

Docket file

STATE OF FLORIDA

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DIVISION OF REGULATORY COMPLIANCE
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Public Service Commission

May 4, 2009

Jerry Hendrix
Vice President - Regulatory
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1561

Re: Docket No. 090246-TP - Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Cbeyond Communications, LLC by Clective Florida, LLC.

Dear Mr. Hendrix:

On April 29, 2009, the above notice was filed with the Florida Public Service Commission. As a courtesy, on May 4, 2009, staff contacted your office and spoke to Mary Rose Siriani regarding the adoption by Clective Florida, LLC.

47 U.S.C. § 252(i) Availability to Other Telecommunications Carriers provides that:

A local exchange carrier shall make available any interconnection, service or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

Implementing rule 47 C.F.R. § 51.809 prescribes the conditions under which an incumbent LEC may object to an adoption:

(a) An incumbent LEC shall make available without unreasonable delay to any requesting telecommunications carrier any agreement in its entirety to which the incumbent LEC is a party that is approved by a state commission pursuant to section 252 of the Act, upon the same rates, terms, and conditions as those provided in the agreement. An incumbent LEC may not limit the availability of any agreement only to those requesting carriers serving a comparable class of subscribers or providing the same service (i.e., local, access, or interexchange) as the original party to the agreement.

(b) The obligations of paragraph (a) of this section shall not apply where the incumbent LEC proves to the state commission that:

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- (1) The costs of providing a particular agreement to the requesting telecommunications carrier are greater than the costs of providing it to the telecommunications carrier that originally negotiated the agreement, or
- (2) The provision of a particular agreement to the requesting carrier is not technically feasible.
- (c) Individual agreements shall remain available for use by telecommunications carriers pursuant to this section for a reasonable period of time after the approved agreement is available for public inspection under section 252(h) of the Act.

Please submit 47 C.F.R. § 51.809 objections to the Notice of Adoption, if any exist, by June 3, 2009. If you have any questions, please contact Jeff Bates at (850) 413-6538.

Sincerely,



Beth W. Salak
Director
Division of Regulatory Compliance

CC: Greg Follensbee
Mary Rose Siriani
Jeff Bates
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