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RECORDS AND  
REPORTING

August 9, 1999

Ms. Blanca S. Bayó  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: ITC^DeltaCom/BellSouth Section 252 Arbitration  
Docket No. 990750-TP

Dear Ms. Bayó:

Per your request, this is in response to the letter dated August 5, 1999, from David Adelman, Esq. on behalf of ITC^DeltaCom regarding Issue 5 of ITC^DeltaCom's Arbitration Petition (Issue Number 58 of the Staff's Proposed Issues List). Mr. Adelman has discussed this matter with BellSouth. As was relayed to Mr. Adelman, BellSouth denies that it was mistaken concerning the parties' agreement to withdraw Issue 5 from the arbitration. However, Mr. Adelman has asserted that ITC^DeltaCom mistakenly withdrew the issue, and BellSouth has consented to ITC^DeltaCom's insertion of the issue once again.

As Mr. Adelman stated in his letter, BellSouth has only consented to ITC^DeltaCom's inclusion of the original language for Issue 5. BellSouth does not agree with ITC^DeltaCom's restatement of Issue 5. The restated issues are in some cases unclear and do not include references to sections of the Agreement whereby BellSouth may attempt to ascertain ITC^DeltaCom's intended meaning. Furthermore, BellSouth believes that the restated issues extend beyond the language and intent of the original Issue 5.

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Should you need more information regarding the foregoing, please let me know.

Sincerely,

*Thomas B. Alexander*  
Thomas B. Alexander (fa)

Cc: Diana W. Caldwell, Esq.  
Mr. Calvin Favors  
David I. Adelman, Esq.  
Nancy B. White, Esq.

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