

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of adoption of language in existing interconnection agreement between NuVox Communications, Inc. (f/k/a Trivergent Communications, Inc.) and BellSouth Telecommunications, Inc., to serve as amendment to existing interconnection agreement between Supra Telecommunications and Information Systems, Inc. and BellSouth.

DOCKET NO. 021069-TP  
ORDER NO. PSC-03-0249-PAA-TP  
ISSUED: February 20, 2003

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
BRAULIO L. BAEZ  
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION  
DENYING REQUEST FOR APPROVAL OF AMENDMENT TO AN  
INTERCONNECTION AGREEMENT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On October 22, 2002, Supra Telecommunications & Information Systems, Inc. (Supra) filed its Request for Approval of an Adoption

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of Language to Serve as Amendment to its Interconnection Agreement<sup>1</sup> (existing agreement) with BellSouth Telecommunications, Inc. (BellSouth) pursuant to Sections 252(i) and 252(e)(1) of the Telecommunications Act of 1996 (Act). Supra requested Commission approval to adopt a specific provision of the BellSouth and NuVox Communications, Inc. (f/k/a Trivergent Communications Inc.) (NuVox) interconnection agreement for the State of Florida, dated June 30, 2000, which addresses billing dispute resolution

On October 25, 2002, BellSouth filed a letter opposing Supra's request for approval of the adoption. Although adoptions of agreements under Section 252(i) are usually handled administratively, we address this matter to resolve BellSouth's opposition.

At the February 2, 2003 Agenda Conference, we granted each party the opportunity to argue the merits of their respective positions and respond to our questions. After allowing both parties the opportunity to argue the merits of Supra's request and fully respond to our questions, we find that it is appropriate to deny Supra's Request for Approval of an Adoption of Language to Serve as Amendment to its Interconnection Agreement with BellSouth Telecommunications, Inc. pursuant to Sections 252(i) and 252(e)(1) of the Telecommunications Act of 1996.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that we hereby deny Supra Telecommunications & Information Systems, Inc.'s Request for Approval of an Adoption of Language to Serve as Amendment to its Interconnection Agreement with BellSouth Telecommunications, Inc. pursuant to Sections 252(i) and 252(e)(1) of the Telecommunications Act of 1996. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and

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<sup>1</sup>The parties' existing agreement was approved by this Commission by Order No. PSC-02-1140-FOF-TP, issued August 22, 2002, in Docket 001305-TP.

ORDER NO. PSC-03-0249-PAA-TP  
DOCKET NO. 021069-TP  
PAGE 3

Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 20th day of February, 2003.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

AJT

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 13, 2003.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.