

S T O L L | K E E N O N | & | P A R K | L L P

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(502) 568-9100 PHONE | (502) 568-5700 FAX | WWW.SKP.COM

**RECEIVED**

**SEP 21 2004**

**PUBLIC SERVICE  
COMMISSION**

DOUGLAS F. BRENT  
502-568-5734  
Brent@skp.com

September 20, 2004

Ms. Elizabeth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40601

Case 2004-00369

*Re: Dialog Telecommunications, Inc. Notice of Intent to  
Adopt Interconnection Agreement*

Dear Ms. O'Donnell:

Enclosed please find an original and four copies of Dialog Telecommunications, Inc.'s Notice of Intent to Adopt Interconnection Agreement. Please indicate receipt of this filing by placing your file-stamp on the extra copy and returning to me in the enclosed self-addressed, postage-paid envelope. ✓ JDC

Sincerely yours,



Douglas F. Brent  
Counsel for Dialog Telecommunications, Inc.

DFB:jms

Enc.

**RECEIVED**

**SEP 21 2004**

**PUBLIC SERVICE  
COMMISSION**

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADOPTION OF INTERCONNECTION )  
AGREEMENT BETWEEN BELLSOUTH )  
TELECOMMUNICATIONS, INC. ) CASE NO. 2004-00369  
AND CINERGY COMMUNICATIONS COMPANY )  
BY DIALOG TELECOMMUNICATIONS, INC. )

NOTICE OF INTENT TO ADOPT INTERCONNECTION AGREEMENT

Pursuant to Section 252(i) of the Telecommunications Act of 1996 (the "Act"), 47 U.S.C. § 252(i), Dialog Telecommunications, Inc. ("DIALOG"), through its undersigned counsel, hereby files its Notice of Intent to adopt the currently effective interconnection agreement between BellSouth Telecommunications, Inc. ("BellSouth") and Cinergy Communications Company ("CCC").

DIALOG is a utility within the meaning of KRS 278.010(3)(e) and is a competitive local exchange carrier or CLEC. BellSouth is an incumbent local exchange carrier or ILEC. DIALOG represents and warrants that it is an authorized provider of local telecommunications services in the state of Kentucky and that its adoption of the terms covers services in the state of Kentucky only.

The referenced agreement, which is to be adopted in its entirety, was arbitrated in Case No. 2001-00432 and is posted on the Commission's publicly available Internet site for approved agreements. The CLEC party to this unexpired agreement is Cinergy Communications Company. The ILEC party to this agreement is BellSouth.

Notice of this intent to adopt is being sent to:

Dorothy J. Chambers  
General Counsel/Kentucky  
BellSouth Telecommunications, Inc.  
601 W. Chestnut Street  
Room 407  
Louisville, KY 40203

DIALOG intends to be bound by the terms of the unexpired agreement, anticipating that the terms of the agreement will be reproduced in their entirety, substituting DIALOG in the place of CCC in the Agreement. An electronic copy of the referenced agreement is included as Exhibit 1 with the original of this Notice and with the service copy being sent to BellSouth. DIALOG will file additional copies of the CCC agreement if required by the Commission.

The agreement to be adopted (including all amendments) may be viewed on the PSC's public Internet site:

<http://162.114.3.165/PSCICA/2001/2001-432>

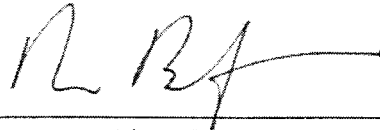
The Commission has previously acknowledged the statutory right contained in the Act for carriers to adopt existing interconnection agreements by notice to the Commission. As the adoption arises from a federal statutory right, such a request may be reviewed expeditiously and promptly granted. For example, on August 20, 2004, Aero Communications, LLC submitted to the Commission its notice of intent to adopt the negotiated interconnection agreement between Kentucky ALLTEL, Inc. and Southeast Telephone, Inc. The Commission docketed the Notice as Case No. 2004-00327 and granted the request on September 15, 2004. Expedited review is appropriate as well for the 252(i) adoption by DIALOG.

To the extent the Commission requires an executed adoption letter, DIALOG has attached a proposed acknowledgement as Exhibit 2 to this Notice.

Wherefore, DIALOG respectfully requests that the Commission issue an order:

- 1) Acknowledging the adoption by DIALOG;
- 2) Approving the request and making the agreement effective as of the date of the order;
- 3) Requiring BellSouth to file with the Commission a true and complete copy of the approved agreement; and
- 4) To the extent required, ordering DIALOG and BellSouth to sign and file an adoption agreement as set forth in Exhibit 2.

Respectfully Submitted:

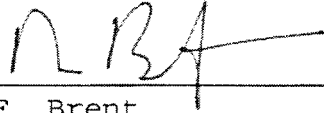


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C. Kent Hatfield  
Douglas F. Brent  
STOLL, KEENON & PARK, LLP  
2650 AEGON Center  
Louisville, KY 40202  
502-568-9100

CERTIFICATE OF SERVICE

It is hereby certified that this 20th day of September, 2004 I have served the within Notice of Intent to Adopt Interconnection Agreement on the following by deposit in the U. S. Mail, first class.



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Douglas F. Brent

Dorothy J. Chambers  
General Counsel/Kentucky  
BellSouth Telecommunications, Inc.  
601 W. Chestnut Street  
Room 407  
Louisville, KY 40203

Dialog Telecommunications Notice of Intent to Adopt  
KY PSC Case No. 2004-00369  
Exhibit 2  
September 17, 2004

**Agreement of adoption of an approved  
interconnection agreement pursuant to 47 U.S.C.  
252(i).**

BellSouth Telecommunications, Inc. ("BellSouth") and Dialog Telecommunications, Inc. ("DIALOG") have executed this agreement regarding the adoption by DIALOG of the agreement between BellSouth and Cinergy Communications Company ("CCC") pursuant to Order of the Public Service Commission. DIALOG adopts the terms of the CCC agreement for interconnection with BellSouth and in applying the terms agrees that DIALOG shall be substituted for CCC in the terms wherever appropriate.

Notice to the parties as may be required under the terms shall be provided as follows to:

CLEC Account Team  
9<sup>th</sup> Floor  
600 North 19<sup>th</sup> Street  
Birmingham, AL 35203

and

General Attorney - COU  
Suite 4300  
675 W. Peachtree Street  
Atlanta, GA 30375

Interconnection Manager  
Dialog Telecommunications, Inc.  
756 Tyvola Road, Suite 100  
Charlotte, NC 28217

with a copy to:

Jim Bellina  
President & CEO  
Dialog Telecommunications Inc  
756 Tyvola Road, Suite 100  
Charlotte NC 28217

Dialog Telecommunications Notice of Intent to Adopt  
KY PSC Case No. 2004-00369  
Exhibit 2  
September 17, 2004

DIALOG represents and warrants that it is a certified provider of local telecommunications services in the state of Kentucky and that its adoption of the terms covers services in the state of Kentucky only.

The terms of this agreement shall be in effect until the CCC terms are expired.