



Public Service Commission

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DATE: April 14, 2005

TO: Docket File

FROM: Jeff Bates (Division of Competitive Markets and Enforcement) *JB*
Victor McKay (Office of the General Counsel) *VSM BIC* **SAS**

RE: Docket No. 041403-TP - Request for approval of amendment to resale agreement between BellSouth Telecommunications, Inc. and Available Telecom Services, Inc.

By letter received December 14, 2004, BellSouth Telecommunications, Inc. filed a request for approval of amendment to the resale agreement with Available Telecom Services, 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 March 14, 2005.

Staff reviewed the agreement in this Docket on March 8, 2005 and April 13, 2005. 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.

ok to close 4/18/05 RW

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

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