

Section 1 - Bureau of Records Completes

Docket No. 040601-TP Date Docketed: 06/23/2004 Title: Petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of issue resulting from interconnection negotiations with BellSouth Telecommunications, Inc., and request for expedited processing.

Company: BellSouth Telecommunications, Inc.
DIECA Communications, Inc. d/b/a Covad Comm

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("()") indicates OPR

CCA	(CMP)	ECR	FLL	GCL	MMS	PIF	RCA	SCR
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Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module A20(b)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff

Staff Counsel

OCRs

	Current CASR revision level	Due Dates	
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Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: _____

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: DOCUMENT NUMBER-DATE

Date: 07540 AUG 24 5

Section 1 - Bureau of Records Complete

Docket No. 040601-TP Date Docketed: 06/23/2004 Title: Petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of issue resulting from interconnection negotiations with BellSouth Telecommunications, Inc., and request for expedited processing.

Company: BellSouth Telecommunications, Inc.
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Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("O") indicates OPR

CCA	(CMP)	ECR	FLL	GCL	MMS	PIF	RCA	SCR
	X			X				

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

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 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff D Dowds, K Kennedy

Staff Counsel A Teitzman

OCRs

	Current CASR revision level	Due Dates	
		Previous	Current
1. Company Response	0	NONE	07/19/2004
2. Revised CASR Due		NONE	08/31/2004
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: 06/28/2004

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB/Am
 Date: 06/28/2004

Section 1 - Bureau of Records Completed

Docket No. 040601-TP Date Docketed: 06/23/2004 Title: Petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of issue resulting from interconnection negotiations with BellSouth Telecommunications, Inc., and request for expedited processing.
 Company: BellSouth Telecommunications, Inc.
DIECA Communications, Inc. d/b/a Covad

Official Filing Date: _____ Expiration: _____

Last Day to Suspend: _____

Referred to:

("O" indicates OPR)

CCA	(CMP)	ECR	FLL	GCL	MMS	PIF	RCA	SCR
	X			X				

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module A20(b)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff	D Dowds, K Kennedy	1	Current CASR revision level	Due Dates	
				Previous	Current
		1.	Briefs Due on Line Sharing	NONE	09/03/2004
		2.	Staff Recommendation	NONE	09/23/2004
		3.	Agenda	NONE	10/05/2004
		4.	Standard Order	NONE	10/25/2004
		5.	Revised CASR Due	NONE	11/08/2004
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Staff Counsel	A Teitzman	8.			
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Recommended assignments for hearing and/or deciding this case:		31.			
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Full Commission <u>X</u> Commission Panel _____		33.			
Hearing _____ Staff _____		34.			
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Date filed with CCA: <u>08/30/2004</u>		36.			
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Initials OPR _____		38.			
Staff Counsel _____		39.			
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	JB	BD	DV		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]
 Date: 08/30/2004

Section 1 - Bureau of Records Complete

Docket No. 040601-TP Date Docketed: 06/23/2004 Title: Petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of issue resulting from interconnection negotiations with BellSouth Telecommunications, Inc., and request for expedited processing.

Company: BellSouth Telecommunications, Inc.
DIECA Communications, Inc. d/b/a Cov

Official Filing Date: _____ Expiration: _____
Last Day to Suspend: _____

Referred to: _____
("O" indicates OPR)

CCA	(CMP)	ECR	FLL	GCL	MMS	PIF	RCA	SCR
	X			X				

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module A20(b)
**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments		Due Dates	
		Previous	Current
<u>OPR Staff</u>	<u>D Dowds, K Kennedy</u>		
	<input checked="" type="checkbox"/> 2 Current CASR revision level		
	1. Conference Call	NONE	02/18/2005
	2. Revised CASR Due	NONE	02/25/2005
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<u>Staff Counsel</u>	<u>A Teitzman</u>		
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<u>OCRs</u>	10.		
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Recommended assignments for hearing and/or deciding this case:
 Full Commission ___ Commission Panel X
 Hearing ___ Staff ___
 Date filed with CCA: 02/10/2005
 Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	DV	ED		
	X	X	X	X			

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	DV	ED	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB/Am
 Date: 02/10/2005

STATE OF FLORIDA

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION
CLERK & ADMINISTRATIVE
SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

June 24, 2004

Vicki Gordon Kaufman, Attorney
McWhirter Reeves McGlothlin
Davidson Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301

Re: Docket No. 040601-TP

Dear Ms. Kaufman:

This will acknowledge receipt of a petition by DIECA Communications, Inc. d/b/a Covad Communications Company for arbitration of issue resulting from interconnection negotiations with BellSouth Telecommunications, Inc., and request for expedited processing, which was filed in this office on June 23, 2004, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

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DOCUMENT NUMBER-DATE

07540 AUG 24 04

FPSC-COMMISSION CLERK

Kemp



1230 Peachtree Street, NE, Suite 1900, Atlanta, GA 30309

F> 404-942-3495

OUR ADDRESS HAS CHANGED...

The US Postal Service has issued a new regulation which provides for their right to refuse delivery of mail unless our official USPS address is used.

