

State of Florida



Public Service Commission  
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**DATE:** June 29, 2007  
**TO:** Docket File  
**FROM:** Jeff Bates (Division of Competitive Markets and Enforcement) *JB*  
 Lee Eng Tan (Office of the General Counsel) *LET* *SAS*  
**RE:** Docket No. 040514-TP – Petition for arbitration of certain issues arising in negotiation of interconnection agreement with BellSouth Telecommunications, Inc. (n/k/a BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast) and Cbeyond Communications, LLC.

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By letter received March 29, 2007, BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast filed a request for approval of the interconnection, unbundling, resale, and collocation agreement with Cbeyond Communications, LLC. While this docket is styled as an arbitration, a hearing was not held in this matter since the parties requested and received an abeyance and subsequently negotiated an agreement.

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 June 27, 2007.

Staff reviewed the agreement in this Docket on June 13, 2007. 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 6/29/07 hwr*

CC: Office of the Commission Clerk (H. Wang)

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