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January 16, 2004

Mr. Thomas M. Dorman
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40601

RE: Case No. 2001-105 – Georgia PSC Order denying BellSouth Motion to Modify SEEM Plan

Dear Mr. Dorman:

On October 17, 2003 BellSouth Telecommunications, Inc. (“BellSouth”) filed a motion (the “Motion to Modify”) asking that BellSouth be excused from paying penalties related to line sharing imposed under the SEEM plan. Covad, AT&T and MCI oppose BellSouth’s attempt to weaken this important enforcement mechanism and have already filed responses to the Motion to Modify.

On December 15, 2003 the Commission denied BellSouth’s request to hold in escrow SEEM payments due in December and thereafter. This interim order was limited to the escrow request and did not fully address the underlying Motion to Modify. However, in denying BellSouth’s escrow request, the Commission noted how the rationale for creating the SEEM performance measures and penalties has not been altered by the Triennial Review Order. *Order at p. 2.*

BellSouth’s attempt to avoid its performance obligations related to line sharing has not been limited to Kentucky. Five days after filing the Motion to Modify in Kentucky, BellSouth filed an identical request in Georgia. Covad, AT&T and MCI filed responses with the Georgia Public Service Commission.

This week the Georgia Public Service Commission denied Bellsouth’s motion, finding that, *inter alia*, there is a continuing obligation under § 271 checklist item 4 to provide line

sharing, and it would not be sound policy to eliminate the penalties associated with line sharing. Docket No. 7892-U, Commission Order, p. 3, January 14, 2004.

Covad, AT&T and MCI ask that the Commission take administrative notice¹ of this Georgia decision involving the same parties and issues of law. A copy of the decision is included with this letter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Douglas F. Brent". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Douglas F. Brent
Counsel for
DIECA Communications, Inc. d/b/a
Covad Communications Company;
AT&T Communications of the South
Central States; and
MCImetro Access Transmission Services. LLC

¹ The Commission takes administrative notice of the decisions of other regulatory agencies. *See, e.g., Application of Kentucky Power*, Case No. 2002-00475 (July 17, 2003), slip op. at 3.