

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services for arbitration of disputes arising from negotiation of interconnection agreement with Embarq Florida, Inc.	DOCKET NO. 060767-TP ORDER NO. PSC-07-0803-FOF-TP ISSUED: October 2, 2007
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The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
MATTHEW M. CARTER II  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

ORDER GRANTING VERIZON ACCESS' MOTION TO  
TERMINATE PROCEEDINGS AS MOOT

BY THE COMMISSION:

I. Case Background

On November 27, 2006, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (Verizon Access) filed its Petition for Arbitration (Petition) of disputes arising from negotiation of an interconnection agreement (ICA) with Embarq Florida, Inc., (Embarq). On December 22, 2006, Embarq filed its Response to the Petition.

Docket No. 060767-TP was established in response to the petition filed by Verizon Access. An administrative hearing was held on May 3, 2007, to address the issues. At the July 31, 2007, Agenda, we voted to defer the recommendation.

On August 13, 2007, Verizon Access filed a Motion to Terminate Proceedings As Moot in this instant docket. Verizon Access filed the motion on the grounds that the newly filed Notice of Adoption of Interconnection Agreement Between AT&T Communications of the Southern States, LLC d/b/a AT&T and Embarq Florida, Inc., replaces in its entirety the existing interconnection agreement.<sup>1</sup> Our staff counsel spoke with counsel for Embarq and the company had no objection.

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<sup>1</sup> Docket No. 070562-TP, Notice of adoption of existing interconnection, unbundling, resale, and collocation agreement, and Addendum No. 1 and Amendment No. 1, between AT&T Communications of the Southern States, LLC d/b/a AT&T and Embarq Florida, Inc. by MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

We are vested with jurisdiction over this matter pursuant to Chapter 364.012(2), Florida Statutes, and Section 252 of the 1996 Telecommunications Act.

## II. Staff Analysis

The Commission should grant Verizon Access' Motion to Terminate Proceedings as Moot because Verizon Access' has exercised its right to adopt an existing interconnection agreement.

Verizon Access filed a Notice of Adoption of Interconnection Agreement Between AT&T Communications of the Southern States, LLC d/b/a AT&T and Embarq Florida, Inc. on August 13, 2007.<sup>2</sup> Under FCC Order, In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, 19 FCC Rcd 13494 (2004), the FCC adopted an "all-or-nothing rule" that allows a competitive LEC seeking to adopt terms in an interconnection agreement to adopt the agreement in its entirety. This adoption means taking all rates, terms and conditions from the adopting agreement. Verizon Access has adopted the AT&T and Embarq ICA in its entirety.<sup>3</sup>

## III. Decision

Therefore, in the instant docket, the issues that were currently before us for arbitration are no longer in controversy. We hereby find it appropriate that the Motion to Terminate Proceedings as Moot be granted, as no further Commission action is required. In addition, we hereby find it appropriate that this docket shall be closed as there is no longer a case or controversy to be resolved. Furthermore, all unresolved motions are rendered moot.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Verizon Access' Motion to Terminate Proceedings as Moot, be granted. It is further

ORDERED that this docket shall be closed. It is further

ORDERED that all unresolved motions are rendered moot.

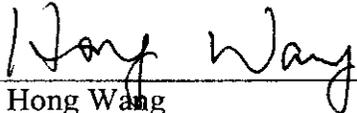
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<sup>2</sup> While it is unusual for an adoption to occur so far into the arbitration process, carriers routinely adopt interconnection agreements. Interconnection agreement adoption minimalizes transaction costs and benefits both company and consumer.

<sup>3</sup> The acknowledgement of the interconnection agreement will occur administratively, as set forth in the APM. APM 2.07-6(C)(16)(b), allowing for an administrative handling of an ICA adoption that was previously approved by the Commission or allowed to go into effect by operation of law.

By ORDER of the Florida Public Service Commission this 2nd day of October, 2007.

ANN COLE  
Commission Clerk

By:   
\_\_\_\_\_  
Hong Wang  
Office of Commission Clerk

( S E A L )

TLT

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 Office of Commission Clerk, 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 Office of Commission Clerk, 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.