

ORIGINAL

Timolyn Henry

From: Fatool, Vicki [Vicki.Fatool@BellSouth.COM]
Sent: Monday, June 07, 2004 1:39 PM
To: Filings@psc.state.fl.us
Subject: 020129-TP Joint Motion of BellSouth, US LEC and MCI
Importance: High

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A. Vicki Fatool
Legal Secretary to Nancy B. White
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 347-5560
vicki.fatool@bellsouth.com

B. Docket No. 020129-TP: Joint Petition of US LEC of Florida, Inc., Time Warner of Telecom of Florida, LP and ITC^DeltaCom Communications Objecting to and Requesting Suspension of Proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc.

C. BellSouth Telecommunications, Inc.
on behalf of Nancy B. White

D. 7 pages total (including letter, certificate of service, pleading and Attachment "A")

E. Joint Motion Seeking Commission Approval of the Stipulation includes Attachment "A" as the Stipulation and Agreement Between US LEC of Florida Inc., MCI WorldCom Communications, Inc., MCI Metro Access Transmission Services, LLC and BellSouth Telecommunications, Inc.

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6/7/2004

ORIGINAL

Legal Department

Nancy B. White
General Counsel - FL

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

June 7, 2004

Mrs. 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. 020129-TP: Joint Petition of US LEC of Florida, Inc., Time Warner Telecom of Florida, LP and ITC^DeltaCom, Communications objecting to and requesting suspension of proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc.**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s, US LEC of Florida Inc.'s, MCI WorldCom Communications, Inc.'s and MCI Metro Access Transmission Services, LLC's Joint Motion Seeking Commission Approval of the Stipulation. Attachment "A" to this Motion includes the Stipulation and Agreement. We ask that you file these documents in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return a copy to me. Copies have been served to the parties shown on the attached certificate of service.

Sincerely,



Nancy B. White

Enclosures

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey

DOCUMENT NUMBER-DATE
06357 JUN-7 04
FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 020129-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U.S. Mail this 7th day of June, 2004 to the following:

Adam Teitzman
Patricia Christensen
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Ateitzma@psc.state.fl.us
pchriste@psc.state.fl.us

Kenneth A. Hoffman, Esq.
Marsha Rule, Esq. (+)
Martin P. McDonnell, Esq. (+)
Rutledge, Ecenia, Purnell, Hoffman,
P.A.
P.O. Box 551
Tallahassee, FL 32302-0551
Tel. No. (850) 681-6788
Fax. No. (850) 681-6515
Attys. for US LEC
Marsha@reuphlaw.com
Marty@reuphlaw.com

Peter Dunbar, Esq.
Pennington Law Firm
P.O. Box 10095
Tallahassee, FL 32302-2095
Tel. No. (850) 222-3533
Fax. No. (850) 222-2126
Atty. for Time Warner
pete@penningtonlawfirm.com

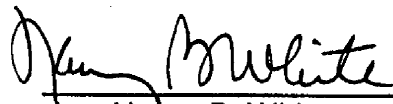
Carolyn Marek
Time Warner
233 Bramerton Court
Franklin, TN 37069
Tel. No. (615) 376-6404
Fax No. (615) 376-6405
Carolyn.Marek@twtelecom.com

Donna McNulty (+)
MCI WorldCom, Inc.
1203 Governors Square Blvd.
Suite 201
Tallahassee, FL 32301-2960
Tel. No. (850) 422-1254
Donna.mcnulty@mci.com

Brian Sulmonetti
MCI WorldCom, Inc.
6 Concourse Parkway
Suite 3200
Atlanta, GA 30328
Tel. No. (770) 284-5500
Brian.Sulmonetti@mci.com

Dulaney O'Roark, III
MCI WorldCom, Inc.
6 Concourse Parkway
Suite 600
Atlanta, GA 30328
Tel. No. (770) 284-5498
De.OROark@mci.com

Mr. Greg Lunsford
US LEC of Florida Inc.
6801 Morrison Boulevard
Charlotte, NC 28211-3599
Tel. No. (704) 319-1946
Fax. No. (704) 602-1946
glunsford@uslec.com



