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Sent: Tuesday, April 01, 2008 11:36 AM
To: Filings@psc.state.fl.us
Cc: Jeff Bates
Subject: AT&T/Cinergy Amendments Filing

080189-TP

Attachments: 9100C_Sc.pdf



9100C_Sc.pdf
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DOCUMENT NUMBER-DATE

02472 APR-18

FPSC-COMMISSION CLERK



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April 1, 2008

Mrs. Ann Cole
Director, Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Re: Approval of ^{TWO} Amendment to the Interconnection, unbundling, resale and collocation Agreement between BellSouth Telecommunications, Inc d/b/a AT&T Florida d/b/a AT&T Southeast and Cinergy Communications Company


Dear Mrs. Cole:

Please find enclosed for filing and approval, the original and two copies of BellSouth Telecommunications, Inc d/b/a AT&T Florida d/b/a AT&T Southeast Amendment to Interconnection, unbundling, resale and collocation Agreement with Cinergy Communications Company

The underlying agreement was filed on March 11, 2004 in docket 040221-TP.

If you have any questions, please do not hesitate to call Robyn Yant at (850) 577-5551.

Very truly yours,


Jerry D. Hendrix
Regulatory Vice President

**AMENDMENT TO EXTEND TERM DATE/BELLSOUTH TELECOMMUNICATIONS, INC.
d/b/a AT&T ALABAMA, AT&T FLORIDA, AT&T GEORGIA
AT&T KENTUCKY, AT&T LOUISIANA, AT&T MISSISSIPPI,
AT&T NORTH CAROLINA, AT&T SOUTH CAROLINA
AND AT&T TENNESSEE ("AT&T")
AT&T/CINERGY COMMUNICATIONS COMPANY
02/06/2008**

**AMENDMENT TO
INTERCONNECTION AGREEMENT UNDER SECTIONS 251 AND 252 OF THE TELECOMMUNICATIONS ACT
OF 1996
BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC.
d/b/a AT&T ALABAMA, AT&T FLORIDA, AT&T GEORGIA,
AT&T KENTUCKY, AT&T LOUISIANA, AT&T MISSISSIPPI,
AT&T NORTH CAROLINA, AT&T SOUTH CAROLINA AND
AT&T TENNESSEE
AND
CINERGY COMMUNICATIONS COMPANY**

The Interconnection Agreement dated February 26, 2003 by and between BellSouth Telecommunications, Inc. d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina and AT&T Tennessee ("AT&T") and Cinergy Communications Company ("Cinergy") ("Agreement") effective in the states of Alabama, Florida, Georgia, Louisiana, North Carolina, and South Carolina is hereby amended as follows:

1. Section 2.1 of the General Terms and Conditions is amended by adding the following section:
 - 2.1.1 Notwithstanding anything to the contrary in this section 2.1, the original expiration date of this Agreement, as modified by this Amendment, will be extended for a period of three (3) years from 1/14/2008 until 1/14/2011 (the "Extended Expiration Date"). The Agreement shall expire on the Extended Expiration Date; provided, however, that during the period from the effective date of this Amendment until the Extended Expiration Date, the Agreement may be terminated earlier either by written notice from Cinergy, by AT&T pursuant to the Agreement's early termination provisions, or by mutual agreement of the parties.
2. The Agreement is also amended as follows to reflect prior changes of law, and (ii) Cinergy acknowledges and agrees that it will promptly amend the Agreement to reflect future changes of law as and when they may arise.
3. EXCEPT AS MODIFIED HEREIN, ALL OTHER TERMS AND CONDITIONS OF THE UNDERLYING AGREEMENT SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.
4. In entering into this Amendment neither Party waives, and each Party expressly reserves, any rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in the underlying Agreement (including intervening law rights asserted by either Party via written notice predating this Amendment) with respect to any orders, decisions, legislation or proceedings and any remands thereof, which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further review.
5. This Amendment shall be filed with and is subject to approval by the Commission(s) and shall become effective on the date of the last signature executing the Amendment.

DOCUMENT NUMBER - DATE
02472 APR-18
FPSC-COMMISSION CLERK

IN WITNESS WHEREOF, the Parties have executed this Amendment the day and year written below.

BellSouth Telecommunications, Inc.
d/b/a AT&T Alabama, AT&T Florida,
AT&T Georgia, AT&T Kentucky, AT&T
Louisiana, AT&T Mississippi, AT&T
North Carolina, AT&T South Carolina ,
and AT&T Tennessee.

By: Kristen Shore
Name: Kristen Shore
Title: Director
Date: 3/5/08

Cinergy Communications Company

By: John Cinelli
Name: John Cinelli
Title: as President
Date: 2/24/08

Approved as to form
Legal

By: [Signature] Date: 2/13/2008

**Amendment to the Interconnection Agreement
Between
Cinergy Communications Company and
BellSouth Telecommunications, Inc.
d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia,
AT&T Kentucky, AT&T Louisiana, AT&T Mississippi,
AT&T North Carolina, AT&T South Carolina and AT&T Tennessee
Dated February 26, 2003**

This Amendment is entered into by and between Cinergy Communications Company (Cinergy) and BellSouth Telecommunications, Inc d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina and AT&T Tennessee ("AT&T") hereinafter referred to collectively as the "Parties," to amend that certain Interconnection Agreement between the Parties dated February 26, 2003 ("Interconnection Agreement") to be effective as of the date of the last signature to the amendment.

WHEREAS, Cinergy has changed the name of said business to Norlight, Inc. (Norlight), a Kentucky corporation.

WHEREAS, the Parties desire that the Interconnection Agreement be amended to reflect the correct corporate entity name.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

1. The name of Cinergy Communications Company (Cinergy) in the Interconnection Agreement is hereby deleted throughout the Interconnection Agreement and replaced with Norlight, Inc. (Norlight) for the states of Alabama, Georgia, Louisiana, North Carolina, and South Carolina; however, in Florida, Cinergy Communications Company (Cinergy) in the Interconnection Agreement is hereby deleted throughout the Interconnection Agreement and replaced with Norlight, Inc. d/b/a Cinergy Communications.

2. All of the other provisions of the Interconnection Agreement, dated February 26, 2003, shall remain in full force and effect.

3. Either or both of the Parties is authorized to submit this Amendment to each Public Service Commission for approval subject to Section 252(e) of the Telecommunications Act of 1996.

4. In entering into this Amendment, neither Party waives, and each Party expressly reserves, any rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in the underlying Agreement (including intervening law rights asserted by either Party via written notice predating this Amendment) with respect to any orders, decisions, legislation or proceedings and any remands thereof, which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further review.

DOCUMENT NUMBER-DATE

[CCCS Amendment 1 of 2]

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FPSC-COMMISSION CLERK

IN WITNESS WHEREOF, the Parties have executed this Amendment the day and year written below.

**BellSouth Telecommunications, Inc.
d/b/a AT&T Alabama, AT&T Florida,
AT&T Georgia, AT&T Kentucky, AT&T
Louisiana, AT&T Mississippi, AT&T
North Carolina, AT&T South Carolina ,
and AT&T Tennessee.**

By: *Kristen E. Shore*
Name: Kristen Shore
Title: Director
Date: 3/19/08

**Norlight, Inc. and Norlight, Inc. d/b/a
Cinergy Communications**

By: *[Signature]*
Name: John Cirelli
Title: President
Date: 3/14/08

Approved as to form

Legal

By: *[Signature]* Date: 5/6/2008

Name change Amendment for Al, Fl, Ga, La, Nc & Sc