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Matilda Sanders*****1

Matilda Sanders

040557-TP

From: Ann Bassett [abassett@lawfla.com]
Sent: Tuesday, June 15, 2004 4:53 PM
To: Filings@psc.state.fl.us
Cc: Floyd Self; Susan Masterton
Subject: KMC Notice of Adoption



KMC Notice
f Adoption.pc

Attached is an electronic version of KMC's Notice of Adoption of the
Interconnection Agreement between Sprint-Florida, Inc. and MCImetro Access Transmission
Services, LLC

The name, address, phone number and e-mail address of the person responsible for this
filing is:

Floyd R. Self, Esq.
Messer, Caparello & Self, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876
(850)222-0720
fself@lawfla.com

Filing will create a new docket

On behalf of KMC Telecom III, LLC, KMC Telecom V, Inc., and KMC Data LLC (collectively,
"KMC").

Total Number of Pages is 7

The document is titled: Notice of Adoption

Ann Bassett
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DOCUMENT NUMBER-DATE
06635 JUN 15 03
FPSC-COMMISSION CLERK

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LAW OFFICES
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June 15, 2004

BY ELECTRONIC MAIL

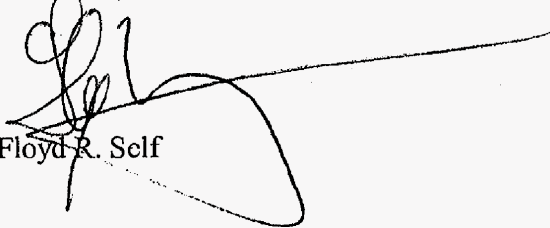
Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III LLC ("KMC III"), KMC Telecom V, Inc. ("KMC V") and KMC Data LLC ("KMC Data") (collectively, "KMC") is an electronic version of KMC's Notice of Adoption.

Thank you for your assistance with this filing.

Sincerely yours,



Floyd R. Self

FRS/amb
Enclosures

DOCUMENT NUMBER - DATE

06635 JUN 15 2004

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of)	
)	
Notice of KMC Telecom III LLC,)	
KMC Telecom V, Inc., and KMC Data LLC)	Docket No. _____
To Adopt an Interconnection Agreement)	
Under Sections 252(e) and 252(i))	
of the Telecommunications Act of 1996)	

NOTICE OF ADOPTION

KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC (collectively, "KMC") respectfully submits to the Commission its notice, pursuant to Sections 251 and 252 of the Communications Act, as amended (the "Act")¹, of KMC's adoption of the Interconnection Agreement between Sprint-Florida, Inc. ("Sprint") and MCImetro Access Transmission Services, LLC (MCImetro), dated March 1, 2002, in Docket 020389-TP, currently on file with the Commission ("Agreement"). Pursuant to Section 252(i) of the Act, KMC has selected the Agreement as the agreement that will govern the relationship between KMC and Sprint in the State of Florida.

The Agreement provides for the interconnection of the two companies' networks and makes available to KMC access to unbundled network elements, wholesale telecommunications services, and ancillary services offered by Sprint in Florida. KMC respectfully requests that the Commission promptly acknowledge this adoption of the Agreement.

¹ Citations herein to the Communications Act or the Act should be construed as references to sections of the Communications Act of 1934 as amended by the 1996 Act.

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FPSC-COMMISSION OF FRK

In support of this notice, KMC states as follows:

1. Sprint is an incumbent local exchange carrier (“ILEC”) in Florida, as defined by the Communications Act. *See* 47 U.S.C. § 252(h). Pursuant to the Communications Act, Sprint is required to provide to requesting telecommunications carriers, through negotiation or otherwise, interconnection, access to unbundled network elements (“UNEs”), collocation, number portability, dialing parity, access to rights-of-way, reciprocal compensation, and resale, among other things. *See* 47 U.S.C. §§ 251(b)-(c). The terms and conditions of interconnection must comply with the provisions of Sections 251 and 252 of the Communications Act. *See* 47 U.S.C. § 251(c). Section 252(d) governs the pricing of UNEs, interconnection, reciprocal compensation, and resale services.

