



Public Service Commission
CLERK

DATE: December 10, 2003
TO: Docket File
FROM: Jeff Bates (Division of Competitive Markets and Enforcement) *JB*
Victor McKay (Office of the General Counsel) *VSML* *SAS*
RE: Docket No.030899-TP - Request by Verizon Florida Inc. for acknowledgement of adoption, with modifications, of existing negotiated terms of interconnection, resale, unbundling, and collocation agreement between Sprint Communications Company L.P. and Verizon California Inc.. by KMC Telecom III LLC.

By letter dated September 9, 2003, Verizon Florida Inc. filed a request for approval of adoption, with modifications, of existing negotiated terms of interconnection, resale, unbundling, and collocation agreement between Verizon California Inc. and Sprint Communications Company L.P. KMC Telecom III LLC is adopting this agreement in its entirety 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
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