

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Telecommunications, Inc. for approval of amendment to interconnection and unbundling agreement with PrimeCo Personal Communications, L.P. pursuant to Sections 251, 252 and 271 of the Telecommunications Act of 1996.

DOCKET NO. 980618-TP
ORDER NO. PSC-98-1121-FOF-TP
ISSUED: August 24, 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 INTERCONNECTION AND UNBUNDLING AGREEMENT

BY THE COMMISSION:

On May 6, 1998, BellSouth Telecommunications, Inc. (BST) and PrimeCo Personal Communications, Inc. (PrimeCo) filed a request for approval of an amendment to the existing interconnection and unbundling 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.

This amendment to the existing governs the relationship between the companies regarding local interconnection and the exchange of traffic pursuant to 47 U.S.C. § 251. Under 47 U.S.C.

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§ 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.

Upon review of the proposed agreement, we believe that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. BST and PrimeCo must also 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 interconnection and unbundling agreement between BellSouth Telecommunications, Inc. and PrimeCo Personal 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 24th day of August, 1998.



BLANCA S. BAYÓ, 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).

AGREEMENT A

legal



BellSouth Telecommunications, Inc. 850 224-7799
Suite 400 Fax 850 224-5073
150 South Monroe Street
Tallahassee, Florida 32301-1556

A. M. Lombardo
Regulatory Vice President

MAY 11 1998
LEGAL DIVISION

980618-TP

May 6, 1998

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Re: Approval of an amendment to the Interconnection Agreement Negotiated by BellSouth Telecommunications, Inc. ("BellSouth") and Primeco Personal Communications, L. P. pursuant to Sections 251, 252 and 271 of the Telecommunications Act of 1996

Dear Ms. Bayo:

Pursuant to section 252(e) of the Telecommunications Act of 1996, BellSouth and Primeco Personal Communications, L. P. a Commercial Mobile Radio Service provider, are submitting to the Florida Public Service Commission their second amendment to the negotiated agreement for the interconnection of their networks and the unbundling of specific network elements offered by BellSouth. The amendment was negotiated pursuant to sections 251, 252 and 271 of the Act.

Pursuant to section 252(e) of the Act, the Commission is charged with approving or rejecting the negotiated amendment between BellSouth and Primeco Personal Communications, L. P. within 90 days of its submission. The Commission may only reject such an amendment if it finds that the amendment or any portion of the amendment discriminates against a telecommunications carrier not a party to the amendment or the implementation of the amendment or any portion of the amendment is not consistent with the public interest, convenience and necessity. Both parties represent that neither of these reasons exist as to the amendment they have negotiated and that the Commission should approve their amendment.

Yours very truly,

A. M. Lombardo
Regulatory Vice President (22)

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

CMRS0049

FIRST AMENDMENT

TO

INTERCONNECTION AGREEMENT BETWEEN
PRIMECO PERSONAL COMMUNICATIONS, L.P. ("PrimeCo") AND BELL SOUTH
TELECOMMUNICATIONS, INC. ("BellSouth")

WHEREAS, pursuant to sections 251 and 252 of the Telecommunications Act of 1996, PrimeCo and BellSouth entered into an interconnection agreement (the "Agreement") for the rates, terms, and conditions of the exchange of traffic between the parties to be effective April 1, 1997;

WHEREAS, the Agreement was approved by the Alabama Public Service Commission on June 9, 1997, by the Florida Public Service Commission on July 15, 1997, by the Georgia Public Service Commission on July 1, 1997, and by the Louisiana Public Service Commission on August 27, 1997;

WHEREAS, the Agreement provided for an initial LATA-wide Additive that was included in Type 1 and Type 2A rates, subject to further negotiation by the parties; and

WHEREAS, PrimeCo and BellSouth have negotiated a final LATA-wide Additive as set forth herein.

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, PrimeCo and BellSouth hereby covenant and agree as follows:

1. Section V of the Agreement is hereby revised to read as follows:

V. Modification of Rates

The LATA-wide Additive reflected in Attachment B-1 for Type 1 and Type 2A rates is intended to compensate BellSouth for additional transport and other costs associated with transporting and terminating Local Traffic throughout a LATA instead of only within local calling areas as defined by the Commission as of the Effective Date. From the Effective Date until the expiration or termination of the Agreement, the LATA-wide Additive shall be the rate per minute in each state as set forth in Attachment B-1 (Amended). The parties shall make the adjustment, or "true-up" described in the original Section V of the Agreement for the purpose of applying the final LATA-wide Additive back to the Effective Date of the Agreement.

2. Attachment B-1 of the Agreement is hereby revised and replaced with Attachment B-1 (Amended) appended hereto and made a part hereof.

3. The parties agree that except as specifically modified by this Amendment all other provisions of the Agreement shall remain in full force and effect.


4. The parties further agree that either or both of the parties is authorized to submit this Amendment to the Commission or other regulatory body having jurisdiction over the subject matter of this Amendment for approval subject to Section 252(e) of the 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.

PrimeCo Personal Communications, L.P.

By: 
Limond Grindstaff
VP/CTO Engineering & Operations

DATE: 4/8/98

REVIEWED BY: 
OF PRIMECO'S LEGAL DEPT

BellSouth Telecommunications, Inc.

By: 

DATE: 3/4/98

ATTACHMENT B-1(Amended)

CMRS Local Interconnection Rates
(All rates are Per Minute of Use)

Alabama

Type 1 (End Office Switched):	.004709	(Includes LATAwide Additive of .000499)
Type 2A (Tandem Switched):	.004709	(Includes LATAwide Additive of .000499)
Type 2B (Dedicated End Office):	.0017	

Florida

Type 1 (End Office Switched):	.003776	(Includes LATAwide Additive of .000516)
Type 2A (Tandem Switched):	.003776	(Includes LATAwide Additive of .000516)
Type 2B (Dedicated End Office):	.002	

Georgia

Type 1 (End Office Switched):	.004513	(Includes LATAwide Additive of .000533)
Type 2A (Tandem Switched):	.004513	(Includes LATAwide Additive of .000533)
Type 2B (Dedicated End Office):	.00160	

Louisiana

Type 1 (End Office Switched):	.003730	(Includes LATAwide Additive of .000566)
Type 2A (Tandem Switched):	.003730	(Includes LATAwide Additive of .000566)
Type 2B (Dedicated End Office):	.001599	