

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION CLERK

DATE: April 26, 2004

TO: Docket File

FROM: Jeff Bates (Division of Competitive Markets and Enforcement)
Victor McKay (Office of the General Counsel)

SAS

RE: Docket No. 040066-TP - Petition for approval of Amendment No. 2 to interconnection, unbundling, and resale agreement between Intermedia Communications, Inc. and Verizon Florida Inc.

By letter dated January 23, 2004, Verizon Florida Inc. filed a petition for approval of Amendment No. 2 to the interconnection, unbundling, and resale agreement between Verizon Florida Inc. and Intermedia Communications, Inc. 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 22, 2004.

Level 3 Communications, LLC filed comments expressing concern about the precedential value, if any, of this agreement. Staff notes that negotiated agreements are not considered binding precedent for other negotiated agreements, or for agreements reached through arbitration.

Staff reviewed the agreement in this Docket on February 26, 2004. The agreement met the criteria outlined in Section 2.07.C.5.d 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.

OK to close
4/26/04 HW

CC: Division of the Commission Clerk and Administrative Services (H. Wang)

DOCUMENT NUMBER-DATE

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