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MEMORANDUM

FEBRUARY 16, 2006

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (WIGGINS) *PKW*

RE: DOCKET NO. 040514-TP – PETITION FOR ARBITRATION OF CERTAIN ISSUES ARISING IN NEGOTIATION OF INTERCONNECTION AGREEMENT WITH BELLSOUTH INC. BY CBeyond COMMUNICATIONS LLC

Attached is a letter from Norman Horton, Esquire, dated January 23, 2006, to be included in the file for this docket.

PKW/js
Attachment

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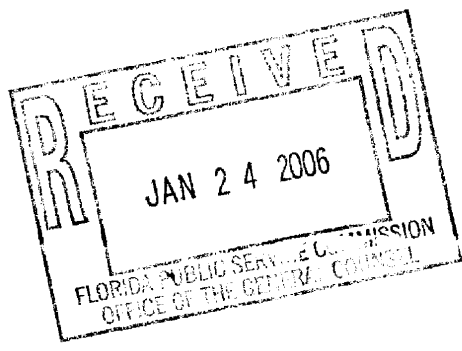
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January 23, 2006



Patrick Wiggins, Esq.
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 040514-TP

Dear Pat:

This is in response to your recent inquiry as to the status of this docket and to confirm our recent conversation.

Cbeyond and BellSouth have been in negotiations in Georgia in the companion proceeding to this docket and have reached agreement on substantially all of the issues in that proceeding. As a result of those negotiations, the parties filed the attached motion in the Georgia proceeding.

There are some Florida specific issues remaining to be resolved and the parties are scheduled to meet to discuss these this month.

Given the progress of negotiations between the parties and the continued scheduled meetings, we would request that this docket continue to be held in abeyance.

Sincerely yours,
Norman H. Horton, Jr.

Norman H. Horton, Jr.

NHH/amb
Enclosures
cc: Parties of Record

**Before the
GEORGIA PUBLIC SERVICE COMMISSION**

In the Matter of the Petition for Arbitration)
of Cbeyond Communications, Inc. of an)
Interconnection Agreement with BellSouth) Docket No. 18995-U
Telecommunications, Inc. Pursuant to)
Section 252(b) of the Communications Act)
of 1934, as Amended)

JOINT MOTION TO SUSPEND PROCEDURAL SCHEDULE

Cbeyond Communications, LLC (“Cbeyond”) and BellSouth Telecommunications, Inc. (“BellSouth”) (together, the “Parties”), through counsel, submit this Joint Motion to Suspend Procedural Schedule and hereby respectfully request that the Georgia Public Service Commission (the “Commission”) suspend all future procedural dates established in the above-captioned proceeding, including the hearing presently set for December 6, 2005 through December 8, 2005. The Parties will jointly or separately file with the Commission a Motion to establish a modified procedural schedule for this arbitration, as may become necessary to implement future rulings by the Commission that the Parties have agreed to incorporate in the interconnection agreement for the State of Georgia that results from this arbitration (the “Agreement”). By this Joint Motion, and contingent upon a grant by the Commission of the relief requested herein, the Parties waive the existing deadline, under section 252(b)(4)(C) of the Act, 47 U.S.C. § 252(b)(4)(C), for final resolution by the Commission of the issues set forth in Cbeyond’s Petition for Arbitration.

In support of this Joint Motion, the parties submit as follows:

1. During the negotiations, the Parties resolved that the following issues before the Commission in the above-captioned proceeding also are before the Commission in a separate arbitration proceeding between BellSouth and a coalition of competitive local exchange carriers within Georgia, including NuVox Communications, Inc., Xspedius Management Co. Switched

Services, LLC and Xspedius Management Co. of Atlanta, LLC (the “Joint CLECs”), for an interconnection agreement for the State of Georgia, under section 252(b) of the Act, 47 U.S.C. § 252(b): Cbeyond 2/G-2 (Joint CLEC 4/G-4), Cbeyond 3/G-3 (Joint CLEC 5/G-5), Cbeyond 4/G-4 (Joint CLEC 6/G-6), Cbeyond 5/G-5 (Joint CLEC 7/G-7), Cbeyond 7/G-7 (Joint CLEC 9/G-9), Cbeyond 11/G-11 (Joint CLEC 12/G-12), Cbeyond 43/2-30 (Joint CLEC 36/2-18), Cbeyond 44/2-31 (Joint CLEC 37/2-19), Cbeyond 45/2-32 (Joint CLEC 38/2-20), Cbeyond 59/2-46 (Joint CLEC 51/2-33), Cbeyond 80 (Joint CLEC 86/6-3) and Cbeyond 94(B) (Joint CLEC 100/7-6).¹ Therefore, the Parties have agreed that such issues will be resolved consistent with the decision of the Commission in Docket No. 18409-U.

