BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In Re: Petition of GTE Florida Incorporated for approval of resale agreement with Onyx Distributing Company, Inc. d/b/a Florida Comm South, pursuant to the Telecommunications Act of 1996. |  | )  )  )  )  )  )  )  ) | DOCKET NO. 970074-TP  ORDER NO. PSC-97-0480-FOF-TP  ISSUED: April 25, 1997 |

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman

SUSAN F. CLARK

J. TERRY DEASON

JOE GARCIA

DIANE K. KIESLING

ORDER APPROVING RESALE AGREEMENT

BY THE COMMISSION:

On January 14, 1997, Florida Communications South (FCS) and GTE Florida Incorporated (GTEFL) filed a request for approval of a resale agreement. The agreement was executed on January 7, 1997, and the parties seek approval of the agreement under the Telecommunications Act of 1996 (Act). The agreement is appended to this Order as Appendix A.

Both the Act and revised Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. If the parties reach a negotiated agreement, under 47 U.S.C. 252(e), the agreement is to be filed with the state commission for approval. 47 U.S.C. 252(a)(1) requires that "the agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement." Under 47 U.S.C. 252(e)(4), the state commission must approve or reject the agreement within 90 days after submission, or the agreement shall be deemed approved.

The agreement is for two years. It governs the relationship between the companies regarding resale of various services. The wholesale discounts for the resale rates are not a fixed percentage, but vary by tariff element based on the avoided cost for each element. We find that the FCS and GTEFL proposed agreement is in compliance with the Act. Accordingly, we grant our approval.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the resale agreement negotiated by Florida Communications South and GTE Florida Incorporated is hereby approved. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 25th day of April, 1997.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director

Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-904-413-6770.

( S E A L )

SOME (OR ALL) ATTACHMENT PAGES ARE NOT ON ELECTRONIC DOCUMENT.

CJP

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 Director, Division of Records and Reporting, 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 in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. 252(e)(6).