

**ORIGINAL**

**Timolyn Henry**

**From:** Carr, Edilma [ECarr@wcsr.com]  
**Sent:** Wednesday, July 27, 2005 4:32 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 040779-TP

**Attachments:** Docket 040779-tp.pdf



Docket  
779-tp.pdf (236)

Please see the IRS Circular 230 Notice and the Confidentiality Notice below before reading this email.

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Dear Ms. Bayó:

Attached please find the Joint Stipulated facts on behalf of BellSouth Telecommunications, Inc. and Z-Tel Communications, Inc. for electronic filing in the above-referenced docket. Please note that the document has 5 pages (cover letter, pleading and service list). If you have any questions, please contact the undersigned counsel.

<<Docket 040779-tp.pdf>>  
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- COM \_\_\_\_\_
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7/27/2005 4:48 PM\*\*\*\*\*

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herewith are under the supervision of and subject to the review of counsel and should not be relied upon until such review has occurred. Thank you for your cooperation.

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July 27, 2005

**VIA ELECTRONIC FILING**

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

**Re: Docket No.: 040779-TP  
Notice of Adoption of Existing Interconnection, Unbundling,  
Resale and Collocation Agreement between BellSouth  
Telecommunications, Inc. and Network Telephone  
Corporation by Z-Tel Communications, Inc.**

Dear Ms. Bayo:

Enclosed for filing please find the Joint Stipulated facts of BellSouth  
Telecommunications, Inc. and Z-Tel Communications, Inc.'s in the above-referenced proceeding.  
If you have any questions or need additional information, please contact me.

Respectfully submitted,

  
Michael B. Hazzard

*Counsel to Z-Tel Communications, Inc.*

cc: Attached Service List

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Notice of the Adoption Existing	)	
Interconnection, Unbundling, Resale and	)	Docket No.: 040779-TP
Collocation Agreement between BellSouth	)	
Telecommunications, Inc. and Network	)	
Telephone Corporation by Z-Tel	)	
Communications, Inc.	)	
_____	)	

JOINT STIPULATED FACTS OF BELL SOUTH TELECOMMUNICATIONS, INC. AND Z-TEL COMMUNICATIONS, INC.

1. Z-Tel adopted the MCI WorldCom Communications Interconnection Agreement with BellSouth for Florida dated September 12, 2001; as a result, BellSouth and Z-Tel were parties to an interconnection agreement in Florida with an effective date of April 18, 2003 and an expiration date of September 11, 2004.
2. On January 21, 2004, BellSouth requested negotiations with Z-Tel for a new interconnection agreement.
3. On February 19, 2004, BellSouth sent Z-Tel a copy of BellSouth's proposed agreement.
4. On February 20, 2004, BellSouth forwarded a second request to Z-Tel for negotiations.
5. On March 22, 2004, BellSouth sent Z-Tel a third request for negotiations.
6. On April 20, 2004, BellSouth contacted Z-Tel regarding interconnection agreement negotiations.
7. From January 21, 2004 through May 20, 2004, Z-Tel and BellSouth had numerous discussions about a successor interconnection agreement.

8. During these discussions, BellSouth requested that Z-Tel negotiate an Interconnection Agreement or adopt an existing Interconnection Agreement that was compliant with BellSouth's view of current law.
9. On July 22, 2004, Z-Tel filed a notice with this Commission that it had adopted the interconnection agreement between BellSouth and Network Telephone in its entirety.
10. BellSouth did not agree to Z-Tel's adoption, and BellSouth objected to that adoption with this Commission.
11. In early August 2004, BellSouth indicated it would agree to Z-Tel's adoption of the Network Telephone and BellSouth interconnection agreement only if Z-Tel agreed to replace in its entirety Attachment 2, UNEs, of the Network Telephone and BellSouth interconnection agreement.
12. Network Telephone and BellSouth continue to operate under the same interconnection agreement that Z-Tel adopted.
13. The last amendment to the interconnection agreement between BellSouth and Network Telephone is dated May 20, 2005 and was effective May 24, 2005. The BellSouth/Network Telephone interconnection agreement has not been amended to reflect the *Triennial Review Order*<sup>1</sup> or the *Triennial Review Remand Order*.<sup>2</sup>

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<sup>1</sup> *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers* (CC Docket No. 01-338); *Implementation of the Local Competition Provisions of The Telecommunications Act of 1996* (CC Docket No. 96-98); *Deployment of Services Offering Advanced Telecommunications Capability* (CC Docket No. 98-47) Report and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36, 18 FCC Rcd. 16978 (2003), vacated and remanded in part, *United States Telecom Ass'n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) ("*USTA II*").

Respectfully submitted,

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*BellSouth Telecommunications, Inc.*

July 27, 2005

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<sup>2</sup> *In the Matter of Unbundled Access to Network Elements* (WC Docket No. 04-313); *Review of the Section 251 Unbundling Obligations of Incumbent Local exchange Carriers* (CC Docket No. 01-338), Order on Remand, FCC 04-290 (rel. Feb. 4, 2005).

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 040779-TP**

I, Edilma Carr, hereby certify that a true and correct copy of the foregoing was served via Electronic Mail and First Class U.S. Mail this July 27, 2005 to the individuals on the following list:

**Parties of Record and Interested Persons  
in Docket 040779:**

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