State of Florida
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Public Service Commission

DATE: October 15, 2003

TO: Docket File

FROM: Jeff Bates (Division of Competitive Markets and Enforcement) SAB
Victor McKay (Office of the General Counsel) VSM

RE: Docket No.030603-TP - Request by Verizon Florida Inc. for acknowledgment of adoption of certain provisions of negotiated terms of existing interconnection agreement between NUI Telecom, Inc. and Verizon Maryland Inc., by DIECA Communications, Inc. d/b/a Covad Communications Company.

By letter dated July 14, 2003, Verizon Florida Inc. filed a request for acknowledgment of adoption of certain provisions of the negotiated terms of the existing interconnection agreement between Verizon Maryland Inc. and NUI Telecom, Inc. approved by the Maryland Public Service Commission. DIECA Communications, Inc. d/b/a Covad Communications Company is adopting this agreement pursuant to the Bell Atlantic/GTE Merger Conditions released by the FCC on June 16, 2000 in CC Docket No. 98-184, specifically, under paragraph 31(a) of the Most-Favored-Nation Provisions for Out-of Region and In-Region Arrangements. In paragraph 31(a), In-Region Post-Merger Arrangements, it is specified that: "Terms, conditions, and prices contained in tariffs cited in Bell Atlantic/GTE's interconnection agreements shall not be considered negotiated provisions."

By Order No. PSC-01-0603-FOF-TP, issued March 13, 2001, the Commission found that:

> Since the requested adoption is pursuant to FCC Merger Conditions, and the Merger Conditions confer no jurisdiction on this Commission, we believe that we do not have jurisdiction to approve or deny this adoption. However, acknowledging this petition is appropriate because we will be able to track agreement activity between these companies, should the companies request arbitration with us in the future or other companies choose to adopt this agreement.

Staff has reviewed the agreement and determined that it complies with the Act; therefore with this Memorandum, the docket is hereby closed.

CC: Division of the Commission Clerk and Administrative Services (S. Moses)

OK
SMC
10/15/03

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