



Public Service Commission

DATE: June 19, 2001
TO: Docket File
FROM: Kim Logue (Division of Competitive Services) *KL*
 Kimberley Peña (Division of Legal Services) *KMP*
RE: Docket No.010070-TP - Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, resale and collocation agreement with Cbeyond Communications, LLC *psd*

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 RECORDS AND REPORTING

By letter dated January 18, 2001, BellSouth Telecommunications, Inc. ("BellSouth") filed a Request for approval of a interconnection, unbundling, resale and collocation agreement entered into between BellSouth and Cbeyond Communications, LLC ("Cbeyond"). 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 April 17, 2001.

On January 19, 2001, BellSouth submitted an amendment to the aforementioned agreement and subsequently withdrew such amendment on February 12, 2001. Staff inadvertently submitted a Memorandum on February 20, 2001, requesting that the docket be closed because the agreement had been withdrawn. The error was discovered on May 14, 2001. Therefore, Staff would like to retract the Memorandum, dated February 20, 2001, closing the docket.

Staff would like, however, to acknowledge BellSouth's withdrawal of the amendment to the agreement between BellSouth and Cbeyond. Further, staff notes that the agreement in this Docket was reviewed on June 18, 2001. The agreement met the criteria outlined in Section 2.07.C.17 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.

[Handwritten signature]
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CC: Records & Reporting (S. Moses)

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