

**Dinsmore & Shohl** LLP  
ATTORNEYS

Holly C. Wallace  
502-540-2309  
holly.wallace@dinslaw.com

February 2, 2006

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PUBLIC SERVICE  
COMMISSION

**Via Federal Express**

Hon. Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601

**Re: Case No. 2005-00217, In the matter of: Enforcement of Commission's Order  
in Case No. 2004-00295, dated April 15, 2005**

Dear Ms. O'Donnell:

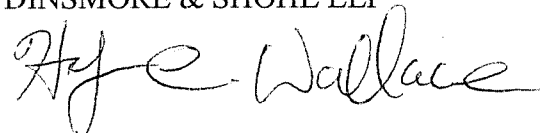
On June 5, 2005, BellSouth Telecommunications, Inc. ("BellSouth") filed a Complaint in the above-referenced matter seeking enforcement of the April 15, 2005 Order of the Public Service Commission of the Commonwealth of Kentucky (the "Commission"). BellSouth alleged that NuVox Communications, Inc. ("NuVox") failed to cooperate with an audit of fifteen circuits "commenced" by Grant Thornton. On June 20, 2005, NuVox answered BellSouth's Complaint. Three days later, on June 23, 2005, NuVox filed a motion to dismiss. In its motion, NuVox explained that the auditor, Grant Thornton, had requested nothing more than NuVox's contact information, which NuVox provided on May 23, 2005, two weeks before BellSouth filed its Complaint. Thus, BellSouth's Complaint was without merit.

To date, over seven months after NuVox filed its motion to dismiss, BellSouth has yet to file a response. The time for BellSouth to respond has long since passed. NuVox's motion to dismiss stands uncontested and ripe for decision. Accordingly, NuVox respectfully requests that the Commission rule in favor of NuVox's pending motion to dismiss.

Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP

A handwritten signature in cursive script that reads "Holly C. Wallace". The signature is written in black ink and is positioned above the printed name.

Holly C. Wallace

cc: Dorothy J. Chambers, Esq.  
John J. Heitman, Esq.  
Jennifer M. Kashatus, Esq.  
Edward T. Depp, Esq.  
John E. Selent, Esq.

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