

Meredith Mays
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0750

September 27, 2005

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

Re: Docket Nos. 041269-TL; 040601-TP

Dear Ms. Bayó:

On September 26, 2005 Covad requested official recognition of two decisions. To ensure a clear record, BellSouth requests that the Commission note that Verizon has sought a preliminary injunction in the U.S. District Court – Maine of the September 13, 2005 Maine Order. A copy of the U.S. District Court Civil Docket Sheet is attached.

In addition, BellSouth requests official recognition of the FCC's recent *Report and Order*, released September 23, 2005 in FCC dockets 02-33, 01-337, 95-20, 98-10, 04-242, 05-271. The FCC's decision is available online at <http://www.fcc.gov>. In describing how CLECs provide DSL services, the FCC explained that CLECs "provide these services using their own facilities in combination with UNEs leased from incumbent LECs pursuant to section 251(c)(3) of the Act." The FCC also explained that it "established a three-year transition after which any new customer *must be served* through a line splitting arrangement, through use of the stand-alone copper loop, or through an arrangement that a competitive LEC has negotiated with the incumbent LEC to replace line sharing." See n. 157 (emphasis supplied). The FCC made no mention of a Section 271 line sharing arrangement; stating instead that line sharing "*allowed* a competitive carrier to provide DSL service over the high-frequency portion of the same loop that the incumbent LEC uses to provide voice sharing." *Id.*, (emphasis supplied).

Finally, BellSouth requests that this Commission take official recognition of its recent vote, on August 30, 2005 in Docket No. 040130-TP. In that vote, Commissioners Bradley and Edgar found that BellSouth "is required, upon a CLEC's request, to commingle or to allow commingling of UNEs or UNE combinations with any service,

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network element, or other offering that it is obligated to make available. *However, this does not include services, network elements, or other offerings made available only under Section 271.*" Agenda Conf. Tr., Item No. 11, page 12. Likewise, in addressing line conditioning and routine network modification, Commissioners Bradley and Edgar found that BellSouth "should not be required to perform services that are not consistent with what they would perform for their own customers or carriers." Id., p. 14.

Copies of this letter and attachments have been served to the parties shown on the attached Certificate of Service.

Sincerely,


Meredith Mays

Enclosures

cc: Parties of Record
Nancy White

603628

CERTIFICATE OF SERVICE
Docket No. 041269-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and U.S. Mail this 27th day of September, 2005 to the following:

Adam Teitzman
Michael Barrett
Staff Counsels
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6199
ateitzma@psc.state.fl.us
mbarrett@psc.state.fl.us

Florida Cable Telecommunications
Assoc., Inc.
Michael A. Gross
246 E. 6th Avenue
Suite 100
Tallahassee, FL 32303
Tel. No. (850) 681-1990
Fax No. (850) 681-9676
mgross@fcta.com

Vicki Gordon Kaufman
Moyle Flanigan Katz Raymond
& Sheehan, PA
118 North Gadsden Street
Tallahassee, FL 32301
Tel. No. (850) 681-3828
Fax. No. (850) 681-8788
vkaufman@moylelaw.com
Atty. for FCCA/CompSouth

Norman H. Horton, Jr.
Meser, Caparello & Self, P.A.
215 South Monroe Street, Suite 701
P.O. Box 1876
Tallahassee, FL 32302-1876
Tel. No. (850) 222-0720
Fax No. (850) 224-4359
nhorton@lawfla.com
Represents NuVox/NewSouth/Xspedius

John Heitmann
Garret R. Hargrave
Kelley Drye & Warren, LLP
Suite 500
1200 19th Street, N.W.
Washington, D.C. 20036
jheitmann@kelleydrye.com
ghargrave@kelleydrye.com
Tel. No. (202) 887-1254
Represents NuVox/NewSouth/Xspedius

Kenneth A. Hoffman, Esq.
Martin P. McDonnell, Esq.
Rutledge, Ecenis, Purnell & Hoffman
P.O. Box 551
Tallahassee, FL 32302
Tel. No. (850) 681-6788
Fax. No. (850) 681-6515
Represents XO and US LEC
ken@reuphlaw.com
marty@reuphlaw.com

Dana Shaffer
XO Communications, Inc.
105 Molloy Street, Suite 300
Nashville, Tennessee 37201
Tel. No. (615) 777-7700
Fax. No. (615) 850-0343
dana.shaffer@xo.com

Wanda Montano
Terry Romine (+)
US LEC Corp.
6801 Morrison Blvd.
Charlotte, N.C. 28211
Tel. No. (770) 319-1119
Fax. No. (770) 602-1119
wmontano@uslec.com

