

REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER

ORIGINAL

RECEIVED-PPSC

Date of Request: 6/9/2005 Date of Agenda Conference: 6/14/2005 Item No. 4

JUN 10 AM 9:46

Docket No.: 041338-TP Brief Title: BellSouth proceeding to establish hot cut rates

Requested by: Staff Other Matt Feil-Counsel for FDN Communications
(Name)

COMMISSION
CLERK

Please attach a copy of the written documentation filed (IF OTHER)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11]

- Defer Item to Agenda Scheduled Date: 7/19/2005
- Change Order of Item or Take Up at Time Certain
- Withdraw Item (not expected to return to Agenda)
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**

CMP Add Item to Published Agenda [see Section 120.525(2), F.S.] – Issue an ADDENDUM and give Legal NOTICE

COM Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] – Issue an ADDENDUM and Give Fair NOTICE

CTR Concise explanation, justification or comments (attach additional sheet if necessary):

ECR On June 9, 2005, FDN submitted a request for deferral of Item No. 4 (Docket Nos. 041338-TP and 040301-TP) for the June 14, 2005, Agenda Conference. In its request, FDN states that the parties have discussed possible resolution of the matters addressed in staff's recommendation. However, FDN indicates that additional time is

GCL needed to conclude negotiations and requests that this item be deferred until an agenda conference in July. For these reasons, staff is recommending that FDN's deferral request be granted.

OPC

MMS

RCA

SCR

SEC 1

OTH Bayo, Wang Thompson
Signature (Technical Staff): [Signature]

Initials (Division Director or Designee): [Signature]

Signature (Legal Staff): Felicia Banks

Initials (General Counsel or Designee): FB

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office

Approve Request Deny Request

Initials: MAB

Date: 6/9/05

Comments:

CHAIRMAN'S OFFICE:

Approve Request Deny Request

Initials: [Signature]

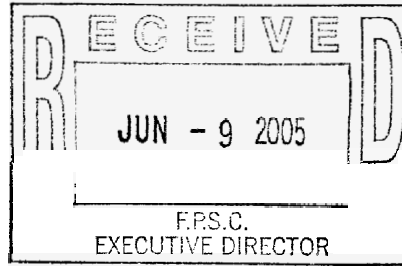
Date: 6/10/05

Executive Suite will send the original to the Division of Commission Clerk & Administrative Services and return copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

DOCUMENT NUMBER-DATE

05569 JUN 10 05

Fort Lauderdale
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June 9, 2005

Dr. Mary A. Bane
Executive Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 041338-TP – Joint Petition by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine; Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch; DIECA Communications, Inc. d/b/a Covad Communications Company; Florida Digital Network, Inc.; LecStar Telecom, Inc.; MCI Communications, Inc.; and Network Telephone Corporation ("Joint CLECs") for generic proceeding to set rates, terms, and conditions for hot cuts and batch hot cuts for UNE-P to UNE-L conversions and for retail to UNE-L conversions in BellSouth Telecommunications, Inc. service area.

Dear Dr. Bane:

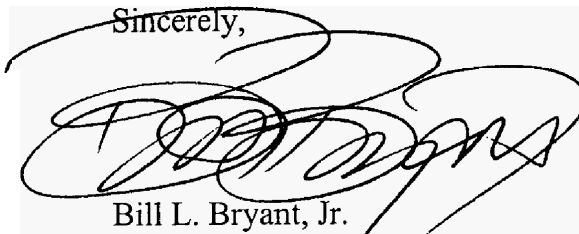
On behalf of FDN Communications (FDN), I hereby request that the Commission defer a decision on the staff recommendation filed in the referenced matter to an Agenda Conference in July. Staff's discussion on Issue No. 3 suggests that the parties are in the best position to negotiate terms for a true-up mechanism. FDN and BellSouth Telecommunications, Inc. (BellSouth) have discussed possible resolution of the matters addressed in the staff recommendation; however, it is FDN's belief that a deferral of more than one agenda would be needed to effectively conclude such negotiations. Therefore, we request a deferral to an Agenda Conference in July.

FDN has contacted BellSouth regarding this request but has not yet received a response. We are filing this letter now to allow the Commission sufficient time to process the deferral request.

Mary A. Bane
June 9, 2005
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Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill L. Bryant, Jr.", is written over a light gray rectangular background. The signature is fluid and cursive, with a large initial "B" and "L".

Bill L. Bryant, Jr.

cc: Matthew Feil, FDN Communications
Braulio L. Baez, Chairman, FPSC
Rick Melson, General Counsel, FPSC
Beth Salak, Director, Division of Competitive Markets & Enforcement
Felicia Banks, Attorney
Jeremy Susac, Attorney
All Parties of Record