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October 23, 2009

Case No: 2009-00416

RECEIVED

OCT 26 2009

PUBLIC SERVICE
COMMISSION

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40601

***RE: Request for Expedited Approval of Interconnection Agreement Between
BellSouth Telecommunications, Inc. and Phoneaid Communications Corp.***

Dear Mr. DeRouen:

We are local counsel to Phoneaid Communications Corp. Enclosed please find an original and ten copies of a Motion for Expedited Approval of the Interconnection Agreement filed September 23, 2009 by BellSouth Telecommunications, Inc.

Please acknowledge receipt of this filing by placing your file-stamp on the extra copy and returning to me via the enclosed self-addressed stamped envelope. Thank you.

Sincerely yours,

STOLL KEENON OGDEN, PLLC

Douglas F. Brent

DFB: jms
Enclosures
cc: Mary K. Keyer

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
OCT 26 2009
PUBLIC SERVICE
COMMISSION

In the Matter of:

INTERCONNECTION AGREEMENT BETWEEN)
BELLSOUTH TELECOMMUNICATIONS, INC.)
AND PHONEAID COMMUNICATIONS CORP.)
)
)
)

CASE NO. 2009- 00416

MOTION FOR EXPEDITED APPROVAL

Pursuant to Section 252(e)(1) of the Telecommunications Act of 1996 (the "Act"), 47 U.S.C. § 252 (e)(1), Phoneaid Communications Corp. ("Phoneaid"), through its undersigned counsel, hereby requests expedited approval of a negotiated interconnection agreement between BellSouth Telecommunications, Inc. ("BellSouth" or "AT&T-KY") and Phoneaid.

Phoneaid is a utility within the meaning of KRS 278.010(3)(e) and is a competitive local exchange carrier authorized to provide service in Kentucky. AT&T-KY is an incumbent local exchange carrier or ILEC.

Phoneaid and BellSouth have entered into an interconnection agreement that will apply to the nine states in which BellSouth is an ILEC. Counsel for AT&T-KY filed the referenced agreement with the Commission on September 23, 2009. By its terms, the agreement is "subject to approval by the State Commission and shall become effective ten (10) days after approval." The Commission acknowledged receipt of the agreement by letter dated October 9, 2009, and posted the agreement on the Commission's publicly accessible website.¹

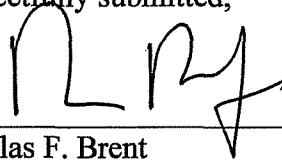
¹ http://162.114.3.165/PSCICA/0000/01060/01060-AI_092309.pdf

Upon inquiring about the status of the agreement, Phoneaid learned that although staff has reviewed and approved the agreement, there has been no Commission order approving the agreement within the meaning of Section 252(e)(1) of the Act. Absent affirmative Commission action the agreement arguably becomes “approved” only by operation of federal law, after the 90 day period described in Section 252(e)(4) of the Act.² However, Phoneaid intends to operate using the agreement as soon as possible, and AT&T-KY is ready to perform. Accordingly, Phoneaid requests that the Commission issue an order approving the negotiated agreement. Such order will expedite Phoneaid’s entry into the Kentucky market.

WHEREFORE, Phoneaid respectfully requests that the Commission issue an order on an expedited basis approving the agreement.

Dated: October 23, 2009

Respectfully submitted,



Douglas F. Brent
STOLL KEENON OGDEN PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828
Telephone: (502) 333-6000

Counsel for Phoneaid Communications Corp.

² The October 9, 2009 letter states that the agreement is in compliance with federal and state law but that it is “unnecessary for Staff to refer this matter for formal Commission action...[since] pursuant to 47 U.S.C. 252 [it] shall be effective on December 22, 2009.”

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Motion was served upon the following persons by United States mail, postage prepaid, on the 23rd day of October, 2009:

Mary K. Keyer
General Counsel
AT&T Kentucky
601 W. Chestnut Street
Room 407
Louisville, KY 40203



Counsel for Phoneaid Communications Corp.