



Public Service Commission
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COMMISSION
CLERK

01 OCT -4 AM 8:37

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DATE: OCTOBER 4, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE SERVICES (LOGUE) *KL*
DIVISION OF LEGAL SERVICES (CHRISTENSEN) *RD*

RE: DOCKET NO. 001810-TP - REQUEST FOR ARBITRATION CONCERNING
COMPLAINT OF TCG SOUTH FLORIDA AND TELEPORT COMMUNICATIONS
GROUP AGAINST BELLSOUTH TELECOMMUNICATIONS, INC. FOR
BREACH OF TERMS OF INTERCONNECTION AGREEMENT.

AGENDA: 10/16/01 - 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\001810.RCM

CASE BACKGROUND

On December 20, 2000, TCG South Florida and Teleport Communications Group (TCG) filed a complaint against BellSouth Telecommunications, Inc. (BellSouth) seeking resolution of alleged breach of terms of the parties' interconnection agreement. TCG and BellSouth, hereafter also referred to as the "Parties," entered into an interconnection agreement effective July 14, 1999, approved by the Florida Public Service Commission (Commission or FPSC) in Docket No. 991190-TP, Order No. PSC-99-1877-FOF-TP. In Docket No. 991190-TP, TCG adopted an existing interconnection agreement between AT&T and BellSouth. The AT&T/BellSouth agreement was in effect June 10, 1997 through June 10, 2000, as approved in Docket No. 960833, Order No. PSC-97-0724-FOF-TP.

On January 9, 2001, BellSouth timely filed its answer to TCG's complaint. On May 30, 2001, and June 22, 2001, the Commission held

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a prehearing and hearing in this matter, respectively. On July 27, 2001, the parties timely filed their posthearing briefs. Subsequently, on September 13, 2001, TCG filed with this Commission a Notice of Withdrawal of Complaint, due to TCG's settlement of the matters raised in the Complaint with Respondent BellSouth.

This recommendation addresses TCG's Notice of Withdrawal of Complaint.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge TCG's Notice of Withdrawal of its Complaint against BellSouth?

RECOMMENDATION: Yes. The Commission should acknowledge TCG's Notice of Withdrawal of its Complaint against BellSouth. (LOGUE)

STAFF ANALYSIS: As stated in the Case Background, TCG filed its complaint on December 20, 2000, and BellSouth timely replied on January 9, 2001. Subsequent to the June 22, 2001, hearing, TCG filed on September 13, 2001, its Notice of Withdrawal of Complaint against BellSouth stating that all issues of dispute had been settled between the parties. Therefore, staff recommends that the Commission acknowledge TCG's Notice of Withdrawal in light of the fact there are no longer issues in dispute.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. This docket should be closed. (CHRISTENSEN)

STAFF ANALYSIS: This docket should be closed because the matters raised in the Complaint have been resolved by the parties, and no further action is required on this Docket.