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James Meza III
Attorney

02 MAR 27 PM 4:43

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COMMISSION
CLERK

March 27, 2002

Mrs. Blanca S. Bayó
Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: **000075-TP (Generic ISP Docket) (Phase I)**

Dear Ms. Bayó:

Enclosed please find an original and fifteen copies of the Joint Parties' Stipulation, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,
James Meza III
James Meza III (KA)

Enclosures

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

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- OPC _____
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- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK **001487**

CERTIFICATE OF SERVICE
Docket No. 000075-TP (Phase I)

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Federal Express this 27th day of March, 2002 to the following:

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James Meza III (CAB)

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:

Investigation into appropriate methods to compensate carriers for Docket No. 000075-TP exchange of traffic subject to Section 251 of the Telecommunications Act of 1996.

Docket No. 000075-TP

STIPULATION

The undersigned parties to the above-captioned proceeding, and the Staff of the Florida Public Service Commission ("FPSC") hereby stipulate as follows:

1. On April 27, 2001, the FCC issued its ruling in the case of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, Intercarrier Compensation for ISP-Bound Traffic, CC Docket No. 99-68, *Order on Remand and Report and Order*, FCC No. 01-131 (rel. Apr. 27, 2001) ("*ISP Remand Order*"). The *ISP Remand Order* establishes certain nationally applicable rules regarding intercarrier compensation for ISP-bound traffic. The *ISP Remand Order* is under court review, but it has not been stayed and is therefore legally effective. As a result, the *ISP Remand Order* has established a nationwide resolution of the issues presented in Phase I of this proceeding.

2. In light of the *ISP Remand Order*, the Florida Public Service Commission ("FPSC") should decline to rule on the issues presented in Docket No. 000075-TP, Phase I, at this time, and should suspend any further activity in this Docket pertaining to the Phase I issues.

3. Because the *ISP Remand Order* is currently subject to court review, however, the record from the Phase I hearing conducted on March 7-9, 2001, should be preserved, as described below.

4. The *ISP Remand Order* may be modified as a result of court review or further FCC action. If the FCC and/or the courts subsequently rule that ISP-bound traffic is not entirely within the jurisdiction and control of the FCC, or that state regulatory bodies have jurisdiction with respect to intercarrier compensation arrangements for such traffic notwithstanding its interstate character, further proceedings before the FPSC addressing the Phase I issues may be reinitiated either at the request of any party to this proceeding or on the FPSC's own initiative. The FPSC should, at the time of any request to reinitiate consideration of the Phase I issues, address and resolve any questions that may exist at that time with regard to its jurisdiction to proceed.

5. The undersigned parties stipulate that if such further proceedings are initiated, the record from the Phase I hearing should be deemed applicable as preserved, and should be incorporated into the record of the reinitiated proceedings in full.¹ The undersigned parties hereby waive any objection that they might otherwise have to the inclusion of the record from the Phase I hearing into the record of such further proceedings, subject only to objections as to the admissibility of particular evidence which were actually made on the record during the Phase I hearing. Any such objections actually made during the Phase I hearings shall be deemed preserved.

¹ References in this stipulation to "the undersigned parties" are intended to include the Commission staff as well.

6. Because the record from Phase I shall be incorporated into the record of any future proceeding on the Phase I issues, the undersigned parties hereby stipulate that they will not seek to introduce additional testimony on the issues addressed in the Phase I hearing, and stipulate that they will limit their presentation in such future proceedings to supplemental briefs, addressing legal and regulatory decisions and developments occurring between the time of the Phase I hearing and the time of such future proceedings, provided, however, that the undersigned parties reserve their right to request the FPSC to permit the submission of supplemental testimony in order to address significant changes in factual circumstances occurring between the time of the Phase I hearing and the time of such future proceedings. Changes in regulatory or policy considerations shall be addressed in briefs, not in testimony.

