

State of Florida



# Public Service Commission

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COMMISSION  
CLERK

**DATE:** February 22, 2005

**TO:** Blanca S. Bayo, Commission Clerk and Administrative Services Director

**FROM:** Felicia Banks, Senior Attorney, Office of the General Counsel  
*JD* John Duffey, Government Operations Consultant, Division of Competitive Markets & Enforcement

**RE:** Docket No. 031072-TL Withdrawal of CLEC Coalition's petition for a process to evaluate BellSouth's compliance with the 50/50 plan, a portion of the change management process

On February 9, 2005, petitioners, the CLEC Coalition, submitted the attached Withdrawal of petition which thanked staff for facilitating resolution of this matter. In accordance with APM 2.07(C)(2)(d)(4), staff requests that this docket, Number 031072-TL, be closed administratively. A pending motion to dismiss is rendered moot. There are no pending issues that need to be addressed by the Commission and no agency action has been taken to date.

*OK to close 2/28/05 RW*

If you have questions, please feel free to contact Felicia R. Banks or John Duffey at 413-6828.

cc: Division of Competitive Markets and Enforcement (Salak, Mailhot, Harvey, Vinson, Duffey)  
Office of General Counsel (B. Keating, Banks)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORIGINAL

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Petition of CLEC Coalition [AT&T Communications of the Southern States, LLC, DIECA Communications, Inc., d/b/a Covad Communications Company, ITC^DeltaCom Communications, Inc., MCImetro Access Transmission Services, LLC, and MCI WorldCom Communications, Inc.] for Development of a process to evaluate BellSouth Telecommunications, Inc.'s Compliance with the 50/50 plan, a Portion of the Change Management Process.

Docket No. 031072-TL

Filed: February 9, 2005

**CLEC COALITION WITHDRAWAL OF PETITION**

The CLEC Coalition (AT&T Communications of the Southern States, LLC, DIECA Communications, Inc., d/b/a Covad Communications Company, ITC^DeltaCom Communications, Inc., and MCImetro Access Transmission Services, LLC, and MCI WorldCom Communications, Inc.) hereby withdraws the petition it filed on November 21, 2003 requesting that the Commission evaluate BellSouth Telecommunications Inc.'s (BellSouth) compliance with the 50/50 plan related to the Change Management Process and the parameters of the audit intended to ensure compliance with Commission standards.

1. Representatives of the CLEC Coalition met with BellSouth, with representatives of Pricewaterhouse Coopers' (PwC) and with the Commission Staff to discuss the CLEC Coalition's concerns with the PwC audit. The Parties and PwC met again after completion of the audit, and with Staff's facilitation, discussed the CLEC Coalition's concerns and the best way to approach and resolve such concerns.

2. The Commission Staff reviewed and analyzed a number of confidential documents provided by BellSouth. Staff issued its report on January 31, 2005. The Commission Staff was thorough in assessing the items brought to their attention and suggesting corrective action to be taken by BellSouth. The CLEC Coalition is confident that BellSouth will follow this direction and adhere to the standards and processes that have been agreed to in this docket.<sup>1</sup> And in fact, in correspondence in this docket dated February 7, 2005, BellSouth committed to “implement the suggested changes set forth in the Staff Recommendation based on the understanding that the CLEC Coalition will withdraw its petition and the Commission will close this docket.”<sup>2</sup>

3. The CLEC Coalition appreciates the time, attention, and facilitation skills that Staff has brought to bear on this docket.

WHEREFORE, the CLEC Coalition withdraws its Petition.

S/ Vicki Gordon-Kaufman

Charles Watkins  
Covad Communications Company  
1230 Peachtree Street, NE  
19<sup>th</sup> Floor  
Atlanta, Georgia 30309

Vicki Gordon-Kaufman  
McWhirter Reeves Davidson  
Kaufman & Arnold, PA  
117 South Gadsden Street  
Tallahassee, Florida 32301

For: Covad Communications Company

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<sup>1</sup> The CLEC Coalition remains concerned regarding the decline in capacity that BellSouth has indicated will be available in 2005 and 2006. The CLEC Coalition believes that at least 3000 units per year should be available and will continue to monitor this situation.

<sup>2</sup> BellSouth letter to Blanca Bayo dated February 7, 2005.

S/ Tracy Hatch

Tracy Hatch  
AT&T Communications of the  
Southern States, LLC  
101 North Monroe Street, Suite 700  
Tallahassee, Florida 32301

For: AT&T Communications of the  
Southern States, LLC

S/ Donna McNulty

Donna McNulty  
MCI  
1203 Governors Square Blvd., Suite 201  
Tallahassee, Florida 32301

For: MCI

S/ Nanette S. Edwards

Nanette S. Edwards  
Director-Regulatory  
ITC^DeltaCom Communications, Inc.  
7067 Old Madison Pike  
Huntsville, AL 35806

For: ITC^DeltaCom Communications, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing CLEC Coalition's Withdrawal of Petition has been provided by electronic mail and U.S. Mail this 9<sup>th</sup> day of February 2005, to the following:

Felicia Banks  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Lisa Harvey  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

John Duffey  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Robert Culpepper  
c/o Nancy Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301-1556

S/Vicki Gordon-Kaufman  
Vicki Gordon-Kaufman