

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NEXUS COMMUNICATIONS, INC.	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO. 2010-00444
	)	
BELLSOUTH TELECOMMUNICATIONS,	)	
INC. D/B/A AT&T KENTUCKY	)	
	)	
DEFENDANT	)	

ORDER

On April 12, 2012, Nexus Communications, Inc. ("Nexus") and BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T Kentucky") filed with the Commission a joint motion to abate this proceeding. The parties requested that the Commission hold the case in abeyance pending the outcome of Case Nos. 2010-00023,<sup>1</sup> 2010-00026,<sup>2</sup> and 2010-00029<sup>3</sup> that were pending before the Commission. The Commission, by Order dated April 27, 2012, granted the parties' joint motion to abate, but held that the case would only be held in abeyance for 60 days, at which point the case would be removed from abeyance and the parties would have to file a renewed motion to abate should they desire that the case remain in abeyance.

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<sup>1</sup> Case No. 2010-00023, *BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T Kentucky v. BLC Management LLC d/b/a Angles Communications Solutions*, filed Jan. 21, 2010.

<sup>2</sup> Case No. 2010-00026, *BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T Kentucky v. Lifeconnex Telecom, LLC f/k/a Swifitel, LLC*, filed Jan. 22, 2010.

<sup>3</sup> Case No. 2010-00029, *BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T Kentucky v. dPi Teleconnect, LLC* (Ky. PSC May 5, 2012). This case has been dismissed with prejudice on the motion of both parties.

On June 26, 2012, the parties jointly filed a renewed motion to abate. The parties requested that the Commission continue to hold this case in abeyance pending the issuance of final orders on the merits in Case Nos. 2010-00023 and 2010-00026. The Commission, on September 10, 2012, granted the joint motion and placed the case in abeyance for an additional 60 days.

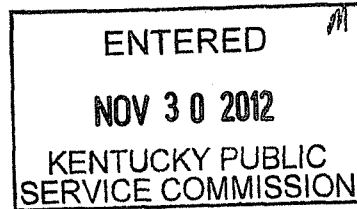
On November 9, 2012, the parties jointly filed a renewed motion to abate. The parties request that the Commission continue to hold this case in abeyance pending the issuance of final orders on the merits in Case Nos. 2010-00023 and 2010-00026. The parties state that AT&T Kentucky retains the right to move to lift the abeyance if Nexus fails to make payments for undisputed amounts. The parties also agree to continue settlement negotiations during the abatement period.

The Commission finds that the parties have provided sufficient grounds to support their joint motion. The Commission encourages the parties to resolve as many issues as they can prior to proceeding to a hearing before the Commission and it appears likely that holding this case in abeyance will accomplish that goal. Accordingly, the Commission will grant the parties' joint motion. However, in order to ensure that progress is being made in settlement negotiations or that litigation in other states is moving toward resolution, the Commission will only hold this case in abeyance for 60 days from the date of this Order. If the parties believe the case should remain in abeyance at the end of the 60-day period, they may file a renewed motion to abate the proceeding. The renewed motion should contain updated information relating to the progress of litigation in other states, as well as the current state of the parties' own


settlement negotiations. The Commission, upon receipt of a renewed motion to abate, will reconsider whether the abeyance should be continued.

IT IS THEREFORE ORDERED that this case is held in abeyance for 60 days from the date of this Order.

By the Commission



ATTEST:

  
Executive Director

Case No. 2010-00444

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