

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE	)	
PROPRIETY OF PROVISION OF INTERLATA	)	CASE NO.
SERVICES BY BELL SOUTH	)	2001-00105
TELECOMMUNICATIONS, INC., PURSUANT	)	
TO THE TELECOMMUNICATIONS ACT OF	)	
1996	)	
PETITION OF BELL SOUTH	)	
TELECOMMUNICATIONS, INC. FOR THE	)	CASE NO.
ESTABLISHMENT OF A NEW PERFORMANCE	)	2004-00391
PLAN	)	

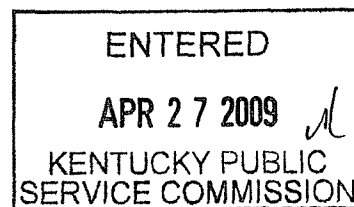
O R D E R

On February 11, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T") filed a letter with the Commission giving notice that it had declared a Force Majeure Event pursuant to Section 4.5.2 of its Self Effectuating Enforcement Mechanisms ("SEEM") Plan after a large municipal water main break under a street outside AT&T's St. Louis data center on December 6, 2008 caused water damage to its St. Louis data center. AT&T stated that the outage prevented the provider from meeting the performance standards associated with the Reject Interval and Firm Order Confirmation Timeliness on certain dates between December 8, 2008 and December 12, 2008. On February 20, 2009, Competitive Carriers of the South, Inc. ("CompSouth") filed an objection to AT&T's declaration of a Force Majeure Event. By Orders dated March 2, 2009, March 11, 2009, and April 9, 2009, the Commission set forth procedural schedules to allow the parties the opportunity to respond and reply to CompSouth's

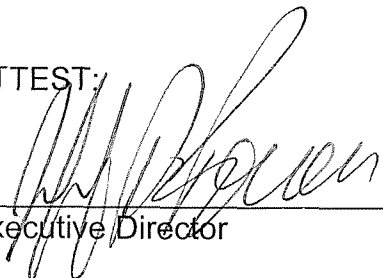
objection. On April 13, 2009, CompSouth filed a notice of voluntary withdrawal of its objection. The Commission shall treat this notice as a motion and finds that the motion for withdrawal shall be granted.

IT IS HEREBY ORDERED that CompSouth's motion for voluntary withdrawal of its objection to AT&T's Force Majeure Declaration is granted.

By the Commission



ATTEST:

  
Executive Director

Honorable William R Atkinson  
Attorney, State Regulatory  
Sprint Communications Company L.P. c/o Sprint  
4701 Mercantile Drive, North  
Fort Worth, TX 76137-3606

Honorable Eric N Ison  
Greenebaum Doll & McDonald PLLC  
3500 National City Tower  
101 South Fifth Street  
Louisville, KY 40202-3197

Honorable John E Selent  
Attorney at Law  
Dinsmore & Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

Honorable Susan J Berlin  
Secretary/Treasurer  
MCI WorldCom  
6 Concourse Parkway  
Suite 3200  
Atlanta, GA 30328

Honorable Mary K Keyer  
General Counsel/Kentucky  
BellSouth Telecommunications, Inc. dba AT&T  
601 West Chestnut Street, Room 408  
Louisville, KY 40203

Tony Taylor  
BellSouth Telecommunications, Inc. dba AT&T  
601 West Chestnut Street, Room 408  
Louisville, KY 40203

Honorable Douglas F Brent  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KY 40202-2828

William J Maxwell  
President  
ICG Telecom Group, Inc. c/o Level 3  
1025 Eldorado Boulevard  
Broomfield, CO 80021

Honorable Katherine K Yunker  
Attorney At Law  
Yunker & Associates  
P. O. Box 21784  
Lexington, KY 40522-1784

Claire C Daly  
Director  
WorldCom Network Services, Inc. c/o MCI  
6 Concourse Parkway  
Suite 3200  
Atlanta, GA 30328

Donna McNulty  
MCI  
1203 Governors Square Boulevard  
Suite 201  
Tallahassee, FL 32301

Honorable C. Kent Hatfield  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KY 40202-2828

Honorable Pamela E Melton  
LCI International Telecom Corp. Qwest  
4250 N. Fairfax Drive  
13th. Floor  
Arlington, VA 22203

Jean Houck  
Regulatory  
ITC^ DeltaCom Communications, Inc.  
7037 Old Madison Pike  
Suite 400  
Huntsville, AL 35806

Honorable Wanda G Montano  
Vice President, Regulatory & Industry Affairs  
US LEC of North Carolina, LLC Morrocroft III  
6801 Morrison Blvd.  
Charlotte, NC 28211

Honorable John N Hughes  
Attorney at Law  
124 West Todd Street  
Frankfort, KY 40601

Katherine T Mudge  
DIECA Communications, Inc. dba Covad  
7000 North MoPac Expressway  
Floor 2  
Austin, TX 78731