

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Resolution of) DOCKET NO. 950984-TP
petition(s) to establish) ORDER NO. PSC-96-1139-FOF-TP
nondiscriminatory rates, terms,) ISSUED: September 10, 1996
and conditions for resale)
involving local exchange)
companies and alternative local)
exchange companies pursuant to)
Section 364.161, F.S.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER GRANTING WAIVER OF REQUIREMENT
TO FILE COST STUDIES FOR THE FOUR-WIRE ANALOG PORT

BY THE COMMISSION:

This matter came to hearing as a result of petitions filed by Metropolitan Fiber Systems of Florida, Inc. (MFS-FL) and MCI Metro Access Transmission Services, Inc. (MCImetro) for unbundling and resale of BellSouth Telecommunications, Inc. (BellSouth) network elements and services. Section 364.161, Florida Statutes, provides that upon request, each local exchange telecommunications company shall unbundle all of its network features, functions, and capabilities, and offer them to any other telecommunications provider requesting them for resale to the extent technically and economically feasible. If the parties to this proceeding are unable to successfully negotiate the terms, conditions, and prices of any feasible unbundling request, the Commission, pursuant to Section 364.162(3), Florida Statutes, is required to set nondiscriminatory rates, terms, and conditions for resale of services and facilities within 120 days of receiving a petition.

By Order No. PSC-96-0444-FOF-TP (Order), issued March 29, 1996, we decided various issues regarding rates, terms, and conditions for unbundling and resale of BellSouth facilities to MFS-FL and MCImetro. This Order required BellSouth to file cost studies for certain loops and ports requested by MFS-FL. BellSouth filed those cost studies within the time required by the Order except for the study of the four-wire analog port.

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On June 28, 1996, BellSouth filed a Motion to Waive Requirement of the Order, which requires BellSouth to file cost studies for the four-wire analog port requested by MFS-FL. BellSouth filed cost studies within the time required by the Order except for the study of the four-wire analog port. MFS-FL advised BellSouth that it has no immediate need for the four-wire analog ports and that should a future application arise, MFS-FL reserves that right to request them as unbundled elements through the use of a Bona Fide Request Process currently under discussion with BellSouth. MFS-FL's letter is attached to BellSouth's motion. Thus, BellSouth requests that the Order's requirement that BellSouth submit a cost study for the four-wire analog port be waived since it is no longer being requested by MFS-FL.

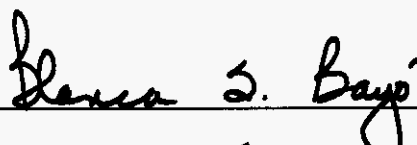
Upon review, we find that BellSouth's Motion to Waive Requirement of Order No. PSC-96-0444-FOF-TP, which requires BellSouth to file cost studies for the four-wire analog port requested by MFS-FL, is reasonable and is therefore granted.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s Motion to Waive Requirement of Order No. PSC-96-0444-FOF-TP, which requires BellSouth to file cost studies for the four-wire analog port requested by Metropolitan Fiber Systems of Florida, Inc., is hereby granted. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 10th day of September, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.