Effective immediately, please change your records to reflect this minor change and to ensure that any future correspondence or pleadings are properly handled by the USPS and delivered to Covad.

Covad Communications
1230 Peachtree Street, NE
Suite 1900
Atlanta, Georgia 30309

General Fax No.: 404-942-3495

If you have any questions, please feel free to call me at 404.942.3491.

Thank you,

Jayna Bell
Government & External Affairs

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COMMISSION
CLERK

The Checklist Item 4 Obligation

The issue you must decide: Is Line Sharing a Checklist Item 4 Element?

To what authority do you look to make that decision?

What the court has said: D.C. Cir – USTA II

The FCC reasonably concluded that checklist items **four**, five, six and ten imposed unbundling requirements for those elements *independent* of the unbundling requirements imposed by §§251-52. In other words, even in the absence of impairment, BOCs must nbundled local loops, local transport, local switching, and call-related databases in order to enter the interLATA market. Order ¶¶ 653-54.¹

What the FCC has said:

The *Massachusetts 271 Order*:

On December 9, 1999 the Commission released the *Line Sharing Order* that, among other things, defined the high-frequency portion of local loops as a UNE that must be provided to requesting carriers on a nondiscriminatory basis pursuant to section 251c(3) of the Act and, thus, checklist items 2 **and 4** of section 271.²

The *Florida and Tennessee 271 Order*:

BellSouth’s provisioning of the **line shared loops** satisfies **checklist item 4**.³

The *Georgia 271 Order*:

We find that, given BellSouth’s generally acceptable performance for all other categories of **line-shared loops**, BellSouth’s performance is in compliance with **checklist item 4**.⁴

¹ USTA II (United States Telecom Association v. FCC, 359 F.3d 554 (D.C.Cir. 2004), p. 52.

² *In the Matter of Application of Verizon New England, Inc. et al. for Authorization to Provide In-Region, InterLATA Services in Massachusetts*, Memorandum Opinion and Order (April 16, 2001) at ¶ 164 (emphasis added).

³ *In the Matter of: Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Florida and Tennessee*, Memorandum Opinion and Order, WC Docket No. 02-307, FCC 02-331, Released December 19, 2002 at ¶ 144 (emphasis added).

⁴ *In the Matter of: Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana*, Memorandum Opinion and Order, WC Docket No. 02-35, FCC 02-147, Released May 15, 2002, ¶ 239

Your Staff bases its recommendations on 2 points: Lynch Pin #1 – “inconsistent treatment”

Staff Recommendation at p. 9:

Other orders indicate that line sharing is not required under checklist item 4, and therefore the FCC’s finding of no impairment in the TRO would relieve a BOC from its obligation to provide line sharing.” (citing via fn 31: “*Georgia 271 Order* at ¶ 239. See also *Illinois, Indiana, Ohio, and Wisconsin 271 Order* at ¶ 142.”).

Georgia/Louisiana 271 Order at ¶ 239 (emphasis added) reads, *in toto*:

239. BellSouth’s performance with regard to the customer trouble report rate is out of parity for several recent months in Louisiana. According to BellSouth, however, several of the customer trouble reports in November and December 2001, and January 2002, were actually information reports from competitive LECs and were not an indication of actual trouble. Moreover, BellSouth’s performance data show that customer trouble reports for competitive LECs decreased from 9.60 percent in January to 2.11 percent in February in Louisiana. We find that, given BellSouth’s generally acceptable performance for all other categories of line-shared loops, BellSouth’s performance is in compliance with checklist item 4. As the Commission has stated in the past, isolated cases of performance disparity, especially when the margin of disparity is small, generally will not result in a finding of checklist noncompliance. No commenter has raised concerns with BellSouth’s line sharing customer trouble report rate in Louisiana.

Illinois, Indiana, Ohio, and Wisconsin 271 Order at ¶ 142 reads, *in toto*:

C. Checklist item 4 – Unbundled Local Loops

142. Section 271(c)(2)(B) of the Act requires that a BOC provide “local loop transmission from the central office to the customer’s premises, unbundled from local switching or other services.” Based on evidence in the record, we conclude, consistent with the state commissions, that SBC provides unbundled local loops in accordance with the requirements of section 271 and our rules. Our conclusion is based on our review of SBC’s performance for all loop types, which include voice grade loops, xDSL-capable loops, digital loops, and high-capacity loops, as well as our review of SBC’s processes for hot cut provisioning, and line sharing and line splitting. SBC has provisioned thousands of stand-alone loop UNEs in the four application states; 319,000 in Illinois; 53,000 in Indiana; 125,470 in Ohio; and 229,539 in Wisconsin.

Lynch Pin #2 – “plain language”

Staff Recommendation at p. 10 (emphasis added):

In light of the inconsistent regulatory treatment of section 271 line sharing by the FCC, staff believes the Commission should look to the plain language of section 271, which provides, in pertinent part,

(B) Competitive checklist

Access or interconnection provided or generally offered by a Bell operating company to other telecommunication carriers meets the requirements of this subparagraph if such access and interconnection includes each of the following:

* * *

(iv) Local loop transmission from the central office to the customer's premises unbundled from local switching.

