

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Approval) DOCKET NO. 970043-TP
of Resale Agreement between) ORDER NO. PSC-97-0442-FOF-TP
BellSouth Telecommunications,) ISSUED: April 18, 1997
Inc. and American)
Communication Services, Inc.)
pursuant to Sections 251 and)
252 of the Telecommunications)
Act of 1996.)

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING

FINAL ORDER APPROVING
NEGOTIATED RESALE AGREEMENT

BY THE COMMISSION:

I. Background

On January 8, 1997, BellSouth Telecommunications, Inc. (BellSouth) and American Communication Service, Inc. (ACSI) filed a request for approval of a resale agreement. The agreement was executed on December 20, 1996, and the parties sought our approval of the agreement under the Telecommunications Act of 1996 (the Act).

Both the Act and revised Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. If the parties reach a negotiated agreement, under 47 U.S.C. 252(e), the agreement is to be filed with the state commission for approval. 47 U.S.C. 252(a)(1) requires that "the agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement."

Under 47 U.S.C. 252(e)(2), we may reject an agreement only if it discriminates against a telecommunications carrier not a party to an agreement or if the implementation of the

agreement is not in the public interest. Under 47 U.S.C. 252(e)(4), we must approve or reject the agreement within 90 days after submission, or the agreement shall be deemed approved.

II. The Agreement

The agreement is for a 6-month term and governs the relationship between the companies regarding the resale of tariffed local exchange service, toll telecommunications service, Hotel and Hospital PBX services, Customer Provided Coin Telephone service, Shared Tenant Service, access to 911/E911 services, Telecommunications Relay Services, and white page directory listings and directory distribution in states in which BellSouth operates. The agreement also includes the rates at which ACSI will purchase services from BellSouth for resale, which are discounted from BellSouth's retail rate for the telecommunications service. The discounts are 21.83% for residential and 16.81% for business telecommunications services. The agreement is attached to this Order as Attachment I.

Attachment II provides a comparison of the major elements of the BellSouth and ACSI agreement with Commission-ordered interconnection arrangements and other Commission-approved negotiated interconnection agreements.

III. Findings

We find that the proposed resale agreement between BellSouth and ACSI meets the requirements for our approval. Furthermore, if the parties mutually agree to supplement or modify any portion of the agreement, the agreed upon changes must be filed for our review under the provisions of 47 U.S.C. 252 (e).

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the resale agreement between BellSouth Telecommunications, Inc., and American Communication Services, Inc. is hereby approved. It is further

ORDERED that the parties shall submit any supplements or modifications to the resale agreement for our approval. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 18th day of April, 1997.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-904-413-6770.

(S E A L)

SOME (OR ALL) ATTACHMENT PAGES ARE NOT ON ELECTRONIC DOCUMENT.

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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

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Procedure.

Attachment II

Arrangements Set by the Commission

950984, 950985	BellSouth - MCIMetro and MFS-FL
Interconnection	Mutual traffic exchange
Unbundling/Resale	\$17.00 - 2-wire voice grade analog loop (interim) \$ 2.00 - 2-wire analog port (interim)
Temporary Number Portability	\$ 1.00 res. or bus. - \$.50 per additional path and \$10.00 per order nonrecurring charge

950984, 950985	GTEFL - MFS-FL
Interconnection	Mutual traffic exchange
Unbundling/Resale	\$ 20.00 - 2-W voice grade analog loop \$ 25.00 - 4-W voice grade analog loop \$ 20.00 - 2-W ISDN digital loop \$250.00 - 4-W DS-1 digital loop, (interim) First System \$154.00 - Add'l System (interim) \$ 6.00 - 2-W & 4-W analog line ports \$ 20.00 - 2-W ISDN digital line port \$ 6.00 - 2-W analog DID trunk port, plus tariffed DID charges \$ 60.00 - 4-W DS-1 digital DID trunk port, plus tariffed DID charges \$350.00 - 4-W ISDN DS-1 digital port
Temporary Number Portability	\$ 1.00 res. or bus. - \$.50 per additional path and \$10.00 per order nonrecurring charge

