

MEMORANDUM

May 18, 1998

RECEIVED

MAY 19 1998  
10:45  
FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (COX) *WPC MCB*

RE: DOCKET NO. 980202-TP - REQUEST BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF AMENDMENT TO RESALE AGREEMENT WITH UNIQUE COMMUNICATIONS, INC., PURSUANT TO SECTIONS 251, 252, AND 271 OF THE TELECOMMUNICATIONS ACT OF 1996

98-0689-FOF-TP

Attached is an ORDER APPROVING AMENDMENT TO RESALE AGREEMENT, with attachments, to be issued in the above-referenced docket. (Number of pages in order - 4)

wpc  
Attachment  
cc: Division of Communications  
I:/980202.wpc

**ATTACHMENT(S) NOT ON-LINE**

*2 mail  
0 fax*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Telecommunications, Inc. for approval of amendment to resale agreement with Unique Communications, Inc. pursuant to Sections 251, 252, and 271 of the Telecommunications Act of 1996.

DOCKET NO. 98C202-TP  
ORDER NO. PSC-98-0689-FOF-TP  
ISSUED: May 19, 1998

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING AMENDMENT TO RESELL AGREEMENT

BY THE COMMISSION:

On February 6, 1998, BellSouth Telecommunications, Inc. (BellSouth) and Unique Communications, Inc. (Unique) filed a request for approval of an amendment to their resale agreement under the Telecommunications Act of 1996, 47 U.S.C. §252(e)(4) of the Telecommunications Act of 1996 (the Act). The amendment to the agreement is attached to this Order as Attachment A and incorporated by reference herein. The original resale agreement between the parties was dated April 29, 1997.

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 period and governs the relationship between the companies regarding the resale of tariffed

DOCUMENT NUMBER DATE

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REGULATORY REPORTING

ORDER NO. PSC-98-0689-FOF-TP  
DOCKET NO. 980202-TP  
PAGE 2

telecommunication services. Under 47 U.S.C. § 252(a)(1), the 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 Unique at a discount rate of 21.83% for residential services and 16.81% for business services.

Upon review of the proposed amendment to the agreement, we find that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. BellSouth and Unique 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 amendment to the resale agreement between BellSouth Telecommunications, Inc. and Unique Communications, Inc., as set forth in Attachment A and incorporated by reference in this Order, is hereby approved. 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 19th day of May, 1998.



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BLANCA S. BAYO, Director  
Division of Records and Reporting

(S E A L)

wpc

ORDER NO. PSC-98-0689-FOF-TP  
DOCKET NO. 980202-TP  
PAGE 3

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).

AMENDMENT  
TO  
RESALE AGREEMENT BETWEEN  
UNIQUE COMMUNICATIONS, INC  
AND  
BELLSOUTH TELECOMMUNICATIONS, INC  
DATED APRIL 29, 1997

Pursuant to this Amendment to the Resale Agreement (the "Amendment"), Unique Communications, Inc. ("Unique") and BellSouth Telecommunications, Inc. ("BellSouth") hereinafter referred to collectively as the "Parties" hereby agree to amend the Resale Agreement between the Parties dated April 29, 1997 ("Resale Agreement")

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Unique and BellSouth hereby covenant and agree as follows:

1. Strike "WHEREAS, Unique is or seeks to become an alternative local exchange telecommunications company authorized to provide telecommunications services in the state of Florida; and"
2. Insert "WHEREAS, Unique is or seeks to become an alternative local exchange telecommunications company authorized to provide telecommunications services in the state(s) of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; and"
3. Paragraph A. of Section I of the Resale Agreement is hereby deleted in its entirety and shall be replaced with the following:
  - A. The term of this Agreement shall be two years beginning April 29, 1997 and shall apply to all of BellSouth's serving territory as of January 1, 1997 in the state(s) of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.
4. All of the other provisions of the Resale Agreement shall remain unchanged and in full force and effect.
5. Either or both of the Parties is authorized to submit this Amendment to the appropriate state Public Service Commissions or other Regulatory Agencies for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their respective duly authorized representatives on the date indicated below.

Unique Communications, Inc.

By: Dennis A. Parker

Name: DENNIS A. PARKER

Title: PRESIDENT

Date: 12-24-97

BellSouth Telecommunications, Inc.

By: Jerry D. Hendrix

Name: Jerry D. Hendrix

Title: Director-Interconnection  
Services/Pricing

Date: 1-3-98