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FPSC - Records/Reporting

MEMORANDUM

March 25, 1998

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FERGUSON) *FM MCB*

RE: DOCKET NO. 980025-TP - REQUEST FOR APPROVAL OF AMENDMENT TO INTERCONNECTION, UNBUNDLING, AND RESALE AGREEMENT BETWEEN BELL SOUTH TELECOMMUNICATIONS, INC., AND VANGUARD CELLULAR FINANCIAL CORP., PURSUANT TO SECTION 251, 252, AND 271 OF THE TELECOMMUNICATIONS ACT OF 1996.

98-0423-FCF TP

Attached is an ORDER APPROVING INTERCONNECTION, UNBUNDLING, AND RESALE AGREEMENT, with attachments, to be issued in the above referenced docket. (Number of pages in order - 7)

CF/lw

See 1

Attachment

cc: Division of Communications

I:980025or.cf

Attachment Not In-line

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to interconnection, unbundling, and resale agreement between BellSouth Telecommunications, Inc., and Vanguard Cellular Financial Corp., pursuant to Section 251, 252, and 271 of the Telecommunications Act of 1996.

DOCKET NO. 980025-TP
ORDER NO. PSC-98-0423-FOF-TP
ISSUED: March 25, 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 INTERCONNECTION, UNBUNDLING,
AND RESALE AGREEMENT

BY THE COMMISSION:

On January 6, 1998, BellSouth Telecommunications, Inc., (BellSouth) and Vanguard Cellular Financial Corp., (Vanguard) filed a request for approval of an interconnection, unbundling, and resale agreement under 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.

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This agreement covers a 2-year period and 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. § 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 find that it complies with the Telecommunications Act of 1996; thus, we hereby approve it. BellSouth and Vanguard must file any supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e). We note that approval of this agreement does not constitute a determination that BellSouth has met the requirements of Section 271 of the Telecommunications Act.

We note that Vanguard does not currently hold a Florida certificate to provide alternative local exchange telecommunications service, and therefore, it cannot provide services under this agreement until it obtains a certificate.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the interconnection, unbundling, and resale agreement between BellSouth Telecommunications, Inc., and Vanguard Cellular Financial Corp., as set forth in Attachment A and incorporated by reference in this Order, is hereby approved. It is further

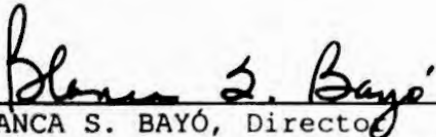
ORDERED that any supplements or modifications to this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

ORDERED that Vanguard Cellular Financial Corp., shall not provide services under this agreement until it obtains a certificate to provide telecommunications services from this Commission. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 25th
day of March, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CF

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).

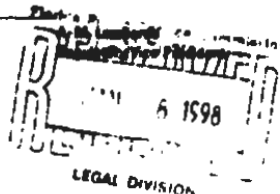
ATTACHMENT A

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Legal



BellSouth Telecommunications, Inc. 904 224-7798
Suite 400 Fax 904 224-9073
150 South Monroe Street
Tallahassee, Florida 32301-1556



January 5, 1998

980025-TP

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 Vanguard Cellular Financial Corp. pursuant to Sections 251, 252 and 271 of the Telecommunications Act of 1996

Dear Mrs. Bayo:

Pursuant to section 252(e) of the Telecommunications Act of 1996, BellSouth and Vanguard Cellular Financial Corp. are submitting to the Florida Public Service Commission an amendment to their negotiated agreement for the interconnection of their networks, the unbundling of specific network elements offered by BellSouth and the resale of BellSouth's telecommunications services to Vanguard Cellular Financial Corp.. The original agreement was filed on February 27, 1997 in Docket 970260-TP.

Pursuant to section 252(e) of the Act, the Commission is charged with approving or rejecting the negotiated agreement between BellSouth and Vanguard Cellular Financial Corp. within 90 days of its submission. The Act provides that the Commission may only reject such an agreement if it finds that the agreement or any portion of the agreement discriminates against a telecommunications carrier not a party to the agreement or the implementation of the agreement or any portion of the agreement is not consistent with the public interest, convenience and necessity. Both parties aver that neither of these reasons exist as to the agreement they have negotiated and therefore, are very hopeful that the Commission shall approve their agreement.

Very truly yours,

AM Lombardo
Regulatory Vice President (22)

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

CMRS0003

THIRD AMENDMENT

TO

**INTERCONNECTION AGREEMENT BETWEEN
VANGUARD CELLULAR FINANCIAL CORP. ("Vanguard") AND BELLSOUTH
TELECOMMUNICATIONS, INC. ("BellSouth")**

WHEREAS, pursuant to sections 251 and 252 of the Telecommunications Act of 1996, Vanguard 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 February 11, 1997;

WHEREAS, the Agreement was approved by the Florida Public Service Commission on May 19, 1997; and by the South Carolina Public Service Commission on March 14, 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, Vanguard 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, Vanguard 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.

Vanguard Cellular Financial Corp.

By Richard C. Rowleson
Vice President

DATE: 12/11/97

BellSouth Telecommunications, Inc.

By [Signature]

DATE: 12/5/97

ATTACHMENT B-1(Amended)

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

Florida

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

South Carolina

Type 1 (End Office Switched):	.006431	(Includes LATA-wide Additive of .000493)
Type 2A (Tandem Switched):	.006431	(Includes LATA-wide Additive of .000493)
Type 2B (Dedicated End Office):	.00221	