950984, 950985	United/Centel - Time Warner, Continental, & MFS-FL
Interconnection	Mutual traffic exchange
Unbundling/Resale	\$15.00 - 2-wire voice grade analog loop (interim) \$ 7.00 - 2-wire analog port (interim)
Temporary Number Portability	\$ 1.00 res. or bus. - \$.50 per additional path and \$10.00 per order nonrecurring charge

Agreements Negotiated and Approved by the Commission

950985	MCIMetro - BellSouth **
Interconnection	\$0.011/minute - Florida Rate
Unbundling/Resale	Not a part of agreement.
Temporary Number	\$ 1.25 res. & \$1.50 bus. - \$.50 per additional path

Portability	and \$25.00 per order nonrecurring charge
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**Agreement allows MCImetro to take interconnection or temporary number portability via a Commission ordered tariff or another agreement.

960228	GTEFL - Intermedia
Interconnection	\$.011136/minute, w/105% cap
Unbundling/Resale	\$23.00 - 2-wire voice grade analog loop
Temporary Number Portability	\$1.25 res. or bus. - \$.50 per additional path and \$5.00 per order nonrecurring charge

950696, 950737, 950984, 950985	* BellSouth - FCTA, Time Warner, Intermedia, Teleport, Sprint Metro, & Continental
Interconnection	\$.01052/minute, w/105% cap
Unbundling/Resale	\$21.15 - 2-wire voice grade analog loop
Temporary Number Portability	\$1.25 res., \$1.50 bus. - \$.50 per additional path and \$25.00 per order nonrecurring charge

* Approved under state law.

960719	BellSouth - Time Warner/Digital Media Partners
Interconnection	\$0.01/minute; however, Mutual traffic exchange will apply: Months 1-6 Months 7-12 if out of balance <=\$40,000 Months 13-18 if out of balance <=\$30,000 Months 19-24 if out of balance <=\$20,000
Unbundling/Resale	No Agreement. Bell offered retail rate minus avoided costs but did not identify what the avoided costs were.
Temporary Number Portability	\$1.15 res. for 6 paths - \$.50 per additional path \$2.25 bus. for 10 paths - \$.50 per additional path No nonrecurring charge

960769	BellSouth - Intermedia
Interconnection	\$0.01028/minute w/ 105% Cap -Dedicated \$0.01056/minute w/ 105% Cap -Tandem However, Mutual traffic exchange will apply: Months 1-6 Months 7-12 if out of balance < \$40,000 Months 13-18 if out of balance < \$30,000 Months 19-24 if out of balance < \$20,000
Unbundling/Resale	<u>Unbundling:</u> \$ 2.00 - Residence Port \$ 4.50 - Business Port \$ 7.50 - PBX Trunk Port \$ 2.00 - Rotary Service \$ 0.0275/1st minute - Usage on Port \$ 0.0125/Add'l minutes - Usage on Port \$ 17.00 - Unbundled Exchange Access Loop \$140.00 - NRC 1st Loop \$ 45.00 - NRC Add'l Loop \$ 28.50 - Unbundled Inter. Office Channel \$ 1.65 - 1-08 Miles \$ 1.60 - 9-25 Miles \$ 1.55 - Over 25 Miles <u>Resale:</u> 18% off Residential Retail Rates 12% off Business Retail Rates
Temporary Number Portability	\$1.15 res. for 6 paths - \$.50 per additional path \$2.25 bus. for 10 paths - \$.50 per additional path No nonrecurring charge

960791	United/Centel - Intermedia
Interconnection	Option A - \$2,137 DS-1 Port Option B - \$.01979/minute, w/105% cap
Unbundling/Resale	\$19.05 - 2-wire voice grade analog loop
Temporary Number Portability	\$ 1.25 res. or bus. - \$.50 per additional path and \$25.00 per order nonrecurring charge

960795	BellSouth - Telephone Company of Central Florida
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 18% off residential retail rates. 12% off business retail rates.

