



# MEMORANDUM

Office of the City Attorney

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**TO:** Mayor and City Commissioners      **DATE:** November 14, 2005

**FROM:** City Attorney

**SUBJECT:** BellSouth Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes in Law, FPSC Docket 041269-TP

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Recommendation: Authorize the City Attorney to retain the law firm of Squire, Sanders and Dempsey, to: 1) represent the interest of the City's telecommunications enterprise (GRUCom) in the Docket #041269-TP, Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes of Law pending before the Florida Public Service Commission, and 2) provide assistance with anticipated negotiations with BellSouth relating to amendments to the Interconnection Agreement between the City and BellSouth.

Background:


GRUCom, the City's telecommunications utility, is licensed by the Florida Public Service Commission (FPSC) as a Competitive Local Exchange Carrier (CLEC) which allows GRUCom to offer telecommunications services in the state of Florida. In the 1996 Telecommunications Act, to promote competition BellSouth was required to allow interconnection to CLEC's and to allow CLEC's to use components of the BellSouth network, known as Unbundled Network Elements (UNE's), to provide services to their customers. For several years GRUCom has had an Interconnection Agreement with BellSouth which dictates the terms under which GRUCom can interconnect and purchase UNE's. Certain UNE's are crucial to GRUCom's ability to reach customer locations where it is cost prohibitive for GRUCom to extend its fiber optic network. Other UNE's will become important as GRUCom service offerings increase.

Recent court decisions and resultant Federal Communications Commission (FCC) rulings have impacted BellSouth's responsibilities for offering UNE's. These changes will require amendments to the Interconnection Agreement that GRUCom has with BellSouth and could affect GRUCom's ability to obtain certain UNE's in the future. Docket No. 041269-TP was opened by the FPSC to review the matter and to decide how the changes will be implemented in Interconnection Agreements and in practice in Florida. GRUCom has intervened in the Docket with the assistance of Squire, Sanders, and Dempsey, L.L.P., a firm with extensive experience in handling telecommunications issues before the FPSC. However, it now appears that the matter will require more legal support than initially anticipated and it is clear that this law firm's assistance will also be beneficial in the negotiation of post-docket amendments to the Interconnection Agreement.

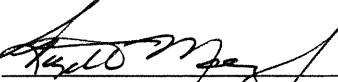
Fiscal Impact:

Funds for these services are included in the GRU FY05/06 O&M budget

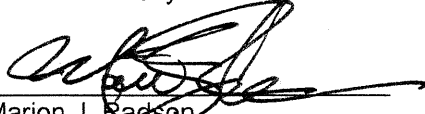
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