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August 6, 2003

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No. 990649B

Dear Ms. Blanco:

I am writing this letter on behalf of Z-Tel Communications, Inc. ("Z-Tel"), a party in the above docket.

On November 15, 2002 the Commission issued Order No. PSC-01-1574-FOF-TP, in which it ordered Verizon to reduce certain UNE rates paid by CLECs.

On August 5, 2003, the Commission issued Order No. PSC-03-0896-PCO-TP, in which it granted Verizon's Motion to Stay the effectiveness of Order No. PSC-01-1574-FOF-TP pending judicial review.

At page 9 of Order No. PSC-03-0896-PCO-TP, the Commission stated:

To be eligible for the full aforementioned refund back to the date of this Order, a CLEC must, within 90 days of the issuance of this Order, file with the Commission and send to Verizon a letter stating that the CLEC would have sought implementation of the rates ordered in this proceeding, absent the stay. This condition recognizes the varying effect of the rates on individual CLECs. Any CLECs that submit the required letter after the 90 days will only be eligible for a refund back to the filing date of their letter.

The purpose of this letter is to verify that, absent the stay, Z-Tel would have sought implementation of the rates ordered in Order No. PSC-01-1574-FOF-TP. In fact, Z-Tel actively and affirmatively sought to implement the rates within a very few days after the order was issued. By e-mail correspondence dated November 22, 2002 Z-Tel Vice President Peggy D. Rubino informed Verizon of Z-Tel's desire to incorporate the new rates in an amended interconnection agreement, and inquired as to whether Verizon would be preparing the amendments. I am attaching a copy of her correspondence to this letter as Attachment A. (After

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A.

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first indicating that it was drafting an amendment to address the new rates, on February 28, 2003 Verizon informed Z-Tel of its position that the Commission would regard “negotiations” on the amendment to be premature in light of the Commission’s intent to rule on the pending motion for reconsideration.)

Accordingly, by the terms of Order No. PSC-03-0896-PCO-TP, Z-Tel is entitled to have any refund in this proceeding made effective as of August 5, 2003.

Yours truly,



Joseph A. McGlothlin

JAM/mls

Enclosure

cc: Peggy D. Rubino
Kimberly Caswell (Counsel for Verizon)
Beth Keating
Patricia Christensen
Parties of record

Joe McGlothlin

From: Rubino, Peggy D [PRubino@Z-TEL.com]
Sent: Friday, November 22, 2002 11:56 AM
To: 'renee.ragsdale@verizon.com'
Cc: 'Valerie Soprano (E-mail)'
Subject: Verizon FL UNE rates

Renee-

On November 15, 2002, the FL commission issued an order specifying new UNE rates, which would become effective upon the PSC's approval of amended interconnection agreements incorporating the new rates. Will you or someone else at Verizon be preparing amended contracts, or can you tell me how I can get the new rates included in our contract? Thanks.

Peggy Rubino
Vice President - Industry Policy
Z-Tel Communications, Inc.
(813) 233-4628