

ORIGINAL

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BELLSOUTH

BellSouth Telecommunications, Inc.

Regulatory & External Affairs

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Marshall M. Criser III

Vice President
Regulatory & External Affairs

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RECEIVED FPSC
COMMISSION
CLERK
JUN 16 PM 4:24

June 16, 2004

Mrs. Blanca S. Bayo
Director, Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Re: Approval of Two Amendments to the Interconnection, Unbundling, Resale and Collocation Agreement between BellSouth Telecommunications, Inc. ("BellSouth") and NUI Telecom, Inc

Dear Mrs. Bayo:

Please find enclosed for filing and approval, the original and two copies of BellSouth Telecommunications, Inc.'s Two Amendments to Interconnection, Unbundling, Resale and Collocation Agreement with NUI Telecom, Inc.

If you have any questions, please do not hesitate to call Robyn Holland at (850) 222-9380.

Very truly yours,

Marshall M. Criser III
Regulatory Vice President

RECEIVED & FILED

in

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

06692 JUN 16 04

FPSC-COMMISSION CLERK

**Amendment
To the
Interconnection Agreement
Between
NUI Telecom, Inc.
and
BellSouth Telecommunications, Inc.
Dated May 17, 2002**

Pursuant to this Amendment, (the "Amendment"), NUI Telecom, Inc. (NUI Telecom), and BellSouth Telecommunications, Inc. ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated May 17, 2002 ("Agreement") to be effective 30 days after the date of the last signature executing the Amendment.

WHEREAS, BellSouth and NUI Telecom entered into the Agreement on May 17, 2002, and;

WHEREAS, BellSouth and NUI Telecom are amending the Agreement to modify Local Number Portability (LNP) recovery charge pursuant to the Order in the matter of the Telephone Number Portability BellSouth Corporation Petition for Declaratory Ruling and/or Waiver, CC Docket No. 95-116, released April 13, 2004;

NOW, THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

1. The Parties agree to delete in their entirety all rate elements and USOCs identified as "Local Number Portability charges" in Exhibit B of Attachment 2, as specified by the following USOCs: LNPCX, LNPCP, LNPCN, and LNPCC.
2. The Parties agree to add the following language to Section 4 as Section 4.1.1 of Attachment 2 and Section 5 as Section 5.6.4.9 of Attachment 2:
 - In addition to other charges specified in this Agreement for Local Number Portability NUI Telecom shall pay to BellSouth the Local Number Portability charges as set forth in Section 13 of the BellSouth FCC No. 1 Tariff;
3. All of the other provisions of the Agreement dated May 17, 2002 shall remain unchanged and in full force and effect.
4. Either or both of the Parties are authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996.

LNP Recovery Amendment
Signature Page

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year
written below.

*

BellSouth Telecommunications, Inc.

By: 

Name: Kristen E. Rowe

Title: Director

Date: 6/8/04

NUI Telecom, Inc.

By: 

Name: RICHARD BOUDRIA

Title: PRESIDENT / CEO

Date: 6/3/04

**Amendment to the Agreement
Between
NUI Telecom, Inc.
and
BellSouth Telecommunications, Inc.
Dated May 17, 2002**

Pursuant to this Amendment, (the "Amendment"), NUI Telecom, Inc. (NUI Telecom), and BellSouth Telecommunications, Inc. ("BellSouth"), hereinafter referred to collectively as the "Parties," hereby agree to amend that certain Interconnection Agreement between the Parties dated May 17, 2002 ("Agreement") to be effective thirty (30) calendar days after the date of the last signature executing the Amendment.

WHEREAS, BellSouth and NUI Telecom entered into the Agreement on May 17, 2002, and;

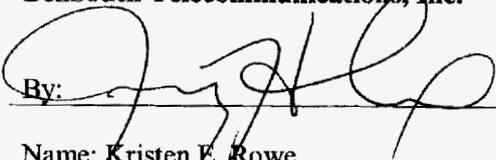
NOW THEREFORE, in consideration of the mutual provisions contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby covenant and agree as follows:

1. The parties agree to add the following provision to Attachment 2, Section 4.3 and the associated rates as set forth in Exhibit 1 of this Amendment, attached hereto and incorporated herein by this reference.

