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COMMISSION CLERK

DATE: November 16, 2005  
TO: Docket File  
FROM: Jeff Bates (Division of Competitive Markets and Enforcement) [Signature] SAS  
Victor McKay (Office of the General Counsel) [Signature] VSM BK  
RE: Docket No. 050552-TP - Request for approval of resale agreement between ITS Telecommunications Systems, Inc. and Utility USA, Inc. d/b/a Vizon Telecom.

By letter received August 15, 2005, ITS Telecommunications Systems, Inc. filed a request for approval of resale agreement between ITS Telecommunications Systems, Inc. and Utility USA, Inc. d/b/a Vizon Telecom. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved. The statutory deadline for the Commission to take action on this matter was November 14, 2005.

Staff reviewed the agreement in this Docket on October 18, 2005. The agreement met the criteria outlined in Section 2.07.C.5.d of the Administrative Procedures Manual. Therefore, it has gone into effect by operation of law in accordance with Section 252(e)(4) of the Telecommunications Act of 1996. Accordingly, with this Memorandum, the docket is hereby closed.

ok to close 11/16/05 [Signature]

CC: Division of the Commission Clerk and Administrative Services (H. Wang)

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