

Ruth Nettles

090136

From: Cooper, Roberta G[EQ] [Roberta.G.Cooper@Embarq.com]
Sent: Thursday, March 19, 2009 11:30 AM
To: Filings@psc.state.fl.us
Cc: Susan Masterton
Subject: Notice of Adoption of ICR Agreement-Birch Telecom of the South d/b/a etc.
Attachments: Adoption of Birch Comm and EQ by Birch Telecom et al 3-19-09.pdf

Filed on Behalf of: Susan S. Masterton
Senior Counsel
Embarq Florida, Inc.
1313 Blair Stone Road
Tallahassee, FL 32301
Telephone: 850/599-1560
Email: susan.masterton@embarq.com

Docket No. N/A

Title of filing: Notice of Adoption of Interconnection, Unbundling, Collocation and Resale Agreement between Birch Communications and Embarq Florida, Inc. by Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch d/b/a Birch Communications

Filed on behalf of: Embarq

No of pages: 4

Description: Notice of Adoption of Interconnection, Unbundling, Collocation and Resale Agreement between Birch Communications and Embarq Florida, Inc. by Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch d/b/a Birch Communications



DOCUMENT NUMBER-DATE
02369 MAR 19 8
FPSC-COMMISSION CLERK

Roberta G. Cooper
Legal Specialist
EMBARQ

Voice: 850-599-1563 | Fax: 850-878-0777
Email: Roberta.G.Cooper@embarq.com

1313 Blair Stone Road | Tallahassee, Florida 32301
Mailstop: FLTLH00201

Voice | Data | Internet | Wireless | Entertainment

This e-mail is the property of EMBARQ and may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender and delete all copies of the message.

Voice | Data | Internet | Wireless | Entertainment



EMBARQ™

Embarq
Mailstop: FTLH00102
1313 Blair Stone Rd
Tallahassee, FL 32301
embarq.com

March 19, 2009

FILED ELECTRONICALLY

Ms. Ann Cole
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Notice of Adoption of Interconnection, Unbundling, Collocation and Resale Agreement between Birch Communications and Embarq Florida, Inc. by Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch d/b/a Birch Communications

Dear Ms. Cole:

Embarq Florida, Inc. hereby provides notice to the Florida Public Service Commission of the adoption by Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch d/b/a Birch Communications of the Interconnection, Unbundling, Collocation and Resale Agreement with modifications for the State of Florida entered into by Birch Communications and Embarq Florida, Inc., which was filed with the Commission in Docket No. 080679-TP on November 17, 2008. Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch d/b/a Birch Communications is adopting the agreement with modification as provided by Section 252(i) of the Telecommunications Act of 1996.

If you have any questions on this matter, please contact me at 850-599-1560.

Sincerely,

Susan S. Masterton

cc: Sharyl D. Fowler
Senior Regulatory Analyst
4885 Riverside Drive, Suite 304
Macon, GA 31211

Enclosure

Susan S. Masterton
SENIOR COUNSEL
Voice: (850) 599-1560
Fax: (850) 878-0777
susan.masterton@embarq.com

DOCUMENT NUMBER-DATE

02369 MAR 19 09

FPSC-COMMISSION CLERK

**INTERCONNECTION, COLLOCATION AND RESALE AGREEMENT
FOR THE STATE OF FLORIDA**

BETWEEN

**Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch d/b/a Birch
Communications**

AND

Embarq Florida, Inc.

**Effective Date: February 20, 2009
End Date: September 24, 2010**

DOCUMENT NUMBER-DATE

02369 MAR 19 8

FPSC-COMMISSION CLERK

INTERCONNECTION, COLLOCATION AND RESALE AGREEMENT

This Interconnection, Collocation and Resale Agreement ("Agreement") is entered into by and between **Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch d/b/a Birch Communications**, a Delaware corporation ("CLEC"), and **Embarq Florida, Inc. ("Embarq")**, a Florida corporation, which are collectively referred to herein as "the Parties", to establish the rates, terms and conditions for local interconnection, collocation, local resale and the purchase of unbundled network elements for the state of **Florida**.

NOW THEREFORE, the Parties agree as follows:

1. ADOPTED AGREEMENT

- 1.1 This Agreement between the Parties shall consist of the Master Interconnection, Collocation and Resale Agreement for the state of Florida entered into by and between Birch Communications, Inc. and Embarq Florida, Inc., dated September 25, 2008, as filed with the appropriate state regulatory authority ("Adopted Agreement"), and as amended herein.
- 1.2 This Agreement is made a part of and incorporates the terms and conditions of the Adopted Agreement.
- 1.3 Except as set forth herein, the Adopted Agreement remains unchanged and in full force and effect. In the event of a conflict between the terms of the Adopted Agreement and this Agreement, this Agreement will control.
- 1.4 This Agreement shall supersede and replace in full any and all prior agreements, written and oral, between CLEC and Embarq pertaining to the subject matter hereof, applicable to the state of **Florida**.

2. PARTIES

For the purposes of this Agreement, **Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch d/b/a Birch Communications** is hereby substituted in the Adopted Agreement for Birch Communications, Inc. **Embarq Florida, Inc.** shall remain as the other Party to the Adopted Agreement.

3. TERM

This Agreement shall become effective on **February 20, 2009** and, unless earlier terminated in accordance with its terms, shall continue in force until **September 24, 2010** which corresponds with the End Date of the Adopted Agreement.

*Embarq – Birch Communications
Interconnection, Collocation And Resale Agreement-FL
Effective: February 20, 2009*

4. NOTICES

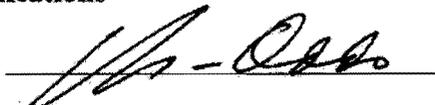
Except as otherwise provided, all notices and communication hereunder will be deemed to have been duly given when made in writing and delivered in person or deposited in the U.S. mail, certified, postage paid, return receipt requested, and addressed as follows:

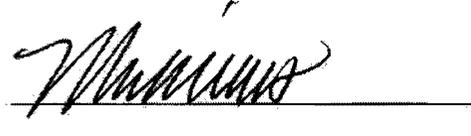
If to CLEC:	If to Embarq:
Sharyl D. Fowler Senior Regulatory Analyst Birch Communications, Inc. 4885 Riverside Drive, Ste 304 Macon, Georgia 31211	Director – Contract Management Embarq KSOPKB0401-413 9300 Metcalf Avenue Overland Park, KS 66212
With a copy to:	With a copy to:
Chris Bunce VP Regulatory / General Counsel 2300 Main Street, Ste 600 Kansas City, MO 64108	

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives.

CLEC
Birch Telecom of the South, Inc. d/b/a
Birch Telecom d/b/a Birch d/b/a Birch
Communications

Embarq
Embarq Florida, Inc.

By: 
 Name: Vincent M. Oddo
 Title: President / CEO
 Date: 2/12/09

By: 
 Name: Michael R. Hunsucker
 Title: Director – Contract Management
 Date: 2-27-09