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MAY 20 2004

PUBLIC SERVICE
COMMISSION

May 19, 2004

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

Re: *Withdrawal of Notice of Intent to Adopt Interconnection Agreement between BellSouth and Time Warner Telecom filed by US LEC of Tennessee Inc.*

Dear Ms. O'Donnell:

On March 8, 2004, US LEC of Tennessee Inc. ("US LEC") filed the above-referenced Notice of Intent to adopt an existing approved interconnection agreement between BellSouth Telecommunications, Inc. and Time Warner Telecom of Ohio, L.P. Additionally, on March 16, 2004, US LEC filed a Petition for Arbitration against BellSouth in connection with an amendment to the parties' interconnection agreement to implement the Federal Communications Commission's *Triennial Review Order*.

US LEC and BellSouth have resolved all the issues in connection with the Petition. In light of such resolution, US LEC and BellSouth have agreed that US LEC may adopt the Time Warner agreement with the substitution of Attachment 2, as negotiated by the parties. Accordingly, US LEC hereby withdraws its Notice of Intent.

The parties intend to file an Adoption Agreement including the substitute Attachment 2 in the near future. When that agreement is filed US LEC intends to withdraw the arbitration petition docketed as Case No. 2004-00087.

Ms. Elizabeth O'Donnell
May 19, 2004
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During the May 12, 2004 Informal Conference in Case No. 2004-00087, US LEC committed to inform the staff of its decision to withdraw the Notice of Intent by May 19. Accordingly, we are including extra copies of this letter for filing in that proceeding, so that Commission staff may be advised of the withdrawal.

Sincerely yours,

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

Douglas F. Brent

cc: Service list for Case No. 2004-00087