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March 9, 2005

Hon. Beth O'Donnell, Executive Director Kentucky Public Service Commission 211 Sower Blvd. Case 2005-00102 P. O. Box 615 Frankfort, KY 40601 PAGE A DE 2005 PAGE A STANICE

## Re: In the Matter of: Adoption of Interconnection Agreement between BellSouth Telecommunications, Inc., and Kentucky Data Link, Inc. by Brandenburg Telecom, LLC

Dear Ms. O'Donnell:

Enclosed is an original and ten (10) copies of the Notice of Adoption of Interconnection Agreement filed on behalf of Brandenburg Telecom, LLC.

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

Very truly yours,

DINSMORE & SHOHL LLP John E eler

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JES/bmt Enclosures

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> > Louisville



# COMMONWEALTH OF KENTUCKY MAR 9 9 2005 BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE

In the Matter of:

## ADOPTION OF INTERCONNECTION AGREEMENT BETWEEN BELLSOUTH TELECOMMUNICATIONS, INC. AND KENTUCKY DATA LINK, INC. BY BRANDENBURG TELECOM, LLC

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#### NOTICE OF ADOPTION OF INTERCONNECTION AGREEMENT

Brandenburg Telecom LLC ("Brandenburg Telecom"), by counsel, pursuant to Section 252(i) of the Telecommunications Act of 1996 (the "Act"), hereby files its Notice of Adoption of the currently effective Interconnection Agreement between BellSouth Telecommunications, Inc. ("BellSouth") and Kentucky Data Link, Inc. ("Kentucky Data Link").

Brandenburg Telecom is a competitive local exchange carrier authorized by the Kentucky Public Service Commission (the "Commission") to provide local telecommunication services within the Commonwealth of Kentucky. BellSouth is an incumbent local exchange carrier ("ILEC") providing, among other services, local exchange service within the Commonwealth of Kentucky.

On December 1, 2004, BellSouth and Kentucky Data Link negotiated an Interconnection Agreement which was approved by the Commission on January 25, 2005, tracking # 00730-AI ("BellSouth-Kentucky Data Link Agreement"). The BellSouth-Kentucky Data Link Agreement remains effective until approximately December 1, 2007. Brandenburg Telecom hereby adopts this Agreement.

In support of its notice of adoption of the BellSouth-Kentucky Data Link Agreement, Brandenburg Telecom states that the Commission has previously acknowledged the statutory right of carriers to adopt existing interconnection agreements by notice to the Commission. On August 8, 2003, in Case No. 2003-00303 the Commission held that Nuvox Communications, Inc. was entitled to adopt the Interconnection Agreement between Kentucky ALLTEL, Inc. and Prepaid Telecom, Inc. pursuant to §252(i) of the Act. (*See* August 8, 2003 Order in Case No. 2003-00303, attached as Exhibit A). On May 3, 2004, the Commission reaffirmed its position that a competitive local exchange carrier is entitled to adopt a currently effective interconnection agreement pursuant to §252(i) of the Act. (*See* May 3, 2004 order in Case No. 2004-00137, attached as Exhibit B). Accordingly, Brandenburg Telecom is entitled to adopt, in its entirety, the BellSouth-Kentucky Data Link Agreement.

Brandenburg Telecom intends to be bound by the terms of the unexpired BellSouth-Kentucky Data Link Agreement and anticipates that the terms of the BellSouth-Kentucky Data Link Agreement will be reproduced in their entirety substituting Brandenburg Telecom in the place of Kentucky Data Link. A copy of the BellSouth-Kentucky Data Link Agreement is attached to the original of this Notice of Adoption and to the service copy sent to BellSouth. (*See* BellSouth-Kentucky Data Link Agreement, attached as Exhibit C). Brandenburg Telecom will file additional copies of the BellSouth-Kentucky Data Link Agreement if the Commission so desires.

WHEREFORE, Brandenburg Telecom respectfully requests that the Commission expeditiously review Brandenburg Telecom's Notice of Adoption and issue an order:

1. Acknowledging the adoption of the BellSouth-Kentucky Data Link Agreement by Brandenburg Telecom;

2. Approving the adoption and making the Interconnection Agreement effective as of the date of filing of this Notice of Adoption; and,

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3. Requiring BellSouth to file with the Commission a true and complete copy of the

approved Interconnection Agreement.

Respectfully submitted,

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John E. Selent Holly C. Wallace **DINSMORE & SHOHL LLP** 1400 PNC Plaza 500 W. Jefferson Street Louisville, KY 40202 (502) 540-2300 (Phone) (502) 585-2207 (Fax) john.selent@dinslaw.com (E-mail)

## COUNSEL TO BRANDENBURG TELECOM LLC

## Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded via U. S. Mail, first class postage prepaid, to the following, this \_\_\_\_\_\_ day of March, 2005.

Dorothy J. Chambers, Esq. General Counsel/Kentucky BellSouth Telecommunications, Inc. 601 West Chestnut Street, Room 410 P.O. Box 32410 Louisville, KY 40232

Counsel to Brandenburg Telecom LLC

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