

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

M E M O R A N D U M

May 7, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (NORTON) *slr*
DIVISION OF LEGAL SERVICES (STOVER) *AS (102)*

RE: DOCKET NO. 970345-TP - REQUEST FOR APPROVAL OF INTERCONNECTION AGREEMENT NEGOTIATED BY BELL/SOUTH TELECOMMUNICATIONS, INC. AND US LEC OF NORTH CAROLINA L.L.C. (US LEC) PURSUANT TO SECTIONS 251, 252 AND 271 OF THE TELECOMMUNICATIONS ACT OF 1996

AGENDA: MAY 19, 1997 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: COMMISSION MUST APPROVE OR DENY BY JUNE 17, 1997 PER TELECOMMUNICATIONS ACT OF 1996

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\970345TP.RCM

CASE BACKGROUND

On March 19, 1997, BellSouth Telecommunications, Inc. (BST) and US LEC of North Carolina L.L.C. (US LEC) filed a request for approval of an interconnection agreement under the terms of the Telecommunications Act of 1996 (the Act). 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. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. 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. This recommendation addresses the proposed agreement.

DOCUMENT NUMBER-DATE

04570 MAY-76

FPSC-RECORDS/REPORTING

DOCKET NO. 970345-TP
DATE: May 7, 1997

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the proposed interconnection and resale agreement between BST and US LEC?

RECOMMENDATION: Yes, the Commission should approve the proposed interconnection and resale agreement between BST and US LEC. If BST and US LEC modify their agreement, the Commission should require them to file supplements to their agreement for Commission review under the provisions of 47 U.S.C. § 252(e).

STAFF ANALYSIS: BST and US LEC seek approval of their proposed interconnection and resale agreement filed March 19, 1997. (Attachment 1) The agreement was executed November 12, 1996. 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." This is a two year contract governing the relationship between the companies regarding interconnection of facilities, the purchase of unbundled elements, exchange of traffic, and resale pursuant to Section 251 of the Telecommunications Act of 1996. The agreement includes provisions covering local and toll interconnection, number portability, unbundled elements, access to poles, ducts, conduits, and rights of way, access to 911/E911 service, operator services, directory listings, access to phone numbers and access to databases. The agreement also covers terms and conditions for resale of BST services.

Staff has reviewed this agreement for compliance with the Act. We recommend that it be approved as filed effective the day of the vote. We would note, however, that Commission approval of this agreement should in no way be construed to constitute a determination that BST has met the requirements of Section 271 of the Act. In addition, staff would note that US LEC is not certificated by this Commission, and therefore neither BST nor US LEC should provide service or otherwise operate under the terms of this agreement until US LEC obtains a Florida certificate.

DOCKET NO. 970345-TP
DATE: May 7, 1997

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, with the adoption of staff's recommendation in Issue 1, and issuance of the Commission's order approving the agreement, this docket may be closed.