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July 22, 2004

# HAND DELIVERY

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PUSLIC SERVICE COMMISSION

Elizabeth O'Donnell Executive Director Kentucky Public Service Commission 211 Sower Boulevard Frankfort, Kentucky 40601

## RE: Adoption by Southern Digital Network, Inc. d/b/a FDN Communications of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and MCI WorldCom Communications, Inc. Pursuant to Section 252 of the Telecommunications Act of 1996

Dear Ms. O'Donnell:

Enclosed please find and accept for filing the original and ten (10) copies of FDN Communications' Notice of Voluntary Withdrawal of Petition/Complaint in the above-referenced matter. Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copy and return it to me in the enclosed self-addressed stamped envelope.

Should you have any questions or need any additional information, please contact me at your convenience.

Very truly yours,

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Allyson K. Sturgeon

AKS/ec Enclosures cc: Parties of Record

#### **COMMONWEALTH OF KENTUCKY**

#### **BEFORE THE PUBLIC SERVICE COMMISSION**

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In the Matter of:

Adoption by Southern Digital Network, Inc. d/b/a FDN Communications, of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and MCI WorldCom Communications, Inc. Pursuant to Section 252 of the Telecommunications Act of 1996 <u>, MM\_ 2, 2, 2004</u>

PUBLIC SERVICE COMMISSION

Case No. 2004-00244

#### **NOTICE OF VOLUNTARY WITHDRAWAL OF PETITION/COMPLAINT**

Southern Digital Network, Inc., d/b/a FDN Communications ("FDN"), by and through their undersigned counsel, hereby files notice with this Commission that it hereby voluntarily withdraws its Petition in the captioned matter.

FDN and BellSouth Telecommunications, Inc., ("BellSouth") were able settle matters under dispute through negotiations. The result of these negotiations is an interconnection agreement which the parties will file with the Commission shortly and which FDN requests the

Commission review and approve at the earliest possible date.

Respectfully submitted, this 22nd day of July 2004.

Allyson K? Sturgeon (.) Ogden, Newell & Welch, PLLC 1700 Citizens Plaza 500 West Jefferson Street Louisville, KY 40202 502-582-1601 asturgeon@ogdenlaw.com

Matthew Feil FDN Communications 2301 Lucien Way Suite 200 Maitland, FL 32751 407-835-0460 mfeil@mail.fdn.com

## Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was served upon the following

persons by regular mail on this 22nd day of July, 2004.

Hon. Dorothy Chambers BellSouth Telecommunications, Inc. 601 West Chestnut Street, Rm. 410 P.O. Box 32410 Louisville, KY 40232

Counsel for Southern Digital Network, Inc. d/b/a FDN Communications