

State of Florida



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# Public Service Commission

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**DATE:** February 29, 2008  
**TO:** Docket File  
**FROM:** Jeff Bates (Division of Competitive Markets and Enforcement) *[Signature]* SAS  
Lee Eng Tan (Office of the General Counsel) *[Signature]*  
**RE:** Docket No. 020960-TP – Petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by DIECA Communications, Inc. d/b/a Covad Communications Company.

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By letter received November 29, 2007, Verizon Florida Inc. filed petitions for approval of two documents between Verizon Florida, Inc. and DIECA Communications, Inc. d/b/a Covad Communications: (1) an amended, extended and restated agreement, and (2) Amendment No. 1, which is incorporated by reference into the first document. Due to the passage of time, these two documents incorporate aspects of the Commission's October 13, 2003 arbitration decision that were not affected by subsequent changes of law, as well as negotiated provisions agreed to by the parties to reflect, at least in part, later FCC decisions. As such, and particularly given the long lapse in time, staff believes these documents should be characterized as a negotiated agreement and amendment.

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 February 27, 2008.

Staff reviewed the agreement in this Docket on February 6, 2008. 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 3/04/08 hml*

CC: Office of the Commission Clerk (H. Wang)

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