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Public Service Commission

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COMMISSION CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: November 3, 2004

TO: Docket File

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

SAS

MC VSIM

RE: Docket No. 040810-TP - Request for approval of two amendments to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and Z-Tel Communications, Inc.

By letter received August 2, 2004, BellSouth Telecommunications, Inc. filed a request for approval of two amendments to the interconnection, unbundling, resale, and collocation agreement with Z-Tel 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 November 1, 2004.

Staff reviewed the agreement in this Docket on November 2, 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. Staff notes that while these amendments have gone into effect by operation of the law, this in no way forecloses or binds the Commission in deciding Docket No. 040779-TP. With this memorandum, Docket No. 040810-TP is hereby closed.

OK to close 11/03/04 Hw

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

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