

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of
resale agreement between
BellSouth Telecommunications,
Inc. and VarTec Telecom, Inc.
d/b/a VarTec Telecom, Inc. and
Clear Choice Communications.

DOCKET NO. 990582-TP
ORDER NO. PSC-99-1335-FOF-TP
ISSUED: July 13, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER APPROVING RESALE AGREEMENT

BY THE COMMISSION:

On May 10, 1999, BellSouth Telecommunications, Inc. (BellSouth) and VarTec Telecom, Inc. d/b/a VarTec Telecom, Inc. and Clear Choice Communications (VarTec Telecom) filed a request for approval of a resale agreement pursuant to 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The agreement is incorporated by reference herein. A copy of the agreement may be obtained from the official docket file by contacting our Division of Records and Reporting.

Both the Act and Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved.

This agreement covers a two-year period and governs the relationship between the companies regarding the resale of tariffed telecommunication services. Under 47 U.S.C. § 252(a)(1), the

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agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement states that telecommunications services provided by BellSouth for resale will be available for purchase by VarTec Telecom at a discount rate of 21.83% for residential services and 16.81% for business services.

Upon review of the proposed agreement, we find that it complies with the Act; thus, we hereby approve it. BellSouth and VarTec Telecom must file any supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e).

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the resale agreement between BellSouth Telecommunications, Inc. and VarTec Telecom, Inc. d/b/a VarTec Telecom, Inc. and Clear Choice Communications, is incorporated by reference in this Order, and is hereby approved. A copy of the agreement may be obtained as specified in the body of this Order. It is further

ORDERED that any supplements or modifications to this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

ORDERED that this docket shall be closed.

BY ORDER of the Florida Public Service Commission this 13th day of July, 1999.

BLANCA S. BAYO, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

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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).

M E M O R A N D U M

July 8, 1999

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp* *AP*

RE: DOCKET NO. 990582-TP - REQUEST FOR APPROVAL OF RESALE AGREEMENT BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC. AND VARTEC TELECOM, INC. D/B/A VARTEC TELECOM, INC. AND CLEAR CHOICE COMMUNICATIONS.

1335-FOF-TP

Attached is an ORDER APPROVING RESALE AGREEMENT, to be issued in the above-referenced docket. (Number of pages in order - 3)

KMP/anc
Attachment
cc: Division of Communications
I: 990582.kmp

See 1 + 2

forwarded - 2/c -
mailed -

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 7, 14, 99

19

Number of Originals 3

Copies Per Original _____

Requested By Smith

Item Presented

_____ Agenda For (Date) _____

Order No. 99-1335

In Docket No. 990582

_____ Notice of _____

For (Date) _____

In Docket No. _____

_____ Other _____

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