

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificate to provide  
interexchange telecommunications  
service by BellSouth Long  
Distance, Inc.

DOCKET NO. 960902-TI  
ORDER NO. PSC-97-1136-FOF-TI  
ISSUED: September 29, 1997

The following Commissioners participated in the disposition of  
this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
DIANE K. KIESLING  
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING CERTIFICATE TO PROVIDE  
INTEREXCHANGE TELECOMMUNICATIONS SERVICE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On August 9, 1996, BellSouth Long Distance, Inc. (BLD) filed an application with this Commission to provide interexchange telecommunications service in Florida. BLD is a subsidiary of BellSouth Corporation. BLD will be the separate affiliate of BellSouth Telecommunication, Inc. that will provide in-region interLATA telecommunications services when the Federal Communications Commission (FCC) approves a BellSouth application to provide such service in accordance with the requirements of 47 U.S.C. § 271 of the Telecommunications Act of 1996 (the Act).

Until that application is approved by the FCC, BLD asks that this Commission approve its certification application for purposes other than the provision of full in-region originating intrastate interlata services, including conducting testing of its network infrastructure, and providing intrastate "incidental interLATA

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services" as defined in the Act. In order for BLD to conduct network testing BLD must obtain network routing Carrier Identification Codes from BellSouth Telecommunications, Inc., and BellSouth Telecommunications, Inc. must activate those codes in a limited number of its central offices. BellSouth Telecommunications, Inc. cannot activate the codes unless BLD has the proper certificate from this Commission. Although BLD may not provide a general array of originating in-region intrastate, interLATA services until further regulatory approval has been obtained pursuant to the Act, the Act does specifically authorize BLD to provide "incidental interLATA services". BLD also states that it wishes to be prepared to offer in-region originating intrastate, interLATA services, as soon as it is authorized to provide those services by the FCC.

Section 364.337(3), Florida Statutes provides that:

The commission shall grant a certificate of authority to provide intrastate interexchange telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area to be served.

Our review of BLD's application indicates that BLD has sufficient technical, managerial and financial capabilities in the provision of telecommunications service to meet the requirements of Section 364.337(3), Florida Statutes. Therefore, we grant certification to BLD to provide interlata services other than full originating in-region interlata services, including "incidental interLATA services", as defined in Section 271(g) of the Telecommunications Act of 1996; and to provide full originating in-region, interLATA services in Florida, once it has obtained the necessary authorization by the Federal Communications Commission, acting in consultation with this Commission, under the Telecommunications Act of 1996. Accordingly, we hereby grant certificate no. 5241 to BLD.

If this Order becomes final and effective, it shall serve as BLD's certificate. It should, therefore, be retained by BLD as proof of certification.

IXCs are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by

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Interexchange Carriers. IXC's are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code. Further, in accordance with Order No. 16804, issued November 4, 1986, IXC's may not construct facilities to bypass a local exchange company without the prior approval of this Commission.

Based on the foregoing, it is

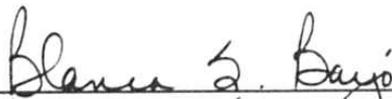
ORDERED by the Florida Public Service Commission that we hereby grant, to the entity listed herein, a certificate to provide interexchange telecommunications service, subject to the terms and conditions stated in the body of this Order. It is further

ORDERED that this Order will serve as the entity's certificate and should, therefore, be retained as proof of certification. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 29th day of September, 1997.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )  
MCB

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 20, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The

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notice of appeal must be in the form specified in Rule 9.900(a),  
Florida Rules of Appellate Procedure.