

ORIGINAL

Matilda Sanders

From: Vicki Gordon Kaufman (vkaufman@moyjeflaw.com)
Sent: Thursday, March 03, 2005 3:04 PM
To: Filings@psc.state.fl.us
Cc: Adam Teitzman; Nancy White; Michael Gross; Ken Hoffman; wmontano@uslec.com; Donna McNulty; de.oreark@mcj.com; Tracy Hatch; steve.chalken@sts.com; dana.shaffer@xo.com
Subject: Docket No. 041269-TP
Attachments: XO Support of Emergency Motion FINAL.pdf

Pursuant to the Commission's procedures for e-filing, XO Communications Services, Inc. provides the following information:

a. The attorney responsible for the filing is:
 Vicki Gordon Kaufman
 Moyje, Hagan, Katz, Raymond & Sheehan, PA
 The Parkside House
 118 North Cassden Street
 Tallahassee, Florida 32304
 (904) 681-3623 (Tel)
 (904) 681-3783 (Fax)
 vkaufman@moyjeflaw.com

b. The document is to be filed in Docket No. 041269-TP, Petition to Establish Generic Docket to Consider Applications for Interconnection Agreements Resulting from Charges of Law.

c. The document is filed on behalf of XO.

d. The document is 2 pages long.

e. The document is a letter supporting the Joint Petition and Request for Emergency Rate.

The information contained in this electronic mail transmission is attorney-client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect at (904) 681-3128. Thank you.

- CMP _____
- COM _____
- GTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC
- OTH _____

DOCUMENT NUMBER DATE

02226 MAR-3 05

ORIGINAL

MOYLE, FLANIGAN, KATZ, RAYMOND & SHEEHAN, P.A.
ATTORNEYS AT LAW

The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

Telephone: (850) 681-3828
Facsimile: (850) 681-8788

Vicki Gordon Kaufman
E-mail: vkaufman@moylelaw.com

Wellington Office
(561) 227-1560
West Palm Beach Office

(561) 659-7500

March 3, 2005
Via Electronic Mail

Ms. Blanca S. Bayo
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Re: Docket No. 041269-TP, Petition to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting From Changes of Law

Dear Ms. Bayo:

On behalf of XO Communications Services, Inc. (XO), this letter is to notify the Florida Public Service Commission (Commission), and the parties, that XO endorses the Joint Petitioners' Petition and Request for Emergency Relief filed in this docket on March 1, 2005. While XO may not adopt all of the legal arguments in the Joint Petitioners' Petition and Request, XO supports the need for the emergency relief sought so as to prevent BellSouth Telecommunications, Inc. (BellSouth) from disrupting the availability of competitive options to consumers by taking unwarranted unilateral action to stop processing CLEC orders for service on March 11, 2005. Such precipitous action will cause irreparable harm to Florida consumers, to XO and to other competitive carriers.

BellSouth's Carrier Notification, dated February 11, 2005, is nothing more than a baseless attempt to inappropriately discontinue service to XO (and other carriers) in breach of BellSouth's existing legal obligations under federal and state law. The FCC's Triennial *Review Remand Order (TRRO)*, upon which BellSouth attempts to rely, does not allow for the unilateral action BellSouth proposes. XO supports the request for immediate action set out in the Petition and Request for Emergency Relief since BellSouth stated in its February 11, 2005 Carrier Notification that it will deny service orders beginning March 11, 2005.

DOCUMENT NUMBER-DATE

02226 MAR-3 05

FPSC-COMMISSION CLERK

Ms. Blanca Bayo
March 3, 2005
Page 2

Sincerely,

s/Vicki Gordon Kaufman

Vicki Gordon Kaufman

Attorneys for XO Communications Services, Inc.

Cc: Dana Shaffer
Parties of Record