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January 24, 2007

RECEIVED

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PUBLIC SERVICE
COMMISSION

Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

Re: BellSouth EEL Audit – Closed Case No. 2004-00295

Dear Ms. O'Donnell:

On behalf of NuVox Communications, I am writing to provide the Commission with courtesy notice of a development that has had a significant impact on a pending EEL audit in Kentucky and on any potential new EEL audits in Kentucky. On December 29, 2006, the Federal Communications Commission granted conditioned approval to AT&T Inc.'s merger with BellSouth.¹ One of the conditions imposed on the merger is that BellSouth must cease all "ongoing or threatened" EEL audits and must not commence "new" EEL audits, effective on December 29, 2006.² Most notably, this merger condition directly impacts the EEL audit authorized by the Commission in Case No. 2004-00295. As a result of the merger condition, NuVox and BellSouth agree that the audit approved by the Commission in Case No. 2004-00295 is terminated.

Please do not hesitate to contact either of us if you have any questions.

¹ FCC Approves Merger of AT&T Inc. and BellSouth Corporation, Fed. Communications Comm'n News (rel. Dec. 29, 2006) ("News Release").

² News Release, AT&T Merger Commitment Letter, Attachment at 3.

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Sincerely,

A handwritten signature in black ink, appearing to read 'D. Brent', with a long horizontal stroke extending to the right.

Douglas F. Brent

and

John J. Heitmann
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Counsel for NuVox Communications

Attachments

cc: Riley M. Murphy
Susan J. Berlin
Cheryl R. Winn

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