

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 961414-TP
resale agreement between) ORDER NO. PSC-97-0285-FOF-TP
BellSouth Telecommunications,) ISSUED: March 13, 1997
Inc. and Tie Communications,)
Inc. pursuant to Sections 251)
and 252 of the)
Telecommunications Act of 1996.)

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 RE SALE AGREEMENT

BY THE COMMISSION:

On November 26, 1996, BellSouth Telecommunications, Inc. (BellSouth) and Tie Communications, Inc. (Tie) filed a request for approval of a resale agreement. The agreement was executed on October 15, 1996, and the parties sought approval of the agreement under the Telecommunications Act of 1996, 47 U.S.C. §151 et seq. (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. 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.

This agreement is for a term of two years. The agreement governs the relationship between the companies regarding the resale of tariffed local exchange service, toll telecommunications service, hotel and hospital PBX services, customer provided coin telephone service, shared tenant service, access to 911/E911 services, telecommunications relay services, white page directory listings and directory distribution. The agreement also includes

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the rates at which Tie will purchase services from BellSouth for resale, which are discounted from BellSouth's retail rate for the telecommunications service. The discounts are 18% for residential and 12% for business telecommunications services.

We find that the proposed BellSouth-Tie agreement is in compliance with both Florida law and the Act. Accordingly, we grant our approval. Tie, however, shall not provide service under this agreement until it becomes certificated as an alternative local exchange carrier.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the resale agreement between BellSouth Telecommunications, Inc., (BellSouth) and Tie Communications, Inc., as herein identified and described, is approved. It is further

ORDERED that Tie Communications, Inc., shall not provide services under this agreement until it becomes certificated as an alternative local exchange carrier. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 13th day of March, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay D. [Signature]
Chief, Bureau of Records

(S E A L)

CJP

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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).