...based on this understanding of line sharing, staff does not believe line sharing meets the requirements of the item 4 checklist.

If checklist item 4 is just the local loop (and nothing more), what is the reference to “transmission” in the definition? The interpretation in the Recommendation renders the reference to “transmission” superfluous – in violation of basic statutory interpretation. See *United States v. Menasche*, 348 U.S. 528, 538-39 (1955) (holding that “It is our duty to give effect, if possible, to every clause and word of a statute.”)(internal quotation marks omitted); see also *TRO* at ¶ 654 (favorably citing *Menasche* for the above-quoted “enduring tenet[] of statutory construction”).

Contrast what your staff says with what the FCC says about loop transmission:

The FCC on “local loop transmission”

Florida/Tennessee 271 Order at D-29, ¶ 48:

Section 271(c)(2)(B)(iv) of the Act, item 4 of the competitive checklist, requires that a BOC provide “local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.” The Commission has defined the loop as a transmission facility between a distribution frame, or its equivalent, in an incumbent LEC central office, and the demarcation point at the customer premises.

47 C.F.R. § 51.319(a)(1)(i) -- *Line Sharing* provides, in pertinent part (emphasis added):

Line sharing is the process by which a requesting telecommunications carrier provides digital subscriber line service over the same copper loop that the incumbent LEC uses to provide voice service, with the incumbent LEC using the low frequency portion of the loop and the requesting telecommunications carrier using the high frequency portion of the loop. The high frequency portion of the loop consists of the frequency range on the copper loop above the range that carries the analog circuit-switched voice transmissions. This portion of the loop includes the features, functions, and capabilities of the loop that are used to establish a complete transmission path on the high frequency range between the incumbent LEC's distribution frame (or its equivalent) in its central office and the demarcation point at the end-user customer premises, and includes the high frequency portion of any inside wire owned or controlled by the incumbent LEC.

Rulings From Other States (Commissions and/or Staffs) in this Proceeding

LA Staff-

While the FCC never definitively stated whether line sharing is a loop transmission facility as contemplated by Section 271(c)(2)(b), it is nonetheless clear that it found that BellSouth had at the time of its 271 application, an obligation to provide line sharing in connection with Checklist Item 4. Additionally, the FCC has made no pronouncement absolving BellSouth of a continuing obligation to comply with the requirements of Section 271, including, but not limited to, line sharing. Absent such a pronouncement, Staff must conclude the obligation continues to exist.⁵

LA ALJ-

The LPSC, the FCC and other state commissions have included line sharing and the high frequency portion of the loop when evaluating Checklist Item 4, absent further direction from the FCC or from the Court, it is reasonable to conclude that line sharing is a Checklist item 4.⁶

NC Public Staff-

The Public Staff urges the Commission to find that line sharing is a part of the Checklist Item 4 obligations of BellSouth.⁷

**Rulings From Other States (Commissions and/or Staffs)
in Other Proceedings**

PA Commission-

[I]t is a reasonable interpretation of Checklist item #4 to also include the HFPL of the local loop. . . . line sharing was a Section 271 checklist item and no present FCC decision has eliminated this from Verizon PA's ongoing Section 271 obligations.⁸

⁵ Staff's Brief Concerning The 47 USC § 271 Status of Line Sharing, *In re: Petition for Arbitration of Interconnection Agreement Amendment with BellSouth Telecommunications, Inc. Pursuant to Section 252(B) of the Telecommunications Act of 1996*, LAPSC Docket No. U-28027, filed September 10, 2004, p. 5.

⁶ Final Recommendation of the Administrative Law Judge, *In re: Petition for Arbitration of Interconnection Agreement Amendment with BellSouth Telecommunications, Inc. Pursuant to Section 252(B) of the Telecommunications Act of 1996*, LAPSC Docket No. U-28027, filed September 27, 2004, p. 5.

⁷ Public Staff Comments on Line Sharing, *In the Matter of Petition of DIECA Communications, Inc., d/b/a Covad Communications Company for Arbitration of Interconnection Agreement Amendment with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Telecommunications Act of 1996*, NCUC Docket No. P-775, Sub 8, filed September 10, 2004, p. 4.

⁸ Opinion and Order, *Covad Communications Company v. Verizon Pennsylvania Inc.*, Pennsylvania Public Utility Commission Docket No. R-00038871C0001, issued July 8, 2004, pp. 19-20.

ME Examiner-

Verizon must continue to offer line sharing pursuant to Checklist Item No. 4 of section 271.⁹

GA PSC-

Even though line sharing is no longer a UNE, BellSouth still must provide it pursuant to the transitional mechanism ordered by the FCC and Section 271 checklist item 4.¹⁰

NCUC -

[T]he Commission believes that BellSouth remains obligated to provide the HFPL under Section 271 of the Act.¹¹

⁹ Examiner's Report, *Verizon-Maine Proposed Schedules, Terms, Conditions and Rates for Unbundled Network Elements and Interconnection (PUC 20) and Resold Services (PUC 21)*, Maine Public Utilities Commission, Docket No. 2002-682, issued July 23, 2004, p. 1.

