

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration, pursuant to Section 252(b) of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, of rates, terms, and conditions for interconnection and related arrangements with Sprint-Florida, Incorporated by KMC Telecom Inc.

DOCKET NO. 970242-TP
ORDER NO. PSC-97-0718-FOF-TP
ISSUED: June 18, 1997

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA

ORDER CLOSING DOCKET

BY THE COMMISSION:

On February 25, 1997, KMC Telecom Inc., (KMC) filed a petition for arbitration, under Section 252(b) of the Telecommunications Act of 1996 (Act), 47 U.S.C. §251 et seq., of rates, terms, and conditions for interconnection and related arrangements with Sprint United-Centel, Inc., (Sprint-Florida). In its petition, KMC stated that it had reached agreement in principle with Sprint-Florida on all issues except the issue of compensation for termination of traffic involving tandem switching. KMC asserted that Sprint-Florida refused to make available the compensation terms for local traffic termination in Sprint-Florida's interconnection agreement with MFS Communications Company, Inc. It requested that the Commission arbitrate that single issue pursuant to Section 252(i) of the Act.

At the prehearing conference on April 21, 1997, KMC withdrew its petition for arbitration. KMC confirmed its withdrawal by letter dated May, 6, 1997. KMC filed a new petition seeking relief under Section 252(i) of the Act on April 24, 1997. The matter has been docketed in Docket No. 970496-TP.

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We determined in Docket No. 961173-TP, Order No. PSC-97-0230-FOF-TP, that we are not required to interpret Section 252(i) to fulfill our arbitration responsibilities. The arbitration process is inappropriate for purposes of addressing a request for relief under Section 252(i). Section 252(i) provides that:

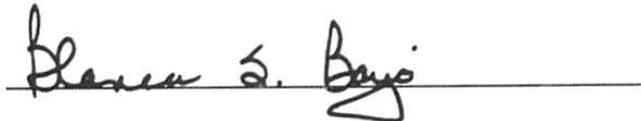
A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

KMC's new petition has been filed in accordance with Rule 25-22.036, Florida Administrative Code and Section 120.57(2), Florida Statutes. There being no further issues to be arbitrated in this docket, it shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 18th day of June, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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 by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.