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September 23, 2008

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PUBLIC SERVICE
COMMISSION

Stephanie L. Stumbo
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40601

Re: Petition for Arbitration of Momentum Telecom, Inc. with BellSouth
Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996 PSC
2006-00058

Dear Ms. Stumbo:

Due to the overlap between this case and the Commission's "change of law" order currently on review, the Parties have previously requested that the proceeding remain in abeyance until either Party requests the scheduling of a status conference. However, as the parties discussed during an informal prehearing conference on September 19, 2008, Momentum Telecom, Inc. agrees that its pending petition for arbitration with BellSouth Telecommunications, Inc. may be dismissed as long as BellSouth agrees that the dismissal will not prejudice the right of Momentum to seek in the parties' next arbitration proceeding the identical relief that Momentum seeks in the pending petition.

Respectfully submitted,

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