¹⁰ Order Denying BellSouth Telecommunications, Inc.'s Motion to Modify Self-Effectuating Enforcement Mechanism Plan, GPSC Docket No. 7892-U, issued Jan. 14, 2004, p. 3 (modified by Order on Reconsideration, GPSC Docket No. 7892-U, issued February 17, 2004, pp. 3-4 (Modifying its prior order "to remove the ground for denial . . . relating to whether BellSouth has an independent and ongoing access obligation under Section 271 to provide line sharing. The reason for taking this action is that the issue of an ongoing Section 271 line sharing obligation does not need to be resolved to address BellSouth's original motion.")).

¹¹ Order Denying BellSouth's Motion to Modify the SEEM Plan, NCUC Docket No. P-100, 133k, issued February 13, 2004, p. 23 (modified by Order on Reconsideration of Order Denying BellSouth's Motion to Modify the SEEM Plan, NCUC Docket No. P-100, 133k, issued July 13, 2004, p. 27-28 ("the Commission is not convinced that line sharing will no longer be required under Section 271 although it has been removed by the FCC in the TRO as a Section 251 UNE. However, due to the fact that the Commission finding in the *February 13, 2004* Order in this docket was not required for the Commission to reach its decision to deny BellSouth's Motion . . . the Commission believes that it is appropriate . . . to strike certain language . . .").

Marguerite Lockard

0747-PCo

RECEIVED FPSO

From: Mary Diskerud
Sent: Tuesday, August 03, 2004 2:41 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

3

06 AUG -3 PM 3:30

Date and Time: 8/3/2004 2:41:00 PM
Docket Number: 040601-TP
Filename / Path: 040601ext.ajt.doc
Order Type: Signed / Hand Deliver

COMMISSION
CLERK

Copied to gcorders

3/0

Matilda Sanders

0833-PCD

From: Andrea Cowart
Sent: Wednesday, August 25, 2004 4:00 PM
To: CCA - Orders / Notices; Adam Teitzman
Subject: Order / Notice Submitted

3

Date and Time: 8/25/2004 3:59:00 PM
Docket Number: 040601-TP
Filename / Path: 040601 procedural.ajt.doc
Order Type: Signed / Hand Deliver

RECEIVED-PPSC
AUG 26 AM 11:14
COMMISSION
CLERK

Order Approving Joint Proposal On Procedure

This does not have to go today.

3/0.



Public Service Commission

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

DATE: October 13, 2004

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

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 040601-TP, AGENDA HELD 10-05-04.

RE: PETITION BY DIECA COMMUNICATIONS, INC. d/b/a COVAD COMMUNICATIONS COMPANY FOR ARBITRATION OF ISSUE RESULTING FROM INTERCONNECTION NEGOTIATIONS WITH BELL SOUTH TELECOMMUNICATIONS, INC., AND REQUEST FOR EXPEDITED PROCESSING.

DOCUMENT NO.: 11001-04, 10/12/04

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

A handwritten signature in black ink, appearing to be "JF".

JF/rlm

CCA Official Filing

10/25/2004 4:27 PM*****

Matilda Sanders*1

Matilda Sanders

1044 - FOF

From: Jackie Schindler
Sent: Monday, October 25, 2004 4:25 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

4

Date and Time: 10/25/2004 4:24:00 PM
Docket Number: 040601-TP
Filename / Path: 040601OR.AJT.DOC

An ORDER REQUIRING PARTIES TO HONOR INTERCONNECTION AGREEMENT has been moved to GC Orders for issuance.

Thanks

js

3/0

MEREDITH E. MAYS
Senior Regulatory Counsel
BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0750

November 22, 2004

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

RECEIVED - FPSC
04 NOV 22 PM 4: 27
COMMISSION
CLERK

Re: Docket No. 040601-TP

Dear Ms. Bayó:

On November 19, 2004, BellSouth Telecommunications, Inc.'s electronically filed its Response in Opposition to Covad's Cross Motion for Reconsideration and Request for Oral Argument but inadvertently omitted to attach a word version of the same. A word version of BellSouth's Response is enclosed on diskette, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me.

Sincerely,

Meredith E. Mays
Meredith E. Mays *DN*

Enclosures

cc: Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

559653

RECEIVED & FILED
DN

FPSC-BUREAU OF RECORDS

**CERTIFICATE OF SERVICE
Docket No. 040601-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail this 22nd day of November, 2004 to the following:

Adam Teitzman
Staff Counsel
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6175
ateitzma@psc.state.fl.us

Charles E. (Gene) Watkins
Covad Communications Co.
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309
Tel. No. (404) 942-3492
g Watkins@covad.com

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin Davidson
Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Tel. No. (850) 222-2525
Fax No. (850) 222-5606
vkaufman@mac-law.com
Atty. for Covad


Meredith E. Mays

Matilda Sanders

PSC-05-0109-FOF-JP

From: Jackie Schindler
Sent: Wednesday, January 26, 2005 2:33 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

Date and Time: 1/26/2005 2:32:00 PM
Docket Number: 040601-tp
Filename / Path: oaorder.doc

10 pgs

An ORDER DENYING MOTION AND CROSS-MOTION FOR RECONSIDERATION AND GRANTING MOTION FOR CLARIFICATION has been moved to GC Orders for issuance. Thanks!

js

3/0.

