

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 980401-TP  
ORDER NO. PSC-98-0896-FOF-TP  
ISSUED: July 6, 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, JR.

ORDER APPROVING AMENDMENT TO EXISTING RESALE AGREEMENT

BY THE COMMISSION:

On March 20, 1998, BellSouth Telecommunications, Inc. (BST) and WorldCom Technologies, Inc. (WorldCom Technologies) filed a request for approval of an amendment to the existing resale agreement under the Telecommunications Act of 1996, 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The agreement is attached to this Order as Attachment A and incorporated by reference herein.

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.

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This amendment to the existing agreement governs the relationship between the companies regarding the resale of tariffed telecommunication services. Upon review of the proposed amendment to the existing agreement, we find that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. BST and WorldCom Technologies must file any supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e).

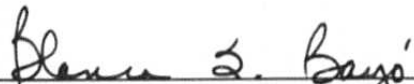
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the resale agreement between BellSouth Telecommunications, Inc. and WorldCom Technologies, 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 6th day of July, 1998.

  
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BLANCA S. BAYO, 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 120.569(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  
WORLDCOM TECHNOLOGIES, INC.  
AND  
BELLSOUTH TELECOMMUNICATIONS, INC.  
DATED NOVEMBER 24, 1997

Pursuant to this Amendment to the Resale Agreement (the "Amendment"), WorldCom Technologies, Inc. ("WorldCom") and BellSouth Telecommunications, Inc. ("BellSouth") hereinafter referred to collectively as the "Parties" hereby agree to amend the Resale Agreement between the Parties dated November 24, 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, WorldCom and BellSouth hereby covenant and agree as follows:

1. Section X, Paragraph B. (2), of the Resale Agreement is hereby deleted in its entirety and shall be replaced with the following:
  - (2) Taxes and fees imposed on the purchasing party which are not required to be collected and/or remitted by the providing party, shall be borne and paid by the purchasing party.
2. All of the other provisions of the Resale Agreement shall remain unchanged and in full force and effect.
3. 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.

WorldCom Technologies, Inc.

By: 

Name: LynnREFER

Title: Vice President

Date: 2-10-98

BellSouth Telecommunications, Inc.

By: 

Name: Jerry D. Hendrix

Title: Director-Interconnection  
Services/Pricing

Date: 2/18/98

