

BellSouth Telecommunications, Inc.
601 W. Chestnut Street
Room 407
Louisville, KY 40203

Dorothy.Chambers@BellSouth.com

Dorothy J. Chambers
General Counsel/Kentucky

502.582.8219
Fax 502.582.1573

March 3, 2006

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

Re: Petition to Establish Generic Docket to Consider Amendments to
Interconnection Agreements Resulting from Changes of Law
Kpsc 2004-00427

Dear Ms. O'Donnell:

BellSouth Telecommunications, Inc. ("BellSouth") submits this letter to provide the Commission with an update of further recent activity in other generic change of law cases.

On March 2, 2006, the Florida Public Service Commission issued its written order in Docket No. 041269-TP, its generic change of law proceeding. The Florida Commission voted on February 28, 2006 to adopt the recommendation of its staff vacating certain issues "in an abundance of caution" to address an isolated instance of misconduct by a (now former) Florida Commission employee. Consistent with the Florida Commission's February 28, 2006 vote, the written order does not address certain issues, which the Florida Commission will address in a further order. Florida Order, p. 11. Significantly, however, the Florida Commission squarely addressed Section 271 of the Act, making clear that **"the inclusion of § 271 elements in a § 252 interconnection agreements would be contrary to both the plain language of §§ 251 and 252 and the regulatory regime set forth by the FCC in the TRO and the TRRO."** Florida Order, p. 53. A copy of this most recent Florida Commission Order is attached to this letter.

Concerning certain transition issues, the Florida Order requires CLECs to identify their embedded base of services that require transition due to the *TRRO* by March 10, 2006. If CLECs fail to do so, BellSouth shall be permitted to identify such arrangements itself, charge CLECs the applicable UNE disconnect charges and full installation charges, and charge CLECs the resale or wholesale tariffed rate thereafter, regardless of when the conversion is completed. Florida Order, p. 23. Moreover, the Florida Commission found:

access at transitional rates ends on March 10, 2006, or September 10, 2006, as applicable, whether or not the circuits have been converted. Thereafter, BellSouth's applicable resale or tariffed rate applies. Additionally, we find that

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BellSouth shall be permitted to disconnect any stand-alone switching ports remaining on March 11, 2006. There should be no reason why CLECs cannot identify their embedded base and notify BellSouth whether to disconnect or convert to an alternative service or provider.

Florida Order, p. 21.

With respect to services that require transition due to the *TRO*, the Florida Order authorizes BellSouth to disconnect or convert such services after a 30 days written notice and absent a CLEC disconnection or conversion order. Florida Order, p. 66. On March 1, 2006, BellSouth posted a Revised Notice Letter on its CLEC website advising all Florida CLECs of BellSouth's implementation plans consistent with the Florida Commission's most recent Order. A copy of BellSouth's Revised Notice Letter dated March 1, 2006 concerning implementation of the Florida Order is attached to this letter.

The North Carolina decision issued on March 1, 2006 in Docket No. P-55, Sub 1549 is similar in certain aspects to the Florida order. BellSouth filed the March 1, 2006 North Carolina decision on March 2, 2006 in the above-referenced docket. Specifically, the North Carolina Commission found:

[i]f BellSouth is not physically able to work all of the [conversion or transition] orders because many of the scheduled dates are on or near the day after the end of the transition period, the orders should be delayed until they can be worked. However, BellSouth should be able to apply the billing for the alternative service to which the arrangements were scheduled to be converted as of March 11, 2006 for UNEs other than dark fiber loops and transport or September 11, 2006, for dark fiber loops and transport even in cases where the conversion order has not yet been completed.

North Carolina Order, p. 101.

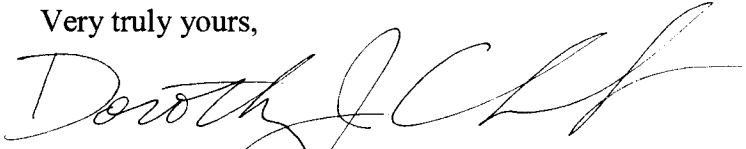
With respect to stand-alone switching ports, the North Carolina Commission required BellSouth to provide notice to CLECs of such services (BellSouth believes that the more appropriate finding would require CLECs to notify BellSouth), however, when BellSouth provides such notice it can also advise CLECs that "services will be disconnected on the day after the end of the transition period."

BellSouth respectfully requests that the Commission adopt BellSouth's position on each of the issues in this matter. BellSouth also respectfully reminds the Commission that the last day

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of the transition periods specified in the *TRO* and memorialized in the federal rules for switching and high capacity loops and transport is next Friday, March 10, 2006. Accordingly, BellSouth respectfully requests that the Commission issue its ruling in this matter as soon as possible.

