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Public Service Commission

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

DATE: July 31, 2009

TO: Docket File

FROM: Jeff Bates (Division of Regulatory Compliance) *JB*
Victor McKay (Office of the General Counsel) *VM*

RE: Docket No. 090321-TP - Notice of adoption of existing interconnection, unbundling, resale, and collocation 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.

By letter received May 28, 2009, Embarq Florida, Inc. filed a notice of adoption of the existing interconnection, unbundling, resale, and collocation agreement, entered with Kentucky Data Link, Inc. which was deemed approved in Docket No. 080598-TP. T3 Communications, Inc. d/b/a Tier 3 Communications d/b/a Naples Telephone and d/b/a Fort Myers Telephone is adopting the interconnection, unbundling, resale, and collocation agreement approved by the Commission in its entirety pursuant to Section 252(i) of the Telecommunications Act of 1996.

Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(i) requires that a local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved by the state commission to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement in its entirety. Any exception to said obligation is governed by 47 C.F.R. § 51.809(b) and may be filed when such exception exists.

Staff reviewed the agreement in this Docket on July 29, 2009. The filing met the criteria outlined in Section 2.07.C.5.b of the Administrative Procedures Manual in that it complies with Section 252(i) of the Act. This adoption is thereby deemed acknowledged as effective. Accordingly, with this Memorandum, the docket is hereby closed.

OK to close
7-31-09
HW

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

DOCUMENT NUMBER-DATE

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