

ORIGINAL

Timolyn Henry

From: Slaughter, Brenda [Brenda.Slaughter@BELLSOUTH.COM]
Sent: Friday, October 08, 2004 10:02 AM
To: Filings@psc.state.fl.us
Cc: Meza, James; Linda Hobbs; Holland, Robyn P; Nancy Sims; Fatool, Vicki; Bixler, Micheale
Subject: Docket 041114-TP
Importance: High

- A. Brenda Slaughter
 Legal Secretary for James Meza III
 BellSouth Telecommunications, Inc.
 c/o Nancy Sims
 150 South Monroe, Rm. 400
 Tallahassee, Florida 32301-1558
 (404) 335-0714
 brenda.slaughter@bellsouth.com
- B. Docket No. 041114-TP: Complaint of XO Florida, Inc. Against BellSouth Telecommunications, In. for Refusal to Convert Circuits to UNEs and for Expedited Processing
- C. BellSouth Telecommunications, Inc. on behalf of James Meza III
- D. 6 pages (including exhibit)
- E. BellSouth Telecommunications, Inc.'s correction of scrivener errors to its Response to XO Florida, Inc. Complaint

CMP _____
 COM _____
 CTR _____
 ECR _____
 GCL _____
 OPC _____
 MMS _____
 RCA _____
 SCR _____
 SEC 1
 OTH _____

Brenda Slaughter (on behalf of James Meza III)
 BellSouth Telecommunications, Inc.
 Suite 4300 - Legal Department
 675 W. Peachtree Street
 Atlanta, GA 30375-0001
 Phone: (404) 335-0714

<<041114-TP BellSouth.pdf>>

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FPSC-COMMISSION CLERK

JAMES MEZA III
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0769

ORIGINAL

October 8, 2004

Mrs. Blanca S. Bayó
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: 041114-TP – Complaint of XO Florida, Inc. Against BellSouth
Telecommunications, Inc. for Refusal to Convert Circuits to UNEs
and for Expedited Processing**

Dear Ms. Bayó:

On October 6, 2004, BellSouth Telecommunications, Inc.'s filed its Response to XO Florida, Inc.'s Complaint. BellSouth now files this letter to correct two scrivener errors relating to dates (which are bolded below): On page 5, the last sentence of the top paragraph should read: "See **October 16, 2003** email from BellSouth to XO, attached hereto as Exhibit H." On page 6, the first sentence of the first full paragraph should read: "In July **2004**, BellSouth sent XO a second amendment addressing the D.C. Circuit's decision in United States Telecom Association v. Federal Communications Commission, 359 F.3d 554 (D.C. Circuit 2004) ("USTA II") which vacated certain unbundling rules ("Vacatur Amendment")."

Also attached to this filing is Exhibit H which was inadvertently omitted from the official filing but was served upon the parties.

We ask that you file this in the captioned docket. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,


James Meza III

Enclosures

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

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FPC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 041114-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and Federal Express this 8th day of October, 2004 to the following:

Jason Rojas
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6179
irojas@psc.state.fl.us

Vicki Gordon Kaufman
Joseph A. McGlothlin
McWhirter Reeves McGlothlin
Davidson Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, FL 32301
Tel. No. (850) 222-2525
Fax. No. (850) 222-5606
vkaufman@mac-law.com
Represents XO

Dana Shaffer
XO Florida, Inc.
VP, Regulatory Counsel
105 Molloy Street, Ste. 300
Nashville, TN 37201
Tel. No. (615) 777-7700
Fax. No. (615) 850-0343
dana.shaffer@xo.com


James Meza III (ASS)

DOCKET 041114-TP
BELLSOUTH RESPONSE
EXHIBIT H

Slaughter, Brenda

From: Willis, Michael
Sent: Thursday, October 16, 2003 5:02 PM
To: 'Case, Gary'
Subject: RE: BellSouth NBR pricing question
Importance: High

Gary,

Consistent with the exchange of vms messages last week. I believe that you indicated that XO did not want to proceed with the NBR associated with the replacement of SPA with UNEs. Please confirm in writing XO's intentions.

