

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Sprint  
Communications Company Limited  
Partnership d/b/a Sprint for  
arbitration with BellSouth  
Telecommunications, Inc.  
concerning interconnection  
rates, terms, and conditions,  
pursuant to the Federal  
Telecommunications Act of 1996.

DOCKET NO. 961150-TP  
ORDER NO. PSC-97-0983-FOF-TP  
ISSUED: August 15, 1997

The following Commissioners participated in the disposition of  
this matter:

DIANE K. KIESLING  
JOE GARCIA

ORDER APPROVING ARBITRATED INTERCONNECTION AGREEMENT

BY THE COMMISSION:

Part II of the Federal Telecommunications Act of 1996 (Act)  
sets forth provisions controlling the development of competitive  
markets in the telecommunications industry. Section 251 of the Act  
concerns interconnection with the incumbent local exchange carrier  
and Section 252 sets forth the procedures for negotiation,  
arbitration, and approval of agreements.

Section 252(b) addresses agreements arrived at through  
compulsory arbitration. Specifically, Section 252(b)(1) states:

(1) Arbitration. - During the period from the 135th to  
160th day (inclusive) after the date on which an  
incumbent local exchange carrier receives a request for  
negotiation under this section, the carrier or any other  
party to the negotiation may petition a State commission  
to arbitrate any open issues.

Section 252(b)(4)(C) states that the State commission shall resolve  
each issue set forth in the petition and response, if any, by  
imposing the appropriate conditions as required. This section  
requires this Commission to conclude the resolution of any  
unresolved issues not later than 9 months after the date on which  
the local exchange carrier received the request under this section.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

On April 15, 1996, Sprint Communications Company, L.P. (Sprint), formally requested negotiations with BellSouth Telecommunications, Inc. (BellSouth), under Section 251 of the Act. On September 20, 1996, Sprint filed a Petition for Arbitration under the Telecommunications Act of 1996. Thereafter, the key procedural events were established by Order No. PSC-96-1282-PCO-TP issued October 15, 1996.

By the date of the arbitration hearing, December 3, 1996, Sprint and BellSouth had reached agreement resolving most of the issues in Sprint's arbitration petition. The main issues resolved prior to the hearing dealt with pricing and some operational issues, such as electronic interfaces. On February 3, 1997, we issued Order No. PSC-97-0122-FOF-TP resolving the remaining issues in the proceeding.

On February 18, 1997, BellSouth requested reconsideration of the portion of Order No. PSC-97-0122-FOF-TP that dealt with access to customer service records under a blanket letter of authorization. Sprint filed a response to BellSouth's motion on February 26, 1997. In Order No. PSC-97-0509-FOF-TP we denied BellSouth's motion for reconsideration.

On March 3, 1997, Sprint filed a motion seeking an extension of time to file a signed arbitrated agreement. We granted Sprint's motion in Order No. PSC-97-0382-FOF-TP. Thereafter, on April 29, 1997, Sprint filed its proposed language and rationale for the arbitrated agreement. On April 30, 1997, BellSouth filed its proposed language and rationale regarding unresolved and disputed agreement provisions.

On June 17, 1997, we issued Order No. PSC-97-0714-FOF-TP, requiring modifications to the disputed portions of the agreement. In that Order we directed the parties to file a final signed agreement incorporating the language we had approved within 14 days, and on July 1, 1997, BellSouth filed the signed, revised agreement on behalf of both parties.

Section 252(e)(2)(B) states that a state Commission can only reject an arbitrated agreement if it finds that the agreement does not meet the requirements of Section 251, including the regulations prescribed by the FCC pursuant to Section 251, or the standards set forth in subsection (d) of Section 252 of the Act.

The agreement is a hybrid of the negotiation and arbitration processes conducted by the parties, and there are some sections in the agreement that are not consistent with our previous Order. Those sections relate to matters that were not addressed in the

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arbitration proceeding and, pursuant to our Order, were to be removed from the agreement. Section 12.4, General Terms and Conditions, was the only section removed as required by our Order. In addition, the parties removed sections 12.2 and 12.3 from the agreement. The parties negotiated language for the other sections that were to be removed, and they have incorporated that language in the agreement they filed for approval. While the changes the parties have negotiated do not technically comply with our previous Order, we believe that the changes and the agreement as a whole comport with the substantive intent of our Order. We also believe that the changes and the agreement as a whole comply with the Act, and the FCC's rules and implementing order. Therefore, we approve the agreement. Any modification to the agreement must be filed with the Commission for approval. It is therefore

ORDERED by the Florida Public Service Commission that the agreement between Sprint and BellSouth is approved and deemed effective. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 15th day of August, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

  
By: Kay Flynn, Chief  
Bureau of Records

( 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 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.