

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 26, 2007

TO: Commission Clerk (Cole)

FROM: Office of the General Counsel (Tan)
Division of Competitive Markets & Enforcement (Barrett)

RE: Docket No. 041269-TP – Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

AGENDA: 05/08/07 – Regular Agenda – Post-Hearing – Withdrawal of Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved

COMMISSIONERS ASSIGNED: Edgar

PREHEARING OFFICER: Edgar

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\041269.RCM.DOC

Case Background

On November 1, 2004, BellSouth Telecommunications, Inc. (AT&T Florida)¹ filed a Petition asking the Commission to determine what changes are required in existing, approved interconnection agreements between AT&T Florida and CLECs in Florida as a result of changes in law from recent FCC and federal appellate court decisions.

¹ Order No. PSC-07-0114-FOF-TP acknowledged the name change from BellSouth Telecommunications, Inc. to BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast.

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A final administrative hearing was conducted on November 2-4, 2005. On March 2, 2006, the Commission issued Order No. PSC-06-0172-FOF-TP (“First Change of Law [COL] Order”) in the instant docket. This decision required AT&T Florida and the CLECs to file executed amendments to their current interconnection agreements to incorporate the Commission’s decision for all issues in that proceeding except Issue Nos. 5, 13, 16-18, and 22(b) by March 10, 2006.

On April 17, 2006, the Commission issued Order No. PSC-06-0299-FOF-TP (“Second COL Order”) in the above-captioned docket. This decision required AT&T Florida and the CLECs to file executed amendments incorporating that decision for Issue Nos. 5, 13, 16-18 and 22(b) by April 27, 2006.

On April 27, 2006, AT&T Florida filed a Motion for Extension of Time until May 30, 2006 to file executed amendments to the parties’ current interconnection agreements. The amendments would reflect the Commission’s decisions in the Orders or the Second COL Order if the CLEC had already executed an amendment for the First COL Order. On May 30, 2006, AT&T Florida filed a Second Motion for Extension of Time - this time until June 13, 2006 - for certain CLECs to file executed amendments to the parties’ current interconnection agreements.

Because not all of the CLECs executed amendments to implement the First and Second COL Orders, AT&T Florida filed a Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved in the captioned docket on June 13, 2006. On April 13, 2007, AT&T Florida withdrew its Motion.

The Commission has jurisdiction in the disposition of this matter pursuant to Section 364.01, Florida Statutes.

Discussion of Issues

Issue 1: Should the Commission acknowledge AT&T Florida's withdrawal of its Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved?

Recommendation: Yes. The Commission should acknowledge AT&T Florida's withdrawal of its Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved. (Tan)

Staff Analysis: As set forth in the letter dated April 13, 2007, AT&T Florida withdraws its Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved in the instant docket. Therefore, it is unnecessary for the Commission to rule on the outstanding Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved. Accordingly, staff recommends that the Commission acknowledge AT&T Florida's withdrawal of its Motion.

Issue 2: Should this docket be closed?

Recommendation: Yes. Staff understands from AT&T Florida, that all of the executed amendments to implement the First and Second COL Orders have been received. Therefore, with AT&T Florida's withdrawal of the Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved, there are no further matters for the Commission to resolve in this docket. This docket should be closed. (Tan)

Staff Analysis: Staff understands from AT&T Florida, that all of the executed amendments to implement the First and Second COL Orders have been received. Therefore, with AT&T Florida's withdrawal of the Motion for Order Deeming Amendments to Interconnection Agreements Executed and Approved, there are no further matters for the Commission to resolve in this docket. This docket should be closed.