

Ruth Nettles

From: Cooper, Roberta G[EQ] [Roberta.G.Cooper@Embarq.com]
Sent: Thursday, May 28, 2009 4:07 PM
To: Filings@psc.state.fl.us
Cc: Susan Masterton
Subject: Notice of Adoption of IUCR Agreement between Kentucky Data Link and Embarq by T3 Communications et al
Attachments: Adoption of Kentucky Data and EQ by T3 Com et al 5-28-09.pdf

Filed on Behalf of: Susan S. Masterton
Senior Counsel
Embarq Florida, Inc.
1313 Blair Stone Road
Tallahassee, FL 32301
Telephone: 850/599-1560
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Docket No. N/A

Title of filing: Notice of Adoption of Interconnection, Unbundling, Collocation and Resale Agreement between Kentucky Data Link, Inc. and Embarq Florida, Inc. by T3 Communications, Inc. d/b/a Tier 3 Communications d/b/a Naples Telephone and d/b/a Fort Myers Telephone

Filed on behalf of: Embarq

No of pages: 3

Description: Notice of Adoption of Interconnection, Unbundling, Collocation and Resale Agreement between Kentucky Data Link, Inc. and Embarq Florida, Inc. by T3 Communications, Inc. d/b/a Tier 3 Communications d/b/a Naples Telephone and d/b/a Fort Myers Telephone

Roberta G. Cooper
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EMBARQ

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

May 28, 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 Kentucky Data Link, Inc. and Embarq Florida, Inc. by T3 Communications, Inc. d/b/a Tier 3 Communications d/b/a Naples Telephone and d/b/a Fort Myers Telephone

Dear Ms. Cole:

Embarq Florida, Inc. hereby provides notice to the Florida Public Service Commission of the adoption by T3 Communications, Inc. d/b/a Tier 3 Communications d/b/a Naples Telephone and d/b/a Fort Myers Telephone of the Interconnection, Unbundling, Collocation and Resale Agreement for the State of Florida entered into by Kentucky Data Link, Inc. and Embarq Florida, Inc., which was filed with the Commission in Docket No. 080598 on September 15, 2008. T3 Communications, Inc. d/b/a Tier 3 Communications d/b/a Naples Telephone and d/b/a Fort Myers Telephone is adopting the agreement with modifications as provided by Section 252(i) of the Telecommunications Act of 1996.

If you have any questions on this matter, please contact Roberta Cooper at 850-599-1563.

Sincerely,

Susan S. Masterton

cc: T3 Communications
Marshall Howard
401 1st St.
Fort Meyers, FL 33901

Enclosure

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FPSC-COMMISSION CLERK

INTERCONNECTION, COLLOCATION AND RESALE AGREEMENT

This Interconnection, Collocation and Resale Agreement ("Agreement"), dated the 31st day of March, 2009, is entered into by and between T3 Communications, Inc., d/b/a Tier 3 Communications d/b/a Naples Telephone and d/b/a Fort Myers Telephone, a Florida 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, local resale and the purchase of unbundled network elements for the state of Florida.

NOW THEREFORE, the Parties agree as follows:

1. INTERCONNECTION, COLLOCATION AND RESALE AGREEMENT

The Parties agree that the Agreement between the Parties shall consist of the Kentucky Data Link Interconnection, Collocation and Resale Agreement dated the 24th of June, 2008 (the "Adopted Agreement").

All services provided under this Agreement will be consistent with the decisions of courts having jurisdiction over this Agreement, including but not limited to the decisions of the Court of Appeals and the United States Supreme Court.

2. PARTIES:

CLEC is hereby substituted in the Adopted Agreement for Kentucky Data Link, whereas Embarq shall remain as the other Party to the Adopted Agreement. Except as modified herein, the Agreement shall in all other respects reflect the same terms as the Adopted Agreement.

3. TERM:

This Agreement shall have a termination date of the 23rd of June, 2010, which corresponds with the termination date of the Adopted Agreement.

4. NOTICES:

Except as otherwise provided, all notices and other communication shall be deemed to have been duly given when made in writing and delivered in person or deposited in the United States mail, by certified mailing, postage paid, and return receipt requested and addressed as follows:

To CLEC : T3 Communications
Marshall Howard
401 1st St.
Fort Myers, FL
33901
(239)333-0000 x1006

To Embarq: Director, Local Wholesale Markets- Interconnection Mgmt.
9300 Metcalf
Overland Park, KS
66212
KSOKB-4672

5. The Parties agree to add the following language to Section 7, Charges, Billing and Payment, of the Adopted Agreement:

7.11 Neither Party shall be required to pay back-billed charges beyond 9 months, except as otherwise provided by law.

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

CLEC

EMBARQ

By: 

By: 

Name: Adam Sewell

Name: Mike Hunsucker

Title: Pres. CEO

Title: Director Contract Management

Date: 5-1-09

Date: 5-8-09