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May 31, 2005

**via Hand Delivery**

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

***Re: Joint Petition for Arbitration of NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC on Behalf of Its Operating Subsidiaries, Xspedius Management Co. Switched Services, LLC, Xspedius Management Co. of Lexington, LLC, and Xspedius Management Co. of Louisville, LLC of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended, before the Public Service Commission of the Commonwealth of Kentucky, Case No. 2004-00044***

Dear Ms. O'Donnell:

Enclosed for filing in the above-styled case is the original and ten copies of KMC's Notice of Withdrawal with Prejudice. This Notice of Withdrawal is filed on behalf of KMC only, and does not pertain to the remaining Joint Petitioners.

Thank you, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

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**BEFORE THE  
KENTUCKY PUBLIC SERVICE COMMISSION**

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*In the Matter of:* )  
)  
Joint Petition for Arbitration of NewSouth )  
Communications Corp., NuVox Communications, )  
Inc., KMC Telecom V, Inc., KMC Telecom III )  
LLC, and Xspedius Communications, LLC on )  
Behalf of Its Operating Subsidiaries Xspedius )  
Management Co. Switched Services, LLC )  
Xspedius Management Co. of Lexington, LLC and )  
Xspedius Management Co. of Louisville, LLC )

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PUBLIC SERVICE  
COMMISSION

Case No. 2004-00044

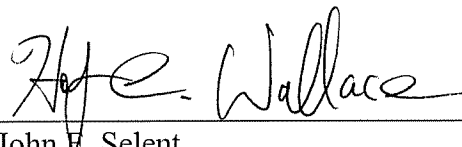
**KMC'S NOTICE OF WITHDRAWAL WITH PREJUDICE**

KMC Telecom III LLC and KMC Telecom V, Inc. (collectively, "KMC"), respectfully serves notice of its withdrawal of its participation, with prejudice,<sup>1</sup> in the Joint Petition by NewSouth Communications Corp., Nuvox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III, LLC, and Xspedius Communications, LLC, on behalf of its operating subsidiaries Xspedius Management Co. Switched Services LLC, Xspedius Management Co. of Lexington, LLC and Xspedius Management Co. of Louisville, LLC (collectively the "Joint Petitioners"), for arbitration of certain issues arising in negotiation of interconnection agreement with BellSouth Telecommunications, Inc. pursuant to 47 U.S.C. Section 252(b) of the Communications Act of 1934, as Amended, in the above-referenced case (the "Arbitration"). KMC's withdrawal, with prejudice, applies only to KMC and does not apply to any of the remaining Joint Petitioners in the Arbitration.

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<sup>1</sup> KMC's withdrawal shall be considered a dismissal with prejudice of this Arbitration with respect to KMC only and does not apply to the remaining Joint Petitioners.

Respectfully submitted,



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Counsel to KMC Telecom III LLC and  
KMC Telecom V, Inc

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on the following via U.S. Mail, first class, postage pre-paid, this 31st day of May, 2005.



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Counsel to KMC Telecom III LLC  
and KMC Telecom V, Inc.

**SERVICE LIST**  
**Case No. 2004-00044**

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