

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to interconnection, resale, and unbundling agreement negotiated by BellSouth Telecommunications, Inc. with WinStar Telecommunications, Inc. pursuant to Section 252(e) of the Telecommunications Act of 1996.

DOCKET NO. 971414-TP
ORDER NO. PSC-98-0272-FOF-TP
ISSUED: February 11, 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 AMENDMENT TO
INTERCONNECTION, RESALE AND UNBUNDLING AGREEMENT

BY THE COMMISSION:

On October 24, 1997, BellSouth Telecommunications, Inc. (BellSouth) and WinStar Telecommunications, Inc., (WinStar) filed a request for approval of an amendment to their resale, interconnection, and unbundling agreement under the Telecommunications Act of 1996, 47 U.S.C. §252(e) of the Telecommunications Act of 1996 (the Act). The amendment to 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 and amendments thereto must be submitted to the state commission for approval. Section 252(e)(4) requires the state to reject or

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approve the agreement within 90 days after submission or it shall be deemed approved.

This amended agreement covers a two-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 amendment to the agreement, we find 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. BellSouth and WinStar 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). We note that WinStar does not currently hold a Florida certificate to provide alternative local exchange telecommunications services, and therefore, it cannot provide alternative local exchange telecommunications services under this agreement until it obtains a certificate from this Commission.

Based on the foregoing, it is

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

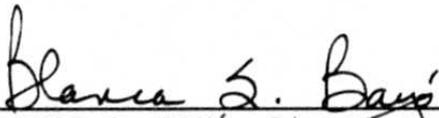
ORDERED that any supplements or modifications to this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

ORDERED that WinStar Telecommunications, Inc. shall not provide alternative local exchange telecommunication services under this agreement until it obtains a certificate to provide alternative local exchange 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 11th
day of February, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JRB

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).

**AMENDMENT
TO
MASTER INTERCONNECTION AGREEMENT BETWEEN
WINSTAR TELECOMMUNICATIONS, INC. and
BELLSOUTH TELECOMMUNICATIONS, INC.
DATED AUGUST 22, 1996**

Pursuant to this Agreement (the "Amendment"), WinStar Telecommunications, Inc. ("WinStar") and BellSouth Telecommunications, Inc. ("BellSouth") hereinafter referred to collectively as the "Parties" hereby agree to amend that certain Master Interconnection Agreement between the Parties dated August 22, 1996 ("Existing 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, WinStar and BellSouth hereby covenant and agree as follows:

1. BellSouth will provide, and WinStar will accept and pay for the Super Group trunking arrangement as defined in 2. following.
2. The Super Group trunk group will combine the trunk group(s) terminating BellSouth's local and intralata toll traffic to WinStar and WinStar's terminating local and intralata toll traffic to BellSouth together with the two way trunk group that allows BellSouth to provide an intermediary switching functionality, whereby WinStar can route calls from the network of other CLECs, Interexchange Carriers, Independent Telephone Company, Wireless Carriers, etc., on a single two way trunk group. WinStar will order this trunk group to every access tandem within a LATA. Anything less than each access tandem will require elemental billing.
3. All of the other provisions of the Interconnection Agreement, dated August 22, 1996, shall remain in full force and effect.
4. Either or both of the Parties is authorized to submit this Amendment to the Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee Commissions 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.

WinStar Telecommunications, Inc.

BellSouth Telecommunications, Inc.

By: 

By: 

Name: Robert G. Berger
Title: Vice President-Regulatory/Legal

Name: Jerry D. Hendrix
Title: Director-Interconnection Services-
Pricing

Date: 10/2/97

Date: 10/03/97