**Temporary Number
Portability**

Not a part of the agreement.

960801	United/Centel - SprintMetro
Interconnection	Option A - \$2,137 DS-1 Port Option B - \$.01979/minute, w/105% cap
Unbundling/Resale	\$19.05 - 2-wire voice grade analog loop
Temporary Number Portability	\$ 1.25 res. or bus. - \$.50 per additional path and \$25.00 per order nonrecurring charge

960845	BellSouth - SouthEast
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

960852	BellSouth - Payphone Consultants, Inc.
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

960854	BellSouth - Hart Communications
Interconnection	\$0.01/minute w/ 105% Cap
Unbundling/Resale	<p><u>Unbundling:</u> \$2.00 - Residence Port \$4.50 - Business Port \$7.50 - PBX Trunk Port \$2.00 - Rotary Service \$0.0275/1st minute - Usage on Port \$0.0125/Add'l minutes - Usage on Port \$ 17.00 - Unbundled Exchange Access Loop \$140.00 - NRC 1st Loop \$ 45.00 - NRC Add'l Loop</p> <p><u>Resale:</u> 18% off Residential Retail Rates 12% off Business Retail Rates</p>
Temporary Number Portability	<p>Remote Call Forwarding: \$1.25 res. per # ported - \$.50 per additional path \$1.50 bus. per # ported - \$.50 per additional path.</p> <p>\$25.00 Nonrecurring charge.</p> <p>Direct-Inward-Dial: \$ 0.01 Per number per month recurring for both res. and bus. \$ 1.00 Per number nonrecurring charge. \$25.00 Per Order nonrecurring charge.</p>

960862	BellSouth - Teleport
Interconnection	\$0.01028/minute w/ 105% Cap -Dedicated \$0.01056/minute w/ 105% Cap -Tandem However, Mutual traffic exchange will apply: Months 1-6 Months 7-12 if out of balance < \$40,000 Months 13-18 if out of balance < \$30,000 Months 19-24 if out of balance < \$20,000
Unbundling/Resale	<u>Unbundling:</u> \$2.00 - Residence Port \$4.50 - Business Port \$7.50 - PBX Trunk Port \$2.00 - Rotary Service \$0.0275/1st minute - Usage on Port \$0.0125/Add'l minutes - Usage on Port \$ 17.00 - Unbundled Exchange Access Loop \$140.00 - NRC 1st Loop \$ 45.00 - NRC Add'l Loop <u>Resale:</u> 18% off Residential Retail Rates 12% off Business Retail Rates
Temporary Number Portability	Remote Call Forwarding: \$1.15 res. for 6 paths - \$.50 per add'l path \$2.25 bus. for 10 paths - \$.50 per add'l path No nonrecurring charge. Direct-Inward-Dial: \$ 0.01 Per number per month recurring for both res. and bus. \$ 1.00 Per number nonrecurring charge. \$25.00 Per Order nonrecurring charge.

960968	BellSouth - National Tel
Interconnection	\$0.010/minute w/ 105% Cap However, Mutual traffic exchange will apply: Months 1-6 Months 7-12 if out of balance < \$40,000 Months 13-18 if out of balance < \$30,000 Months 19-24 if out of balance < \$20,000
Unbundling/Resale	<u>Unbundling:</u> \$ 17.00 - Unbundled 2-Wire Local Loop \$555.00/mo/unbundled loop channelization \$490.00/non-recurring charge <u>Resale:</u> 18% off Residential Retail Rates 12% off Business Retail Rates
Temporary Number Portability	\$1.15 res. for 6 paths - \$.50 per additional path \$2.25 bus. for 10 paths - \$.50 per additional path No nonrecurring charge

