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November 30, 1999

Blanca Bayo, Director  
Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

In re: Request for Arbitration concerning complaint of Orlando Telephone Company  
regarding enforcement of interconnection agreement with Sprint-Florida,  
Incorporated - Docket No. 990884-TP

Dear Ms. Bayo:

In the above captioned docket, the Commission granted the motion of Orlando Telephone Company (OTC) to require Sprint to pay OTC 50% of the amount due in the contract dispute between the parties, pending the filing of this Corporate Undertaking. The Corporate Undertaking is enclosed, and it unconditionally, absolutely and irrevocably guarantees the sum of \$116,311.18, plus interest for any potential refund in the event that the final ruling on the request for arbitration in Docket No. 990884-TP is resolved against OTC.

Thank you for your attention to this filing.

Sincerely,



David B. Erwin

AFA	_____	
APP	_____	
CAF	_____	DBE:jm
CMU	_____	Enclosure
CTR	_____	cc: Charles Rehwinkel
EAG	_____	Diana Caldwell
LEG	<u>1</u>	Herb Bornack
MAS	<u>3</u>	Jerry Locke
OPC	_____	
PAI	_____	
SEC	<u>1</u>	
WAW	_____	
OTH	_____	

DOCUMENT NUMBER-DATE

14561 NOV 30 99

FPSC-RECORDS/REPORTING

## CORPORATE UNDERTAKING

This CORPORATE UNDERTAKING, to be effective this 16<sup>th</sup> day of November, 1999 is being given by ORLANDO TELEPHONE COMPANY ("Guarantor") 4558 S. W. 3rd Street, Suite 100, Orlando, Florida 32811 to and for the benefit of the FLORIDA PUBLIC SERVICE COMMISSION ("Guarantee"), 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

### RECITALS:

(A) Orlando Telephone Company (OTC) is an alternative local exchange company which has provided local telephone service in and around Orlando, Florida since 1997. OTC operates a switch located at the above address.

(B) OTC received Certificate No. 4698, pursuant to Florida Public Service Commission Order No. PSC-96-1020-FOF-TX, in Docket No. 960635 TX. A name change to Orlando Telephone Company was approved by Order PSC-97-1328-FOF-TX.

(C) OTC entered into an interconnection agreement with Sprint-Florida, Incorporated, on April 17, 1997 (executed by Sprint on June 19, 1997).

(D) OTC has filed a request for arbitration in Docket No. 990884-TP and has in that proceeding successfully raised a contract dispute provision under which the party claiming that an amount is due under the contract is entitled to receive 50% of the amount due pending resolution of the dispute. The motion by OTC to require Sprint to pay OTC the 50% of the amount in dispute was granted upon condition of filing this Corporate Undertaking.

### AGREEMENT:

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Guarantor hereby agrees as follows:

1. Guarantor unconditionally, absolutely and irrevocably guarantees \$116,311.18 plus interest at a fair rate to be determined by the Commission, for any potential refund in the event that the final ruling on the request for arbitration in Docket No. 990884-TP is resolved against OTC.

IN WITNESS WHEREOF, this guaranty shall be binding as of the date first set forth above.

ORLANDO TELEPHONE COMPANY

WITNESSES:

*Linda Marie Giles*  
*Jacqueline Adams*

BY: *H. Bornack*  
Herb Bornack, President

Subscribed and sworn to before me, this 24 day of November, 1999.

*Linda Marie Giles*  
NOTARY PUBLIC