Updated 9-6-05

BellSouth Telecommunications, Inc.
Regulatory & External Affairs
150 South Monroe Street
Suite 400
Tallahassee, FL 32301

Nancy H. Sims
Director
850 577 5555
Fax 850 222 8640

Nancy.Sims@Bellsouth.com

August 31, 2005

040601-TP

Mrs. Blanca Bayó
Division of the Commission Clerk
and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

TL720

TX031

RECEIVED-FPSC
7L-120
SEP -2 AM 9:51
COMMISSION
CLERK

Subject: Regulatory Contact Numbers for BellSouth

Dear Mrs. Bayó:

The BellSouth Telecommunications, Inc. Tallahassee Regulatory Office has recently changed telephone numbers. Please use this letter to change the official contact information for BellSouth that the Commission and the Commission Staff would use for BellSouth related matters. There is no change in the address or in the fax number that is used for Commission correspondence to BellSouth.

The main telephone number for the BellSouth Tallahassee Regulatory Office (Nancy H. Sims) has been changed from (850)222-1201 to (850)577-5555. Both numbers will be active for several months.

Other numbers for the BellSouth Regulatory staff are as follows:

- Jerry Hendrix (850)577-5550
- Stan Greer (850)577-5552
- MaryRose Sirianni (850)577-5553
- Robyn Holland (850)577-5551
- Wayne Tubaugh (850)577-5525

If you need any additional information, please let me know.

Yours truly,

Nancy H. Sims
Nancy H. Sims
Director - Regulatory Relations

*9-6-05
Copy to Ceal K. Pena
for info*

- | | | | |
|----------|----------------|---------------|--------------|
| Copy to: | Beth Salak | Richard Tudor | Cayce Hinton |
| | Dan Hoppe | Tim Devlin | Roberta Bass |
| | Richard Melson | Chuck Hill | Manny Arisso |
| | Mary Bane | Larry Harris | Bev DeMello |
| | Kevin Bloom | Katrina Tew | Beth Keating |

*Sims
old
P. 850)222-1201*

TX031

Docket Index Listing

000121A-TP ✓
000475-TP ✓
000731-TP ✓
001305-TP ✓
020507-TL ✓
020868-TL ✓
030137-TP ✓
030829-TP ✓
040028-TP ✓
040130-TP ✓
040301-TP ✓
040514-TP ✓
040527-TP ✓
040530-TP ✓
040601-TP ✓
040779-TP ✓
041114-TP ✓
041269-TP ✓
041338-TP ✓
050119-TP ✓
050125-TP ✓
050160-TP ✓
050171-TP ✓
050179-TL ✓
050194-TL ✓
050257-TL ✓

Docket Index Listing

050387-TP ✕
050417-TP ✕
050418-TP ✕
050419-TP ✕
050423-TP ✕
050424-TP ✕
050425-TP ✕
050426-TP ✕
050427-TP ✕
050433-TP ✕
050434-TP ✕
050435-TP ✕
050440-TP ✕
050441-TP ✕
050442-TP ✕
050444-TP ✕
050445-TP ✕
050446-TP ✕
050447-TP ✕
050450-TP ✕
050464-TP ✕
050465-TP ✕
050466-TP ✕
050469-TP ✕
050476-TP ✕
050478-TP ✕

Docket Index Listing

050479-TP X
050480-TP X
050491-TP X
050492-TP X
050493-TP X
050505-TP X
050513-TP X
050514-TP X
050515-TP X
050524-TP X
050538-TP X
050539-TP X
050558-TP X
050559-TP X
050560-TP X
050561-TP X
050562-TP X
050566-TL X
050567-TL X
050570-TP X

The Law Offices of
**MOYLE
FLANIGAN
KATZ
RAYMOND
& SHEEHAN
P.A.**

**THE PERKINS HOUSE
118 NORTH GADSDEN STREET
TALLAHASSEE, FLORIDA 32301**

**TELEPHONE (850) 681-3828
FACSIMILE (850) 681-8788**

**OTHER OFFICES:
WELLINGTON
WEST PALM BEACH**

990649
990649A
990649B
000121A
000121C
020507
020868
020960
031125
040488
040489
040601 ✓
040611
041114
041170
041269
041338
050111

FAX TRANSMISSION COVER SHEET

To: Records & Reporting
Firm/Company: PSC
Fax Number: 413.7118

Sender: Vicki Gordon Kaufman
Direct Line: (850) 681-3828

Date: March 3, 2005

MESSAGE

Attached is a list of the dockets where you have indicated which lawyers are involved. I have circled my name where I will continue to repre sent the client at my new firm. Where the client will remain with Mr. McWhirter and Mr. Perry I have circled their names. If you have any questions, please give me a call. And, thanks, as always, for your help. Vicki Gordon Kaufman

TOTAL NUMBER OF PAGES: 8 (Including Cover Sheet)
TELEPHONE NUMBER IN CASE OF TRANSMISSION ERROR: (850) 681-3828

PLEASE DELIVER IMMEDIATELY

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS A ATTORNEY/CLIENT PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE COLLECT AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR EXPENSES. THANK YOU.

