

State of Florida



Public Service Commission
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COMMISSION CLERK

DATE: JANUARY 9, 2003
TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK ADMINISTRATIVE SERVICES (BAYÓ)
FROM: OFFICE OF THE GENERAL COUNSEL (TEITZMAN) AT BK
DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (SIMMONS) SAS
RE: DOCKET NO. 011119-TP - PETITION BY XO FLORIDA, INC. FOR ARBITRATION OF UNRESOLVED ISSUES WITH BELL SOUTH TELECOMMUNICATIONS, INC.
AGENDA: 01/21/03 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE
CRITICAL DATES: MARCH 5, 2003 - PURSUANT TO SECTION 252(e)(4) OF THE TELECOMMUNICATIONS ACT OF 1996
SPECIAL INSTRUCTIONS: NONE
FILE NAME AND LOCATION: S:\PSC\GCL\WP\011119.RCM

CASE BACKGROUND

Pursuant to Section 252 of the Telecommunications Act, XO Florida, Inc. (XO) petitioned for arbitration with BellSouth Telecommunications, Inc. (BellSouth) on August 17, 2001. On September 11, 2001, BellSouth filed its Response to XO's petition for arbitration. By Order No. PSC-01-2192-PCO-TP, Order Establishing Procedure, issued November 9, 2001, the procedures were established and the controlling dates set for resolving the fourteen issues identified in the petition and response.

On May 15, 2002, XO, with the concurrence of BellSouth, filed an agreed motion requesting continuance of hearing and to hold discovery in abeyance. In this motion the parties informed the Commission that they had entered a settlement agreement that resolved all of the issues presented in this docket. By Order No. PSC-02-0673-PCO-TP, issued May 16, 2002, XO's motion requesting

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continuance of hearing and to hold discovery in abeyance was granted. On December 5, 2002, an executed interconnection agreement was filed by the parties.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve the interconnection agreement between BellSouth and XO?

RECOMMENDATION: Yes, the Commission should approve the interconnection agreement between BellSouth and XO. (SIMMONS)

STAFF ANALYSIS: On December 5, 2002, BellSouth and XO filed a negotiated interconnection agreement. 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.

Staff has reviewed the interconnection agreement and believes it meets the standards set forth in Section 252(e) of the Telecommunications Act of 1996; therefore, staff recommends that the Commission approve this agreement.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. Docket No. 011119-TP should be closed. (TEITZMAN)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, Docket No. 011119-TP should be closed because there is no further Commission action necessary.