



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0800

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

DATE: MARCH 4, 1999

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

FROM: DIVISION OF LEGAL SERVICES (MCKINNEY) *MB*
DIVISION OF COMMUNICATIONS (KING) *MB*

RE: DOCKET NO. 981642-TP - PETITION BY INTERMEDIA COMMUNICATIONS, INC. FOR ARBITRATION WITH BELLSOUTH TELECOMMUNICATIONS, INC. PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. 981745-TP - PETITION BY AMERICAN COMMUNICATIONS SERVICES OF JACKSONVILLE, INC. D/B/A E.SPIRE COMMUNICATIONS, INC. FOR ARBITRATION OF UNRESOLVED ISSUES IN AN INTERCONNECTION AGREEMENT WITH BELLSOUTH TELECOMMUNICATIONS, INC.

AGENDA: 03/16/99 - REGULAR AGENDA - 3/4/99 RECOMMENDATION TO CLOSE DOCKET

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\981745.RCM

CASE BACKGROUND

On November 19, 1998, Intermedia Communications Inc. (Intermedia) filed a Petition for Arbitration under 47 U.S.C. §252(d), seeking arbitration of certain unresolved issues in its replacement interconnection agreement negotiations with BellSouth Telecommunications, Inc. (BellSouth). BellSouth responded on December 14, 1998. This matter was set for an arbitration hearing on March 18, 22, 23, and 24, 1999

On February 16, 1999, Intermedia and BellSouth entered into an agreement settling the arbitration proceeding in Florida. The

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agreement provides for the extension of the interconnection agreement between Intermedia and Bellsouth to December 31, 1999, in exchange for Intermedia's withdrawal of its arbitration petitions in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee. BellSouth agrees that there is no longer a need for arbitration at this time.

On February 19, 1999, Intermedia filed a Notice of Withdrawal of Petition for Arbitration without prejudice.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Intermedia's Notice of Withdrawal of Petition for Arbitration?

RECOMMENDATION: Yes. The Commission should grant Intermedia's Notice of Withdrawal of Petition without prejudice.

STAFF ANALYSIS: As set forth in the Case Background, on February 16, 1999, Intermedia and BellSouth entered an Agreement settling the arbitration issues in this docket. As a result, Intermedia has submitted its voluntary withdrawal of its petition without prejudice.

Staff recommends that Intermedia's Notice of Withdrawal of Petition for Arbitration be granted by the Commission.

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ISSUE 2: Should this Docket be closed?

RECOMMENDATION: Yes. Intermedia's Docket, No. 981642-TP, was consolidated pursuant to Order No. PSC-99-0090-PCO-TP, issued January 14, 1999, with e.spire's Docket No. 981745-TP. With Intermedia's voluntary withdrawal of its Petition, no further issues remain open for the Commission to address in Docket No. 981642-TP and the dockets should be separated. Additionally, the March 18, 22, 23, and 24, 1999, hearing scheduled in Docket No. 981642-TP should be canceled and Docket should be closed.

STAFF ANALYSIS: Yes. Intermedia's Docket, No. 981642-TP, was consolidated pursuant to Order No. PSC-99-0090-PCO-TP, issued January 14, 1999, with e.spire's Docket No. 981745-TP. With Intermedia's voluntary withdrawal of its Petition, no further issues remain open for the Commission to address in Docket No. 981642-TP and the dockets should be separated. Additionally, the March 18, 22, 23, and 24, 1999, hearing scheduled in Docket No. 981642-TP should be canceled and Docket should be closed.