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**Public Service Commission**

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COMMISSION CLERK

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**DATE:** October 1, 2004  
**TO:** Docket File  
**FROM:** Jeff Bates (Division of Competitive Markets and Enforcement) *JB*  
Victor McKay (Office of the General Counsel) *VSM* *SAB*  
**RE:** Docket No. 040640-TP - Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and VarTec Telecom, Inc. d/b/a VarTec Telecom, Inc. and Clear Choice Communications.

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By letter received June 29, 2004, BellSouth Telecommunications, Inc. filed a request for approval of an amendment to the interconnection, unbundling, resale, and collocation agreement with VarTec Telecom, Inc. d/b/a VarTec Telecom, Inc. and Clear Choice Communications. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved. The statutory deadline for the Commission to take action on this matter was September 29, 2004.

Staff reviewed the agreement in this Docket on September 28, 2004. The agreement met the criteria outlined in Section 2.07.C.5.d of the Administrative Procedures Manual. Therefore, it has gone into effect by operation of law in accordance with Section 252(e)(4) of the Telecommunications Act of 1996. Accordingly, with this Memorandum, the docket is hereby closed.

*OK to close 10/01/04 HW*

CC: Division of the Commission Clerk and Administrative Services (H. Wang)

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