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April 15, 2005

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Re: Petition to Establish Generic Docket to Consider Amendments
to Interconnection Agreements Resulting from Changes of Law
KPSC 2004-00427

Joint Petition for Arbitration of NewSouth Communications Corp., NuVox
Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and
Xspedius Communications, LLC on Behalf of Its Operating Subsidiaries
Xspedius Management Co. Switched Services, LLC, Xspedius
Management Co. of Lexington, LLC, and Xspedius Management Co. of
Louisville, LLC of an Interconnection Agreement With BellSouth
Telecommunications, Inc. Pursuant to Section 252(b) of the
Communications Act of 1934, As Amended
PSC 2004-00044

Dear Ms. O'Donnell:

Pursuant to the Commission's Orders of March 10, 2005, in the above-referenced dockets directing that the parties apprise the Commission of the status of their negotiations, BellSouth advises that its negotiations with CLECs in regards to switching, which is no longer an unbundled network element, have been in the context of commercial agreements. BellSouth also has provided an amendment compliant with the FCC's Order on Remand to all CLECs with Interconnection Agreements on file at the Commission in Kentucky. Pursuant to the FCC's Order on Remand,¹ access to switching as a UNE for new customers must be removed from Interconnection Agreements; however, BellSouth has been and is willing to negotiate

¹ *Order on Remand, Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313, CC Docket No. 01-338, FCC 04-290 (FCC rel. Feb. 4, 2005) ("Order on Remand").

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commercial agreements for that same switching function at market rates. To date, BellSouth has successfully negotiated 113 agreements with CLECs and currently is in the process of negotiations with other CLECs. Those CLECs that have entered into commercial agreements with BellSouth are not impacted by the FCC's Order on Remand which clearly prohibits CLECs from placing new orders for switching. BellSouth continues to be ready, willing and able to negotiate with any CLEC that wishes to negotiate a commercial agreement. Furthermore, CLECs are able to utilize the resale provisions of their existing interconnection agreements to order switching as needed. Of course, BellSouth continues to negotiate with CLECs on changes of law relative to the remaining Section 251 elements.

The attached Certification for case 2004-00427 certifies that this filing was filed electronically today and served by email on parties of record. Parties of Record can access the information at the Commission's Electronic Filing Center located at <http://psc.ky.gov/efs/efsmain.aspx>.

The attached Certificate of Service of case 2004-00044 certifies that paper copies of this letter were mailed to the parties of record in that case.

The original and ten (10) copies of this letter are enclosed for filing in case 2004-00044. One copy of this letter, together with the confirmation of electronic filing in case 2004-00427, will be sent to the Commission via Federal Express.

Very truly yours,



Dorothy J. Chambers

cc: Parties of Record

581198

CERTIFICATION FOR KPSC 2004-00427

I hereby certify that the electronic version of this filing made with the Commission in case 2004-00427, this 15th day of April 2005 is a true and accurate copy of the documents filed herewith in paper form on April 15, 2005, and the electronic version of the filing has been transmitted to the Commission. An electronic copy of the Read1st document has been served electronically on parties.


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ELECTRONIC SERVICE LIST - KPSC 2004-00427

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Xspedius Communications, LLC on behalf of itself and its operating subsidiaries, Xspedius Management Co. Switched Services, LLC, Xspedius Management Co. of Lexington, LLC, and Xspedius Management Co. of Louisville, LLC

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CERTIFICATE OF SERVICE FOR KPSC 2004-00044

It is hereby certified that in case 2004-00044, a true and correct copy of the foregoing was served on the following individuals by mailing a copy thereof, this 15th day of April 2005.

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