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February 4, 2010

VIA OVERNIGHT MAIL

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

RECEIVED

FEB 05 2010

**PUBLIC SERVICE
COMMISSION**

Re: dPi Teleconnect LLC, Complainant v. BellSouth Telecommunications, Inc.,
d/b/a AT&T Kentucky, Defendant
PSC 2005-00455

Dear Mr. Derouen:

Enclosed for filing in the above-captioned case are the original and ten (10) copies of Joint Motion Requesting Modification of Scheduling Order.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Mary K. Keyer

Enclosures

cc: Douglas F. Brent, Esq., Stoll Keenon Ogden
Christopher Malish, Esq., Foster Malish & Cowan, LLP

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DPI TELECONNECT, L.L.C)	
)	CASE NO.
COMPLAINANT)	2005-00455
)	
V.)	
)	
BELLSOUTH TELECOMMUNICATION, INC.)	
D/B/A AT&T KENTUCKY)	
)	
DEFENDANT)	

JOINT MOTION REQUESTING MODIFICATION OF SCHEDULING ORDER

dPi Teleconnect, LLC (“dPi”) and BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky (“AT&T Kentucky”) have agreed, if acceptable to the Kentucky Public Service Commission (“Commission”), to submit this case to the Commission on briefs rather than through a hearing. Accordingly, the Parties request that the Commission modify its August 25, 2009 Order as follows:

The hearing scheduled for February 10-11, 2010, is cancelled. In lieu of a hearing, the Parties shall submit simultaneous briefs by March 19, 2010. In addition to the Commission’s case file, the Parties agree and stipulate that the following documents shall also become part of the evidence in this case for consideration by the Commission in its deliberation of the issues before it and for purposes of appeal:

1. The March 1, 2006, hearing transcript of the North Carolina Utilities Commission in *In the Matter of BellSouth Telecommunications, Inc., Complaint of dPi Teleconnect, LLC*, Docket No. P-55, Sub 1577.

2. The April 15, 2008, hearing transcript of the North Carolina Utilities Commission in *In the Matter of BellSouth Telecommunications, Inc., Complaint of dPi Teleconnect, LLC*, Docket No. P-55, Sub 1577.

3. The February 23, 2006, deposition transcript of Brian Bollinger in *In the Matter of BellSouth Telecommunications, Inc., Complaint of dPi Teleconnect, LLC*, Docket No. P-55, Sub 1577 before the North Carolina Utilities Commission.

4. The February 24, 2006, deposition transcript of Kristy Seagle in *In the Matter of BellSouth Telecommunications, Inc., Complaint of dPi Teleconnect, LLC*, Docket No. P-55, Sub 1577 before the North Carolina Utilities Commission.

5. The April 3, 2008 hearing transcript of the Florida Public Service Commission in *In the Matter of Complaint by dPi Teleconnect, LLC against BellSouth Telecommunications, Inc. for Dispute Arising under the Interconnection Agreement*, Docket No. 050863-TP.

AT&T Kentucky shall file these transcripts with the Commission on or before February 10, 2010.

Respectfully submitted this 4th day of February, 2010.


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