

Kay Flynn

To: Kim Logue
Subject: RE: Docket 010408- BellSouth/KMC Telecom

A copy of this e-mail will be placed in the docket file and noted in CMS.

Kay

—Original Message—

From: Kim Logue
Sent: Friday, April 27, 2001 11:36 AM
To: 'nancy.sims@bellsouth.com'; 'tanya.lynn@bellsouth.com';
'kathleen.arant@bellsouth.com'; 'jmclau@kmctelecom.com'
Cc: Kimberley Pena; Kay Flynn
Subject: Docket 010408- BellSouth/KMC Telecom
Importance: High

Ms. Sims:

BellSouth recently filed, on April 5, 2001, docket 010408, for approval of two amendments to the interconnection, unbundling, resale and collocation agreement negotiated by BellSouth and KMC Telecom.

Unfortunately, these requests for approval of amendments cannot be approved in their current form.

The following inaccuracies are hereby noted and corrections requested before this docket may proceed:

1. KMC Holdings is not, as identified in BellSouth's petition, licensed to do business in the State of Florida, pursuant to records maintained by the Secretary of State, Division of Corporations.
2. KMC Holdings is not, as identified in BellSouth's petition, certificated with the Florida Public Service Commission.
3. KMC Holdings was not the party with whom BellSouth entered into the original and referenced agreement, as maintained in docket 001701. The party with whom BellSouth entered into the original agreement, as approved in Docket 001701 was: KMC Telecom, Inc., KMC Telecom II, Inc, KMC Telecom III, Inc, and KMC Telecom V, Inc., respectively. The aforementioned companies are all licensed to do business in the state of Florida and are accurately certificated by the FPSC. An amendment to an agreement cannot be submitted by persons other than the parties to the original filing.
4. BellSouth's petition requests approval of two amendments, yet BellSouth fails to identify which is Amendment One and which is Amendment Two. During previously held meetings to which BellSouth was a party, it was agreed by all involved, including BellSouth, that all amendments would be numbered sequentially.

The options available to BellSouth and KMC are as follows:

1. Withdraw the filing in its entirety, refiling only after all above-referenced inaccuracies are duly corrected.
2. File a corrected petition, with all corrections accurately reflected as identified above, and amendments sequentially numbered, on or before May 11, 2001.

This matter will be rescheduled for the May 29, 2001 agenda. To that end, in order to not have this matter recommended for denial, it is imperative that one of the two above-referenced options be exercised on or before May 11, 2001.

Kim Logue
Supervisor
Carrier Services
Florida Public Service Commission
850-413-6560
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DOCUMENT NUMBER-DATE
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FISCAL YEAR-REPORTING