*Done
eslorlos
wmp*

Docket Index Listing

990649-TP
 Docketed: May 20, 1999
 Status: Litigation
 Company: Incumbent Local Exchange Telecommunications Companies
 Title: Investigation into pricing of unbundled network elements.
 Progmod: A18 **Kaufman/McGlottlin**

990649A-TP
 Docketed: October 29, 2001
 Status: Litigation
 Company: Incumbent Local Exchange Telecommunications Companies
 Title: Investigation into pricing of unbundled network elements
 (BellSouth track).
 Progmod: A18 **Kaufman/McGlottlin**

990649B-TP
 Docketed: October 29, 2001
 Status: Litigation
 Company: Incumbent Local Exchange Telecommunications Companies
 Title: Investigation into pricing of unbundled network elements
 (Sprint/Verizon track).
 Progmod: A18 **Kaufman/McGlottlin**

000121A-TP
 Docketed: April 11, 2002
 Status: Active
 Company: BellSouth Telecommunications, Inc. (TL720)
 Title: Investigation into the establishment of operations support
 systems permanent performance measures for incumbent local
 exchange telecommunications companies. (BELLSOUTH TRACK)
 Progmod: A18 **McGlottlin/Kaufman**

000121C-TP
 Docketed: April 11, 2002
 Status: Active
 Company: Verizon Florida Inc. (TL710)
 Title: Investigation into the establishment of operations support
 systems permanent performance measures for incumbent local
 exchange telecommunications companies. (VERIZON FLORIDA
 TRACK)
 Progmod: A18 **Kaufman**

020233-EI
 Docketed: March 13, 2002
 Status: Active
 Company: Florida Power & Light Company (EI802)
 Florida Power Corporation (EI801).
 Tampa Electric Company (EI806)
 Title: Review of GridFlorida Regional Transmission Organization
 (RTO) Proposal.
 Progmod: B11 **Kaufman/Perry/McWhirter**

Docket Index Listing

020507-TL

Docketed: June 12, 2002
Status: Active
Company: BellSouth Telecommunications, Inc. (TL720)
Florida Competitive Carriers Association
Title: Complaint of Florida Competitive Carriers Association
against BellSouth Telecommunications, Inc. regarding
BellSouth's practice of refusing to provide FastAccess
Internet Service to customers who receive voice service from
a competitive voice provider, and request for expedited
relief.

Progmod: B6 Kaufman/Perry

020868-TL

Docketed: August 6, 2002
Status: Active
Company: BellSouth Telecommunications, Inc. (TL720)
Title: Petition by BellSouth Telecommunications, Inc. for
investigation of wireless carriers' request for BellSouth to
provide telecommunications service outside BellSouth's
exchange.

Progmod: B10 Kaufman

020960-TP

Docketed: September 6, 2002
Status: Active
Company: DIECA Communications, Inc. d/b/a Covad Communications Company (TX237)
Verizon Florida Inc. (TL710)
Title: Petition for arbitration of open issues resulting from
interconnection negotiations with Verizon Florida Inc. by
DIECA Communications, Inc. d/b/a Covad Communications
Company.

Progmod: A20(b) Kaufman

031033-EI

Docketed: November 5, 2003
Status: Active
Company: Tampa Electric Company (EI806)
Title: Review of Tampa Electric Company's 2004-2008 waterborne
transportation contract with TECO Transport and associated
benchmark.

Progmod: A3(a) ~~Kaufman~~/Perry/McWhirter

Docket Index Listing

031125-TP

Docketed: December 23, 2003
 Status: Active
 Company: BellSouth Telecommunications, Inc. (TL720)
 IDS Telcom LLC (TX559)
 IDS Telcom LLC (TJ500)
 Title: Complaint against BellSouth Telecommunications, Inc. for
 alleged overbilling and discontinuance of service, and
 petition for emergency order restoring service, by IDS
 Telcom LLC.
 Progmod: A9 **Kaufman/McGlothlin**

040029-EG

Docketed: January 13, 2004
 Status: Active
 Company: Florida Power & Light Company (EI802)
 Title: Petition for approval of numeric conservation goals by
 Florida Power & Light Company.
 Progmod: C5 **Kaufman/McWhirter**

040032-EG

Docketed: January 13, 2004
 Status: Active
 Company: Gulf Power Company (EI804)
 Title: Petition for approval of numeric conservation goals by Gulf
 Power Company.
 Progmod: C5 **Kaufman/McWhirter**

040033-EG

Docketed: January 13, 2004
 Status: Active
 Company: Tampa Electric Company (EI806)
 Title: Petition for approval of numeric conservation goals by Tampa
 Electric Company.
 Progmod: C5 **Kaufman/McWhirter**

