

TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman
Eddie Roberson, Director
Pat Miller, Director
Ron Jones, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

NOTICE OF FILING

DOCKET: 02-01203

IN RE: BELLSOUTH'S COMPLAINT TO ENFORCE INTERCONNECTION AGREEMENT BETWEEN BELLSOUTH AND ITC^DELTACOM COMMUNICATIONS, INC. AND REQUEST FOR EXPEDITED PROCEEDINGS

DATE: September 12, 2006

In a letter to the Hearing Officer filed by BellSouth Telecommunications, Inc. ("BellSouth") on December 10, 2004, BellSouth indicated that any issues raised by the XO Tennessee, Inc. ("XO") and ITC^DeltaCom Communications, Inc. ("DeltaCom") (together, the "CLECs") regarding independence of an auditor to conduct the enhanced extended loop ("EELs") audit may be solved by using the firm, Grant Thornton, LLP, and BellSouth agreed to do so.

XO and DeltaCom filed a letter to the Hearing Officer on December 17, 2004 stating that in its December 10th letter, BellSouth did not resolve a number of the CLECs' concerns. The CLECs requested the Hearing Officer to require BellSouth to submit additional information on the auditor's independence (if the auditor is not Grant Thornton) and to submit a specific audit plan.

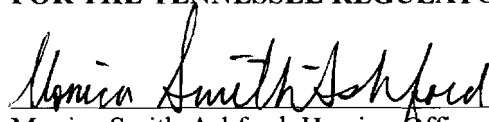
On February 10, 2006, BellSouth stated it would file, no later than February 21, 2006, a signed engagement letter, as well as, a statement from Grant Thornton, LLP specifically addressing how it will address the "sampling issue" raised by DeltaCom.

DeltaCom¹ responded on February 13, 2006 reiterating that the Authority ordered BellSouth to submit the audit methodology for TRA approval. In addition, DeltaCom requested that BellSouth's complaint be dismissed without prejudice until BellSouth complies with the Authority's instructions.

As of the date of this notice, BellSouth has not filed with the Authority a signed letter of engagement, nor has it filed for TRA approval a "proposed methodology/procedure for conducting each audit of converted EELs" as required by the Authority Order issued September 29, 2004.

BellSouth is directed to file with the Authority both an engagement letter and Grant Thornton, LLP's proposed methodology **no later than 2:00 p.m. Tuesday, September 19, 2006. If BellSouth fails to file such notice, the Hearing Officer will consider dismissing BellSouth's complaint without prejudice and closing this docket.**

FOR THE TENNESSEE REGULATORY AUTHORITY:


Monica Smith-Ashford, Hearing Officer

Original in Docket File

¹ On October 12, 2005, BellSouth filed a letter with the Authority indicating it had settled its differences with XO in Docket Nos. 02-01203 and 04-00306 and requesting to voluntarily dismiss with prejudice its complaint seeking an audit of XO's EEL circuits. BellSouth stated its complaint against DeltaCom in Docket No. 02-001203 remains active.

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