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ORIGINAL

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**Sent:** Tuesday, December 27, 2005 4:41 PM  
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**Subject:** E-filing for FPSC Docket No. 040156-TP  
**Attachments:** FDN Response to Verizon Motion for Reconsideration.doc

To: Division of the Commission Clerk and Administrative Services

Please find attached for filing in the captioned docket FDN Communication's Response to Verizon-Florida, Inc.'s Motion for Reconsideration.

In accordance with the Commission's e-filing procedures, the following information is provided:

(a) The person responsible for this filing is:

Name: Matthew J. Feil, General Counsel  
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- (b) Docket No. and Title: 040156-TP, Petition for arbitration of amendment to interconnection agreements with certain competitive local exchange carriers and commercial mobile radio service providers in Florida by Verizon Florida Inc.
- (c) The party on whose behalf the document is filed: Florida Digital Network, Inc. d/b/a FDN Communications
- (d) Number of pages of the document: 6 pages.
- (e) Description of each document attached: FDN Response to Verizon-Florida, Inc.'s Motion for Reconsideration by Florida Digital Network, Inc. d/b/a FDN Communications.

*Thank You!*  
Glenda Chapman  
Executive Administrative Assistant  
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*Life is like a coin, you can spend it any way you wish, but you can only spend it once....*

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

12/28/2005

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Arbitration of )  
Amendment Interconnection Agree- )  
ments with Certain Competitive )  
Local Exchange Carriers and )  
Commercial Mobile Radio Service )  
Providers in Florida by Verizon )  
Florida, Inc. )  
\_\_\_\_\_ )

Filed: December 27, 2005

Docket No.: 040156-TP

**ORIGINAL**

**RESPONSE OF FLORIDA DIGITAL NETWORK, INC.**  
**d/b/a FDN COMMUNICATIONS TO VERIZON-FLORIDA, INC.'S MOTION**  
**FOR RECONSIDERATION AND CLARIFICATION**

Pursuant to Rules 25-22.060 and 25-28.106.204, Florida Administrative Code, Florida Digital Network, Inc., d/b/a FDN Communications ("FDN") respectfully responds to the Motion for Reconsideration and Clarification ("Motion") filed by Verizon-Florida, Inc. ("Verizon") on December 20, 2005. In support of this Response, FDN states as follows:

1. This Response concerns only the third point (Part III) in Verizon's Motion,<sup>1</sup> which appears under the heading "Verizon Asks the Commission to Clarify that It Did Not Intend to Eliminate Any Conversion-Related Rates It Already Established."<sup>2</sup> FDN believes that Part III is not sufficiently clear in the relief sought; therefore, pending clarification from Verizon, FDN opposes Part III of Verizon's Motion.<sup>3</sup>

2. FDN believes that the Final Order (1) presently bars Verizon from assessing conversion charges and (2) does not preclude Verizon from charging pre-

<sup>1</sup> FDN has no comment or response to the first two points in Verizon's Motion at this time.

<sup>2</sup> See pp. 6 – 7 of Verizon's Motion.

<sup>3</sup> FDN attempted to resolve its concerns and questions with Verizon, but because of availability issues and the intervening holidays, the parties were unable to conclude discussions before this response was due. (FDN was emailed a copy of Verizon's Motion on December 20.)

existing, approved charges for services other than conversions. If that is all there is to Part III, then FDN and Verizon would appear to have no disagreement. However, the heading for Part III of Verizon's Motion asks the Commission to affirm it did not intend to eliminate "Any **Conversion-Related** Rates." And it is unclear from Verizon's Motion whether Verizon asserts there are pre-existing, approved charges that do apply to conversions, let alone which conversions and which charges.

3. Absent clarification from Verizon on the relief it seeks, FDN maintains that the Commission's Final Order speaks for itself, there is no need for clarification by the Commission as to Part III, and there are no charges for performing conversions.

WHEREFORE, for the foregoing reasons, the Commission should deny Part III of Verizon's Motion.

Respectfully submitted this 27th of  
December, 2005.

\_\_\_\_\_/s/\_\_\_\_\_  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Arbitration of )  
Amendment Interconnection Agree- )  
ments with Certain Competitive )  
Local Exchange Carriers and )  
Commercial Mobile Radio Service )  
Providers in Florida by Verizon )  
Florida, Inc. )

Docket No.: 040156-TP

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was sent by e-mail, for those with an email address listed below, and U.S. mail to the persons listed below this 27<sup>th</sup> day of December 2005.

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This 27<sup>th</sup> day of December, 2005.

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