040488-TP

Docketed: May 21, 2004
 Status: Active
 Company: BellSouth Telecommunications, Inc. (TL720)
 IDS Telcom LLC (TX559)
 Title: Complaint of BellSouth Telecommunications, Inc. against IDS
 Telcom LLC to enforce interconnection agreement deposit
 requirements.
 Progmod: A20(e) **Kaufman/McGlothlin**

Docket Index Listing

040489-TP

Docketed: May 21, 2004
 Status: Active
 Company: Allegiance Telecom of Florida, Inc. (TX342)
 BellSouth Telecommunications, Inc. (TL720)
 Verizon Florida Inc. (TL710)
 XO Florida, Inc. (TX205)
 Title: Emergency complaint seeking order requiring BellSouth
 Telecommunications, Inc. and Verizon Florida Inc. to
 continue to honor existing interconnection obligations, by
 XO Florida, Inc. and Allegiance Telecom of Florida, Inc.
 (collectively, Joint CLECs)
 Progmod: A20(e) **Kaufman**

040601-TP

Docketed: June 23, 2004
 Status: Active
 Company: BellSouth Telecommunications, Inc. (TL720)
 DIECA Communications, Inc. d/b/a Covad Communications Company (TX237)
 Title: Petition by DIECA Communications, Inc. d/b/a Covad
 Communications Company for arbitration of issue resulting
 from interconnection negotiations with BellSouth
 Telecommunications, Inc., and request for expedited
 processing.
 Progmod: A20(b) **Kaufman**

040611-TP

Docketed: June 25, 2004
 Status: Active
 Company: BellSouth Telecommunications, Inc. (TX031)
 IDS Telcom LLC (TX559)
 Title: Request for approval of amendment to interconnection,
 unbundling, resale, and collocation agreement between IDS
 Telcom LLC and BellSouth Telecommunications, Inc.
 Progmod: A20(f) **Kaufman/McBlotkin**

041114-TP

Docketed: September 22, 2004
 Status: Active
 Company: BellSouth Telecommunications, Inc. (TL720)
 XO Florida, Inc. (TX205)
 Title: Complaint of XO Florida, Inc. against BellSouth
 Telecommunications, Inc. for alleged refusal to convert
 circuits to UNES; and request for expedited processing.
 Progmod: A9 **Kaufman**

Docket Index Listing

041170-TP

Docketed: September 30, 2004
Status: Active
Company: Bright House Networks Information Services, LLC (Florida)
Verizon Florida Inc. (TL710)
Title: Complaint against Verizon Florida Inc. and request for declaratory ruling by Bright House Networks Information Services, LLC (Florida).

Progmod: A9

Kaufman

041269-TP

Docketed: November 1, 2004
Status: Active
Company: BellSouth Telecommunications, Inc. (TL720)
Title: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

Progmod: A20

Kaufman

041272-EI

Docketed: November 2, 2004
Status: Active
Company: Progress Energy Florida, Inc. (EI801)
Title: Petition for approval of storm cost recovery clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan, by Progress Energy Florida, Inc.

Progmod: A3

Kaufman/Perry/McWhirter

041291-EI

Docketed: November 4, 2004
Status: Active
Company: Florida Power & Light Company (EI802)
Title: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

Progmod: A19

Kaufman/Perry/McWhirter

Docket Index Listing

041338-TP

Docketed: November 23, 2004
 Status: Active
 Company: BellSouth Telecommunications, Inc. (TL720)
 Birch Telecom of the South, Inc. d/b/a Birch Telecom and d/b/a Birch (TX4
 Florida Digital Network, Inc. d/b/a FDN Communications (TX230)
 ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom d/b/a Grapevine (TX0
 LecStar Telecom, Inc. (TX394)
 Title: Joint petition by ITC^DeltaCom Communications, Inc. d/b/a
 ITC^DeltaCom d/b/a Grapevine; Birch Telecom of the South,
 Inc. d/b/a Birch Telecom and d/b/a Birch; DIECA
 Communications, Inc. d/b/a Covad Communications Company;
 Florida Digital Network, Inc.; LecStar Telecom, Inc.; MCI
 Communications, Inc.; and Network Telephone Corporation
 ("Joint CLECs") for generic proceeding to set rates, terms,
 and conditions for hot cuts and batch hot cuts for UNE-P to
 UNE-L conversions and for retail to UNE-L conversions in
 BellSouth Telecommunications, Inc. service area.

Progmod: A19 **Kaufman**

041376-EI

Docketed: December 7, 2004
 Status: Active
 Company: Tampa Electric Company (EI806)
 Title: Petition for approval of new environmental program for cost
 recovery through Environmental Cost Recovery Clause, by
 Tampa Electric Company.

Progmod: A3(d) **Kaufman/Perry/McWhirter**

050001-EI

Docketed: January 3, 2005
 Status: Active
 Company: Investor-Owned Electric Utilities
 Title: Fuel and purchased power cost recovery clause with
 generating performance incentive factor.

