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October 20, 2006

Ms. Beth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602-0615

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 and the enclosed Memorandum Opinion and Order ("Order") to provide the Commission with notice of the decision rendered on September 28, 2006, by the United States District Court, Northern District of Illinois, Eastern Division. The Order addresses many of the same issues that are identical to the issues that are still before the Commission for resolution in the above-captioned matter.

Specifically, in *Illinois Bell Telephone Company vs. Erin M. O'Connell-Diaz, et al.*, Case No. 05 C 1149, Illinois Bell Telephone Company ("SBC Illinois") appealed the Illinois Commerce Commission's ("ICC") rulings that required SBC Illinois to provide its competitors with access to certain portions of SBC Illinois' network. In its Order, the Court held that "[t]he structure of the [1996] Act strongly suggests Congress's intent to separate Sections 251 and 252 from Section 271, as well as its intent to confine state authority to the former provisions." *id.* at 23, and granted SBC Illinois' Motion for Summary Judgment with respect to the following ICC requirements: (1) local circuit switching, switching, switching-related elements, OCn-level loops, dedicated transport, dark fiber loops, entrance facilities, and feeder subloops; (2) combination requirements; (3) splitters; and (4) access fee termination. In reaching its decision on the issues, the USDC expressly rejected the ICC's attempt to rely upon Section 271. The USDC granted the ICC's and the Competing Carriers Motion for Summary Judgment with respect to Illinois' collocation requirements. The USDC denied the Motions for Summary Judgment of all parties with respect to DS 1 and DS 3 loops, DS1 transport,

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DS3 transport, and dark fiber transport due to lack of sufficient information upon which the Court could decide.

BellSouth respectfully requests that the Commission immediately adopt BellSouth's position on each of the issues pending in the above-referenced matter.

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>.

Sincerely,

/s/  
Mary K. Keyer

Enclosure

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 20th day of October 2006 is a true and accurate copy of the documents filed herewith in paper form on October 20, 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/ \_\_\_\_\_  
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