

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: October 11, 2013

TO: Office of Commission Clerk (Cole)

FROM: Office of Telecommunications (Bates) *MB*
Office of the General Counsel (Hopkins, Murphy) *CMH* *SMH*

RE: Docket No. 130239-TP – Request for approval of interconnection, unbundling, resale and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Local Access, LLC.

AGENDA: 10/24/13 – Regular Agenda – Proposed Agency Action - Interested Persons May Participate

COMMISSIONERS ASSIGNED: Staff *All Commissioners - ac*

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\TEL\WP\130239.RCM.DOC

Case Background

On September 30, 2013, pursuant to Rule 28.106-204, Florida Administrative Code (FAC), BellSouth Telecommunications, LLC d/b/a AT&T Florida (AT&T) filed an unopposed Motion for Expedited Approval (Motion) of the interconnection agreement (ICA) between AT&T and Local Access, LLC (Local Access).

AT&T entered into the ICA with Local Access on April 30, 2013, and failed to file the ICA with the Commission until August 28, 2013. There was an error in AT&T's electronic submission of the ICA which caused it to be rejected. The electronic rejection message was

Docket No. 130239-TP
Date: October 11, 2013

overlooked by AT&T until September 16, 2013, at which point AT&T re-filed the ICA. AT&T asserts that Local Access anticipated that it would be able to begin operations under the new ICA in September 2013. AT&T has asked that approval be expedited to accommodate Local Access's expectations.

The Commission has jurisdiction pursuant to 47 U.S.C. Section 252(e)(4) and Sections 120.80(13)(d), and 364.16, Florida Statutes.

Discussion of Issues

Issue 1: Should the Commission approve AT&T's September 30, 2013, unopposed Motion for Expedited Approval of the interconnection agreement between AT&T and Local Access?

Recommendation: Yes. The Commission should approve AT&T's unopposed Motion for Expedited Approval of the interconnection agreement between AT&T and Local Access. (Bates, Murphy)

Staff Analysis: 47 U.S.C. Section 252(e) provides in relevant part that 1) negotiated ICAs must be submitted to the appropriate state commission for review, 2) a state commission may only reject such agreements for reasons specified in the law, and 3) if a state commission does not act to approve or reject the agreement within 90 days after submission, the agreement is deemed approved. In reviewing an ICA, staff must consider specified criteria; if that criteria is met, the agreement goes into effect at the conclusion of the 90 day review window by operation of law.¹

In the instant case, staff has reviewed the ICA in accordance with the specified criteria and recommends the following: Local Access is registered with the Secretary of State's Office to conduct business in Florida; Local Access is certificated as a competitive local exchange telecommunications company under the name set forth in the ICA; and, there is no basis for rejection under 47 U.S.C. Section 252(e)(2). Thus, in accordance with the Commission's routine practice, the ICA would be permitted to go into effect, by operation of the federal law, 90 days after it was filed with the Commission. However, under the circumstances presented, staff recommends that the Commission grant the AT&T Motion and explicitly approve the ICA. This will permit the ICA to go into effect sooner than 90 days from the date of filing.²

¹ Section 2.07.C.5.d. FPSC Administrative Procedures Manual.

² The General Terms and Conditions of the ICA establish the effective date as "ten (10) calendar days after the Commission approves this Agreement under Section 252(e) of the Act or, absent Commission approval, the date this Agreement is deemed approved under Section 252(e)(4) of the Act." Staff believes that, if approved by the Commission, the effective date of the ICA will be ten days after the issuance of a consummating order in this docket.

Docket No. 130239-TP
Date: October 11, 2013

Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order. (Murphy)

Staff Analysis: At the conclusion of the protest period, if no protest is filed, this docket should be closed upon the issuance of a consummating order.