Very truly yours,



Dorothy J. Chambers

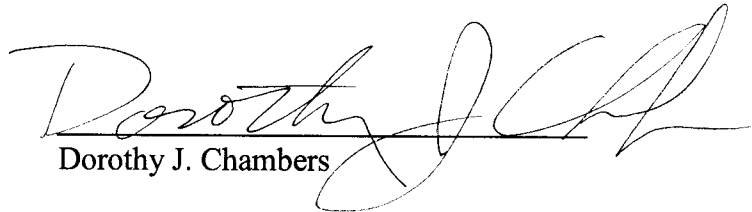
Enclosures

cc: Parties of Record

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CERTIFICATION FOR 2004-00427

I hereby certify that the electronic version of this filing made with the Commission this 3rd day of March 2006 is a true and accurate copy of the documents filed herewith in paper form on March 3, 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.


Dorothy J. Chambers

ELECTRONIC SERVICE LIST - KPSC 2004-00427

Frankfort Electric & Water Plant Board

Ed Hancock
Box 308
Frankfort, KY 40602
ehancock@fewpb.com

Sprint Communications Company, L.P.

Edward Phillips
14111 Capital Boulevard
Mailstop NCWKFR0313
Wake Forest, NC 27587-5900
Edward.phillips@mail.sprint.com

John N. Hughes, Esq.
Attorney at Law
124 West Todd St.
Frankfort, KY 40602
jnhughes@fewpb.net

**Counsel for Frankfort Electric
And Water Plant Board & Sprint**

Douglas F. Brent, Esq.
Stoll, Keenon & Park, LLP
2650 Aegon Center
400 West Market Street
Louisville, KY 40202-3377
brent@skp.com

**Counsel for Time Warner, Covad
MCI, Access Integrated, Network
Telephone, Dialog Telephone,
USLEC of TN, Big River Telephone
Company, LLC, Cinergy Communications
Company, & CompSouth**

**MCI Metro Access Transmission Services
LLC**

Donna McNulty
donna.mcnulty@mci.com

Time Warner Telecom of Ohio, LP

Pamela Sherwood
P. O. Drawer 200
Winter Park, FL 32790-0200
pamela.sherwood@twtelecom.com

US LEC of Tennessee Inc.

Terry Romine
Morrocroft III
6801 Morrison Blvd.
Charlotte, NC 28211
tromine@uslec.com

Dialog Telecommunications, Inc.

James Bellina
745 Tyvola Road, Suite 100
Charlotte, NC 28217
jim@calldialog.com

Network Telephone Corporation

Margaret Ring
margaret.ring@networktelephone.net

Access Integrated Networks

Sharyl Fowler
sharyl.fowler@accesscom.com

Dieca Communications, Inc.

d/b/a Covad Communications Company

Charles Watkins
gwatkins@covad.com

C. Kent Hatfield, Esq.
Stoll, Keenon & Park, LLP
2650 Aegon Center
400 West Market Street
Louisville, KY 40202-3377
hatfield@skp.com

**Counsel for AT&T Communications of the
South Central States, LLC and TCG Ohio,
Cinergy Communications Company, and
CompSouth**

**AT&T Communications of the
South Central States LLC and TCG Ohio**

David Eppsteiner
1230 Peachtree Street
4th Floor, Room 4W26
Atlanta, GA 30309
eppsteiner@att.com

Cinergy Communications Company

Robert A. Bye, Vice Pres. & Gen. Counsel
8829 Bond Street
Overland Park, KS 66214
bye@cinergycom.com
John Chuang, Corporate Counsel
8829 Bond Street
Overland Park, KS 66214
chuang@cinergycom.com

Verizon Select Services Inc.

Anthony P. Gillman
General Counsel
FLTC0007, 201 N. Franklin Street
P.O. Box 110
Tampa, FL 33601-0110
Anthony.Gillman@verizon.com

Telcove of Kentucky, Inc.
Edward T. Depp
121 Champion Way
Canonsburg, PA 15317
Tip.depp@telcove.com

FDN Communications
Matthew Feil
General Counsel
2301 Lucien Way, Suite 200
Maitland, FL 32751
mfeil@mail.fdn.com

Lightyear Network Solutions, LLC
Linda Hunt
Manager of Regulatory Affairs
1902 Eastpoint Parkway
Louisville, KY 40223
linda.hunt@lightyear.net

NewSouth Communications Corp/NuVox Communications, Inc.
Mary Campbell
2 North Main Street
Greenville, SC 29601
mcampbell@nuvox.com
John Fury
16090 Swingley Ridge Road, Suite 500
Chesterfield, MO 63017
jfury@nuvox.com
Ed Cadieux
16090 Swingley Ridge Road, Suite 500
Chesterfield, MO 63017
ecadieux@novox.com
Susan J. Berlin
2 North Main Street
Greenville, SC 29601
sberlin@nuvox.com