4.3.1.1 Where NUI Telecom utilizes portions of the BellSouth network in originating or terminating traffic, the Tandem Switching rates are applied in call scenarios where the Tandem Switching Network Element has been utilized. Because switch recordings cannot accurately indicate on a per call basis when the Tandem Switching Network Element has been utilized for an interoffice call originating from a UNE port and terminating to a BellSouth, Independent Company or Facility-Based CLEC office, BellSouth has developed, based upon call studies, a melded rate that takes into account the average percentage of calls that utilize Tandem Switching in these scenarios. BellSouth shall apply the melded Tandem Switching rate for every call in these scenarios. BellSouth shall utilize the melded Tandem Switching Rate until BellSouth has the capability to measure actual Tandem Switch usage in each call scenario specifically mentioned above, at which point the rate for the actual Tandem Switch usage shall apply. The UNE Call Flows set forth on BellSouth's website, as amended from time to time and incorporated herein by this reference, illustrate when the full or melded Tandem Switching rates apply for specific scenarios.
2. All of the other provisions of the Agreement, dated May 17, 2002, shall remain in full force and effect.
3. Either or both of the Parties are authorized to submit this Amendment to the respective state regulatory authorities for approval subject to Section 252(e) of the Federal Telecommunications Act of 1996.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year written below.

BellSouth Telecommunications, Inc.

By: 

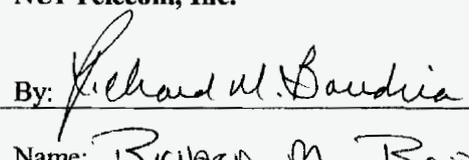
Name: Kristen E. Rowe

Title: Director

Date: 6/8/04

for

NUI Telecom, Inc.

By: 

Name: RICHARD M. BOWDRIA

Title: PRESIDENT & C.E.O.

Date: 6-3-04

UNBUNDLED NETWORK ELEMENTS - Alabama										Attachment: 2		Exhibit: A				
CATEGORY	RATE ELEMENTS	Intari	Zone	BCS	USOC	RATES (\$)	Svc Order Submitted Elec per LSR	Svc Order Submitted Manually per LSR	Incremental Charge - Manual Svc Order vs. Electronic-1st	Incremental Charge - Manual Svc Order vs. Electronic-Add'l	Incremental Charge - Manual Svc Order vs. Electronic-Disc 1st	Incremental Charge - Manual Svc Order vs. Electronic-Disc Add'l				
													Rec	Nonrecurring		Nonrecurring Disconnect
							First	Add'l	First	Add'l	SOMEc	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN
UNBUNDLED LOCAL SWITCHING, PORT USAGE																
Tandem Switching (Port Usage) (Local or Access Tandem)																
	Tandem Switching Function Per MOU					0.000095										
	Tandem Trunk Port - Shared, Per MOU					0.0002015										
	Tandem Switching Function Per MOU (Melded)					0.000040993										
	Tandem Trunk Port - Shared, Per MOU (Melded)					0.000086947										
	Melded Factor: 43.15% of the Tandem Rate															

