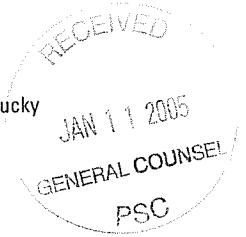


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January 10, 2005

Amy E. Dougherty, Esq.
Public Service Commission
211 Sower Boulevard
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RECEIVED

JAN 11 2005

PUBLIC SERVICE
COMMISSION

Re: Petition to Establish Docket to Consider Amendments to Interconnection Agreements Resulting from Change of Law, Kentucky Broadband Act PSC 2004-00501

Dear Amy:

This is a confirmation and follow-up to our telephone call on Friday, January 7, to discuss the status and scheduling in this case.

As you know, the Commission's December 22, 2004 scheduling order set January 20 for the CLEC parties to file comments and also set January 27 for an informal conference. Kent Hatfield subsequently contacted me and indicated that his client, Cinergy Communications Company, was requesting a one week extension, until January 27 to file comments, and also is requesting that the informal conference be delayed until some time during the weeks of January 31 or February 7. Kent also advised that he had spoken to the other parties in this case, Jonathon Amlung representing SouthEast Telephone, and Kris Twomey, representing Aero Communications, who also had no objection to a modest rescheduling. Kent also advised that the other three CLECS, EveryCall, ITC Delta Com and Momentum, have advised him that they do not intend to participate in this case. In addition, I recently have learned that EveryCall has entered into an amended Interconnection Agreement with BellSouth, implementing the provisions of the Kentucky Broadband Act. As a result, BellSouth's petition will be withdrawn as to EveryCall.

As I confirmed, BellSouth has no objection to a modest extension of the dates the Commission has set. However, as we also discussed, it is my belief that an informal conference is not necessary because BellSouth's petition raises strictly legal questions which could best be handled by setting a briefing schedule. If the Commissioners would find it helpful, an oral argument on those legal issues also could be scheduled. Thus, the filing of comments and the holding of an informal conference in this particular case likely will result in an unnecessary exercise that does not advance this matter.

Amy E. Dougherty, Esq.
January 10, 2005
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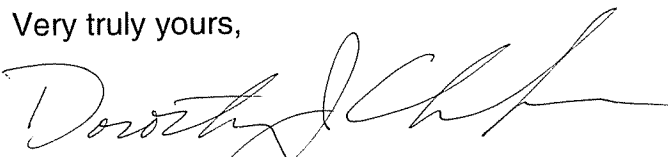
In response to my question about having an informal conference, you stated that the Commission staff may have questions on technical issues regarding BellSouth's broadband deployment and how that deployment relates to pieces of the Kentucky broadband statute. You did not, however, identify any specific factual questions but stated that you would not know if there were any factual questions until you and Commission staff had seen the comments filed by the CLEC parties. You agreed that this proceeding might well turn out to involve strictly legal issues. Also, in our telephone discussion, Kent did not raise any factual issues as needing to be addressed in comments or at a hearing. As you know, the Kentucky Commission's Staff has a high level of knowledge and involvement in issues related to broadband, so there would appear to be little likelihood of a need for a detailed factual discussion regarding broadband. Because BellSouth is strongly of the opinion that this proceeding raises strictly legal issues, it appears the most expeditious way to proceed in this matter is to set a briefing schedule and cancel the informal conference.

As you requested, in the meantime, I have contacted BellSouth personnel to determine dates they are available for an informal conference if the Commission should determine an informal conference is appropriate. Because of schedules, BellSouth personnel are not all available during any single date during the first two weeks of February. However, I have confirmed several dates during the following weeks when BellSouth representatives are available to participate in an informal conference if that should prove to be necessary: February 15, 16, 17, 22 or 24.

I would appreciate if we could determine if an informal conference really is necessary and, if so, what factual questions the parties or Staff have. If an informal conference is not necessary, I suggest this matter be set for a briefing schedule by agreed motion.

Please let me know if you would like to discuss this further, or if there is any other information I can provide.

Very truly yours,



Dorothy J. Chambers

cc: Beth O'Donnell, Executive Director, Kentucky Public Service Commission
Parties of Record

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