

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT PETITION FOR ARBITRATION OF	)	
NEWSOUTH COMMUNICATIONS CORP.,	)	
NUVOX COMMUNICATIONS, INC., KMC	)	
TELECOM V, INC., KMC TELECOM III LLC,	)	CASE NO.
AND XSPEDIUS COMMUNICATIONS, LLC ON	)	2004-00044
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 BELL SOUTH TELECOMMUNICATIONS,	)	
INC. PURSUANT TO SECTION 252(B) OF THE	)	
COMMUNICATIONS ACT OF 1934, AS	)	
AMENDED	)	

O R D E R

NewSouth Communications Corp., NuVox Communications, Inc., and Xspedius Communications, LLC (collectively "Joint Petitioners")<sup>1</sup> filed with the Commission a joint petition for arbitration seeking resolution of issues between the Joint Petitioners and BellSouth Telecommunications, Inc. ("BellSouth"). On September 26, 2005, the Commission issued an Order addressing the 19 issues which the parties were unable to resolve through negotiation.

The Joint Petitioners and BellSouth have asked for rehearing. Joint Petitioners asked the Commission to further consider issues 4, 5, 6, 7, 9, 12, 88, 97,

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<sup>1</sup> KMC Telecom V, Inc. and KMC Telecom III LLC, originally parties to this proceeding, withdrew their request for arbitration on May 31, 2005.

and 102. They also asked the Commission to clarify determinations regarding issues 36 and 51. BellSouth asked that the Commission reconsider issues 26, 36, 37, 38, 51, 65, 86, 100, 101, and 103. BellSouth and the Joint Petitioners have requested that the Commission schedule oral argument to address legal issues regarding their requests for rehearing.

The Commission, having considered the motions, finds that oral argument regarding the legal issues in this proceeding may assist the Commission. Rehearing on all issues should be granted for the purpose of permitting oral argument on the legal issues.

The parties have filed a joint motion for an extension of time in which to file their interconnection agreement. The September 26, 2005 Order directed that the interconnection agreement be filed no later than October 26, 2005. The parties have asked the Commission to require that the interconnection agreement be submitted 30 days after the Commission rules on the parties' petitions for reconsideration. The Commission finds that this request is reasonable, given the parties' prior agreement that they will continue operating under their current interconnection agreements until these matters are finally resolved by the Commission.

IT IS THEREFORE ORDERED that:

1. Rehearing on all matters requested is granted for the purpose of conducting oral argument on the legal issues.
2. Oral argument is hereby scheduled for November 30, 2005, beginning at 9:00 a.m., Eastern Standard Time, in the Commission's offices in Frankfort, Kentucky. Each party will be limited to 30 minutes unless leave is granted by the Commission.

3. The joint motion for an extension of time to file the interconnection agreement is granted. The parties shall file their executed interconnection agreement within 30 days after the Commission issues an Order on rehearing.

Done at Frankfort, Kentucky, this 7<sup>th</sup> day of November, 2005.

By the Commission

ATTEST:

  
Executive Director