

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth Telecommunications, Inc. for arbitration of interconnection agreement with Time Warner Telecom of Florida, L.P., pursuant to Section 252(b) of the Telecommunications Act of 1996.

DOCKET NO. 991605-TP
ORDER NO. PSC-00-1433-FOF-TP
ISSUED: August 4, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.

FINAL ORDER CLOSING DOCKET

BY THE COMMISSION:

On October 15, 1999, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of an interconnection agreement with Time Warner Telecom of Florida, L.P. (Time Warner) pursuant to section 252(b)(1) of the Telecommunications Act of 1996. That Section provides that during the period from the 135th to the 160th day, inclusive, after the date an incumbent local exchange carrier receives a request for negotiation, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

On November 9, 1999, Time Warner filed its response to BellSouth's petition for arbitration. On January 12, 2000 notice was filed for a prehearing conference January 19, 2000 and for a hearing on the issues February 2, 2000. On January 27, 2000, at the request of the parties, notice was filed canceling the February 2, 2000 hearing. Subsequently, on February 25, 2000, the parties filed a Joint Motion for Withdrawal of the Petition for Arbitration, stating that they had reached an agreement. That written Agreement was subsequently filed, but given a new Docket number. We approved that interconnection agreement by Order No. PSC-00-1151-FOF-TP, issued June 23, 2000, in Docket No. 000524.

By filing the Joint Motion to Withdraw the Petition for Arbitration, the parties eliminated the need for us to take any action under section 252 (b) (1) of the Act, and no other issues

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remain for us to address. Therefore, we acknowledge the withdrawal of the Petition and the docket will be closed upon issuance of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Joint Motion to Withdraw the Petition for Arbitration in this Docket is hereby acknowledged and the Docket will be closed upon issuance of this Order. It is further

ORDERED that all pending Motions in this Docket are rendered moot by its closing.

By ORDER of the Florida Public Service Commission this 4th day of August, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

CLF

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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 by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.