

MEMORANDUM

April 2, 1999

RECEIVED-TPSC

99 APR -2 AM 11:12

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP MCB*

RE: DOCKET NO. 990137-TP -In re: Request by BellSouth Telecommunications, Inc. for approval of amendment to collocation agreement with KMC Telecom II, Inc.

99-0628-FOF

Attached is an:

ORDER APPROVING AMENDMENT TO EXISTING
COLLOCATION AGREEMENT

to be issued in the above-referenced docket. (Number of pages in order - 3)

KMP/slh
Attachment
cc: Division of Communications
I:990137.kmp

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth
Telecommunications, Inc. for
approval of amendment to
collocation agreement with KMC
Telecom II, Inc.

DOCKET NO. 990137-TP
ORDER NO. PSC-99-0628-EOF-TP
ISSUED: April 2, 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 AMENDMENT TO EXISTING
COLLOCATION AGREEMENT

BY THE COMMISSION:

On February 8, 1999, BellSouth Telecommunications, Inc. (BST) and KMC Telecom II, Inc. (KMC Telecom II) filed a request for approval of an amendment to the existing collocation agreement pursuant to 47 U.S.C. §252(e) of the Telecommunications Act of 1996. The amendment to the existing agreement is incorporated by reference herein. A copy of the amendment to the existing agreement may be obtained from the official docket file by contacting our Division of Records and Reporting.

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 physical collocation services pursuant to 47

DOCUMENT NUMBER-DATE

04290 APR-28

FPC-RECORDS/REPORTING

ORDER NO. PSC-99-0628-FOF-TP
DOCKET NO. 990137-TP
PAGE 2

U.S.C. § 251. The agreement states that collocation space will be provided for KMC Telecom II in BST's Central Office. Rates for the collocation space and telecommunications services are set out in the schedules.

Upon review of the proposed amendment to the existing agreement, we believe that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. The Commission's approval of this agreement should not be construed as a determination that BellSouth has met the requirements of Section 271 of the Act. BST and KMC Telecom II are also required to file any subsequent 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 existing collocation agreement between BellSouth Telecommunications, Inc. and KMC Telecom II, Inc., is incorporated by reference in this Order, and is hereby approved. A copy of the amendment to the existing agreement may be obtained as specified in the body of this Order. 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 2nd day of April, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

ORDER NO. PSC-99-0628-FOF-TP
DOCKET NO. 990137-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).