
BellSouth Interconnection Services

675 West Peachtree Street
Atlanta, Georgia 30375

Carrier Notification
SN91086028

Date: March 1, 2006

To: Competitive Local Exchange Carriers (CLEC)

Subject: CLECs – (Product/Service) – **REVISED** - Interconnection Agreements in Florida that are Not Compliant with the Federal Communication Commission's Triennial Review Remand Order (originally posted on February 16, 2006)

On February 7, 2006, the Florida Public Service Commission ("Commission") rendered its decision in the Generic Change of Law proceeding, Docket No. 041269-TP, approving contract provisions to address the remaining disputed issues addressed in this proceeding. Importantly, the decision obligates both parties and non-parties to the proceeding to amend Interconnection Agreements that are not compliant with the Federal Communication Commission's (FCC) Triennial Review Order (TRO) and Triennial Review Remand Order (TRRO) so as to incorporate the Commission's ordered contract provisions ("change of law amendments"), and to file such change of law amendments with the Commission within 20 days of its decision (i.e., February 27, 2006).

On February 17, 2006, Staff issued a recommendation that the Commission vacate its prior decisions on Issues 5, 13, 16-18, and 22(b) in Docket No. 041269-TP. On February 21, 2006, the Commission issued an Order extending the filing deadline for amendments and Interconnection Agreements compliant with its prior decisions on the non-vacated issues to March 10, 2006. On February 28, 2006, the Commission voted to 1) approve Staff's recommendation to vacate its prior decisions on Issues 5, 13, 16-18, and 22(b), 2) issue a final order on non-vacated issues immediately and 3) require the filing of Interconnection Agreements and amendments compliant with the non-vacated issues or otherwise negotiated by the parties by March 10, 2006.

As a result, BellSouth hereby notifies all Florida CLECs that are operating under a non-TRO/TRRO compliant Interconnection Agreement with BellSouth that, **if you would like a revised amendment to remove the vacated language that addressed Issues 5, 13, 16-18, and 22(b), please submit your request to your contract negotiator no later than Thursday, March 2, 2006 at 5:00 PM. BellSouth will send a revised change of law amendment with the vacated language removed.** BellSouth requests that **all affected** CLECs review and execute the amendment promptly and return the executed agreement to BellSouth as soon as possible, but no later than **Monday, March 6, 2006 at 5:00 PM** so that the Commission's **March 10, 2006** filing requirement can be met.

It is critical that the aforementioned parties and non-parties to this proceeding execute and file their change of law amendments within this required 20-day timeframe as many of the joint issues in this proceeding arise out of the FCC's TRRO and are subject to the FCC's transition period, which ends on March 10, 2006 for all unbundled switch ports and Unbundled Network Element-Platform (UNE-P) and for high capacity loops and transport in unimpaired wire centers. The Commission's Order specifically states that if a CLEC does not identify its embedded base of unbundled switch ports and UNE-P and

de-listed high capacity loops and transport by March 10, 2006, the last day of the transition period for applicable elements, then BellSouth may identify such arrangements and convert them to the resale or tariffed equivalent service, as appropriate, charging the CLEC full disconnect and installation charges as of March 11, 2006.

In this regard, given the volume of unbundled switch ports and UNE-P and de-listed high capacity loops and transport that still remain in place despite the FCC's TRRO, it **would be impossible for** BellSouth to complete all of these conversions **by the March 10, 2006 conclusion of** the transition period. As a result, in accordance with the Commission's decision, affected CLECs should be prepared to true up the difference between any UNE rates charged after March 11, 2006, and the resale or tariffed rate for each of these elements, once converted, for the applicable period of time as allowed by the Commission's Order.

Finally, BellSouth notes that its Transitional Market Based Rate ("T-MBR") Agreement is still available. Any Florida CLEC that anticipates having UNE-P lines in service as of March 10, 2006, and that does not want those lines converted to resale effective March 11, 2006, should contact its BellSouth negotiator as soon as possible.

To obtain more information about this notification, please contact your BellSouth contract negotiator.

Sincerely,

Original signed by Pat C. Finlen for Kristen E. Shore

Kristen E. Shore - Director
BellSouth Interconnection Services