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August 12, 2003

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

RECEIVED-PSC
08 AUG 12 PM 4:42
COMMISSION
CLERK

Re: Docket No. 990649B-TP

Dear Ms. Bayo:

I am writing this letter on behalf of XO Florida, Inc. (XO).

On November 15, 2002, the Commission issued Order No. PSC-01-1574-FOF-TP, in which it ordered Verizon to reduce certain UNE rates paid by CLECs.

On August 5, 2003, the Commission issued Order No. PSC-03-0896-PCO-TP, in which it granted Verizon's Motion to Stay the effectiveness of Order No. PSC-01-1574-FOF-TP pending judicial review.

At page 9 of Order No. PSC-03-0896-PCO-TP, the Commission stated:

To be eligible for the full aforementioned refund back to the date of this Order, a CLEC must, within 90 days of the issuance of this Order, file with the Commission and send to Verizon a letter stating that the CLEC would have sought implementation of the rates ordered in this proceeding, absent the stay. This condition recognizes the varying effect of the rates on individual CLECs. Any CLECs that submit the required letter after the 90 days will only be eligible for a refund back to the filing date of their letter.

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DOCUMENT NUMBER - DATE

07406 AUG 12 03

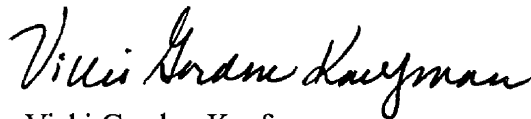
FPSC-COMMISSION CLERK

Blanca S. Bayo
August 12, 2003
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The purpose of this letter is to verify that, absent the stay, XO would have sought implementation of the rates ordered in Order No. PSC-01-1574-FOF-TP. In fact, XO actively and affirmatively sought to implement the rates shortly after the Order was issued. By email correspondence (attached hereto), XO Regulatory Counsel, Dana Shaffer, informed Verizon of XO's desire to incorporate the new rates in an amended interconnection agreement and requested such an amendment from Verizon. After first indicating it was drafting an amendment to address the new rates, Verizon then informed XO of its position that the Commission would regard "negotiations" on the amendment to be premature in light of the Commission's intent to rule on a pending motion for reconsideration.

Accordingly, by the terms of Order No. PSC-03-0896-PCO-TP, XO is entitled, at a minimum, to have any refund in this proceeding made effective as of August 5, 2003. XO further reserves any and all rights to any refund to which it may be entitled retroactive to the date of its original request to implement the Verizon rates.

Yours truly,



Vicki Gordon Kaufman

VGK/bae
Enclosure

cc: Beth Keating
Patricia Christensen
Dana Shaffer
Parties of record

-----Original Message-----

From: renee.ragsdale@verizon.com [mailto:renee.ragsdale@verizon.com]

Sent: Monday, January 27, 2003 5:07 PM

To: Shaffer, Dana

Cc: Miller, Elaine; Case, Gary; Turrell, Doug; Seaton, John;

peter.leger@verizon.com

Subject: RE: FL UNE Rates

Dana,

Verizon has received your request for an amendment to implement the rates set forth in the Florida Commission's Order No. PSC-02-1574-FOF-TP ("UNE Order"). As you probably are aware, on December 2, 2002, AT&T and WorldCom filed a motion for partial reconsideration of the UNE Order. On December 16, 2002, Verizon filed a notice of appeal to the Florida Supreme Court of the Commission's UNE Order (Case No. SC02-2647). On the same day, Verizon filed with the FL Commission for a mandatory stay of its UNE Order pending completion of judicial proceedings.

On January 9, 2003, the FL Commission filed a motion with the Florida Supreme Court to dismiss or abate the Verizon appeal as premature. In that motion, the Commission argued that the court should allow the Commission to proceed with reconsideration and render a final appealable order. In paragraph 3 of its motion, the Commission states that the "motion for reconsideration is one that would affect the substance of the Commission UNE Order as to Verizon and the other parties." Based on the Commission's motion, Verizon understands that the Commission does not consider the UNE Order to be final until the Commission rules on the petitions for reconsideration, and does not expect Verizon to negotiate UNE rate amendments until that time. Thus, it would be premature to enter into such negotiations at this time.

Renee Ragsdale
Verizon Network Services
600 Hidden Ridge, HQE03B19
Irving, TX 75038
972-718-6889
972-718-1279 Fax

Docket 990649-B
Attachment to XO Letter, dated
August 12, 2003
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"Shaffer, Dana"

<dana.shaffer@xo.com> To: Renee L. Ragsdale/EMPL/TX/Verizon@VZNotes
cc: Peter Eger/EMPL/NY/Verizon@VZNotes, "Turrell, Doug" <doug.turrell@xo.com>, "Seaton, John" <john.seaton@xo.com>, "Case, Gary" <case.gary@xo.com>, "Miller, Alaine" <alaine.miller@xo.com>
01/14/03 09:51 AM

Subject: RE: FL UNE

Rates

It has been several weeks since the FL rate order came out, and XO requested a rate amendment (see attached email with Verizon's response). Please advise when a rate amendment adjusting rates to the effective date of the order will be provided.

-----Original Message-----

From: renee.ragsdale@verizon.com [mailto:renee.ragsdale@verizon.com]
Sent: Monday, December 02, 2002 2:08 PM
To: dana.shaffer@xo.com
Cc: peter.leger@verizon.com
Subject: FL UNE Rates

Dear Ms. Shaffer:

I have received your email seeking information on amending our interconnection agreement to incorporate the Florida Public Service Commission's new UNE rates. Verizon is in the process of drafting an amendment to address the new rates. We anticipate that we will be in a position to distribute a draft amendment shortly, and I will make sure that you receive one at that time.

Sincerely,

Renee Ragsdale
Verizon Network Services
600 Hidden Ridge, HQE03B19
Irving, TX 75038
972-718-6889
972-718-1279 Fax

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