed in the interim agreement to render it moot. Therefore, we hereby vacate our vote at the March 13, 2001, Agenda Conference and close this docket.

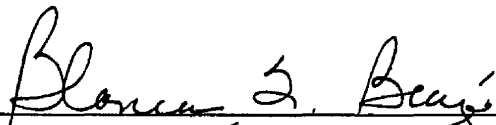
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby vacate our vote in this Docket at the March 13, 2001, Agenda Conference. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission this 5th Day of June, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

KMP

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 by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.