Nancy B. White

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of US LEC of Florida Inc.,)	
Time Warner Telecom of Florida, LP and)	Docket No.: 020129-TP
ITC^DeltaCom Communications Objecting to)	
And Requesting Suspension of Proposed)	
CCS7 Access Arrangement Tariff filed by)	
BellSouth Telecommunications, Inc.)	
_____)	Dated: June 7, 2004

**Joint Motion Seeking Commission
Approval of the Stipulation**

COMES NOW, US LEC of Florida Inc. ("US LEC"), MCI WorldCom Communications, Inc., MCI Metro Access Transmission Services, LLC (collectively "MCI"), and BellSouth Telecommunications, Inc. ("BellSouth") ("sometimes hereinafter referred to as the "Parties"), pursuant to Rule 25-22.037, Florida Administrative Code, and hereby files this Joint Motion to have the Florida Public Service Commission (the "Commission") approve the Stipulation and Agreement between the Parties (the "Stipulation and Agreement") and to take all the action specified therein. In support of this Joint Motion, the Parties show the following:

1. Presently pending before the Commission is Docket No. 020129-TP, styled "Joint Petition of US LEC of Florida Inc., Time Warner Telecom of Florida, L.P. and ITC DeltaCom Communications objecting to and Requesting Suspension of Proposed CCS7 Access Arrangement Tariff filed by BellSouth Telecommunications, Inc."

2. The Parties believe that it is in the best interest of their customers to amicably resolve the issues in this proceeding without the expenditure of further

time, money, and other resources in litigating this issue before the Commission and the courts.

3. The Parties have negotiated a settlement of these issues. That settlement is set forth in the Stipulation and Agreement executed by the Parties. A copy of the Stipulation and Agreement is attached hereto as Attachment "A".

4. Because the Stipulation and Agreement is in the best interest of the customers of the Parties, the Parties request that the Commission expeditiously accept and approve the Stipulation and Agreement as filed and close Docket No. 020129-TP upon the implementation of the Stipulation and Agreement.

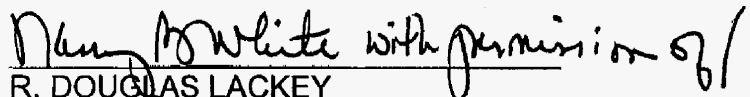
WHEREFORE, the Parties respectfully request that the Commission grant the relief sought in this Joint Motion.

Respectfully submitted this 7th day of June, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

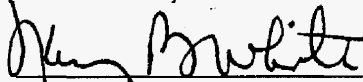


NANCY B. WHITE
c/o Nancy H. Sims
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558



R. DOUGLAS LACKEY
MEREDITH E. MAYS
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0750

**MCI WORLD COM COMMUNICATIONS, INC.
MCI METRO ACCESS TRANSMISSION
SERVICES, LLC**



with permission from Donna C. McNulty
1203 Governors Square Blvd., Suite 201
Tallahassee, Florida 32301-2960
Tel. No. (850) 219-1008
Fax. No. (850) 219-1018

Dulaney O'Roark, III
Concourse Corporate Center Six
Six Concourse Parkway, Suite 600
Atlanta, Georgia 30328
Tel. No. (770) 284-5498
Fax No. (770) 284-5488

US LEC OF FLORIDA INC.



with permission from Martin P. McDonnell
Rutledge, Ecenia, Purnell, Hoffman, P.A.
P.O. Box 551
Tallahassee, FL 32302-0551
Tel. No. (850) 681-6788
Fax. No. (850) 681-6515

Attachment "A"

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In, re: Joint Petition of US LEC of Florida Inc.,)
Time Warner Telecom of Florida, LP and) Docket No.: 020129-TP
ITC^DeltaCom Communications Objecting to)
And Requesting Suspension of Proposed)
CCS7 Access Arrangement Tariff filed by)
BellSouth Telecommunications, Inc.)