2. During the negotiations, the Parties resolved that the following issues before the Commission in the above-captioned proceeding also are before the Commission in a separate, “generic” arbitration proceeding to implement modifications to the FCC’s unbundling rules, under the *Triennial Review Order* and the *Triennial Review Remand Order*: Cbeyond 14/2-1 (Generic 8), Cbeyond 23(B) (Generic 15), Cbeyond 26/2-13 (Generic 14), Cbeyond 35(B)/2-22(B) (Generic 23, 25, 28), Cbeyond 38/2-25 (Generic 8), Cbeyond 114/S-1 (Generic 2, 3, 4, 5, 6), Cbeyond 117/S-4 (Generic 2), Cbeyond 119/S-6 (Generic 2, 3, 4, 5, 6), Cbeyond 120/S-7 (Generic 2, 3, 4, 5), Cbeyond 121/S-8 (Generic 2, 3, 4, 5, 6) and Cbeyond 123/S-10 (Generic 23, 24, 28). Therefore,

¹ *In re Joint Petition for Arbitration of NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC, on behalf of its Operating Subsidiaries, Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Atlanta, LLC, of an Interconnection Agreement with BellSouth Telecommunications, Inc., Docket No. 18409-U.*

the Parties have agreed that such issues will be resolved consistent with the decision of the Commission in the Generic UNE Docket.²

3. The Parties have resolved the following issues submitted for arbitration by the Commission in the above-captioned proceeding: 15/2-2, 16/2-3, 17/2-4, 18/2-5, 19/2-6, 20/2-7, 21/2-8, 22/2-9, 23(A)/2-10(A), 24/2-11, 25/2-12, 27/2-14, 28/2-15, 29/2-16, 30/2-17, 31/2-18, 32/2-19, 33/2-20, 34/2-21, 35(A)/2-22(A), 36/2-23, 37/2-24, 38/2-25, 39/2-26, 40/2-27, 41/2-28, 42/2-29, 46/2-33, 47/2-34, 48/2-35, 49/2-36, 50/2-37, 51/2-38, 52/2-39, 53/2-40, 54/2-41, 55/2-42, 56/2-43, 57/2-44, 58/2-45, 60/2-47, 61/2-48, 62/2-49, 63/2-50, 64/3-1, 65/3-2, 66/3-3, 67/3-4, 68/3-5, 70/3-7, 71/4-1, 72/4-2, 73/4-3, 74/4-4, 75/4-5, 76/4-6, 77/4-7, 78/6-1, 79/6-2, 81/6-4, 82/6-5, 83/6-6, 84/6-7, 85/6-8, 86/6-9, 87/6-10, 88/7-1, 89/7-2, 90/7-1, 91/7-4, 92/7-5, 93/7-6, 94(A)/7-7(A), 95/7-8, 96/7-9, 97/7-10, 98/7-11, 99/7-12, 100/7-13, 101/7-14, 102/7-15, 103/7-16, 104/7-17, 105/7-18, 106/7-19, 107/7-20, 108/7-21, 109/7-22, 110/7-23, 111/7-24, 112/7-25, 113/11-1 and 122/S-9. The Parties also have determined that the following supplemental issues submitted for arbitration in the above-captioned proceeding are moot: 115/S-2, 116/S-3, 118/S-5 and 124/S-11.

4. Therefore, the Parties believe that no additional Commission hearing or briefing by the Parties is necessary to resolve these issues.

5. In the event that further Commission proceedings are necessary to implement future rulings by the Commission that the Parties have agreed to incorporate in the Agreement, as set forth above, the Parties will jointly or separately file with the Commission a Motion to establish a modified procedural schedule for that exclusive purpose.

² *In the Matter of: Generic Proceeding to Examine Issues Related To BellSouth's Obligations to Provide Unbundled Network Elements, Docket No. 19341-U (the "Generic UNE Docket").*

WHEREFORE, consistent with the foregoing, the Cbeyond and BellSouth hereby respectfully request that the Commission grant this Joint Motion to Suspend Procedural Schedule, and suspend all future procedural dates established in the above-captioned proceeding.

Respectfully submitted,

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Dated: January 11, 2006