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August 26, 2005

VIA HAND DELIVERY

Hon. Beth O'Donnell
Executive Director
Public Service Commission
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Frankfort, KY 40601

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PUBLIC SERVICE
COMMISSION

Re: Joint Petition for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended; Docket No. PSC 2004-00044

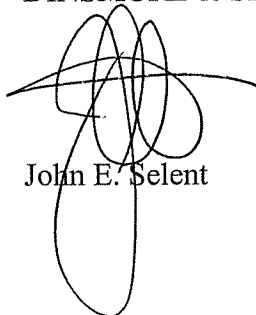
Dear Ms. O'Donnell:

NuVox Communications, Inc. and Xspedius Communications, Inc. ("Joint Petitioners"), by counsel, hereby submit, for filing in the above-referenced matter, the enclosed August 19, 2005 Georgia Public Service Commission Order denying the Motion of BellSouth Telecommunications, Inc. to move issues to a generic proceeding. Ten copies of the Georgia Public Service Commission's Order are enclosed.

Thank you, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



John E. Selent

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JES/bmt
Enclosure

cc: Amy E. Dougherty, Esq. (w/enclosure)
All Counsel of Record (w/enclosure)



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DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

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Georgia Public Service Commission

EXECUTIVE SECRETARY

REECE McALISTER
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DOCKET#	18409
DOCUMENT#	85224

Docket No. 18409-U

In Re: Joint Petition for Arbitration of NewSouth Communications Corporation, et al of an Interconnection Agreement with BellSouth Telecommunications, Inc Pursuant to Section 252(b) of the Communications Act of 1934, as Amended.

ORDER ON MOTION TO MOVE TRO ARBITRATION ISSUES TO GENERIC DOCKET

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BellSouth Motion

PUBLIC SERVICE
COMMISSION

On June 30, 2005, BellSouth Telecommunications, Inc. ("BellSouth") filed with the Georgia Public Service Commission ("Commission") a Motion to Move TRO Arbitration Issues ("Motion") to Docket No. 19341-U (Generic Change of Law Proceeding). BellSouth asserted that Arbitration Issues 26, 36, 37, 38 and 51 were comparable to issues that were included in the Joint Issues List that was submitted and ultimately approved by the Commission. BellSouth contends that it would be a more efficient use of resources and the risk of inconsistent decisions would be eliminated if the Commission moved the issues from the arbitration docket to the generic proceeding. Finally, BellSouth argued that such action would be consistent with actions that the Commission has taken in prior arbitration proceedings.

Joint Petitioner Response

The Joint Petitioners filed its opposition to BellSouth's Motion on July 8, 2005. The Joint Petitioners argued that the granting of BellSouth's Motion would strip the Joint Petitioners of their rights to have the TRO-related Arbitration issues decided in the context of their section 252 arbitration, and require the Joint Petitioners to litigate the same issues twice against BellSouth. The Joint Petitioners further urge the Commission not to grant BellSouth's Motion because doing so would delay BellSouth's obligation to comply with the Triennial Review Order.

Discussion

The Commission denies BellSouth's Motion. The issues have been presented in hearings and initial briefs have already been filed in this docket. Therefore, it does not appear that there are significant efficiencies to be gained by moving the issues from the arbitration docket to the generic proceeding. Moving the issues into the generic proceeding at this time may subject parties to unnecessary delay in implementing their rights via arbitrated interconnection agreements.

* * * * *


WHEREFORE, it is

ORDERED, that BellSouth's Motion to Move Docket No. 18409-U Arbitration Issues 26, 36, 37, 38 and 51 into Generic Docket 19341-U is hereby denied.


ORDERED FURTHER, that a motion for reconsideration, rehearing or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 2nd day of August, 2005.



REECE MCALISTER
EXECUTIVE SECRETARY



ANGELA ELIZABETH SPEIR
CHAIRMAN

8-17-05
Date

8/19/05
Date