

BellSouth Telecommunications, Inc.
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

Guy M. Hicks
General Counsel

615 214 6301
Fax 615 214 7406

February 1, 2007

VIA HAND DELIVERY

filed electronically in docket office in 02/01/07

Hon. Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

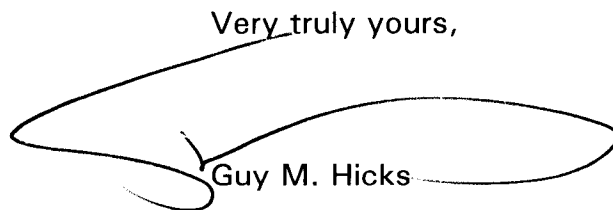
Re: *Enforcement of Interconnection Agreement between BellSouth
Telecommunications, Inc. and ITC^DeltaCom Communications, Inc.*
Docket No. 02-01203

Dear Chairman Kyle:

Enclosed are the original and fourteen copies of BellSouth's *Motion to Dismiss* in the referenced matter.

A copy is being provided to counsel of record.

Very truly yours,


Guy M. Hicks

GMH:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Nashville, Tennessee

In Re: *Enforcement of Interconnection Agreement between BellSouth Telecommunications, Inc. and ITC^DeltaCom Communications, Inc.*

Docket No. 02-01203

BELLSOUTH TELECOMMUNICATIONS, INC.'S
MOTION TO DISMISS

BellSouth Telecommunications, Inc. ("BellSouth"), hereby respectfully requests that the Tennessee Regulatory Authority ("TRA") dismiss, with prejudice, the Complaint of BellSouth filed in the above-captioned proceeding. In support of this Motion, BellSouth states as follows:

1. On November 5, 2002, BellSouth filed with the TRA a Complaint, pursuant to T.C.A. 65-4-117 and Rule 1120-1-1.09, to enforce the audit provisions of the interconnection agreement ("Agreement") between BellSouth and ITC^DeltaCom Communications, Inc. ("DeltaCom"), and to obtain relief for NuVox's alleged breach of the Agreement.

2. On March 31, 2006, BellSouth and AT&T Inc. ("AT&T") filed with the Federal Communications Commission ("FCC") an Application requesting authority to transfer to AT&T control of certain licenses and authorizations held directly and indirectly by BellSouth.

3. On December 29, 2006, the FCC approved the merger of BellSouth and AT&T, subject to commitments made by AT&T, and the merger was consummated on that date. One of the commitments made by AT&T was that

AT&T/BellSouth would cease ongoing or threatened EEL audits and would not initiate new EEL audits.

4. In accordance with the above-mentioned EEL audit merger condition, the current docket is rendered moot.

WHEREFORE, for the reasons set forth herein, BellSouth respectfully requests that the TRA dismiss, with prejudice, BellSouth's Complaint in the above-captioned docket.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

Guy M. Hicks
Joelle J. Phillips
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300
615/214-6301

E. Earl Edenfield, Jr.
John T. Tyler
675 W. Peachtree St., NE, Suite 4300
Atlanta, GA 30375
(404) 335-0757

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2007, a copy of the foregoing document was served on the following, via the method indicated:

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

Henry Walker, Esquire
Boult, Cummings, et al.
1600 Division St., Suite 400
Nashville, TN 37203
hwalker@boultcummings.com

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

Tony Mastando, Esquire
ITC^DeltaCom
4092 South Memorial Parkway
Huntsville, AL 35802
Tony.mastando@itcdeltacom.com
Jean.houck@itcdeltacom.com