

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition by NewSouth Communications Corp., NuVox Communications, Inc., and Xspedius Communications, LLC, on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC, for arbitration of certain issues arising in negotiation of interconnection agreement with BellSouth Telecommunications, Inc.

DOCKET NO. 040130-TP
ORDER NO. PSC-06-0477-FOF-TP
ISSUED: June 5, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
ISILIO ARRIAGA
MATTHEW M. CARTER II

ORDER APPROVING ARBITRATED INTERCONNECTION AGREEMENTS

BY THE COMMISSION:

On October 11, 2005, we issued Order No. PSC-05-0975-FOF-TP, the Final Order Regarding Petition for Arbitration (Final Order). Among other matters, the Final Order concluded that “. . . pursuant to Order No. PSC-05-0443-PCO-TP, issued April 26, 2005, the resolution of the issues move[sic] from this docket to Docket No. 041269-TP are to be rolled back into Docket No. 040130-TP as if arbitrated.” See Final Order at pg. 73. The Final Order also provides that this Docket is to remain open pending our approval of the final arbitration agreements, and required the parties to file signed agreements that complied with the Final Order within 30 days after its issuance.

On November 7, 2005, the parties filed a Joint Motion for Extension of Time to file an executed agreement, requesting until December 9, 2005 to file an agreement. We granted this request on November 10, 2005 by Order No. PSC-05-1136-PCO-TP. On December 9, 2005, the parties filed a second request for extension of time to file an agreement, which was granted by Order No. PSC-05-1247-PCO-TP, issued December 22, 2005. That Order provides, in pertinent part, that the parties “. . . will have . . . 30 days from the issuance of a final Order in Docket No. 041269-TP, to file a final interconnection agreement.”

On April 21, 2006, BellSouth submitted executed interconnection agreements (ICAs) with NuVox Communications, Inc. (NuVox) and Xspedius Communications, Inc. (Xspedius). These ICAs incorporate the resolution of those disputed issues explicitly arbitrated in this docket,

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as well as those matters resolved in Docket No. 041269-TP but rolled back into this proceeding. The parties agree that these ICAs resolve all disputed matters in this Docket.

We have reviewed the final executed ICAs and have determined that they comply with our decision in Order No. PSC-05-0975-FOF-TP, as well as the Telecommunications Act of 1996. Therefore, we hereby approve BellSouth's arbitrated Interconnection Agreements with NuVox and Xspedius.

Based upon the foregoing, it is

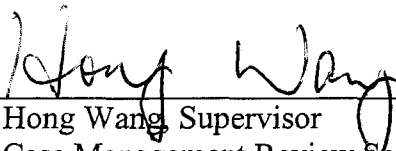
ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s final executed Interconnection Agreements with NuVox Communications, Inc. and Xspedius Communications, Inc. are hereby approved. It is further

ORDERED that this Docket is hereby closed.

By ORDER of the Florida Public Service Commission this 5th day of June, 2006.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By:



Hong Wang, Supervisor
Case Management Review Section

(SEAL)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.