Dated: June 7, 2004

**STIPULATION AND AGREEMENT BETWEEN US LEC OF FLORIDA
INC., MCI WORLDCOM COMMUNICATIONS, INC., MCI METRO ACCESS
TRANSMISSION SERVICES, LLC AND BELL SOUTH
TELECOMMUNICATIONS, INC.**

Comes now, US LEC of Florida Inc. ("US LEC"), MCI WorldCom
Communications, Inc., MCI Metro Access Transmission Services, LLC
(collectively "MCI"), and BellSouth Telecommunications, Inc. ("BellSouth")
("sometimes hereinafter referred to as the "Parties") hereby agree and covenant
as follows:

Whereas, there is presently pending before the Florida Public Service
Commission ("Commission") Docket No. 020129-TP styled "Joint Petition of US
LEC of Florida Inc., Time Warner Telecom of Florida, L.P. and ITC DeltaCom
Communications objecting to and Requesting Suspension of Proposed CCS7
Access Arrangement Tariff filed by BellSouth Telecommunications, Inc."; and

Whereas, MCI was granted intervention in this proceeding on July 16,
2002; and

Whereas, BellSouth has reached settlement with the other parties to this
proceeding (ITC DeltaCom and Time Warner) and those parties have withdrawn
from this docket; and

Whereas, the Parties believe that it is in the best interests of their customers to amicably resolve the issues in this proceeding without the expenditure of further time, money, and other resources in further litigation;

Now therefore, the Parties do hereby agree and covenant as follows:

1. The Parties agree that this Stipulation and Agreement is intended to and shall settle all issues with regard to BellSouth's January 18, 2002 CCS7 Access Arrangement tariff.
2. The Parties agree that BellSouth's CCS7 Access Arrangement tariff filed on January 18, 2002 will be modified within 15 days of the Commission order approving this Stipulation and Agreement.
3. The Parties agree that BellSouth will modify the CCS7 Access Arrangement tariff to eliminate the CCS7 Signaling Usage rate and to return the local switching rate to the level it was as of pre-January 18, 2002.
4. The Parties agree that BellSouth will not back bill for the switching rate discussed in Paragraph 3.
5. The Parties agree that BellSouth will refund to the Parties, in the form of a bill credit, the net difference between the CCS7 Signaling Usage charge and the local switching rate as it existed pre-January 18, 2002. This credit will occur within 60 days of the Commission approval of this Stipulation and Agreement.
6. The Parties agree that they shall jointly petition the Commission to approve this Stipulation and Agreement and close Docket No. 020129-TP upon the implementation of this Stipulation and Agreement.

7. The Parties agree that in the event the Commission does not adopt this Stipulation and Agreement in its entirety, this Stipulation and Agreement shall become null and void and be of no effect.

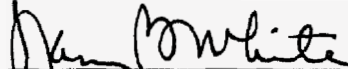
8. The Stipulation and Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of Florida without regard to its conflict of laws principles.

9. The Parties acknowledge that this Stipulation and Agreement is being entered into for the purposes of settlement only and that the Parties are entering into this Stipulation and Agreement to avoid the expense and length of further legal proceedings, taking into account the uncertainty and risk inherent in any litigation.

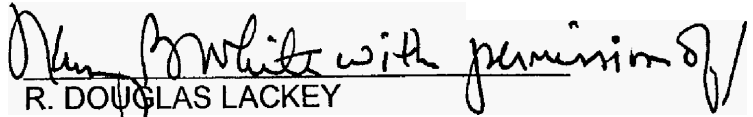
IN WITNESS WHEREOF, this Stipulation and Agreement has been executed as of June 3, 2004, by the undersigned counsel of record for the Parties hereto and/or by the Parties themselves in multiple counterparts, each of which shall be deemed an original.

Respectfully submitted this 7th day of June, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

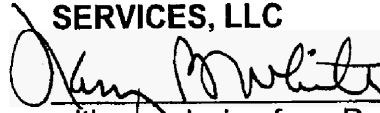


NANCY B. WHITE
c/o Nancy H. Sims
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558

 with permission of

R. DOUGLAS LACKEY
MEREDITH E. MAYS
Suite 4300
675 W. Peachtree St., NE
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(404) 335-0750

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1203 Governors Square Blvd., Suite 201
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P.O. Box 551
Tallahassee, FL 32302-0551
Tel. No. (850) 681-6788
Fax. No. (850) 681-6515

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