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Mr. Thomas N. Dorman  
Executive Director  
Kentucky Public Service Commission  
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*Re: Case No. 2002-00456, Contract Service Arrangements*

Dear Mr. Dorman:

In its December 19, 2002 Order ("Order") initiating the referenced proceeding, the Commission advised carriers not wishing to participate in the proceeding to file a statement to that effect including an explanation. This letter is to advise that ICG Telecom Group, Inc. ("ICG") does not wish to participate in the proceeding.

The December Order included Appendix A, which was intended to list all ILECs and all CLECs "active before this Commission." Order, p. 1. However, the Commission recognized that numerous CLECs authorized to provide service in Kentucky are "small operations with limited resources." *Id.*, n. 1. ICG is a small CLEC that has not recently been active before the Commission. ICG's most recent activity before the Commission was a single case<sup>1</sup> filed in 1999 when ICG sought arbitration in its effort to achieve interconnection with BellSouth Telecommunications.

As the Commission is aware, in November 2000 ICG filed a petition for reorganization under Chapter 11 of the United States Bankruptcy Code. Only recently, on October 10, 2002, did ICG emerge from the reorganization process. The reorganization process affected departments throughout the company, including ICG's internal regulatory department.<sup>2</sup> Consequently, the company has limited resources to participate in generic proceedings. Therefore, to require ICG to participate would be an undue burden given the company's limited resources resulting from its recent reorganization.

Respectfully submitted,



Douglas F. Brent  
COUNSEL FOR ICG TELECOM GROUP, INC.

DFB:jms

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1. Case No. 99-218, Petition of ICG Telecom Group.
  2. The Commission's Order initiating this proceeding was mailed to an individual no longer employed by ICG, at a California location in a different state from ICG's regulatory department. Only recently did ICG's regulatory department in Colorado receive the service copy and realize the need for a response to the Commission. By separate correspondence ICG will ask the Commission to update its records to reflect a current internal regulatory contact.