960969	BellSouth - ACSI
Interconnection	Mutual traffic exchange will apply unless difference in minutes of use exceed 2 million.
Unbundling/Resale	<u>Unbundling:</u> \$ 2.00 - Residence Port \$ 4.50 - Business Port \$ 7.50 - PBX Trunk Port \$ 2.00 - Rotary Service \$ 0.0275/1st minute - Usage on Port \$ 0.0125/Add'l minutes - Usage on Port \$ 17.00 - 2-Wire Analog \$ 27.20 - 4-Wire Analog \$ 17.00 - 2-Wire ADSL/HDSL \$ 27.20 - 4-Wire HDSL \$ 27.20 - 2-Wire ISDN Digital \$400.00/mo/unbundled loop channelization \$525.00 non-recurring charge
Temporary Number Portability	\$1.15 res. for 6 paths - \$.50 per additional path \$2.25 bus. for 10 paths - \$.50 per additional path No nonrecurring charge

961053	BellSouth - MFS
Interconnection	\$0.009/minute
Unbundling/Resale	<u>Unbundling:</u> BST and MFS do not agree on the rates for unbundled loops, therefore this issue will be subject to further negotiations, FCC and/or Commission Proceedings/Orders and/or Arbitration.
Temporary Number Portability	\$1.15 res. for 6 paths - \$.50 per additional path \$2.25 bus. for 10 paths - \$.50 per additional path No nonrecurring charge

961090	GTEFL - MFS
Interconnection	\$0.009/minute w/ 105% Cap -Dedicated \$0.00075/minute w/ 105% Cap -Tandem However, Mutual traffic exchange will apply:
Unbundling/Resale	<u>Unbundling:</u> GTEFL and MFS do not agree on the rates for unbundled loops, therefore this issue will be subject to further negotiations, FCC and/or Commission Proceedings/Orders and/or Arbitration.
Temporary Number Portability	Remote Call Forwarding: \$1.15 res. for 6 paths - \$.50 per additional path \$2.25 bus. for 10 paths - \$.50 per additional path. No nonrecurring charge.

961272	GTEFL - MCIMETRO
Interconnection	\$0.00075/minute - Tandem However, Mutual traffic exchange will apply:
Unbundling/Resale	Not Applicable.
Temporary Number Portability	Remote Call Forwarding: \$1.00 - \$.50 per additional path \$10.00 nonrecurring charge.

961333	MFS - SPRINT
Interconnection	\$0.004/minute - End Office \$0.0015/minute - Tandem However, Mutual traffic exchange will apply:
Unbundling/Resale	MFS and Sprint do not agree on the rate for unbundled loops, therefore this issue will be subject to further negotiations. FCC and/or

	Commission Proceedings/Orders and/or Arbitration.
Temporary Number Portability	Terms to be negotiated subject to cost-based and competitively-neutral cost-recovery.

961402	BellSouth - CBS
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

961403	BellSouth - Annox
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

961414	BellSouth - Tie
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

961540	GTEFL - WINSTAR
Interconnection	\$0.00075/minute - Tandem
Unbundling/Resale	If and to the extent that GTE makes available to another ALEC or LEC telecommunications services for resale, GTE simultaneously will provide WinStar with access to those same telecommunications services for resale pursuant to identical rates, terms and/or conditions.
Temporary Number Portability	Winstar and GTE shall provide INP arrangements to one another either at the rates ordered by the FPSC in Docket No. 950737-TP or at WinStar's option, other mutually agreed upon rates.

970039	BellSouth - NOW
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

970041	BellSouth - Interlink
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

970042	BellSouth - USLD
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 18% off residential retail rates. 12% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

970043	BellSouth - ACSI
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> 21.83% off residential retail rates. 16.81% off business retail rates.
Temporary Number Portability	Not a part of the agreement.

970072	GTEFL - TCCF
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> The parties filed a 90 page listing of services and prices available for resale in the agreement.
Temporary Number Portability	Not a part of the agreement.

970073	GTEFL - ICI
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> The parties filed a 90 page listing of services and prices available for resale in the agreement.
Temporary Number Portability	Not a part of the agreement.

970074	GTEFL - FCS
Interconnection	Not a part of the agreement.
Unbundling/Resale	<u>Resale:</u> The parties filed a 90 page listing of services and prices available for resale in the agreement.
Temporary Number Portability	Not a part of the agreement.