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January 11, 2006

Ms. Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
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Re: Petition to Establish Generic Docket to Consider Amendments to  
Interconnection Agreements Resulting from Changes of Law  
KPSC 2004-00427

Joint Petition for Arbitration of NewSouth Communications Corp., NuVox  
Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and  
Xspedius Communications, LLC on Behalf of Its Operating Subsidiaries  
Xspedius Management Co. Switched Services, LLC, Xspedius Management  
Co. of Lexington, LLC, and Xspedius Management Co. of Louisville, LLC of  
An Interconnection Agreement With BellSouth Telecommunications, Inc.  
Pursuant to Section 252(b) of the Communications Act of 1934, As Amended  
PSC 2004-00044

Dear Ms. O'Donnell:

BellSouth encloses for this Commission's information the New Hampshire Public  
Utilities Commission's Order dated December 15, 2005, in the docket regarding Provisioning of  
Unbundled Network Elements.


Recognizing that UNE-P is not required under either Section 251 or Section 271, the  
New Hampshire Commission stated, "Local switching as a stand-alone element is required to be  
offered by RBOCs with Section 271 authority, but the FCC explicitly determined in the Triennial  
Review Order that it will not require RBOCs to combine network elements pursuant to Section  
271 if the elements are no longer required to be unbundled under Section 251. *See* Triennial  
Review Order at ¶ 655 n. 1990 (noting that, unlike Section 251 (c)(3), the relevant sections of the  
Section 271 checklist "contain no mention of 'combining.'") Thus, because mass market  
switching is no longer subject to unbundling under Section 251, neither Section 251 nor Section  
271 require Verizon to offer UNE-P to CLECs in New Hampshire."

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Eleven paper copies of the Order are provided for filing in case 2004-00044, and a copy of the filing is served on all parties of record in case 2004-00044.

One paper copy of this filing is providing for filing in case 2004-00427. The attached certification for case 2004-00427 certifies that this filing was filed electronically today and served by email on parties of record. Parties of record can access the information at the Commission's Electronic Filing Center located at <http://psc.ky.gov/efs/efsmain.aspx>.

Very truly yours,

  
for Dorothy L. Chambers

Enclosures

cc: Parties of Record

616590

**CERTIFICATION FOR 2004-00427**

I hereby certify that the electronic version of this filing made with the Commission this 11th day of January 2006 is a true and accurate copy of the documents filed herewith in paper form on January 11, 2006, and the electronic version of the filing has been transmitted to the Commission. An electronic copy of the Read1st document has been served electronically on parties.

*for*  \_\_\_\_\_  
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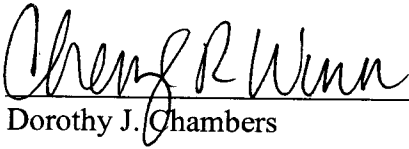
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**KPSC 2004-00044**  
**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing was served on the individuals on the attached service list by mailing a copy thereof, this 11th day of January 2006.

*for*  \_\_\_\_\_  
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