

State of Florida
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Public Service Commission

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DATE: March 29, 2002
TO: Docket File
FROM: Sally Simmons (Division of Competitive Markets and Enforcement) *SAS RLT*
Kimberley Peña (Office of the General Counsel) *KMP 2-9-7.*
RE: Docket No.011650-TP - Petition by Verizon Florida Inc. for approval of amendments Nos. 1 and 2 to interconnection and unbundling agreement with FPL FiberNet LLC.

By letter dated December 17, 2001, Verizon Florida Inc. filed a petition for approval of amendments Nos. 1 and 2 to interconnection and unbundling agreement with FPL FiberNet LLC. approved by the Virginia State Corporation Commission. FPL FiberNet LLC is adopting this agreement in its entirety pursuant to the Bell Atlantic/GTE Merger Conditions released by the FCC on June 16, 2000 in CC Docket No. 98-184, specifically, under paragraph 32 of the Most-Favored-Nation Provisions for Out-of-Region and In-Region Arrangements. In paragraph 32, In-Region Pre-Merger Arrangements, it is specified that: "Terms, conditions, and prices contained in tariffs cited in Bell Atlantic/GTE's interconnection agreements shall not be considered negotiated provisions."

By Order No. PSC-01-0603-FOF-TP, issued March 13, 2001, the Commission found that:

Since the requested adoption is pursuant to FCC Merger Conditions, and the Merger Conditions confer no jurisdiction on this Commission, we believe that we do not have jurisdiction to approve or deny this adoption. However, acknowledging this petition is appropriate because we will be able to track agreement activity between these companies, should the companies request arbitration with us in the future or other companies choose to adopt this agreement.

Staff has reviewed the agreement and determined that it complies with the Act; therefore with this Memorandum, the docket is hereby closed.

OK

Sm
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