

State of Florida



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COMMISSION
CLERK

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

DATE: July 12, 2005

TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director

FROM: Jeremy L. Susac, Senior Attorney, Office of the General Counsel
James V. Maduro, Regulatory Analyst II, Division of Competitive Markets & Enforcement

RE: RE: Docket No. 040157-TP Petition of Level 3 Communications, LLC for Arbitration of Unresolved Issues arising out of interconnections negotiations with BellSouth Communications Inc.

On February 20, 2004, Level 3 Communications, LLC filed a petition for arbitration with BellSouth Communications, Inc. Subsequent to filing the subject petition, the parties were able to negotiate and resolve the pending issues arising out of their interconnection agreement. On June 30, 2004, both parties consummated and filed an interconnection agreement in Docket No. 040680-TP, which encompassed all formerly unresolved issues arising of the initial arbitration petition – Docket No. 040157-TP. Staff reviewed and completed their evaluation of the agreement on October 6, 2004. The agreement met the criteria set forth in Section 2.07.C5(d) of the APM and went into effect by operation of law.

Subsequently, on June 28, 2005, Level 3 Communications filed a Notice of Voluntary Dismissal of its petition with prejudice. The notice indicated that all formerly unresolved issues between the parties have been resolved and a fully executed Interconnection Agreement was filed on June 30, 2004.

There is no further action required by this Commission due to the fact that the dispute between the parties has been resolved and the agreement has been approved in Docket No. 040680-TP. As prescribed by APM 2.07(C)(2d)(4), and in light of the fact that there are no pending issues that need to be addressed by the Commission, no request for refund of filing fees and no action was taken, Staff recommends that Docket No. 040157-TP be hereby closed administratively.

Cc: Beth Keating
Cheryl Bulecza-Banks
Bob Casey

OK to close
7-13-05
JY

DOCUMENT NUMBER-DATE

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