Xspedius Communications, LLC on behalf of itself and its operating subsidiaries, Xspedius Management Co. Switched Services, LLC, Xspedius Management Co. of Lexington, LLC, and Xspedius Management Co. of Louisville, LLC
James Falvey
14405 Laurel Place, Suite 200
Laurel, MD 20707-6102
Jim.falvey@xspedius.com

KMC Telecom V, Inc. and KMC Telecom III LLC
Marva Brown-Johnson
1755 North Brown Road
Lawrenceville, GA 30043
mabrow@kmctelecom.com

Chad Pifer
1755 North Brown Road
Lawrenceville, GA 30043
rpifer@kmctelecom.com

John J. Heitmann
Kelley Drye & Warren
1200 19th Street, N.W., Suite 500
Washington, DC 20036
jheitmann@kelleydrye.com
Garret R. Hargrave
Kelley Drye & Warren
1200 19th Street, N.W., Suite 500
Washington, DC 20036
ghargrave@kelleydrye.com
Scott A. Kassman
Kelley Drye & Warren
1200 19th Street, N.W., Suite 500
Washington, DC 20036
skassman@kelleydrye.com
John E. Selent
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 W. Jefferson Street
Louisville, KY 40202
John.selent@dinslaw.com
Holly C. Wallace
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 W. Jefferson Street
Louisville, KY 40202
Holly.Wallace@dinslaw.com
Counsel for Nuvox/NewSouth, Xspedius and KMC

Inter Mountain Cable d/b/a MTS Communications ("MTS")
James Campbell
P. O .Box 159
5 Laynesville Road
Harold, KY 41635
icamp@mis.net
John C. Schmoldt
P. O .Box 159
5 Laynesville Road
Harold, KY 41635
schmoldt@mis.net

U-Dial of Kentucky, Inc.
Ellis Falkoff
800 E. Reelfoot Avenue, Suite 200
Union City, TN 38261
Efalkoff@usit.net

DukeNet

arcocker@duke-energy.com

pharris@duke-energy.com

atorning@duke-energy.com

Henry C. Campen, Jr., Esq.

Parker Poe

Wachovia Capitol Center

150 Fayetteville Street Mall Suite 1400

P.O. Box 389

Raleigh, NC 27602-0389

henrycampen@parkerpoe.com

Counsel for DukeNet

SouthEast Telephone, Inc.

Liz Thacker

SouthEast Telephone, Inc.

106 Power Drive

Pikeville, KY 41502-1001

Liz.thacker@setel.com

Jonathon N. Amlung

1000 Republic Building

429 W. Muhammad Ali Blvd.

Louisville, KY 40202-2347

Jonathon@amlung.com

Counsel for SouthEast Telephone

e-Tel

Renee Hayden

601 Broadway, Suite B

Paducah, KY 42001

renee@e-tel-llc.com

Big River Telephone Company, LLC

kyreg@bigrivertelephone.com

Attorney General

Dennis Howard

Assistant Attorney General

1024 Capital Center Drive, Suite 200

Frankfort, KY 40601-8204

dennis.howard@ag.ky.gov

Aero Communications, LLC

Kristopher E. Twomey

LOKT Consulting

1519 E. 14th Street, Suite A

San Leandro, CA 94577

kris@lokt.net

Todd Heinrich

1301 Broadway, Suite 100

Paducah, KY 42001

todd@hcis.net

Ganoco, Inc. dba American Dial Tone

Larry Wright

2323 Curlew Road, Suite 7C

Dunedin, FL 34698

lwright@americandialtone.com

AmeriMex Communications Corp.

Glenn S. Richards

Shaw Pittman LLP

2300 N Street, NW

Washington, DC 20037

glenn.richards@shawpittman.com

Counsel for AmeriMex

Communications Corp.

PowerNet Global Communications

Eric J. Branfman

Robin F. Cohn

Swidler Berlin LLP

The Washington Harbor

3000 K Street, N.W., Suite 300

Washington, DC 20007-5116

ejbranfman@swidlaw.com

rfcohn@swidlaw.com

Counsel for PNG

Navigator Telecommunications, LLC

Michael McAlister

8525 Riverwood Park Drive

P. O. Box 13860

North Little Rock, AR 72113-0860

mike@navtel.com

CompSouth

Bill Magness

Casey, Gentz, & Magness, LLP

98 San Jacinto Blvd., Ste. 1400

Austin, TX 78701

bmagness@phonelaw.com

Deborah Eversole

Stoll, Keenon & Park, LLP

2650 Aegon Center

400 West Market Street

Louisville, KY 40202-3377

deborah.eversole@skp.com

Counsel for CompSouth