UNBUNDLED NETWORK ELEMENTS - Florida							Attachment: 2		Exhibit: A								
CATEGORY	RATE ELEMENTS	Interim	Zone	BCS	USOC	RATES (\$)	Svc Order Submitted Elec per LSR	Svc Order Submitted Manually per LSR	Incremental Charge - Manual Svc Order vs. Electronic-1st	Incremental Charge - Manual Svc Order vs. Electronic-Add'l	Incremental Charge - Manual Svc Order vs. Electronic-Disc 1st	Incremental Charge - Manual Svc Order vs. Electronic-Disc Add'l					
									SOME	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN			
							Rec	Nonrecurring		Nonrecurring Disconnect		OSS Rates (\$)					
								First	Add'l	First	Add'l	SOME	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN
UNBUNDLED LOCAL SWITCHING, PORT USAGE																	
Tandem Switching (Port Usage) (Local or Access Tandem)																	
	Tandem Switching Function Per MOU					0.0001319											
	Tandem Trunk Port - Shared, Per MOU					0.000235											
	Tandem Switching Function Per MOU (Melded)					0.000027185											
	Tandem Trunk Port - Shared, Per MOU (Melded)					0.000048434											
	Melded Factor: 20.61% of the Tandem Rate																

UNBUNDLED NETWORK ELEMENTS - Georgia										Attachment: 2		Exhibit: A				
CATEGORY	RATE ELEMENTS	Interim	Zone	BCS	USOC	RATES (\$)	Submitted Elec per LSR	Submitted Manually per LSR	Charge - Manual Svc Order vs. Electronic-1st	Charge - Manual Svc Order vs. Electronic-Add'l	Charge - Manual Svc Order vs. Electronic-Disc 1st	Charge - Manual Svc Order vs. Electronic-Disc Add'l				
													Rec.	Nonrecurring		Nonrecurring Disconnect
							First	Add'l	First	Add'l	SOME C	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN
UNBUNDLED LOCAL SWITCHING, PORT USAGE																
Tandem Switching (Port Usage) (Local or Access Tandem)																
	Tandem Switching Function Per MOU					0.0000972										
	Tandem Trunk Port - Shared, Per MOU					0.0001557										
	Tandem Switching Function Per MOU (Melded)					0.000017904										
	Tandem Trunk Port - Shared, Per MOU (Melded)					0.00002868										
	Melded Factor: 18.42% of the Tandem Rate															

UNBUNDLED NETWORK ELEMENTS - Kentucky							Attachment: 2		Exhibit: A							
CATEGORY	RATE ELEMENTS	Interi	Zone	BCS	USOC	RATES (\$)	Svc Order Submitted Elec per LSR	Svc Order Submitted Manually per LSR	Incremental Charge - Manual Svc Order vs. Electronic-1st	Incremental Charge - Manual Svc Order vs. Electronic-Add'l	Incremental Charge - Manual Svc Order vs. Electronic-Disc 1st	Incremental Charge - Manual Svc Order vs. Electronic-Disc Add'l				
									SOME C	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN		
						Rec	Nonrecurring		Nonrecurring Disconnect		OSS Rates (\$)					
							First	Add'l	First	Add'l	SOME C	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN
UNBUNDLED LOCAL SWITCHING, PORT USAGE																
Tandem Switching (Port Usage) (Local or Access Tandem)																
	Tandem Switching Function Per MOU					0.000194										
	Tandem Trunk Port - Shared, Per MOU					0.0002416										
	Tandem Switching Function Per MOU (Melded)					0.000094381										
	Tandem Trunk Port - Shared, Per MOU (Melded)					0.000117538										
	Melded Factor: 48.65% of the Tandem Rate															

UNBUNDLED NETWORK ELEMENTS - Louisiana										Attachment: 2		Exhibit: A												
CATEGORY	RATE ELEMENTS	Interi	Zone	BCS	USOC	RATES (\$)	Svc Order Submitted Elec per LSR	Svc Order Submitted Manually per LSR	Incremental Charge - Manual Svc Order vs. Electronic-1st	Incremental Charge - Manual Svc Order vs. Electronic-Add'l	Incremental Charge - Manual Svc Order vs. Electronic-Disc 1st	Incremental Charge - Manual Svc Order vs. Electronic-Disc Add'l	OSS Rates (\$)											
													Rec	Nonrecurring		Nonrecurring Disconnect		SOME C	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN	
													First	Add'l	First	Add'l								
UNBUNDLED LOCAL SWITCHING, PORT USAGE																								
Tandem Switching (Port Usage) (Local or Access Tandem)																								
	Tandem Switching Function Per MOU					0.0001067																		
	Tandem Trunk Port - Shared, Per MOU					0.000222																		
	Tandem Switching Function Per MOU (Melded)					0.000035296																		
	Tandem Trunk Port - Shared, Per MOU (Melded)					0.000073438																		
	Melded Factor: 33.06% of the Tandem Rate																							

