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Ruth Nettles

From: Evan Katz [ekatz@clective.com]
Sent: Monday, July 20, 2009 12:06 PM
To: Filings@psc.state.fl.us
Subject: Re: Docket: 090246-TP

Attachments: Clective Letter re_ at&t Postponement .pdf



Clective Letter
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Dear Ms. Cole,

Re: Clective Telecom Florida, LLC
Docket 090246-TP

Please see the attached file:

Clective Letter re_ at&t Postponement.pdf

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Sincerely,
Evan Katz
ekatz@clective.com
404.272.0445

Clective Telecom Florida, LLC
2090 Dunwoody Club Drive
Suite 106-257
Atlanta, GA 30350

July 20, 2009

Ms. Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32309-0850

Re: Docket No. 090246-TP: Notice of Adoption of Existing Interconnection Agreement Between BellSouth Telecommunications, Inc. and CBeyond Communications, Inc. by Clective Florida, LLC

Dear Ms. Cole:

Clective Telecom Florida, LLC is filing this letter to place on the record its objection to the postponement of the agenda item for the above-referenced matter. Clective was informed of the postponement on July 13, 2009 at approximately 1:00PM. The agenda item was to be heard less than 24 hours later. In addition, Clective representatives had traveled from Atlanta, Georgia and Hartford, Connecticut in anticipation of the agenda item being heard the next day. While the postponement is a "done deal", Clective urges the Commission to review the harm to Clective being caused by the delay and to consider the agenda item prior the August 18, 2009 agenda.

Upon information and belief, AT&T was aware of their intent to request a postponement on July 10, 2009. However, AT&T did not afford Clective the common courtesy of informing it of the anticipated postponement. This action by AT&T is not only unprofessional but also a violation of the Florida Rules of Professional Conduct Rules 4-4.4, and 4-3.4. This conduct has caused Clective to incur significant expenses.

In addition, the Commission should be aware that any delay in this docket will cause Clective to delay its market entry into Florida. While there is no statutory deadlines for this matter, Clective's business is being burdened by the delay. AT&T is certainly aware of this fact. Clective's delayed market entry benefits AT&T and, therefore, AT&T has motive to delay this docket for as long as possible.

Further, AT&T's request for delay is just another example of AT&T's continued attempts to thwart Clective's market entry that has been seen by their last-minute filings in response to the

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Motion for Sanctions and the most recent letter regarding Mr. Noack. AT&T knows that the CBeyond agreement expires in approximately one year and that the longer it can delay Clective's opt-in to the CBeyond agreement, the better chance it has to keep Clective out of the market.

While Clective understands that the Commission decision to postpone the agenda item was finalized on July 13, 2009 (over the verbal objections of Clective), Clective wants to place this letter on the record so that the Commission is aware of the issues relating to further delay. Further, Clective urges the Commission to consider the agenda item prior the August 18, 2009 agenda.

Copies have been served to the AT&T Florida.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Morris". The signature is written in a cursive style with a large initial "P".

Patricia Morris