

State of Florida



Public Service Commission

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DATE: December 27, 2006

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Competitive Markets & Enforcement (Barrett) *SAS for MCB*
Office of the General Counsel (Scott) *KS Dan*

RE: Docket No. 050119-TP – Joint petition by TDS Telecom d/b/a TDS Telecom/Quincy Telephone; ALLTEL Florida, Inc.; Northeast Florida Telephone Company d/b/a NEFCOM; GTC, Inc. d/b/a GT Com; Smart City Telecommunications, LLC d/b/a Smart City Telecom; ITS Telecommunications Systems, Inc.; and Frontier Communications of the South, LLC ["Joint Petitioners"] objecting to and requesting suspension and cancellation of proposed transit traffic service tariff filed by BellSouth Telecommunications, Inc.

Docket No. 050125-TP – Petition and complaint for suspension and cancellation of Transit Traffic Service Tariff No. FL2004-284 filed by BellSouth Telecommunications, Inc., by AT&T Communications of the Southern States, LLC.

AGENDA: 01/09/07 – Regular Agenda – Post-Hearing – Withdrawal of Motions for Clarification and Reconsideration

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Tew

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\CMP\WP\050119.RCM.DOC

DOCUMENT NUMBER-DATE

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Case Background

On September 18, 2006, the Commission issued Order No. PSC-06-0776-FOF-TP (Final Order) rendering its findings on the 18 outstanding issues.

On October 3, 2006, BellSouth filed a Motion for Clarification of the Final Order. Subsequently, on October 10, 2006, TDS Telecom d/b/a TDS Telecom/Quincy Telephone; ALLTEL Florida, Inc.; Northeast Florida Telephone Company d/b/a NEFCOM; GTC, Inc. d/b/a GT Com; Smart City Telecommunications, LLC d/b/a Smart City Telecom; ITS Telecommunications Systems, Inc.; and Frontier Communications of the South, LLC (collectively, the Small LECs) filed their Response and Cross-Motions for Clarification and Reconsideration, and the Joint Respondents¹ filed their Response in Opposition to BellSouth's Motion for Clarification. On October 24, 2006, BellSouth filed its Response to the Small LECs' Cross-Motions for Clarification and Reconsideration.

On December 4, 2006, BellSouth filed a letter withdrawing its Motion for Clarification on the basis that it reached transit service arrangements with all the carriers that are parties to this docket and on the understanding that the Small LECs would be withdrawing their Cross-Motions for Clarification and Reconsideration. On December 5, 2006, the Small LECs filed a letter withdrawing their Cross-Motions for Clarification and Reconsideration.

This recommendation addresses all of the outstanding pleadings in these dockets. The Commission has jurisdiction in the disposition of this matter pursuant to Section 364.01, Florida Statutes.

¹ The Joint Respondents include Sprint Spectrum Limited Partnership, Nextel South Corporation, and Sprint Communications Company Limited Partnership (collectively, Sprint Nextel), T-Mobile, USA, Inc., MetroPCS Florida, LLC, Competitive Carriers of the South, Inc., NuVox Communications, Inc., and the Florida Cable Telecommunications Association.

Discussion of Issues

Issue 1: Should the Commission acknowledge BellSouth Telecommunications, Inc.'s withdrawal of its Motion for Clarification of Order No. PSC-06-0776-FOF-TP?

Recommendation: Yes. The Commission should acknowledge BellSouth's withdrawal of its Motion for Clarification. **(SCOTT)**

Staff Analysis: As stated in BellSouth's letter dated December 4, 2006 withdrawing its Motion for Clarification, the parties to these dockets have reached transit service arrangements with BellSouth. Therefore, it is unnecessary for the Commission to rule on the outstanding Motion for Clarification. Accordingly, staff recommends that the Commission acknowledge BellSouth's withdrawal of its Motion for Clarification.

Issue 2: Should the Commission acknowledge the Small LECs' withdrawal of their Cross-Motions for Clarification and Reconsideration?

Recommendation: Yes. The Commission should acknowledge the Small LECs' withdrawal of their Cross-Motions for Clarification and Reconsideration. **(SCOTT)**

Staff Analysis: The Small LECs' letter dated December 5, 2006 withdraws their Cross-Motions for Clarification and Reconsideration. Therefore, it is unnecessary for the Commission to rule on the outstanding Cross-Motions for Clarification and Reconsideration. Accordingly, staff recommends that the Commission acknowledge the Small LECs' withdrawal of their Cross-Motions for Clarification and Reconsideration.

Docket Nos. 050119-TP and 050125-TP
Date: December 27, 2006

Issue 3: Should these dockets be closed?

Recommendation: Yes. With the parties' withdrawal of the pending motions for clarification and reconsideration, there are no further matters for the Commission to adjudicate in these dockets and, therefore, they should be closed. **(SCOTT)**

Staff Analysis: With the parties' withdrawal of the pending motions for clarification and reconsideration, there are no further matters for the Commission to adjudicate in these dockets and, therefore, they should be closed.