

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by BellSouth Telecommunications, Inc. for approval of amendment to resale agreement with UniversalCom, Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

DOCKET NO. 981460-TP
ORDER NO. PSC-99-0154-FOF-TP
ISSUED: January 25, 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 October 29, 1998, BellSouth Telecommunications, Inc. (BellSouth) and UniversalCom, Inc. (UniversalCom) filed a request for approval of the amendments to the existing resale agreement under 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The amendments to the existing agreement are attached to this Order as Attachment A and Attachment B 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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These amendments to the existing agreement govern the relationship between the companies regarding local resale and the exchange of traffic 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 UniversalCom 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 amendments to the existing resale agreement between BellSouth Telecommunications, Inc. and UniversalCom, Inc., as set forth in Attachment A and Attachment B 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 this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 25th day of January, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
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 in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6).

ATTACHMENT A

**AMENDMENT TO RESALE AGREEMENT BETWEEN
DATA AND ELECTRONIC SERVICES, INC. AND
BELLSOUTH TELECOMMUNICATIONS, INC. DATED JUNE 24, 1997**

This Amendment ("Amendment") is made as of the date both parties have signed, to that certain Resale Agreement ("Resale Agreement") between BellSouth Telecommunications, Inc. ("BST") and Data and Electronic Services, Inc. ("DES"), hereinafter referred to collectively as the "Parties", dated June 24, 1997.

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, DES and BellSouth hereby covenant and agree as follows:

1. The Resale Agreement is hereby amended reflect DES's change of name from Data and Electronic Services, Inc. to UniversalCom, Inc.
2. All other terms and conditions of the Resale Agreement 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 Public Service Commissions for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996.

IN WITNESS WHEREOF, the Parties have executed this Amendment through their authorized representatives.

BellSouth Telecommunications, Inc.

BY: 
Signature

NAME: Jerry Hendrix
Printed Name

TITLE: Director

DATE 8/26/98

DES Communications, Inc.

BY: 
Signature

NAME: Tommy R. Williams
Printed Name

TITLE: VP - NETWORK SERVICES

DATE: 8/21/98

ATTACHMENT B

**AMENDMENT TO
RESALE AGREEMENT BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC.
AND UNIVERSALCOM, INC.
DATED JUNE 24, 1997**

Pursuant to this Agreement (the "Amendment"), BellSouth Telecommunications, Inc. ("BellSouth") and UniversalCom, Inc. ("UniversalCom"), hereinafter referred to collectively as the "Parties" hereby agree to amend that certain Agreement between the Parties dated June 24, 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, BellSouth and UniversalCom hereby covenant and agree as follows:

1. The Parties hereby agree that Section 7, Paragraph L of the Resale Agreement is deleted in its entirety and replaced with a new Section 7, paragraph L as follows:

"Pursuant to 47 CFR Section 51.617, the Company will bill UniversalCom end user common line charges identical to the end user common line charges the Company bills its end users. "

2. The Parties agree that all of the other provisions of the Resale Agreement, dated June 24, 1997, 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 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: 

DATE: 8/26/98

UNIVERSALCOM, INC

By: 

DATE: 8/21/98