

State of Florida



Public Service Commission

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COMMISSION  
CLERK

**DATE:** May 4, 2005

**TO:** Docket File

**FROM:** Anne Marsh <sup>per</sup> (Division of Competitive Markets and Enforcement) SAS  
Jeremy Susac (Office of the General Counsel) <sup>JS</sup> <sup>JS</sup>

**RE:** Docket No. 040557-TP – Notice of adoption of existing interconnection agreement between Sprint-Florida, Incorporated and MCImetro Access Transmission Service, LLC, by KMC Telecom III, LLC, KMC Telecom V, Inc., and KMC Data LLC.

By letter received June 15, 2004, KMC Telecom III, LLC, KMC Telecom V, Inc., and KMC Data LLC (KMC) filed a notice of adoption of existing interconnection agreement between Sprint-Florida, Incorporated and MCImetro Access Transmission Service, LLC. On July 6, 2004, Sprint-Florida, Incorporated, (Sprint) filed a Response in Partial Opposition to KMC's Notice to Adopt and Request for Relief. On March 11, 2005, Sprint notified the Commission by letter that the parties have settled the disputed issues in this docket and that Sprint withdraws its opposition to the adoption. On that date, Sprint filed the agreements with corresponding amendments for each of the above three KMC entities. Section 252(e)(4) of 47 U.S.C. 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 is June 9, 2005.

Staff reviewed the agreements and amendments in this Docket on May 3, 2005. The agreement met the criteria outlined in Section 2.07.C.5.d of the Administrative Procedures Manual. Therefore, it may go 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 5/05/05 HW

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

DOCUMENT NUMBER-DATE

04437 MAY-5 05

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