Tracy W. Hatch
Senior Attorney
AT&T
101 North Monroe Street
Suite 700
Tallahassee, FL 32301
Tel. No. (850) 425-6360
thatch@att.com

Sonia Daniels
Docket Manager
1230 Peachtree Street, N.E.
4th Floor
Atlanta, Georgia 30309
Tel. No. (404) 810-8488
sdaniels@att.com

Donna Canzano McNulty, Esq.
MCI
1203 Governors Square Blvd.
Suite 201
Tallahassee, FL 32301
Telephone: 850 219-1008
donna.mcnyulty@mci.com

De O'Roark, Esq. (+)
MCI
6 Concourse Parkway
Suite 600
Atlanta, GA 30328
de.oroark@mci.com

Floyd Self, Esq.
Messer, Caparello & Self, P.A.
Hand: 215 South Monroe Street
Suite 701
Tallahassee, FL 32301
Mail: P.O. Box 1876
Tallahassee, FL 32302-1876
fself@lawfla.com

Steven B. Chaiken
Supra Telecommunications and
Info. Systems, Inc.
General Counsel
2901 S.W. 149th Avenue
Suite 300
Miramar, FL 33027
Tel. No. (786) 455-4239
steve.chaiken@stis.com

Matthew Feil (+)
FDN Communications
2301 Lucien Way
Suite 200
Maitland, FL 32751
Tel. No. (407) 835-0460
mfeil@mail.fdn.com

Nanette Edwards (+)
ITC^DeltaCom Communications, Inc.
7037 Old Madison Pike
Suite 400
Huntsville, Alabama 35806
Tel. No.: (256) 382-3856
nedwards@itcdeltacom.com

Susan Masterton
Sprint Communications Company
Limited Partnership
P.O. Box 2214
Tallahassee, FL 32316-2214
Tel. No.: (850) 599-1560
Fax No.: (850) 878-0777
susan.masterton@mail.sprint.com

Alan C. Gold, Esq.
Gables One Tower
1320 South Dixie Highway
Suite 870
Coral Gables, FL 33146
Tel. No. (305) 667-0475
Fax. No. (305) 663-0799
agold@kcl.net

Raymond O. Manasco, Jr.
Gainesville Regional Utilities
Hand: 301 S.E. 4th Avenue
Gainesville, FL 32601
Mail: P.O. Box 147117, Station A-138
Gainesville, FL 32614-7117
Tel. No. (352) 393-1010
Fax No. (352) 334-2277
manascoro@gru.com

Charles A. Guyton
Steel Hector & Davis LLP
215 South Monroe Street
Suite 601
Tallahassee, FL 32301-1804
Tel. No. (850) 222-2300
Fax. No. (850) 222-8410
cguyton@steelhector.com
Atty. for City of Gainesville

Herb Bornack, CEO
Orlando Telephone Systems, Inc.
4558 S.W. 35th Street
Suite 100
Orlando, FL 32811
Tel. No. (407) 996-8900
Fax. No. (407) 996-8901

Adam Kupetsky
Regulatory Counsel
WilTel Communications, LLC
One Technology Center (TC-15)
100 South Cincinnati
Tulsa, Oklahoma 74103
Tel. No. (918) 547-2764
Fax. No. (918) 547-9446
adam.kupetsky@wiltel.com

Jonathan S. Marashlian, Esq.
The Helein Law Group, LLLP
8180 Greensboro Drive, Suite 700
McLean, VA 22102
Tel. No. (703) 714-1313
Fax. No. (703) 714-1330
ism@thlglaw.com
Atty. for Azul Tel.

Charles (Gene) E. Watkins (+)
Senior Counsel
Government & External Affairs
Covad Communications Company
1230 Peachtree Street NE
Suite 1900
Atlanta, GA 30309
Tel. No. (678) 528.6816
Fax No. (678) 528.6806
Cell No. (404) 915.0018
gwatkins@covad.com


Meredith E. Mays

(+)signed Protective Agreement
(*) via FedEx

US District Court Civil Docket

U.S. District - Maine
(Bangor)

1:05cv53

Verizon New England Inc v. Public Utilities Commission of Maine et A

This case was retrieved from the court on Tuesday, September 27, 2005

Date Filed:	04/01/2005	Class Code:	
Assigned To:	Judge George Z Singal	Closed:	No
Referred To:		Statute:	28:1331
Nature of suit:	Other Statutory Actions (890)	Jury Demand:	None
Cause:	Fed Question: Fed Communications Act of 1	Demand Amount:	\$0
Lead Docket:	None	NOS Description:	Other Statutory Actions
Other Docket:	None		
Jurisdiction:	Federal Question		

