



Public Service Commission

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DATE: March 24, 2006

TO: Docket File

FROM: Jeff Bates (Division of Competitive Markets and Enforcement) *JB*
 Lee Eng Tan (Office of the General Counsel) *LT*
 Kira Scott (Office of the General Counsel) *KS PW* *SAS*

RE: Docket No. 050936-TP - Request for approval of resale agreement between BellSouth Telecommunications, Inc. and Esodus Communications, Inc. d/b/a Excelink Communications d/b/a Instatone.

By letter received December 22, 2005, BellSouth Telecommunications, Inc. filed a request for approval of resale agreement with Esodus Communications, Inc. d/b/a Excelink Communications d/b/a Instatone. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(e)(4) 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 was March 22, 2006.

Staff reviewed the agreement in this Docket on March 20, 2006. The agreement met the criteria outlined in Section 2.07.C.5.d of the Administrative Procedures Manual. Therefore, it has gone 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 3/24/06 HWS

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