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February 13, 2006

Ms. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

RECEIVED

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**PUBLIC SERVICE
COMMISSION**

RE: KPSC Case No. 2005-00217
In the Matter of: Enforcement of Commission's Order in
Case No. 2004-00295 dated April 15, 2005

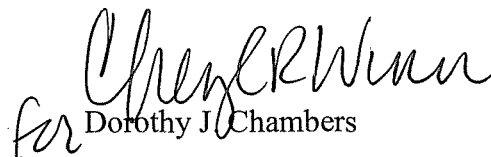
Dear Ms. O'Donnell:

This letter is in response to NuVox's letter filed February 2, 2006, requesting that the Commission rule in favor of NuVox's pending motion to dismiss.

In the attached Motion and Response, BellSouth respectfully requests that the Commission hold this matter in abeyance pending the completion of the audit of the NuVox eels and deny NuVox's Motion to Dismiss.

BellSouth did not initially respond to NuVox's Motion to Dismiss because nearly simultaneously with NuVox's filing of that Motion, NuVox also filed a complaint in federal court seeking a restraining order, which was granted on July 1. That restraining order has since been lifted by the Court. As a result of the Court's November 1, 2005, Order upholding the Commission's Order, the audit has been allowed to proceed. This matter should remain in abeyance pending successful completion of the audit.

Very truly yours,


for Dorothy J. Chambers

Enclosure

cc: Parties of Record
621517

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ENFORCEMENT OF COMMISSION'S)
ORDER IN CASE NO. 2004-00295,) CASE NO. 2005-00217
DATED APRIL 15, 2005)

BELLSOUTH TELECOMMUNICATIONS, INC.'s
MOTION TO HOLD IN ABEYANCE AND
RESPONSE TO NUVOX'S MOTION TO DISMISS

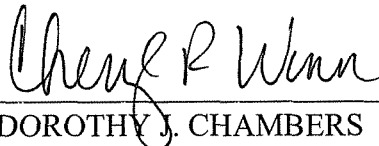
BellSouth Telecommunications, Inc. ("BellSouth"), by counsel, respectfully files this Motion to Hold in Abeyance and its Response to NuVox's Motion to Dismiss.

On June 3, 2005, BellSouth filed its Complaint seeking enforcement of the Commission's Order of April 15, 2005, in Case No. 2004-00295, *In the Matter of: BellSouth Telecommunications, Inc. v. NuVox Communications, Inc.*, (the "April 15, 2005 Order"). The April 15, 2005, Order required NuVox to submit to an audit of its records and information relating to certain combinations of loop and transport elements purchased by NuVox from BellSouth. NuVox filed its Motion to Dismiss this proceeding on June 23, 2005. Three days earlier, on June 20, 2005, NuVox filed its Complaint for Declaratory and Injunctive Relief in federal court. On July 1, the Court issued a Temporary Restraining Order ("TRO") enjoining the Commission from enforcing the April 15, 2005, Order and enjoining BellSouth from conducting the audit. Parties filed Motions for Summary Judgment and a hearing was held on October 4. On November 1, 2005, the federal court lifted its restraining order, upheld the Commission's decision, and the audit was allowed to, and did, proceed.

As a result of the proceedings in court, the audit has been able to move forward. It is appropriate to hold this matter in abeyance, pending completion of the audit. BellSouth expects that NuVox will continue to cooperate with the audit; however, should NuVox delay or refuse to cooperate, it will be necessary for BellSouth to seek appropriate relief from the Commission.

For the foregoing reasons, BellSouth Telecommunications, Inc., respectfully requests that its Motion to Hold in Abeyance be granted and NuVox's Motion to Dismiss be denied.

Respectfully submitted,



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CERTIFICATE OF SERVICE

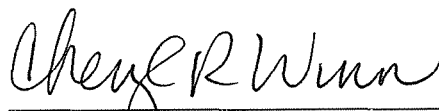
I hereby certify that a copy of the foregoing was served on the following individuals by mailing a copy thereof, this 13th day of February 2006.

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