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COMMISSION
CLERK

DATE: November 17, 2004

TO: Docket File

FROM: Jeff Bates (Division of Competitive Markets and Enforcement) *JB*
Jason Rojas (Office of the General Counsel) *JR*

RE: Docket No. 040879-TP - Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch. *SR*

By letter received August 17, 2004, BellSouth Telecommunications, Inc. filed a request for approval of an amendment to the interconnection, unbundling, resale, and collocation agreement with Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch. 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 November 15, 2004.

Staff reviewed the agreement in this Docket on November 10, 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.

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

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