Progmod: A3(a) **Kaufman/Perry/McWhirter**

050002-EG

Docketed: January 3, 2005
 Status: Active
 Company: Electric Utilities
 Title: Energy conservation cost recovery clause.
 Progmod: A3(b)

Kaufman/Perry/McWhirter

Docket Index Listing

050007-EI

Docketed: January 3, 2005
Status: Active
Company: Florida Power & Light Company (EI802)
Gulf Power Company (EI804)
Progress Energy Florida, Inc. (EI801)
Tampa Electric Company (EI806)

Title: Environmental cost recovery clause.

Progmod: A3(d) ~~Kaufman~~ / Perry / McWhirter

050111-TP

Docketed: February 8, 2005
Status: Active
Company: IDS Telcom Corp. (TX834)
IDS Telcom Corp. (TJ987)
IDS Telcom LLC (TX559)
MCG Capital Corporation

Title: Joint petition of MCG Capital Corporation, IDS Telcom Corp. and IDS Telcom LLC for approval for name change and transfer of CLEC Certificate No. 5228 from IDS Telcom LLC to IDS Telcom Corp.; for waiver of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection in connection with the sale of customer-based and other assets from IDS Telcom LLC to IDS Telcom Corp.; and for acknowledgment of registration of IDS Telcom Corp. as intrastate interexchange telecommunications company effective February 8, 2005.

Progmod: B7(c) Kaufman

STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
ISILIO ARRIAGA
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
KEN LITTLEFIELD



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

January 31, 2007

Vicki Gordon Kaufman, Esquire
Moyle Law Firm
The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301-1508

Re: Return of Confidential Document to the Source, Docket No. 040601-TP

Dear Ms. Kaufman:

Commission staff have advised that Confidential Document No. 08378-04, filed on behalf of DIECA Communications, Inc. d/b/a Covad Communications Company, can be returned to the source. The document is enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

A handwritten signature in cursive script, appearing to read "AC".

Ann Cole
Chief of Records

AC:mhl
Enclosure

cc: David Dowds, Division of Competitive Markets and Enforcement
Adam Teitzman, Office of the General Counsel

RECEIVED

Handwritten initials "J.A." and "EA" in cursive script.

DATE

4/6/07

Kimberley Pena

040601

From: Kimberley Pena
Sent: Friday, February 23, 2007 9:26 AM
To: Nancy Sims
Cc: Meza, James; Hendrix, Jerry D; Nonnye Grant; Hong Wang; Ann Cole
Subject: RE: Mailing Name for d/b/a (BellSouth/AT&T)

Per this e-mail, we will do so. Thank you.

Nonnye, FYI.

From: Sims, Nancy H [mailto:Nancy.Sims@bellsouth.com]
Sent: Thursday, February 22, 2007 5:17 PM
To: Kimberley Pena
Cc: Meza, James; Hendrix, Jerry D
Subject: Mailing Name for d/b/a (BellSouth/AT&T)

Kim,
As discussed, please use the d/b/a of "AT&T Florida" as the mailing name for BellSouth Telecommunications, Inc. The d/b/a of "AT&T Florida" and the d/b/a of "AT&T Southeast" were both approved by FPSC Order No. PSC-07-0114-FOF-TP, but for correspondence purposes in Florida, the "AT&T Florida" d/b/a should be used.

If you have any questions, please let me know.
Thank you,
Nancy Sims
(850)577-5555
Director Regulatory Relations - Florida

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*7:00
02/26/07
Kim*

TO: FLORIDA PUBLIC SERVICE COMMISSION
OFFICE OF COMMISSION CLERK
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

5-10-07
CHANGE OF INFORMATION ON REGULATED UTILITY

Copy to records/Name/Nettles for parties of record

Official Company Name: (As appears on certificate) DIECA Communications, Inc d/b/a Covad Communications Company	Mailing Name: (Must be part of official company name; 58 characters or less) DIECA Communications, Inc d/b/a Covad Communications Company
Certificate No: 5719 (A separate form must be used for each certificate number) Company code: TX237 Open dockets: 050881, 040601 and 020960	Physical Location: % National Registered Agents, Inc. 526 East Park Avenue Tallahassee, FL 32301-2525
Attention Line: (Person to whom all official FPSC correspondence is addressed) Gregory T. Diamond	Mailing Address: 7901 Lowry Blvd. Denver, Colorado 80230
Liaison Officer(s)	
Officer No. 1: Name: Gregory T. Diamond Title: Senior Counsel Telephone No: 720 670 1069 Fax No: 720 670 3350 E-mail Address: gdiamond@covad.com	Officer No. 2: Name: Randee Klindworth Title: Paralegal Telephone No: 720 670 2018 Fax No: 720 670 3350 E-mail Address: randee.klindworth@covad.com
Company Website Address: www.covad.com	

SUBMITTED BY COMPANY REPRESENTATIVE:

Name: Randee Klindworth

Title: Paralegal

Telephone No: 720-670-2018

Date: May 10, 2007

*Done
05/10/07
Kmp*