

State of Florida



RECEIVED-FPSC  
FEB 19 PM 2:04  
COMMISSION  
CLERK

# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

**DATE:** February 18, 2009

**TO:** Docket File

**FROM:** Jeff Bates (Division of Regulatory Compliance) *JB* *SAS*  
Victor McKay (Office of the General Counsel) *VSM* *TUT for AJT*

**RE:** Docket No. 080679-TP - Request for approval of interconnection, unbundling, collocation, and resale agreement between Embarq Florida, Inc. and Birch Communications, Inc.

By letter received November 17, 2008, Embarq Florida, Inc. filed a request for approval of the interconnection, unbundling, collocation, and resale agreement with Birch Communications, Inc. 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 February 16, 2009.

Staff reviewed the agreement in this Docket on February 12, 2009. 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.

CC: Office of the Commission Clerk (H. Wang)

*OK to close*  
*2-19-09*  
*[Signature]*

DOCUMENT NUMBER-DATE

01409 FEB 19 8

FPSC-COMMISSION CLERK