

Dorothy Menasco

110222-TP

From: YANT, ROBYN (ATTSI) [rh0582@att.com]
Sent: Monday, July 11, 2011 2:03 PM
To: Filings@psc.state.fl.us
Cc: Jeff Bates
Subject: Adoption by Digital Express (AT&T)
Attachments: img-711130313-0001.pdf



img-71113031
001.pdf (731 Ki)

-----Original Message-----

From: OMT
Sent: Monday, July 11, 2011 2:03 PM
To: YANT, ROBYN (ATTSI)
Subject: Scan from a Xerox WorkCentre

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FPSC-COMMISSION CLERK



Jerry D. Hendrix
Vice President
Regulatory Relations

AT&T Florida
150 South Monroe Street
Suite 400
Tallahassee, FL 32301

T: 850.577.5550
F: 850.224.5073
Jerry.hendrix@att.com
www.att.com

July 11, 2011

Mrs. Ann Cole
Director, Division of The Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Re: Notice of the Adoption of Interconnection, unbundling, resale and collocation agreement between BellSouth Telecommunications, Inc d/b/a AT&T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a NewPhone, Inc. by Digital Express, Inc.

Dear Mrs. Cole:

BellSouth Telecommunications, Inc d/b/a AT&T Florida d/b/a AT&T Southeast hereby provides notice to the Florida Public Service Commission of the adoption by Digital Express, Inc. of the Interconnection, Unbundling, Resale, and Collocation Agreement for the State of Florida entered into between BellSouth Telecommunications, Inc d/b/a AT&T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a NewPhone, Inc., which was filed with this Commission on April 4, 2006 in Docket No. 06319-TP.

Digital Express, Inc. is adopting the agreement and all amendments (if applicable), as provided by Section 252(i) of the Telecommunications Act of 1996.

Enclosed are the original and one (1) copy of the contract between BellSouth Telecommunications, Inc d/b/a AT&T Florida d/b/a AT&T Southeast and Digital Express, Inc., for your records.

If you have any questions please do not hesitate to contact Robyn Yant at (850) 577-5551.

Very truly yours,

Jerry D. Hendrix
Regulatory Vice President

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MFN AGREEMENT

This MFN Agreement ("MFN Agreement"), which shall be filed with and is subject to approval by the State Commission and shall become effective ten (10) days after approval by such Commission ("Effective Date"), is entered into by and between Digital Express, Inc. ("CLEC"), a Texas corporation on behalf of itself, and BellSouth Telecommunications, Inc. d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina and AT&T Tennessee, ("AT&T"), having an office at 675 W. Peachtree Street, Atlanta, Georgia, 30375, on behalf of itself and its successors and assigns.

WHEREAS, the Telecommunications Act of 1996 (the "Act") was signed into law on February 8, 1996; and

WHEREAS, CLEC has requested that AT&T make available the Interconnection Agreement in its entirety executed between AT&T and Image Access, Inc. d/b/a NewPhone, Inc. dated March 20, 2006 for the State of Florida.

WHEREAS, pursuant to Section 252(i) of the Act, for purposes of this MFN Agreement, CLEC has adopted the Interconnection Agreement for the State of Florida;

NOW, THEREFORE, in consideration of the promises and mutual covenants of this MFN Agreement, CLEC and AT&T hereby agree as follows:

1. **AT&T-9STATE** shall be defined as the States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.
2. CLEC and AT&T shall adopt in its entirety the Interconnection Agreement dated March 20, 2006 and any and all amendments to said Interconnection Agreement executed and approved by the appropriate state regulatory commission as of the date of the execution of this MFN Agreement. The Interconnection Agreement and all amendments are attached hereto as Exhibit 1 and incorporated herein by this reference. The adoption of this Interconnection Agreement with amendment(s) consists of the following:

ITEM
Adoption Papers
Signature Page
Exhibit 1 Cover Page
Image Access, Inc. d/b/a NewPhone, Inc. Agreement
GA Rate Remand Order Amendment - Effective April 19, 2006
Amendment to Extend Term Date - Effective March 31, 2009

3. In the event that CLEC consists of two (2) or more separate entities as set forth in the preamble to this MFN Agreement, all such entities shall be jointly and severally liable for the obligations of CLEC under this MFN Agreement.
4. The term of this MFN Agreement shall be from the Effective Date as set forth above and shall expire as set forth in Section 2 of the General Terms and Conditions of the Interconnection Agreement. For the purposes of determining the expiration date of this MFN Agreement, the expiration date shall be April 18, 2012.
5. CLEC shall accept and incorporate any approved amendments to the Interconnection Agreement executed as a result of any final judicial, regulatory, or legislative action.
6. In entering into this MFN Agreement, the Parties acknowledge and agree that neither Party waives, and each Party expressly reserves, any of its rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in this MFN Agreement with respect to any orders, decisions, legislation or proceedings and any remands by the FCC, state utility commission, court, legislature or other governmental body including, without limitation, any such orders, decisions, legislation, proceedings, and remands which were issued, released or became effective prior to the Effective Date of this MFN Agreement, or which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further government review.

DOCUMENT NUMBER-DATE

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7. Every notice, consent or approval of a legal nature, required or permitted by this MFN Agreement shall be in writing and shall be delivered either by hand, by overnight courier or by US mail postage prepaid addressed to:

To AT&T:

Contract Management
ATTN: Notices Manager
311 S. Akard, 9th Floor
Dallas, TX 75202-5398
Facsimile Number: 214-464-2006

With a Copy To:

Business Markets Attorney
Suite 4300
675 W. Peachtree St.
Atlanta, GA 30375

To CLEC:

Tom Armstrong
Vice President
1801 W. Fairfield Drive, Unit 1
Pensacola, FL 32501

or at such other address as the intended recipient previously shall have designated by written notice to the other Party. Where specifically required, notices shall be by certified or registered mail. Unless otherwise provided in this MFN Agreement, notice by mail shall be effective on the date it is officially recorded as delivered by return receipt or equivalent, and in the absence of such record of delivery, it shall be presumed to have been delivered the fifth day, or next business day after the fifth day, after it was deposited in the mails.

Digital Express, Inc.

BellSouth Telecommunications, Inc. d/b/a
AT&T Florida, by AT&T Services, Inc., its
authorized agent

By: Thomas M. Armstrong

By: Patrick Doherty

Name: THOMAS M. ARMSTRONG

Name: Patrick Doherty

Title: President

Title: Director - Regulatory

Date: 6/6/2011

Date: JUN 08 2011

EXHIBIT 1

**Customer Name: Image Access, Inc. d/b/a NewPhone**

Image Access 2006 IA	2
Table of Contents	3
General_Terms_and_Conditions	5
Signature Page	25
Att1-Resale	26
Att 1 - Resale Discounts & Rates	46
Att 2 - Network Elements & Other Services	55
newAtt2-NetworkElementRates-ExhA	98
newAtt2-NetworkElementRates-ExhB	180
Att 3 - Network Interconnection	198
Att 3 - Network Element Rates	228
Att 4 - Collocation	246
Att 4 - Collocation Rates - Exhibit B	299
Att 5 - Access to Numbers and Number Portability	345
image Access Att 6Ordering	351
Att7 Billing Redline image access	360
Att 7 - CMDS Rates	380
Att 8 - Rights of Way	389
Att 9 Perf Meas Intro	391
Att 10 - Disaster Recovery Plan	393
Att 11 - BFR and NBR Process	402
Image Access GA Rate Remand Order	409
Image Access 2009 ICA Extension	428