7. If, upon the conclusion of Phase II of this proceeding, the state of the law regarding the jurisdiction over ISP-bound traffic remains as set forth in the *ISP Remand Order*, the undersigned parties stipulate that Docket No. 000075-TP may be closed, subject to the terms of this stipulation regarding reinitiating proceedings to address the Phase I issues.

8. Even if Docket No. 000075-TP is closed in accordance with Point 7 of this stipulation, if the state of the law regarding the Phase I issues changes as a result of further judicial or FCC proceedings, then Points 3 - 6 of this stipulation should be deemed applicable to any new Docket opened to address the same issues identified in Phase I of Docket No. 000075-TP.

9. This stipulation may be executed in multiple counterparts.

10. This stipulation may not be considered binding in any way upon the parties or the FPSC with regard to complaints arising under agreements prior to FCC Order 01-131.

Respectfully submitted this 25th day of March, 2002.

INSERT OUR SIGNATURE PAGE AND THEN ATTACH ALL
OTHERS AFTER

10. This stipulation may not be considered binding in any way upon the parties or the FPSC with regard to complaints arising under agreements prior to FCC Order 01-131.

Respectfully submitted,

STAFF OF THE FLORIDA PUBLIC
SERVICE COMMISSION

SPRINT COMMUNICATIONS COMPANY
LIMITED PARTNERSHIP and SPRINT-
FLORIDA, INCORPORATED

Felicia Banks
Staff Counsel
Its Attorney

Susan S. Masterson
Their Attorney

AT&T COMMUNICATIONS OF THE
SOUTHERN STATES; TCG OF SOUTH FLO-
RIDA; MEDIAONE FLORIDA COMMUNI-
CATIONS, INC.; ALLEGIANCE TELECOM
OF FLORIDA, INC; LEVEL 3 COMMU-
NICATIONS, LLC; and US LEC OF
FLORIDA, INC.

FLORIDA CABLE TELECOMMUNICA-
TIONS ASSOCIATION

Michael A. Gross
Vice President — Regulatory Affairs &
Regulatory Counsel
Its Attorney

Kenneth A Hoffman
Martin P. McDonnell
Their Attorneys

TIME WARNER TELECOM OF FLORIDA,
L.P.

Morton J. Posner
Additional Counsel for Allegiance Telecom of
Florida, Inc.

Peter M. Dunbar, Esq.
Karen M. Camechis, Esq.
Their Attorneys

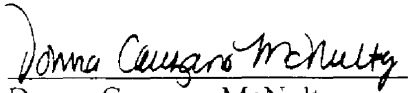
GLOBAL NAPS, INC.

BELLSOUTH TELECOMMUNICATIONS,
INC.

Christopher W. Savage
Jon C. Moyle
Its Attorneys

James Meza III
James Meza
Kip Edenfield
Its Attorneys

MCI METRO ACCESS TRANSMISSION SERVICES, LLC;
MCI WORLDCOM COMMUNICATIONS, INC; AND
INTERMEDIA COMMUNICATIONS INC.



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Their attorney.

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Respectfully submitted,

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Its Attorney

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AT&T COMMUNICATIONS OF THE
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FLORIDA CABLE TELECOMMUNICA-
TIONS ASSOCIATION

Martin P. McDonnell

Kenneth A Hoffman
Martin P. McDonnell
Their Attorneys

Michael A. Gross
Vice President — Regulatory Affairs &
Regulatory Counsel
Its Attorney

Morton J. Posner for

Morton J. Posner
Additional Counsel for Allegiance Telecom of
Florida, Inc.

TIME WARNER TELECOM OF FLORIDA,
L.P.

