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May 30, 2001

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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RE: US LEC of Florida's May 4, 2001 Letter Concerning Adoption of Interconnection Agreement Between Verizon Virginia Inc. and Level 3 Communications, LLC

Dear Ms. Bayo:

I am responding to the May 4, 2001 letter from Kenneth Hoffman to you concerning the above-referenced matter. That letter asks the Commission to approve US LEC's adoption of an interconnection agreement between Verizon Virginia Inc. and Level 3 Communications, LLC. The letter also states that "US LEC has not received any acknowledgment from Verizon of US LEC's adoption of the Level 3 Agreement."

First, Verizon must clarify that US LEC did not inform Verizon of its intention to adopt the Level 3 agreement until May 4, the same day US LEC submitted the agreement to the Commission. Obviously, Verizon could not respond to US LEC's attempted adoption when it had not been notified of it.

Second, US LEC's request for the Commission to "approve" the Virginia agreement is inappropriate. US LEC is attempting to adopt a non-Florida agreement under the "most-favored-nation" provision of the FCC's Order approving the merger between GTE and Bell Atlantic. See *Application of GTE Corp. and Bell Atlantic Corp. for Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations*, Memorandum Op. and Order, 15 FCC Rcd 14032, at Sec. IX, para. 32 (2000). This Commission has found that it has no jurisdiction to approve or deny adoptions pursuant to FCC Merger Conditions. Its practice in such cases is to simply acknowledge the agreement. *Petition by Verizon Florida Inc. and SBC National, Inc. for Acknowledgement of Adoption of Collocation and DS3 Terms of Interconnection Agreement Between SBC Telecom, Inc. and Verizon Northwest Incorporated*, Order No. PSC-01-0603-FOF-TP (March 13, 2001).

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Third, acknowledgement of US LEC's adoption of the Virginia agreement would be premature, in any event. After receiving notice of US LEC's attempted adoption of the agreement, Verizon identified a problem with US LEC's attempted adoption of the Virginia agreement. Until this problem is resolved, acknowledgement of the agreement would not be appropriate. If and when Verizon and US LEC agree on the form of agreement for Florida, they will jointly notify the Commission so that the agreement may be acknowledged.

Please contact me if you have any questions.

Sincerely,


for Kimberly Caswell

KC:tas