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AUG 29 2005

PUBLIC SERVICE
COMMISSION

August 29, 2005

Via Hand Delivery
Hon. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

Re: *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 of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended; Case No. 2004-00044*


Dear Ms. O'Donnell:

NewSouth Communications Corp., NuVox Communications, Inc., (collectively, "NuVox"), Xspedius Communications, LLC on behalf of its operating subsidiaries Xspedius Management Company Switched Services, LLC, Xspedius Management Co. of Lexington, LLC, and Xspedius Management Co. of Louisville, LLC (collectively, "Xspedius") (collectively, "Joint Petitioners") ask the Kentucky Public Service Commission to take official notice of the attached Georgia Public Service Commission Order in Docket No. 18409-U, dated August 19, 2005, denying the motion of BellSouth Telecommunications, Inc. to move issues from the arbitration proceeding to the generic proceeding. Eleven copies of the Order are enclosed herewith.

Thank you for your assistance. If you have any questions, please call me.

Very truly yours,

Dinsmore & Shohl LLP



Holly C. Wallace

cc: All Parties of Record



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AUG 19 2005

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

COMMISSIONERS:
ANGELA ELIZABETH SPEIR, CHAIRMAN
ROBERT B. BAKER, JR.
DAVID L. BURGESS
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STAN WISE

Georgia Public Service Commission

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DOCKET# 18409
DOCUMENT# 85224

Docket No. 18409-U

In Re: Joint Petition for Arbitration of NewSouth Communications Corporation, et al of an Interconnection Agreement with BellSouth Telecommunications, Inc Pursuant to Section 252(b) of the Communications Act of 1934, as Amended.

ORDER ON MOTION TO MOVE TRO ARBITRATION ISSUES TO GENERIC DOCKET

BellSouth Motion

On June 30, 2005, BellSouth Telecommunications, Inc. ("BellSouth") filed with the Georgia Public Service Commission ("Commission") a Motion to Move TRO Arbitration Issues ("Motion") to Docket No. 19341-U (Generic Change of Law Proceeding). BellSouth asserted that Arbitration Issues 26, 36, 37, 38 and 51 were comparable to issues that were included in the Joint Issues List that was submitted and ultimately approved by the Commission. BellSouth contends that it would be a more efficient use of resources and the risk of inconsistent decisions would be eliminated if the Commission moved the issues from the arbitration docket to the generic proceeding. Finally, BellSouth argued that such action would be consistent with actions that the Commission has taken in prior arbitration proceedings.

Joint Petitioner Response

The Joint Petitioners filed its opposition to BellSouth's Motion on July 8, 2005. The Joint Petitioners argued that the granting of BellSouth's Motion would strip the Joint Petitioners of their rights to have the TRO-related Arbitration issues decided in the context of their section 252 arbitration, and require the Joint Petitioners to litigate the same issues twice against BellSouth. The Joint Petitioners further urge the Commission not to grant BellSouth's Motion because doing so would delay BellSouth's obligation to comply with the Triennial Review Order.

Commission Order
Docket 18409-U
Page 1 of 2

Discussion

The Commission denies BellSouth's Motion. The issues have been presented in hearings and initial briefs have already been filed in this docket. Therefore, it does not appear that there are significant efficiencies to be gained by moving the issues from the arbitration docket to the generic proceeding. Moving the issues into the generic proceeding at this time may subject parties to unnecessary delay in implementing their rights via arbitrated interconnection agreements.

* * * * *

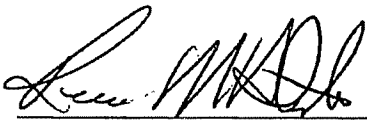
WHEREFORE, it is

ORDERED, that BellSouth's Motion to Move Docket No. 18409-U Arbitration Issues 26, 36, 37, 38 and 51 into Generic Docket 19341-U is hereby denied.

ORDERED FURTHER, that a motion for reconsideration, rehearing or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 2nd day of August, 2005.



REECE MCALISTER
EXECUTIVE SECRETARY



ANGELA ELIZABETH SPEIR
CHAIRMAN

8-17-05

Date

8/19/05

Date