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April 21, 2010

Jeff DeRouen  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, KY 40601

RECEIVED

APR 22 2010

2010-00161

PUBLIC SERVICE  
COMMISSION

*RE: Notice of Express Phone Service Inc.'s Intent to Adopt the  
Interconnection Agreement Between BellSouth Telecommunications, Inc.  
and New Talk, Inc.*

Dear Mr. DeRouen:

Enclosed please find an original and ten copies of Express Phone Service, Inc.'s Notice of Intention to Adopt. We request that the Commission affirmatively approve this adoption by issuing an order.

Please indicate receipt of this filing by placing your file stamp on the extra copy and returning to me via the enclosed self-addressed postage paid envelope.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent

DFB:

Enclosures

113265.136449/627639.1

RECEIVED

APR 22 2010

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF

NOTICE OF EXPRESS PHONE SERVICE INC.'S ) Case No. 2010-00 161  
INTENT TO ADOPT THE INTERCONNECTION )  
AGREEMENT BETWEEN BELLSOUTH )  
TELECOMMUNICATIONS, INC. AND )  
NEW TALK, INC. )

**NOTICE OF EXPRESS PHONE SERVICE INC.'S ADOPTION OF THE  
BELLSOUTH TELECOMMUNICATIONS-NEW TALK INTERCONNECTION  
AGREEMENT**

Express Phone Service, Inc. ("Express Phone"), pursuant to Section 252(i) of the Telecommunications Act of 1996 ("Act"), 47 U.S.C. § 252(i), hereby files this Notice of Intent to adopt the currently effective interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T-Kentucky ("AT&T-KY") and New Talk, Inc.

Express Phone is a utility within the meaning of KRS 278.010(3)(e) and is a competitive local exchange carrier or CLEC. AT&T-KY is an incumbent local exchange carrier or ILEC. The referenced agreement, which is to be adopted in its entirety, is identified by the tracking number 01055-AL on the Commission's publicly-available Internet site for approved agreements. The CLEC party to this unexpired agreement is New Talk, Inc. ("New Talk").

The Commission has frequently acknowledged the statutory right of carriers to adopt existing interconnection agreements by notice to the Commission. As the adoption arises from a statutory right, such a request may be reviewed expeditiously and promptly

granted.<sup>1</sup> Moreover, Paragraph 61.1 of the agreement to be adopted acknowledges that AT&T-KY will make the entire agreement available to requesting telecommunications carriers. Accordingly, Express Phone requests expedited review of this Notice and an Order that:

- a) Approves Express Phone's adoption of the existing interconnection agreement between AT&T-KY and New Talk filed with the Commission (the "New Talk ICA");
- b) Orders AT&T-KY to file the approved agreement; and
- c) Makes the agreement effective as of the date of the Commission's Order.

#### **PARTIES**

1. Express Phone is a Florida corporation, whose principal place of business is 1803 W. Fairfield Drive, Unit 1, Pensacola, FL 32501.

2. AT&T-KY is an incumbent local exchange company ("ILEC") as defined under Section 251(h) of the Act, and is authorized to provide telecommunications services in the Commonwealth of Kentucky.

3. Notice of this filing is being sent to:

Mary Pat Regan  
President  
AT&T-KY  
601 W. Chestnut Street, Room 408  
Louisville, KY

and

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<sup>1</sup> See, e.g., *In the Matter of Adoption by Bluegrass Telephone Co., Inc. d/b/a Kentucky Telephone company of Interconnection Agreement between Kentucky ALLTEL, Inc. and Brandenburg Telecom, LLC*, PSC Case No. 2005-00463 (Order dated December 6, 2005).

AT&T Contract Management  
311 S. Akard  
Four AT&T Place, 9<sup>th</sup> Floor  
Dallas, TX 75202

## BACKGROUND

4. A true and correct copy of the current New Talk ICA, as amended, can be viewed on the Commission's website<sup>2</sup>: <http://162.114.3.165/PSCICA/0000/01055/>.

5. Express Phone intends to be bound by the terms of the unexpired agreement, anticipating that the terms of the agreement will be reproduced in their entirety, substituting Express Phone in the place of New Talk in the Agreement.

6. By letter dated February 10, 2010, Express Phone notified AT&T-KY's Director of Contract Management in writing that Express Phone intended to exercise its statutory right to adopt the New Talk ICA.

7. Express Phone's request is made pursuant to Section 252(i) of the Act and the FCC's interconnection adoption regulation at 47 C.F.R. § 51.809. As this Commission recently recognized in its February 18, 2008 Order in Case No. 2007-0255<sup>3</sup>, the FCC's rule provides only two bases upon which an adoption request may be rejected: (1) where the costs of providing a particular agreement to one carrier are greater than the costs of providing the same terms to another carrier; and (2) where the provision of a particular agreement to the requesting carrier is not technically feasible.

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<sup>2</sup> For ease of administrative burden upon the Commission, the current New Talk ICA is fully incorporated herein by reference. Express Phone will provide paper or electronic copies upon request.

<sup>3</sup> *Adoption by Nextel West Corp. of the Existing Interconnection Agreement by and between BellSouth Telecommunications, Inc. and Sprint Communications Company, L.P., Sprint Spectrum L.P. ("Nextel Adoption Order")*

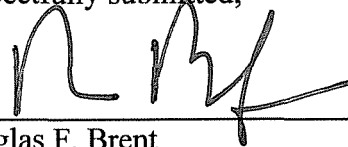
8. Express Phone does not believe that there are any material issues of fact in dispute that the Commission needs to address at this time to grant the relief requested on the basis asserted in this Notice. Adoption of this agreement can be accomplished in a “straightforward and quick” proceeding. *See Nextel Adoption Order* at 10.

**PRAYER FOR RELIEF**

**WHEREFORE**, Express Phone requests that the Commission issue its Order:

- a) Acknowledging Express Phone’s adoption of the existing interconnection agreement between AT&T-KY and New Talk;
- b) Requiring AT&T-KY to file with the Commission a true and complete copy of the approved agreement;
- c) Making the agreement effective as of the date of the Commission’s Order;  
and
- d) Granting such other and further relief as the Commission deems just and proper.

Respectfully submitted,



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Douglas F. Brent  
STOLL KEENON OGDEN PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202\_  
(502) 333-6000

Counsel for Express Phone, Inc.

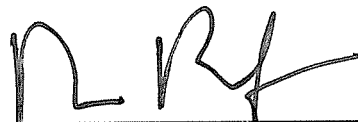
April 21, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served on the following by first-class United State mail, sufficient postage prepaid, this 21st day of April, 2010.

Mary Pat Regan  
President  
AT&T-KY  
601 W. Chestnut Street, Room 408  
Louisville, KY 40203

AT&T Contract Management  
311 S. Akard  
Four AT&T Place, 9<sup>th</sup> Floor  
Dallas, TX 75202



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Counsel to Express Phone, Inc.