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July 31, 2007

ELECTRONIC FILING

Ms. Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: Case No. 2004-00427 – BellSouth's Change of Law Petition Pending Since November 2004.

Dear Ms. O'Donnell:

BellSouth brought this case on November 1, 2004, asking the Commission to “set the standard” for carriers to incorporate changes in law into their interconnection agreements. BellSouth petition at 5. By Order dated December 8, 2004, the Commission made dozens of carriers parties to the resulting case. This firm represents CompSouth, which intervened, and several of the respondents. A hearing was held October 11, 2005 and briefing was completed in November 2005.

The Commission has never issued a decision in this critical case. During the twenty one months since this case was heard some of the largest competitive providers of residential local service have simply conceded the market to BellSouth. Competitive entry has basically ceased.

Lack of a decision has created regulatory uncertainty which hinders business planning among the carriers which took seriously the Commission's order to participate in this important case. Among the issues on which the industry awaits a decision is whether this Commission can determine rates for § 271 elements and require those rates to be incorporated into filed agreements. The Commission has addressed that question in a separate case involving BellSouth and a single CLEC which is also a party to this case. We ask the Commission to rule on this and the various other issues important to the telecommunications industry in Kentucky.

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I certify that this filing was uploaded electronically today to the Commission's web filing portal, and that the electronic version is a true copy of the document filed in paper form. Please indicate receipt of this filing by your office by returning an electronic receipt.

Very truly yours,

STOLL KEENON OGDEN PLLC

A handwritten signature in black ink, appearing to read "Douglas F. Brent". The signature is stylized with a long horizontal stroke extending to the right.

Douglas F. Brent
Counsel for CompSouth