Peter M. Dunbar, Esq.
Karen M. Camechis, Esq.
Their Attorneys

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Respectfully submitted,

STAFF OF THE FLORIDA PUBLIC
SERVICE COMMISSION

SPRINT COMMUNICATIONS COMPANY
LIMITED PARTNERSHIP and SPRINT-
FLORIDA, INCORPORATED

Felicia Banks
Staff Counsel
Its Attorney

Susan S. Masterson
Their Attorney

AT&T COMMUNICATIONS OF THE
SOUTHERN STATES; TCG OF SOUTH FLO-
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CATIONS, INC.; ALLEGIANCE TELECOM
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FLORIDA CABLE TELECOMMUNICA-
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Michael A. Gross
Vice President — Regulatory Affairs &
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Its Attorney

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Martin P. McDonnell
Their Attorneys

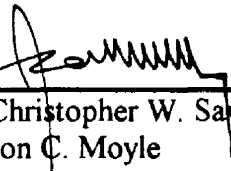
TIME WARNER TELECOM OF FLORIDA,
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Morton J. Posner
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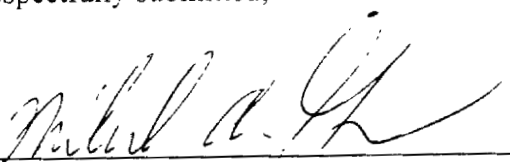


Christopher W. Savage
Jon C. Moyle
Its Attorneys

James Meza
Kip Edenfield
Its Attorneys

The **FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION** hereby agrees to the Stipulation submitted in Phase I of Florida Public Service Commission Docket. In re: Investigation into appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996, Docket No. 000075-TP.

Respectfully submitted,



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Dated this 25th day of January, 2002.

10. This stipulation may not be considered binding in any way upon the parties or the FPSC with regard to complaints arising under agreements prior to FCC Order 01-131.

Respectfully submitted,

STAFF OF THE FLORIDA PUBLIC
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SPRINT COMMUNICATIONS COMPANY
LIMITED PARTNERSHIP and SPRINT-
FLORIDA, INCORPORATED

Felicia Banks
Staff Counsel
Its Attorney

Susan S. Masterson
Their Attorney

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RIDA; MEDIAONE FLORIDA COMMUNI-
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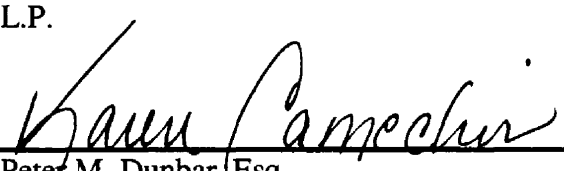
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Christopher W. Savage
Jon C. Moyle
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VERIZON FLORIDA INC.

A handwritten signature in cursive script, appearing to read "Kimberly Caswell", with the word "for" written in a smaller, simpler font to the right of the signature.

Kimberly Caswell
Its Attorney

Respectfully submitted,

SPRINT COMMUNICATIONS COMPANY
LIMITED PARTNERSHIP and SPRINT-
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Their Attorney

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Respectfully submitted,

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Joseph A. McGlothlin

Vicki Gordon Kaufman

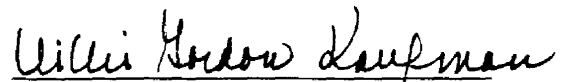
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, Arnold & Steen, P.A.

Its Attorneys

10. This stipulation may not be considered binding in any way upon the parties or the FPSC with regard to complaints arising under agreements prior to FCC Order 01-131.

Respectfully submitted,

XO FLORIDA, INC.



Dana Shaffer

Vice President, Regional Regulatory Counsel

Vicki Gordon Kaufman

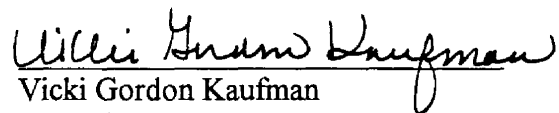
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Its Attorneys

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Respectfully submitted,

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and KMC TELECOM, III, INC.

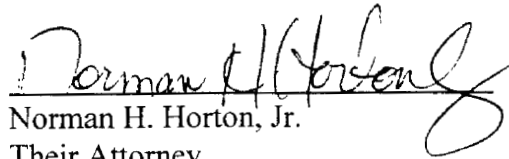

Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman, Arnold & Steen, PA

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Respectfully submitted,

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Norman H. Horton, Jr.
Their Attorney