
BellSouth Telecommunications, Inc.

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January 17, 2006

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
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Frankfort, KY 40602

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 January 11, 2006, decision of the Indiana Utility Regulatory Commission. BellSouth provides this decision as supplemental authority for its positions and requests the Commission take administrative notice of same. In relevant part, the Indiana Commission ruled that:

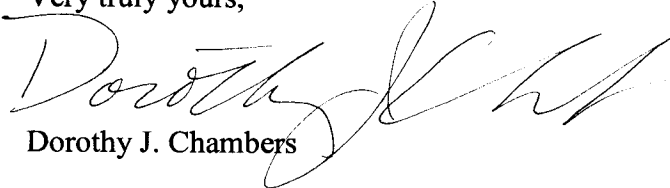
- Section 271 obligations have no place in a Section 251/252 interconnection agreement and state commissions have no jurisdiction to enforce or determine the requirements of Section 271. (p. 35).
- CLECs' requests to assert authority to interpret and enforce any unbundling obligations under Section 271 were rejected because "the few contrary decisions cited by the CLECs overlook the lack of any delegation of authority to state commissions under Section 271 and improperly seek to extend the scope of state commission authority with no statutory basis for doing so." (p. 36).

- ILECs are not required to commingle Section 251 UNEs with Section 271 network elements; CLECs' reliance upon Errata changes was rejected because former *TRO* footnote 1990 holds that ILECs are not required to combine Section 271 network elements. (pp. 21-22).
- The FCC's definition of business lines includes all UNE loops connected to a wire center, regardless of the type of customer served. (p. 16).

One paper copy of the Order is provided for filing in case 2004-00044. Parties of record are being served with a copy of this letter, and they can access the order at <http://www.in.gov/iurc/portal/Modules/IURC/CategorySearch/viewfile.aspx?contentid=0900b631800a6212>

One paper copy of this filing is provided 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,



Dorothy J. Chambers

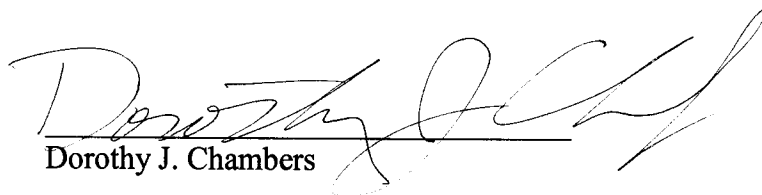
Enclosures

cc: Parties of Record

617376

CERTIFICATION FOR 2004-00427

I hereby certify that the electronic version of this filing made with the Commission this 17th day of January 2006 is a true and accurate copy of the documents filed herewith in paper form on January 17, 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.


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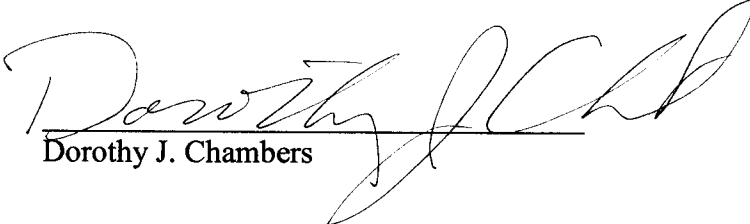
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KPSC 2004-00044
CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing letter was served on the individuals on the attached service list by mailing a copy thereof, this 17th day of January 2006.


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