2. KMC V is a Delaware corporation and KMC III and KMC Data are Delaware limited liability corporations headquartered at 1545 Route 206, Bedminster, New Jersey 07921-2567, and maintaining their principal place of business at 1755 North Brown Road, Lawrenceville, Georgia 30043. KMC V, KMC III and KMC Data are, collectively, nationwide facilities-based providers of next-generation telecommunications infrastructure and services, providing fiber-based, integrated data, voice, and Internet communications services. They offer these services to business, government and institutional and end-users, Internet service providers, long distance carriers and wireless service providers. They are, collectively, certified to provide telecommunications services in 49 states, the District of Columbia, and Puerto Rico. KMC V, KMC III and KMC Data are authorized to provide competitive local exchange and interexchange services in Florida, including the territories served by Sprint.

THE AGREEMENT

3. KMC has exercised its right to adopt the agreement between Sprint and MCImetro, dated March 1, 2002 for the State of Florida. Section 252(i) of the Act requires local exchange carriers to make interconnection agreements available to requesting

telecommunications carriers “upon the same terms and conditions as those provided in the agreement.”²

4. KMC notified Sprint on June 4, 2004, that it elected to adopt the terms of the Agreement as the terms and conditions that will govern the relationship between Sprint and KMC in Florida. Sprint, unfortunately, has thus far failed to accept KMC’s adoption of the Agreement. Despite KMC’s desire to move forward in a cooperative and bilateral manner, it has been forced to file this notice as a result of Sprint’s unreasonable position.

5. The Agreement sets forth the terms, conditions and prices under which Sprint and KMC will offer and provide network interconnection, reciprocal call termination, access to network elements, ancillary network services, and wholesale telecommunications services available for resale to each other within each Local Access and Transport Area (“LATA”) in which they both operate in Florida.

6. Key provisions of the Agreement provide for:

- (i) Access to unbundled loops -- providing KMC access to existing Sprint customers -- at rates established by this Commission; and
- (ii) Retention of customer telephone numbers when they switch to KMC.

COMPLIANCE WITH THE 1996 ACT

7. The Agreement satisfies the requirements for Commission approval pursuant to the Act. Section 252(e)(2)(A) of the 1996 Act, for example, provides as follows:

The State commission may only reject ... an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that--(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity[.]

² 47 U.S.C. §252(i).

8. The Agreement does not discriminate against any other telecommunications carrier, as required by Section 252(e)(2)(a)(i), since any other telecommunications carrier authorized to provide local telephone service in Florida may obtain the interconnection, unbundling and resale arrangement specified in the Agreement on the same terms and conditions.

9. The Agreement is also consistent with the public interest, convenience, and necessity, as it will permit KMC to continue to compete with Sprint as a facilities-based local telephone service carrier.

NOTICE OF ADOPTION OF THE AGREEMENT

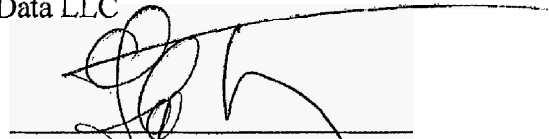
10. KMC respectfully notifies this Commission of its adoption of the Agreement, and respectfully requests that the Commission expedite its acknowledgement of this adoption and deem the Agreement effective as of June 4, 2004 – the date Sprint was notified of KMC's adoption. KMC shall file a paper copy of this notice along with a copy of the MCI-Sprint Agreement on June 16, 2004 with the Commission Clerk.

WHEREFORE, KMC respectfully notifies this Commission of its adoption of the interconnection agreement between Sprint-Florida, Inc. and MCImetro Access Transmission Services, LLC, dated March 1, 2002, in Docket 020389-TP, pursuant to Sections 252(e) and 252(i) of the Act, and that such adoption should be deemed effective June 4, 2004.

Respectfully submitted,

KMC Telecom III LLC
KMC Telecom V, Inc.
KMC Data LLC

By:



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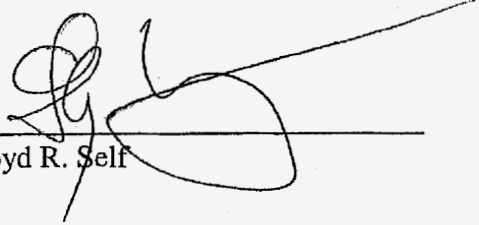
Marva Brown Johnson
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marva.johnson@kmctelecom.com

DATED: June 15, 2004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served upon the following parties by Electronic Mail this 15th day of June, 2004.

Susan Masterton, Esq.
Sprint-Florida, Incorporated
P.O. Box 2214
Tallahassee, FL 32316-2214



Floyd R. Self