

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADOPTION BY SOUTHERN DIGITAL)	
NETWORK, INC. D/B/A FDN)	CASE NO.
COMMUNICATIONS OF THE)	2004-00244
INTERCONNECTION AGREEMENT BETWEEN)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
AND MCI WORLDCOM COMMUNICATIONS,)	
INC. PURSUANT TO SECTION 252 OF THE)	
TELECOMMUNICATIONS ACT OF 1996)	

O R D E R

On June 14, 2004, Southern Digital Network, Inc. d/b/a FDN Communications (“FDN”) filed a petition regarding interconnection with BellSouth Telecommunications, Inc. (“BellSouth”). On June 25, 2004, BellSouth responded to FDN’s petition. FDN and BellSouth have been negotiating since the initiation of this proceeding. FDN filed a notice of withdrawal of this petition on July 22, 2004, because the matters in dispute between the parties are settled. In that notice of withdrawal, FDN indicated that its negotiated interconnection agreement would be filed in the near future. Also, FDN requested that the Commission review and approve the negotiated agreement at the earliest possible date. On August 23, 2004, BellSouth filed into this case its agreement with FDN, which was entered into on August 12, 2004.

Thus, the parties have submitted their negotiated agreement for interconnection pursuant to 47 U.S.C. §§ 251 and 252. Section 252(e) requires the parties to an

interconnection agreement adopted by negotiation to submit the agreement to the Commission for approval.

The Commission has reviewed the agreement and finds that no portion of the agreement discriminates against a telecommunications carrier not a party to the agreement. The Commission also finds that the implementation of this agreement is consistent with the public interest, convenience, and necessity.

The Commission having been otherwise sufficiently advised, HEREBY ORDERS that:

1. The withdrawal by FDN of its petition is granted.
2. The negotiated agreement between BellSouth and FDN filed August 23, 2004 is approved and is effective as of the date of this Order.

Done at Frankfort, Kentucky, this 8th day of September, 2004.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above the title 'Executive Director'.

Executive Director