

Richard A. Chapkis  
Vice President & General Counsel –  
Southeast Region



201 North Franklin St., FLTC0717  
P.O. Box 110  
Tampa, FL 33601

Phone: 813-483-1256  
Fax: 813-204-8870  
[richard.chapkis@verizon.com](mailto:richard.chapkis@verizon.com)

May 27, 2004

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850



Re: Docket No. 040489-TP  
Emergency complaint seeking order requiring BellSouth Telecommunications, Inc. and Verizon Florida Inc. to continue to honor existing interconnection obligations, by XO Florida, Inc. and Allegiance Telecom of Florida, Inc. (collectively, Joint CLECs)

Dear Ms. Bayó:

As you are aware, XO Florida Inc. and Allegiance Telecom of Florida, Inc. (collectively, the CLECs) have filed a complaint in the above-referenced matter seeking an order – on an “emergency, expedited basis” – requiring Verizon to provide access to UNEs at TELRIC rates, pending resolution of judicial review of the FCC’s Triennial Review Order and any resulting FCC action or additional Commission action – notwithstanding that such an order would be in direct violation of the interconnection agreements those carriers have with Verizon Florida Inc. (Verizon).

- MP \_\_\_\_\_
- OM   S
- TR \_\_\_\_\_
- CR \_\_\_\_\_
- JCL \_\_\_\_\_
- JPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC   J
- OTH \_\_\_\_\_

I am writing on behalf of Verizon regarding this matter for two reasons. First, I want to inform the Commission that Verizon intends to file its motion to dismiss the CLECs’ complaint on or before June 10, 2004. Second, I want to advise the Commission, setting aside the complaint’s complete lack of merit, that there is no good reason to handle this matter on an “emergency, expedited basis.” That is because there is no basis for the CLECs’ claim that “the ILECs’ intent to disrupt service is imminent.” Verizon has explained to Commission Staff that, once the D.C. Circuit’s mandate issues, Verizon intends to give 90 days’ notice of its planned means of implementing the mandate, and to continue accepting orders during that 90-day period. Moreover, Verizon has made clear to the CLECs (and to Staff) that it will continue to provide existing services to CLECs on either a resale basis under section 251(c)(4), under the Company’s access tariffs, or pursuant to commercial agreements. Thus, Verizon will not cause any imminent disruption to local service to CLECs’ end users when the

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mandate is issued, and there is no urgent need to handle the CLECs' complaint on an expedited basis.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Richard A. Chapkis (RW)

Richard A. Chapkis

RAC:tas

c: Staff Counsel  
BellSouth Telecommunications, Inc.  
XO Florida, Inc.  
Allegiance Telecom, Inc.  
Vicki Gordon Kaufman, Esq.