

State of Florida



## Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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**DATE:** August 29, 2007

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Competitive Markets & Enforcement (Trueblood)  
Office of the General Counsel (Tan, Teitzman)

**RE:** Docket No. 060767-TP – 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.

**AGENDA:** 09/11/07 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Carter

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\060767.RCM.DOC

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### 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, the Commission 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> Staff counsel spoke with counsel for Sprint and the company had no objection.

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

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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.

### Discussion of Issues

**Issue 1:** Should the Commission grant Verizon Access' Motion to Terminate Proceedings as Moot?

**Recommendation:** Yes. 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. (Tan, Trueblood)

**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 (1994), 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>

Therefore, in the instant docket, the issues that were currently before the Commission for arbitration are no longer in controversy. Staff recommends that the Motion to Terminate Proceedings as Moot be granted, as no further Commission action is required.

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<sup>2</sup> While is it 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.

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**Issue 2**: Should this docket be closed?

**Recommendation**: Yes. This docket should be closed. (Tan)

**Staff Analysis**: This docket should be closed as there is no longer a case or controversy to be resolved. No further Commission action is required. Furthermore, all unresolved motions are rendered moot.