

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Petition for Section 252(b) Arbitration of a Resale Agreement between BellSouth Telecommunications, Inc. and NOW Communications, Inc.

Docket No. 000262-TP

Filed: August 16, 2000

**NOW COMMUNICATIONS, INC.'S NOTICE OF CONCURRENCE WITH THE MOTION OF BELLSOUTH TELECOMMUNICATIONS, INC., FOR WITHDRAWAL OF PETITION FOR ARBITRATION AS CLARIFIED**

COMES NOW, NOW Communications, Inc. ("NOW"), through counsel, and files this Notice of Concurrence with the Motion of BellSouth Telecommunications, Inc. for Withdrawal of Petition for Arbitration as Clarified, stating in support thereof the following:

1. On February 25, 2000, BellSouth Telecommunications, Inc., ("BellSouth") filed a Petition for Section 252(b) Arbitration of a Resale Agreement between BellSouth Telecommunications, Inc. and NOW Communications, Inc. ("Petition").
2. On August 2, 2000, BellSouth and NOW executed a new resale agreement, which addressed the issues raised for arbitration.
3. On August 7, 2000, BellSouth filed a Motion for Withdrawal of Petition for Arbitration ("Motion").
4. In that Motion, BellSouth uses the phrase "effectively resolving all issues which were the subject of this arbitration" at lines 7 and 8 to characterize the new resale agreement.
5. NOW understands that phrase simply to mean that as a result of the parties' new resale agreement, there are no longer unresolved issues between them requiring arbitration at this time.
6. Furthermore, NOW understands BellSouth's Motion to remove from arbitration each one of the issues that has been presented for arbitration.
7. With the clarifications set out in Paragraphs 5 and 6, and in anticipation that the Commission will dismiss the Petition without prejudice, NOW hereby notices its concurrence with BellSouth's Motion.

Respectfully submitted, this 16<sup>th</sup> day of August, 2000.

NOW COMMUNICATIONS, INC.

By:

*Charles J. Pellegrini*  
Charles J. Pellegrini  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been served by hand delivery this 16th day of August, 2000, on the following:

Mr. Michael Goggin  
c/o Ms. Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

Mr. Tim Vaccaro  
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Florida Public Service Commission  
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Charles J. Pellegrini