

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NEXUS COMMUNICATIONS, INC.)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2010-00444
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
D/B/A AT&T KENTUCKY)	
)	
DEFENDANT)	

ORDER

On April 12, 2012, Nexus Communications, Inc. ("Nexus") and BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky") filed with the Commission a joint motion to abate this proceeding. The parties requested that the Commission hold the case in abeyance pending the outcome of Case Nos. 2010-00023,¹ 2010-00026,² and 2010-00029³ that were pending before the Commission. The Commission's April 27, 2012 Order granted the parties' joint motion to abate, but held that the case would only be held in abeyance for 60 days, at which point the case would be removed from abeyance and the parties would have to file a renewed motion to abate should they desire that the case remain in abeyance.

¹ Case No. 2010-00023, *BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T Kentucky v. BLC Management LLC d/b/a Angles Communications Solutions* (Ky. PSC Feb. 19, 2013).

² Case No. 2010-00026, *BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T Kentucky v. Lifeconnex Telecom, LLC f/k/a Swiftel, LLC* (Ky. PSC Feb. 19, 2013).

³ Case No. 2010-00029, *BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T Kentucky v. dPi Teleconnect, LLC* (Ky. PSC May 5, 2012).

On June 26, 2012, the parties jointly filed a renewed motion to abate. The parties requested that the Commission continue to hold this case in abeyance pending the issuance of final orders on the merits in Case Nos. 2010-00023 and 2010-00026. The Commission's September 10, 2012 Order granted the joint motion and placed the case in abeyance for an additional 60 days.

On November 9, 2012, the parties jointly filed a renewed motion to abate. The parties request that the Commission continue to hold this case in abeyance pending the issuance of final orders on the merits in Case Nos. 2010-00023 and 2010-00026. The parties stated that AT&T Kentucky retains the right to move to lift the abeyance if Nexus fails to make payments for undisputed amounts. The parties also agree to continue settlement negotiations during the abatement period and stated that Nexus had submitted a broad settlement offer to AT&T Kentucky. The Commission's November 30, 2012 Order granted the joint motion and placed the case in abeyance for an additional 60 days.

On January 30, 2013, the parties jointly filed a renewed motion to abate. Unlike their previous motions to renew abatement, the parties no longer stated that they were waiting for the Commission to issue final orders in Case Nos. 2010-00023 and 2010-00026.⁴ Rather, the parties stated that they are engaging in extensive and broad-range settlement negotiations regarding all states in which there are disputes between the

⁴ The Commission issued final Orders in these cases on February 19, 2013.

parties.⁵ The parties claim that they have agreed in principle to the terms of the settlement and are “working diligently” to reach final resolution of these issues.⁶

The Commission finds that the parties, because they have agreed in principle to a settlement, have provided sufficient grounds to support their Joint Motion. The Commission encourages the parties to resolve as many issues as they can prior to proceeding to a hearing before the Commission and it appears likely that holding this case in abeyance will accomplish that goal. Accordingly, the Commission will grant the parties’ Joint Motion. However, in order to ensure that progress is being made in settlement negotiations or that litigation in other states is moving toward resolution, the Commission will only hold this case in abeyance for 60 days from the date of this Order. At the end of the 60-day period, this case will no longer be held in abeyance and the case shall proceed. If the case is not settled by the time the abeyance is lifted, the parties shall file a proposed joint procedural schedule with the Commission.

IT IS THEREFORE ORDERED that:

1. This case is held in abeyance for 60 days from the date of this Order.
2. At the end of the 60-day period, if the parties have not reached a settlement, the parties shall file a proposed joint procedural schedule with the Commission.

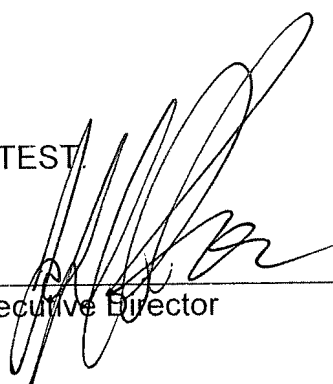
⁵ Joint Status Report and Renewed Motion to Abate (“Joint Motion”), filed Jan. 30, 2013, at 1.

⁶ *Id.* at 2.

By the Commission

ENTERED
MAR 27 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST



Executive Director

Case No. 2010-00444

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