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2006 JAN -6 PM 2:53  
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January 6, 2006

Honorable Ron Jones, Chairman  
Tennessee Regulatory Authority  
ATTN: Sharla Dillon, Dockets  
460 James Robertson Parkway  
Nashville, TN 37243-5015

**Via Hand Delivery**

RE: Joint Petition for Arbitration of an Interconnection Agreement with  
BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the  
Communications Act of 1934, as Amended; Tennessee Regulatory  
Authority Docket No. 04-00046

Dear Chairman Jones:

On December 13, 2005, Petitioners NuVox Communications, Inc. and Xspedius Communications, LLC filed a Petition to Enforce Abeyance Agreement. Such petition referenced Petitioners' (Plaintiffs') Motion to Dismiss Without Prejudice (Docket Entry No. 29) in the U. S. District Court, Middle District of Tennessee, Nuvox Communications, Inc. vs. Tennessee Regulatory Authority, et al., case no. 3:05-cv-0742.

This letter is to inform the Authority that such Motion was granted by the federal court. The Order (Docket Entry No. 37) granting Plaintiffs' Motion to Dismiss Without Prejudice is enclosed.

I am presenting the original and 13 copies of this letter and the referenced Order for filing. Thank you for your assistance in this regard. Please do not hesitate to contact me with any questions or concerns regarding this matter.

Respectfully submitted,



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Honorable Ron Jones, Chairman  
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January 6, 2006  
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*Counsel to NuVox Communications, Inc. and  
Xspedius Communications, Inc.*

**Certificate of Service**

The undersigned hereby certifies that on this the 6<sup>th</sup> day of January, 2006, a true and correct copy of the foregoing has been forwarded via U. S. Mail, overnight delivery, hand delivery, or electronic transmission to the following.

Guy Hicks  
BellSouth Telecommunications, Inc.  
333 Commerce Street, Suite 2101  
Nashville, TN 37201

  
H. LaDon Baltimore

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

NUVOX COMMUNICATIONS, INC., and	)	
XSPEDIUS COMMUNICATIONS, LLC,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 3:05-0742
	)	JUDGE ECHOLS
	)	
TENNESSEE REGULATORY AUTHORITY,	)	
et al.,	)	
	)	
Defendants.	)	

**ORDER**

Pending before the Court is Plaintiffs' Motion to Dismiss Without Prejudice (Docket Entry No. 29). Defendants Tennessee Regulatory Authority, Chairman Ron Jones, and Directors Pat Miller, Deborah Taylor Tate, and Sara Kyle, in their official capacities, do not oppose the Motion. Intervenor BellSouth Telecommunications, Inc., also does not oppose the Motion, but reserves any rights it may have arising from the dismissal of this action.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs' Motion to Dismiss Without Prejudice (Docket Entry No. 29) is hereby GRANTED and Plaintiff's Complaint For Declaratory Relief (Docket Entry No. 1) is hereby DISMISSED WITHOUT PREJUDICE.

Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.



ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE