



BellSouth Interconnection Services

675 West Peachtree Street
Atlanta, Georgia 30375

**Carrier Notification
SN91084043**

Date: March 23, 2004

To: All Competitive Local Exchange Carriers (CLEC)

Subject: CLECs (Product/Service) - Commercial Agreement for BellSouth DS0 Wholesale Local Voice Platform Service

On March 2, 2004, the United States Court of Appeals for the District of Columbia ("Court") issued its opinion (Order) in the appeal of the Federal Communication Commission's (FCC) Triennial Review Order (TRO). The Court vacated and/or remanded significant portions of the TRO. Specifically, the Court vacated the FCC's rules associated with, among other items, mass-market switching, thereby eliminating BellSouth's obligation to provide unbundled switching and, therefore, Unbundled Network Elements-Platform (UNE-P) at TELRIC rates. The Court's Order will become effective May 1, 2004, unless the Court grants a rehearing or issues a stay of the Order.

In light of the Court's Order, BellSouth is prepared to offer switching and DS0 loop/switching combinations (including what is currently known as UNE-P) at commercially reasonable and competitive rates. BellSouth will offer switching via a DS0 Wholesale Local Voice Platform Services commercial agreement. Consistent with the direction provided by FCC Chairman Michael Powell, BellSouth invites your company to enter into good faith negotiations of a market-based commercial agreement aimed at benefiting the end user, establishing stability in the industry and allowing real competition to continue throughout the BellSouth region. Entering into such an agreement will effect an efficient transition from switching under your existing Interconnection Agreement to switching offered on a commercial basis.

Highlights of this offer are as follows:

Availability:

This offer is available until May 1, 2004

Term:

Agreements executed before May 1, 2004, will be effective through December 31, 2007.

Rates:

The Agreement establishes a rate schedule for the DS0 Wholesale Local Voice Platform Services and standalone DS0 switch ports for the entire contract period.

Mass Market (less than 4 DS0 lines per end user):

- \$7 above existing state-ordered TELRIC UNE-P recurring rates*
- Discounts in 2004 result in a zero net increase above TELRIC*
- Transitional discounts in January 2005 through December 2006

* Rates ordered prior to June 24, 2003 in Georgia

Mass Market (cont.):

- Standalone DS0 switch ports at \$7 increase over existing state-ordered TELRIC recurring rates* with no transitional discounts

Enterprise Market (four or more DS0 lines or where a DS1 is serving an end user):

- Provides a \$10 increase over current DS0 state-ordered TELRIC UNE-P recurring rates* and applies to both DS0 Wholesale Local Voice Platform Services and standalone DS0 ports

Significant General Terms:

- Customer may continue to purchase standalone Loops or Resale Services under a BellSouth interconnection agreement and/or tariff.
- Guaranteed service metrics are offered through a service level commitment and are subject to payments by BellSouth to the customer for non-performance
- Prices, excluding discounts, for DS0 Wholesale Local Voice Platform Services will remain constant over the term of the Agreement.
- Damages will apply for non-compliance with the terms of the Agreement.

This offer is available only until May 1, 2004. Again, BellSouth invites you to enter into good faith negotiations of a commercial agreement as soon as possible in order to complete these negotiations by May 1.

To begin the negotiation process or obtain additional information, please contact Valerie Cottingham at 205-321-4970.

Sincerely,

Original signed by Jerry Hendrix

**Jerry Hendrix – Assistant Vice President
BellSouth Interconnection Services**

* Rates ordered prior to June 24, 2003 in Georgia