
BellSouth Telecommunications, Inc.

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September 14, 2006

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

Re: Petition of DIECA Communications, Inc. d/b/a Covad Communications
Company for Arbitration of Interconnection Agreement Amendment with
BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the
Telecommunications Act of 1996
PSC 2004-00259

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

Dear Ms. O'Donnell:

BellSouth Telecommunications, Inc. ("BellSouth") submits this letter and the enclosed Order on Merits to provide the Commission with notice of the decision rendered on September 12, 2006, by the United States District Court, Northern District of Florida. The Order pertains to line sharing obligation issues that are identical to the line sharing issues remaining to be resolved by this Commission.

Specifically, in *Dieca Communications, Inc., v. Florida Public Service Commission, et al*, Case No. 4:06cv72-RH/WCS, Covad appealed the Florida Public Service Commission's ("FPSC") decision that line sharing was not a 47 U.S.C. § 271 obligation and that the FPSC lacked jurisdiction under § 271 to order line sharing. The Court affirmed the FPSC's order and agreed that the FPSC lacked jurisdiction to order line sharing under § 271, and that line sharing is not a § 271 obligation. Significantly, in footnotes 7 and 20 of the Order the Court squarely addresses the decision in *Verizon New England v. Maine Public Utilities Commission*, and reaches the opposite conclusion.

BellSouth respectfully requests that the Commission adopt BellSouth's position on the issues in this matter as expeditiously as possible.

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>.

Eleven copies of this filing are provided for filing in case 2004-00259. Parties of Record in case 2004-00259 will receive a paper copy of this filing.

Sincerely,

/s/
Mary K. Keyer

Enclosures

cc: Parties of Record

649328

CERTIFICATION FOR 2004-00427

I hereby certify that the electronic version of this filing made with the Commission this 14th day of September 2006 is a true and accurate copy of the documents filed herewith in paper form on September 14, 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.

/s/_____
Mary K. Keyer

ELECTRONIC SERVICE LIST - KPSC 2004-00427

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CERTIFICATE OF SERVICE FOR 2004-00259

It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by mailing a copy thereof on the 14th day of September, 2006.

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