Thanks,

Michael Willis Bates
Manager - Interconnection Services
675 West Peachtree N.E.
34S91
Atlanta, GA 30375
404-529-7839 (fax)
404-927-8003
ipager: mwillis2@imcingular.com

-----Original Message-----

From: Case, Gary [mailto:case.gary@xo.com]
Sent: Monday, July 07, 2003 12:27 PM
To: Padgett, Shelley
Subject: RE: BellSouth NBR pricing question

Ok, thanks

Gary Case
XO Carrier Management
(703) 547-2854
case.gary@xo.com

-----Original Message-----

From: Padgett, Shelley [mailto:Shelley.Padgett@Bellsouth.com]
Sent: Monday, July 07, 2003 12:19 PM
To: Case, Gary
Cc: Shaffer, Dana
Subject: RE: BellSouth NBR pricing question

In addition to those listed charges.

-----Original Message-----

From: Case, Gary [mailto:case.gary@xo.com]
Sent: Monday, July 07, 2003 11:59 AM
To: Padgett, Shelley
Cc: Shaffer, Dana
Subject: RE: BellSouth NBR pricing question

When you say the proposal includes,

9/28/2004

It is included in the Order provisioning charge per circuit, Project Management charge per circuit or in addition to those 2 charges.

We just want to make sure we understand the proposal.

Thanks

Gary Case
XO Carrier Management
(703) 547-2854
case.gary@xo.com

-----Original Message-----

From: Padgett, Shelley [mailto:Shelley.Padgett@BellSouth.com]
Sent: Monday, July 07, 2003 11:40 AM
To: Case, Gary
Cc: Shaffer, Dana
Subject: RE: BellSouth NBR pricing question

Gary,

BellSouth's proposal includes payment by XO of the NRCs in the Interconnection Agreement for the elements used. There would be only one service order charge as there is no service order charge associated with disconnects on Access Services.

Shelley

-----Original Message-----

From: Case, Gary [mailto:case.gary@xo.com]
Sent: Monday, July 07, 2003 11:21 AM
To: shelley.padgett@bellsouth.com
Cc: Shaffer, Dana
Subject: FW: BellSouth NBR pricing question

Shelly,

Just to confirm, the NRCs in the IA for the USLXX usoc (DS 1 loop) would apply in addition to the set up, provisioning, and project management fees of the NBR? My more detailed question is embedded below.

Also for the Service Order charge, would there be 2 per circuit, an order to disco the special access circuit and an order to install the new UNE circuit?

Thanks

Gary Case
XO Carrier Management
(703) 547-2854
case.gary@xo.com

-----Original Message-----

From: Robbins, Mark [mailto:Mark.Robbins@bellsouth.com]
Sent: Monday, July 07, 2003 11:15 AM
To: Case, Gary; Robbins, Mark; Legg, Daphne
Cc: Shaffer, Dana
Subject: RE: BellSouth NBR pricing question

Gary,

It is my understanding that the IA has NRCs and SOMAN charges that would apply. Shelley Padgett (Walls) has asked that you direct any questions about the NBR to her. Her e-mail address is

shelley.padgett@bellsouth.com and her phone number is 404-927-7511.

Thanks,

Mark

-----Original Message-----

From: Case, Gary [mailto:case.gary@xo.com]

Sent: Monday, July 07, 2003 8:46 AM

To: Robbins, Mark; Legg, Daphne

Cc: Shaffer, Dana

Subject: BellSouth NBR pricing question

Mark/Daphne,

In 5.2 of the NBR for the UNE conversion (pricing) it states:

In addition to the charge for manually submitted service orders and the recurring and nonrecurring charges for the UNEs that will replace the circuits set forth in Exhibit A, as such charges are specified in the Interconnection Agreement between the parties, XO shall pay BellSouth the following charges/rates for services provided under this Agreement:

Should that be read to mean that the NRCs for the UNE USOC "USLXX" @ 429.98 (4 wire DS 1 digital loop) would also apply in addition to the Order Provisioning and Project Management fees of the contract. As well as an ~ 20 per order "manual service order charge".

Thanks

Gary Case
XO Carrier Management
(703) 547-2854
case.gary@xo.com

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