BELLSOUTH

BellSouth Telecommunications. Inc. Suite 400 150 South Monroe Street Tallahassee, FL 32301-1556

marshall.criser@bellsouth.com

December 11, 2002

Mrs. Blanca S. Bayo Director, Division of Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard 021236-TP Tallahassee, Florida 32399

Marshall M. Criser III Vice President **Regulatory & External Affairs** 

850 224 7798 Fax 850 224 5073

Re: Approval of Amendment to the Interconnection, Unbundling, Resale, and Collocation Agreement Negotiated by BellSouth Telecommunications, Inc. ("BellSouth") and Ernest Communications, Inc. pursuant to Sections 251, 252 and 271 of the Telecommunications Act of 1996

Dear Mrs. Bayo:

Pursuant the Telecommunications Act of 1996, BellSouth and Ernest Communications, Inc.are submitting to the Florida Public Service Commission their negotiated agreement for the interconnection, unbundling of specific network elements, collocation of BellSouth networks, and resale of their telecommunications services to Ernest Communications, Inc. . The agreement was negotiated pursuant to sections 251,252 and 271 of the Act. The initial agreement between the companies was filed in FPSC Docket No. 020372-TP.

Pursuant to section 252(e) of the Act, the Commission is charged with approving or rejecting this amendment to the negotiated agreement between BellSouth and Ernest Communications, Inc.within 90 days of its submission. The Act provides that the Commission may only reject such an amendment if it finds that the amendment, or any portion of the amendment, discriminates against a telecommunications carrier not a party to the amendment or if the implementation of the amendment or any portion of the amendment is not consistent with the public interest, convenience and necessity. Both parties agree that neither of these reasons exists as to the amendment they have negotiated. Therefore, this amendment should be deemed effective by operation of law on March 11, 2003.

Very truly yours,

monthall M. Criser III

Regulatory Vice President / ///

DOCUMENT NUMBER - PATE 13550 DEC 118 FPSC-COMMISSION CLERK

## AMENDMENT TO THE AGREEMENT BETWEEN ERNEST COMMUNICATIONS, INC AND BELLSOUTH TELECOMMUNICATIONS, INC. DATED MAY 2, 2002

Pursuant to this Amendment, (the "Amendment"), Ernest Communications, Inc. ("ECI"), and BellSouth Telecommunications, Inc. ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated May 2, 2002 ("Agreement").

WHEREAS, BellSouth and Ernest Communications, Inc. entered into the Agreement on May 2, 2002, and;

NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

- 1. The Parties agree to replace rate element, UNE Coin Port/Loop Combo Usage, contained in Exhibit B of Attachment 2, for the state(s) of Alabama, Florida, Kentucky, North Carolina and South Carolina, attached hereto as Exhibit 1, incorporated herein by this reference.
- 2. All of the other provisions of the Agreement, dated May 2, 2002, shall remain in full force and effect.
- 3. Either or both of the Parties is authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their respective duly authorized representatives and shall be deemed effective on the date of the last signature of both Parties.

Ernest Communidations Λn By: Name: Paul Masters

Title: Presiden Date:

BellSouth Telecommunications, Inc.
By: la hisidi
Name: Elizabeth R. A. Shirotshi

Title: Assistant Director

Date:

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UNBU	IND	DLED NETWORK ELEMENTS - Alabama	-		174 - 1 <sup>4</sup>			Attachment:	2	Exhibit: 8							
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Exhibit 1

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Intt	The "Zone" shown in the sections for stand-sione loops or loops as part of a combination refers to Geographically Desveraged UNE Zones. To view Geographically Desveraged UNE Zone Designations by C O, refer to Internet Website: http://www.interconnection.belloouth.com/becomecicc/html/interconnection.htm BUNDLE D PORT/LOOP COMBINATIONS - COST BASED RATES															<del> </del>	
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Exhibit 1

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	The "Zone" shown in the sections for stand-alone loops or loops as part of a combination refers to Geographically Desveraged UNE Zones. To view Georgraphically Desveraged UNE Zone Designations by C O, refer to Internet Website: http://www.interconnection.bellsouth.com/become_s_clec/html/interconnection.htm																
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