

State of Florida



Public Service Commission

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DATE: November 3, 2004
TO: Docket File
FROM: Jeff Bates (Division of Competitive Markets and Enforcement) *[Signature]* SAS
Victor McKay (Office of the General Counsel) *VSM BIC*
RE: Docket No. 040806-TP - Request for approval of Amendment No. 1 to interconnection, unbundling, resale, and collocation agreement between Verizon Florida Inc. and KMC Telecom III LLC.

By letter received August 2, 2004, Verizon Florida Inc. filed a petition for approval of Amendment No. 1 to interconnection, unbundling, resale, and collocation agreement between Verizon Florida Inc. and KMC Telecom III LLC. 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 November 1, 2004.

Staff reviewed the agreement in this Docket on October 27, 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.

DK to close 11/03/04 Am

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

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