UNBUNDLED NETWORK ELEMENTS - Mississippi						Attachment: 2		Exhibit: A							
CATEGORY	RATE ELEMENTS	Interi	Zone	BCS	USOC	RATES (\$)				Svc Order Submitted Elec per LSR	Svc Order Submitted Manually per LSR	Incremental Charge - Manual Svc Order vs. Electronic-1st ¹	Incremental Charge - Manual Svc Order vs. Electronic-Add'l	Incremental Charge - Manual Svc Order vs. Electronic-Disc 1st	Incremental Charge - Manual Svc Order vs. Electronic-Disc Add'l
						Rec	Nonrecurring		Nonrecurring Disconnect		SOME C	SOMAN	OSS Rates (\$)		
						First	Add'l	First	Add'l			SOMAN	SOMAN	SOMAN	SOMAN
UNBUNDLED LOCAL SWITCHING, PORT USAGE															
Tandem Switching (Port Usage) (Local or Access Tandem)															
	Tandem Switching Function Per MOU						0.0001723								
	Tandem Trunk Port - Shared, Per MOU						0.0001828								
	Tandem Switching Function Per MOU (Melded)						0.000063441								
	Tandem Trunk Port - Shared, Per MOU (Melded)						0.000067307								
	Melded Factor: 36.82% of the Tandem Rate														

UNBUNDLED NETWORK ELEMENTS - South Carolina										Attachment: 2		Exhibit: A	
CATEGORY	RATE ELEMENTS	Interim	Zone	BCS	USOC	RATES (\$)		Svc Order Submitted Elec per LSR	Svc Order Submitted Manually per LSR	Incremental Charge - Manual Svc Order vs. Electronic-1st ¹	Incremental Charge - Manual Svc Order vs. Electronic-Add'l	Incremental Charge - Manual Svc Order vs. Electronic-Disc 1st	Incremental Charge - Manual Svc Order vs. Electronic-Disc Add'l
						Nonrecurring	Nonrecurring Disconnect						
UNBUNDLED LOCAL SWITCHING, PORT USAGE													
	Tandem Switching (Port Usage) (Local or Access Tandem)												
	Tandem Switching Function Per MOU					0.0001634							
	Tandem Trunk Port - Shared, Per MOU					0.0002863							
	Tandem Switching Function Per MOU (Melded)					0.00004951							
	Tandem Trunk Port - Shared, Per MOU (Melded)					0.000086749							
	Melded Factor: 30.30% of the Tandem Rate												

UNBUNDLED NETWORK ELEMENTS - Tennessee										Attachment: 2		Exhibit A			
CATEGORY	RATE ELEMENTS	Interim	Zone	BCS	USOC	RATES (\$)				Svc Order Submitted Elec per LSR	Svc Order Submitted Manually per LSR	Incremental Charge - Manual Svc Order vs. Electronic-1st ¹	Incremental Charge - Manual Svc Order vs. Electronic-Add'l	Incremental Charge - Manual Svc Order vs. Electronic-Disc 1st	Incremental Charge - Manual Svc Order vs. Electronic-Disc Add'l
						Base	Nonrecurring First	Add'l	Nonrecurring Disconnect First						
										SOME C	SOMAN	SOMAN	SOMAN	SOMAN	SOMAN
UNBUNDLED LOCAL SWITCHING, PORT USAGE															
	Tandem Switching (Port Usage) (Local or Access Tandem)														
	Tandem Switching Function Per MOU					0.0009778									
	Tandem Switching Function Per MOU (Melded)					0.000380364									
	Melded Factor: 38.99% of the Tandem Rate														