Litigants

Verizon New England Inc Doing Business as Verizon Maine
Plaintiff

Public Utilities Commission of Maine
Defendant

Attorneys

Mark E Porada
[COR LD NTC]
Pierce, Atwood LLP
One Monument Square
Portland, ME 04101-1110
USA
791-1100
Email: Mporada@pierceatwood.com

William D Hewitt
[COR LD NTC]
Pierce, Atwood LLP
One Monument Square
Portland, ME 04101-1110
USA
791-1100
Email: Whewitt@pierceatwood.com

Trina M Bragdon
[COR LD NTC]
Maine Public Utilities Commission
State House Station 18
Augusta, ME 04333
USA
(207) 287-1392
Email: Trina.m.bragdon@maine.gov

Andrew S Hagler
[COR LD NTC]
Maine Public Utilities Commission
State House Station 18
Augusta, ME 04333

	USA 207-287-4524 Email: Andrew.s.hagler@maine.gov
Stephen L Diamond in His Official Capacity as Commissioner of The Maine Public Utilities Commission Defendant	Andrew S Hagler [COR LD NTC] Maine Public Utilities Commission State House Station 18 Augusta, ME 04333 USA 207-287-4524 Email: Andrew.s.hagler@maine.gov
	Trina M Bragdon [COR LD NTC] Maine Public Utilities Commission State House Station 18 Augusta, ME 04333 USA (207) 287-1392 Email: Trina.m.bragdon@maine.gov
Sharon M Reishus in Her Official Capacity as Commissioner of The Maine Public Utilities Commission Defendant	Andrew S Hagler [COR LD NTC] Maine Public Utilities Commission State House Station 18 Augusta, ME 04333 USA 207-287-4524 Email: Andrew.s.hagler@maine.gov
	Trina M Bragdon [COR LD NTC] Maine Public Utilities Commission State House Station 18 Augusta, ME 04333 USA (207) 287-1392 Email: Trina.m.bragdon@maine.gov
John Doe in His Official Capacity as Commissioner of The Maine Public Utilities Commission Defendant	Andrew S Hagler [COR LD NTC] Maine Public Utilities Commission State House Station 18 Augusta, ME 04333 USA 207-287-4524 Email: Andrew.s.hagler@maine.gov
	Trina M Bragdon [COR LD NTC] Maine Public Utilities Commission State House Station 18 Augusta, ME 04333 USA (207) 287-1392 Email: Trina.m.bragdon@maine.gov
Comptel/ Alts Other	Rebecca S Webber [COR LD NTC] Linnell, Choate & Webber, LLP P O Box 190 Auburn, ME 04212-0190 USA 784-4563 Email: Rwebber@icwlaw.com
Biddeford Internet Corporation D/B/A Great Works Internet Other	Frederick S Samp [COR LD NTC]

[Term: 07/20/2005]

Great Works Internet
8 Pomerleau Street
Biddeford, ME 04005
USA
207-286-8686 Ext 136
Email: Esamp@gwi.net

Cornerstone Communications, Llc
Other
[Term: 07/20/2005]

Frederick S Samp
[COR LD NTC]
Great Works Internet
8 Pomerleau Street
Biddeford, ME 04005
USA
207-286-8686 Ext 136
Email: Esamp@gwi.net

Skowhegan Online Inc
Other
[Term: 07/20/2005]

Frederick S Samp
[COR LD NTC]
Great Works Internet
8 Pomerleau Street
Biddeford, ME 04005
USA
207-286-8686 Ext 136
Email: Esamp@gwi.net

