

ORIGINAL

MEMORANDUM

January 31, 2005

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (BANKS) *FRB*

RE: DOCKET NO. 041338-TP - JOINT PETITION BY ITC^DELTACOM COMMUNICATIONS, INC. D/B/A ITC^DELTACOM D/B/A GRAPEVINE; BIRCH TELECOM OF THE SOUTH, INC. D/B/A BIRCH TELECOM AND D/B/A BIRCH; DIECA COMMUNICATIONS, INC. D/B/A COVAD COMMUNICATIONS COMPANY; FLORIDA DIGITAL NETWORK, INC.; LECSTAR TELECOM, INC.; MCI COMMUNICATIONS, INC.; AND NETWORK TELEPHONE CORPORATION ("JOINT CLECS") FOR GENERIC PROCEEDING TO SET RATES, TERMS, AND CONDITIONS FOR HOT CUTS AND BATCH HOT CUTS FOR UNE-P TO UNE-L CONVERSIONS AND FOR RETAIL TO UNE-L CONVERSIONS IN BELLSOUTH TELECOMMUNICATIONS, INC. SERVICE AREA.

Please placed the attached document in the above-referenced docket file.

DATE ORDER SENT ELECTRONICALLY TO CCA *2-1-05*

FRB/anc  
Attachment

- CMP    I:
- COM
- CTR
- ECR
- GCL
- OPC
- MMS
- RCA
- SCR
- SEC    **I**
- OTH

DOCUMENT NUMBER-DATE  
01177 FEB-1 05  
FPSC-COMMISSION CLERK



Telephone: (850) 402-0510  
Fax: (850) 402-0522  
www.supratelecom.com

1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301-5027

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January 24, 2005

Mrs. Blanca Bayo, Director  
Division of Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**RE: Docket No. 040301-TP – Agreement resolving Supra’s Renewed Motion for Interim Rate Based on Change of Circumstances**

Dear Ms. Bayo:

The purpose of this letter is to inform you that Supra has chosen to accept BellSouth’s offer stated at the Agenda Conference which took place on January 18, 2005. The specifics of the agreement are as follows:

1. Supra agrees to withdraw its Renewed Motion for Interim Rate Based on Change of Circumstances, filed on January 3, 2005.
2. Supra agrees that it will pay the recurring and nonrecurring prices that BellSouth seeks to charge for UNE-P to UNE-L conversions, both individually and in bulk, as ordered. The applicable nonrecurring charges are \$49.57 for the UNE SL1 loop; \$1.52 for mechanized ordering; and \$8.22 for cross-connect.
3. BellSouth agrees that it will true-up the costs of all Supra hot cut orders submitted on or after March 1, 2005 to the permanent rates established in either Docket No. 040301-TP or Docket No. 041338-TP, and issue Supra a refund, if applicable, no later than 14 days after the issuance of a final order establishing such permanent rates.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Ms. Bayo  
January 24, 2005  
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This letter agreement has been reviewed and approved by BellSouth, prior to being sent to the Commission. Should you have any questions, please let us know.

Very truly yours,



Brian Chaiken  
Executive Vice President, Legal Affairs  
SUPRA TELECOMMUNICATIONS  
AND INFORMATION SYSTEMS, INC.  
2620 S. W. 27<sup>th</sup> Avenue  
Miami, FL 33133  
Telephone: 305/ 476-4248  
Facsimile: 305/ 443-1078

Cc: Nancy White, Esq.  
Jeremy Susac