COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DPI TELECONNECT, LLC)
V.	COMPLAINANT)) CASE NO. 2005-00455
BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T KENTUCKY)))
	DEFENDANT	<i>)</i>)

ORDER

On August 25, 2009, the Commission entered an Order scheduling a formal hearing in this matter for February 10 and 11, 2010. On February 4, 2010, dPi Teleconnect, LLC and BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky filed with the Commission a joint motion requesting that the Commission modify its August 25, 2009 Order, cancel the scheduled hearings, and enter an Order allowing the parties to submit the case in briefs. The parties propose that they file simultaneous briefs on March 19, 2010. The parties also agree and stipulate that certain documents are to be filed and become part of the official record. The documents are to be filed no later than February 10, 2010 and consist of:

- 1. The March 1, 2006 hearing transcript of the North Carolina Utilities Commission in *In the Matter of BellSouth Telecommunications, Inc., Complaint of dPi Teleconnect, LLC*, Docket No. P-55, Sub 1577.
- 2. The April 15, 2008 hearing transcript of the North Carolina Utilities Commission in *In the Matter of BellSouth Telecommunications, Inc., Complaint of dPi Teleconnect, LLC*, Docket No. P-55, Sub 1577.

- 3. The February 23, 2006 deposition transcript of Brian Bollinger in *In the Matter of BellSouth Telecommunications, Inc., Complaint of dPi Teleconnect, LLC*, Docket No. P-55, Sub 1577 before the North Carolina Utilities Commission.
- 4. The February 24, 2006 deposition transcript of Kristy Seagle in *In the Matter of BellSouth Telecommunications, Inc., Complaint of dPi Teleconnect, LLC*, Docket No. P-55, Sub 1577 before the North Carolina Utilities Commission.
- 5. The April 3, 2008 hearing transcript of the Florida Public Service Commission in *In the Matter of Complaint of dPi Teleconnect, LLC, against BellSouth Telecommunications, Inc. for Dispute Arising under the Interconnection Agreements*, Docket No. 050863-TP.

Finding good cause to grant the parties' joint motion, IT IS THEREFORE ORDERED that:

- 1. The public hearing scheduled to begin on February 10, 2010 is hereby canceled.
- 2. On or before February 10, 2010, the parties shall file the documents listed in the body of this Order.
 - 3. Simultaneous briefs are to be filed no later than March 19, 2010.

By the Commission

ENTERED

FEB - 9 2010

KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

≜Executive Director

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