Date	#	Proceeding Text
04/01/2005	1	COMPLAINT against PUBLIC UTILITIES COMMISSION OF MAINE, STEPHEN L DIAMOND, SHARON M REISHUS, JOHN DOE , filed by VERIZON NEW ENGLAND INC. (Service of Process Deadline 8/1/2005)(bfa,) (Entered: 04/04/2005)
04/04/2005	--	Filing Fee Received from VERIZON NEW ENGLAND INC: Amount Paid: \$250. Receipt Number: 205000692. Method of Payment: credit card. Purpose of Payment: civil filing fee. Date Paid: 4/4/2005 re 1 Complaint. (bfa,) (Entered: 04/04/2005)
04/04/2005	2	Summons Issued as to PUBLIC UTILITIES COMMISSION OF MAINE, STEPHEN L DIAMOND, SHARON M REISHUS, JOHN DOE. Counsel shall print the embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4. Note-If you are using Version 6 of Adobe Acrobat, be sure the PRINT WHAT field is set to DOCUMENTS AND COMMENTS (Click File, then Print to check this setting). (Attachments: # 1 Diamond summons# 2 Reishus summons# 3 Doe summons)(bfa,) (Entered: 04/04/2005)
04/04/2005	3	CORPORATE DISCLOSURE STATEMENT by VERIZON NEW ENGLAND INC. (PORADA, MARK) (Entered: 04/04/2005)
04/07/2005	4	SUMMONS Returned Executed PUBLIC UTILITIES COMMISSION OF MAINE served on 4/6/2005. (PORADA, MARK) (Entered: 04/07/2005)
04/07/2005	5	SUMMONS Returned Executed STEPHEN L DIAMOND served on 4/6/2005. (PORADA, MARK) (Entered: 04/07/2005)
04/07/2005	6	SUMMONS Returned Executed SHARON M REISHUS served on 4/6/2005. (PORADA, MARK) (Entered: 04/07/2005)
04/07/2005	7	SUMMONS Returned Executed JOHN DOE served on 4/6/2005. (PORADA, MARK) (Entered: 04/07/2005)
04/07/2005	--	Set Answer Deadline Defendants were served on April 6, 2005: Answer due by 4/26/2005.(mjl,) (Entered: 04/08/2005)
04/25/2005	8	ANSWER to Complaint by PUBLIC UTILITIES COMMISSION OF MAINE, STEPHEN L DIAMOND, SHARON M REISHUS, JOHN DOE.(BRAGDON, TRINA) (Entered: 04/25/2005)
04/26/2005	9	SCHEDULING ORDER: Discovery due by 9/27/2005. Motions due by 10/4/2005. Ready for Trial on 1/10/2006. By Judge MARGARET J. KRAVCHUK. (CWP,) (Entered: 04/26/2005)
05/20/2005	10	MOTION to Intervene by BIDDEFORD INTERNET CORPORATION D/B/A GREAT WORKS INTERNET, CORNERSTONE COMMUNICATIONS, LLC, SKOWHEGAN ONLINE, INC. WITH INCORPORATED MEMO.Responses due by 6/10/2005. (SAMP, FREDERICK) (Entered: 05/20/2005)

06/10/2005 11 RESPONSE in Opposition re 10 MOTION to Intervene of Biddeford Internet Corporation d/b/a Great Works Internet, Skowhegan Online, Inc., and Cornerstone Communications, LLC, filed by VERIZON NEW ENGLAND INC.Reply due by 6/21/2005. (Attachments: # 1 Exhibit A)(PORADA, MARK) (Entered: 06/10/2005)

06/21/2005 12 REPLY to Response to Motion re 10 MOTION to Intervene filed by BIDDEFORD INTERNET CORPORATION D/B/A GREAT WORKS INTERNET, CORNERSTONE COMMUNICATIONS, LLC, SKOWHEGAN ONLINE INC. (SAMP, FREDERICK) (Entered: 06/21/2005)

06/21/2005 13 ANSWER to Complaint by BIDDEFORD INTERNET CORPORATION D/B/A GREAT WORKS INTERNET, CORNERSTONE COMMUNICATIONS, LLC, SKOWHEGAN ONLINE INC.(SAMP, FREDERICK) (Entered: 06/21/2005)

07/08/2005 14 MOTION to Stay by VERIZON NEW ENGLAND INC WITH INCORPORATED MEMO.Responses due by 7/29/2005. (Attachments: # 1 Exhibit A - Hearing Examiner's Report)(PORADA, MARK) (Entered: 07/08/2005)

07/11/2005 15 FILED IN ERRO: MOTION for Leave to Participate as Amicus Curiae Plus by COMPTTEL/ALTS With Incorporated Memorandum.Responses due by 8/1/2005. (WEBBER, REBECCA) Modified on 7/12/2005 (ckb,) to indicate filing was made in error because it is missing a typed signature. (Entered: 07/11/2005)

07/12/2005 16 MOTION for Leave to Participate as Amicus Curiae Plus by COMPTTEL/ALTS With Incorporated Memorandum.Responses due by 8/2/2005. (WEBBER, REBECCA) (Entered: 07/12/2005)

07/12/2005 -- NOTICE of Docket Entry Modification regarding 15 MOTION for Leave to Participate as Amicus Curiae Plus: This filing has been edited by the Clerk's Office to indicate it was filed in error because it lacked Attorney Webber's typed signature. Attorney Webber refiled this motion on July 12, 2005. See pleading number 16 which is the new Motion for Leave to Participate as Amicus Curiae Plus. (ckb,) (Entered: 07/12/2005)

