

MEMORANDUM

February 18, 1999

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99 FEB 18 PM 3:28

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (MILLER) *Jam mcb*

RE: DOCKET NO. 981699-TP - REQUEST BY BELLSOUTH
TELECOMMUNICATIONS, INC. FOR APPROVAL OF TWO AMENDMENTS
TO RESALE AGREEMENT WITH EXPRESS TELECOMMUNICATIONS, INC.

0347-FOF

Attached is an ORDER APPROVING AMENDMENTS TO EXISTING RESALE AGREEMENT, with attachments, to be issued in the above-referenced docket. (Number of pages in order - 6)

JAM/anr
Attachment
cc: Division of Communications
I: 981699.jam

ATTACHMENT(S) NOT ON-LINE

attach not online

*2 - PWR
MAILED*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth
Telecommunications, Inc. for
approval of two amendments to
resale agreement with Express
Telecommunications, Inc.

DOCKET NO. 981699-TP
ORDER NO. PSC-99-0347-FOF-TP
ISSUED: February 19, 1999

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING AMENDMENTS TO EXISTING
RESALE AGREEMENT

BY THE COMMISSION:

On November 23, 1998, BellSouth Telecommunications, Inc. (BellSouth) and Express Telecommunications, Inc. (ETI) filed a request for approval of two amendments to their existing resale agreement under 47 U.S.C. §252(e) of the Telecommunications Act of 1996. The amendments to the existing agreement are 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.

The existing agreement governs the relationship between the companies regarding the resale of tariffed telecommunication services pursuant to 47 U.S.C. § 251. Upon review of the proposed amendments to the existing agreement, we believe that they comply with the Telecommunications Act of 1996; thus, we hereby approve them. BellSouth and ETI are also required to file any subsequent supplements or modifications to their agreement with the Commission

DOCUMENT NUMBER-DATE

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for review under the provisions of 47 U.S.C. § 252(e). We note that ETI does not currently hold a Florida certificate to provide alternative local exchange telecommunications service, and therefore, it cannot provide alternative local exchange telecommunications services under this agreement until it obtains a certificate from this Commission.

Based on the foregoing, it is

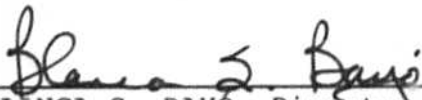
ORDERED by the Florida Public Service Commission that the amendments to the existing resale agreement between BellSouth Telecommunications, Inc. and Express Telecommunications, Inc., as set forth in Attachment A and incorporated by reference in this Order, are hereby approved. It is further

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 Express Telecommunications, Inc. shall not provide alternative local exchange telecommunications services under this agreement until it obtains a certificate to provide alternative local exchange telecommunications services from this Commission. It is further

ORDERED that this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 19th day of February, 1999.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

JAM

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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).

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AMENDMENT

TO

THE RESALE AGREEMENT BETWEEN ATTACHMENT A
EXPRESS TELECOMMUNICATIONS, INC. AND
BELLSOUTH TELECOMMUNICATIONS, INC.
DATED DECEMBER 17, 1997

Pursuant to this Agreement (the "Amendment"), Express Telecommunications, Inc. ("ETI") and BellSouth Telecommunications, Inc. ("BellSouth") hereinafter referred to as the "Parties", hereby agree to amend the Resale Agreement between the Parties dated December 17, 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, the Parties hereby covenant and agree as follows:

1. The following language shall be included as Section III.T.2 of the Agreement:

All costs incurred by BellSouth to develop and implement operational interfaces shall be recovered from CLECs who utilize the services. Charges for use of Operational Support Systems (OSS) shall be as set forth in Exhibit A of this Agreement.

2. Exhibit A of the Resale Agreement shall be amended to include the Operational Support Systems (OSS) Rate Table attached hereto as Attachment 1 of this Amendment.

3. All of the other provisions of the Resale Agreement shall remain unchanged and in full force and effect.

4. 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.

Express Telecommunications, Inc. BellSouth Telecommunications, Inc.

By: [Signature]
Signature

Name: Charles E. Clark
Printed Name

Title: President

Date: 10/21/98

By: [Signature]
Signature

Name: Jerry Hendrix
Printed Name

Title: Director

Date: 10-15-98

**EXHIBIT A
 (Amended)**

OPERATIONAL SUPPORT SYSTEMS (OSS) RATES				
	Interactive Ordering and Trouble Maintenance System		OSS Order Charge	
	Non-Recurring Establishment Charge	Monthly Recurring Charge	Electronic Per LSR received from the CLEC by one of the OSS interactive interfaces	Manual Per LSR received from the CLEC by means other than one of the OSS interactive interfaces
ALABAMA	\$100.00	\$50.00	\$10.80	\$22.00
FLORIDA	\$100.00	\$50.00	\$10.80	\$22.00
GEORGIA	\$200.00	Per 1,000 electronic LSRs received from the CLEC ¹ First 1,000 - \$550.00 Add'l 1,000 - \$110.00	Note ²	\$22.00
KENTUCKY	\$100.00	\$50.00	\$10.89	\$22.00
LOUISIANA	\$100.00	\$50.00	\$9.16	\$22.00
MISSISSIPPI	\$100.00	\$50.00	\$10.80	\$22.00
NORTH CAROLINA	\$100.00	\$50.00	\$10.80	\$22.00
SOUTH CAROLINA	\$100.00	\$50.00	\$10.80	\$22.00
TENNESSEE	\$100.00	\$50.00	\$10.80	\$22.00

Rates for Operational Support Systems stated above are interim and are subject to modification based upon receipt of a final, non-appealable order by each state's Public Service Commission.

In addition to OSS charges, applicable service order and related charges apply per the tariff.

¹ The Charge per 1,000 LSRs applies on a per CLEC basis.

² The Georgia Public Service Commission ("PSC") ordered in Docket 7061 that there would be no OSS charge within the Charge for Electronic Order column. Instead the Georgia PSC ordered monthly recurring charges based on the number of LSRs received from the CLEC.

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AMENDMENT TO
RESALE AGREEMENT BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC.
AND EXPRESS TELECOMMUNICATIONS, INC.
DATED DECEMBER 17, 1997

Pursuant to this Agreement (the "Amendment"), BellSouth Telecommunications, Inc. ("BellSouth or Company") and Express Telecommunications, Inc. ("ETI") hereinafter referred to collectively as the "Parties" hereby agree to amend that certain Resale Agreement between the Parties dated December 17, 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, the Parties hereby covenant and agree as follows:

1. The parties hereby agree that Section VIII.A of the Resale Agreement is amended by inserting the following sentence as Subsection 6. at the end of Section VIII.A

BellSouth may disconnect and reuse facilities when the facility is in a denied state and BellSouth has received an order to establish new service or transfer of service from a customer or a customer's CLEC at the same address served by the denied facility.

2. The Parties agree that all of the other provisions of the Resale Agreement, dated December 17, 1997, shall remain in full force and effect.
3. The Parties further agree that either or both of the Parties is authorized to submit this Amendment to the appropriate Commission or other regulatory body having jurisdiction over the subject matter of this Amendment, 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.

BELLSOUTH TELECOMMUNICATIONS,
INC.

By: 

Jerry D. Hendrix - Director

DATE: 10/15/98

EXPRESS TELECOMMUNICATIONS, INC.

By: 

DATE: 10/21/98