07/19/2005 17 RESPONSE to Motion re 14 MOTION to Stay filed by PUBLIC UTILITIES COMMISSION OF MAINE, STEPHEN L DIAMOND, SHARON M REISHUS, JOHN DOE.Reply due by 8/1/2005. (BRAGDON, TRINA) (Entered: 07/19/2005)

07/19/2005 18 RESPONSE to Motion re 10 MOTION to Intervene, 16 MOTION for Leave to Participate as Amicus Curiae Plus filed by PUBLIC UTILITIES COMMISSION OF MAINE, STEPHEN L DIAMOND, SHARON M REISHUS, JOHN DOE.Reply due by 8/1/2005. (BRAGDON, TRINA) (Entered: 07/19/2005)

07/20/2005 19 ORDER granting without objection 14 Motion to Stay. Verizon has 20 days from the issuance of the MPUC's Order to file a motion to amend its complaint. If that order has not issued by July 28, 2005, the parties shall contact the court regarding scheduling. At this point in time the motion to amend is due 20 days after July 25, 2005. Within 10 days of the date of filing the motion to amend the complaint the parties shall confer and following that conference counsel for Verizon shall contact my chambers to schedule a case management conference regarding a modified scheduling order. Prior to that conference, and no later than 21 days after filing the motion to amend,the parties shall submit a written proposed modified scheduling order, noting therein any points of disagreement. By Judge MARGARET J. KRAVCHUK. (KRAVCHUK, MARGARET) (Entered: 07/20/2005)

07/20/2005 20 ORDER denying 10 Motion to Intervene By Judge GEORGE Z. SINGAL. (ckb,) (Entered: 07/20/2005)

07/26/2005 21 Minute Entry for proceedings held before Judge MARGARET J. KRAVCHUK : Telephone Conference held. Report to follow. (CWP,) (Entered: 07/26/2005)

07/26/2005 22 REPORT OF CONFERENCE OF COUNSEL AND ORDER Specific Document Deadline (1) due by 9/6/2005. By Judge MARGARET J. KRAVCHUK. (CWP,) (Entered: 07/26/2005)

09/02/2005 23 NOTICE/CORRESPONDENCE Re: July 26, 2005 Scheduling Order by PUBLIC UTILITIES COMMISSION OF MAINE, STEPHEN L DIAMOND, SHARON M REISHUS, JOHN DOE (BRAGDON, TRINA) (Entered: 09/02/2005)

09/02/2005 24 NOTICE of Appearance by ANDREW S. HAGLER on behalf of all defendants (HAGLER, ANDREW) (Entered: 09/02/2005)

09/07/2005 25 PROCEDURAL ORDER. By Judge MARGARET J. KRAVCHUK. (CWP,) (Entered: 09/07/2005)

09/15/2005 26 NOTICE/CORRESPONDENCE Re: Release of Order by PUBLIC UTILITIES COMMISSION OF MAINE, STEPHEN L DIAMOND, SHARON M REISHUS, JOHN DOE (BRAGDON, TRINA) (Entered: 09/15/2005)

09/16/2005 -- Set Deadlines as to 16 MOTION for Leave to Participate as Amicus Curiae Plus- Pursuant To Judge Kravchuk's Order dated &/26/05 (Pleading No. 22): Responses due by 10/4/2005.(mjlt,) (Entered: 09/16/2005)

09/22/2005 27 MOTION to Amend 1 Complaint by VERIZON NEW ENGLAND INC WITH INCORPORATED MEMO.Responses due by 10/13/2005. (Attachments: # 1 Exhibit A: Proposed First Amended Complaint)(PORADA, MARK) (Entered: 09/22/2005)

09/22/2005 28 MOTION for Preliminary Injunction by VERIZON NEW ENGLAND INC WITH INCORPORATED MEMO.Responses due by 10/13/2005. (PORADA, MARK) (Entered: 09/22/2005)

09/22/2005 29 AFFIDAVIT of Robert D. Meehan re 28 MOTION for Preliminary Injunction filed by VERIZON NEW ENGLAND INC. (Attachments: # 1 Exhibit A: PUC September 3, 2004 Order# 2 Exhibit B: PUC March 27, 2005 Order# 3 Exhibit C: PUC September 13, 2005 Order (part 1)# 4 Exhibit C: PUC September 13, 2005 Order (part 2)# 5 Exhibit C: PUC September 13, 2005 Order (part 3)# 6 Exhibit D: CLEC Letter)(PORADA, MARK) (Entered: 09/22/2005)