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December 26, 2007

Chairman Eddie Roberson  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

**VIA ELECTRONIC DELIVERY**

filed electronically in docket office 12/26/2007

**Re: Docket No. 04-00046—Joint Petition for Arbitration of NewSouth Communications Corp., et al. with BellSouth Telecommunications, Inc.**

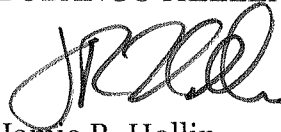
Dear Chairman Roberson:

Please find the originals and 5 copies of: (1) Xspedius's Notice of Withdrawal from Arbitration; and (2) Xspedius's Notice of Withdrawal enclosed herewith for filing in the referenced matter. Please return a file-stamped copy of each to me in the enclosed self-addressed, stamped envelope.

If I may be of further assistance in this matter, please do not hesitate to contact me. I am

Very truly yours,

FARRIS MATHEWS BRANAN  
BOBANGO HELLEN & DUNLAP, PLC



Jamie R. Hollin

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

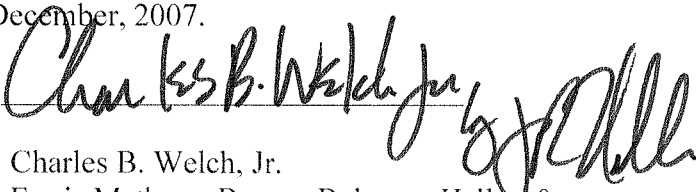
In the Matter of )  
 )  
Joint Petition for Arbitration of NewSouth ) Docket No. 04-00046  
Communications Corp., *et al.* with )  
BellSouth Telecommunications, Inc. )

**XSPEDIUS NOTICE OF WITHDRAWAL FROM ARBITRATION**

Xspedius Communications, LLC, by and for its operating subsidiaries named in this proceeding (“Xspedius”),<sup>1</sup> respectfully serves notice of its withdrawal, with prejudice, from participation in the joint petition filed in this docket for arbitration of certain issues arising from negotiation of interconnection agreements with BellSouth Telecommunications, Inc. pursuant to 47 U.S.C. § 252(b) of the Communications Act of 1934, as amended. Xspedius and AT&T (BellSouth) have reached a negotiated resolution of all issues submitted for arbitration in this proceeding. Xspedius’ withdrawal, with prejudice, shall apply only to Xspedius and does not apply to any party that remains a petitioner in this proceeding.<sup>2</sup>

Respectfully submitted this 26<sup>th</sup> day of December, 2007.

By:

  
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*Counsel for Xspedius Communications LLC*

<sup>1</sup> As a result of a merger, the Xspedius operating entities in Tennessee have been consolidated and renamed Time Warner Telecom of the Mid-South LLC.

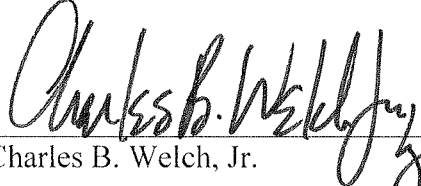
<sup>2</sup> NuVox Communications remains a petitioning party in the proceeding.


**Certificate of Service**

I hereby certify that a true and exact copy of the foregoing has been sent on December 26, 2007 via electronic delivery to the following:

Guy M. Hicks, Esq.  
AT&T, Inc.  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
guy.hicks@att.com

H. LaDon Baltimore, Esq.  
Farrar & Bates  
211 Seventh Avenue, North, Suite 320  
Nashville, Tennessee 37219  
don.baltimore@farrar-bates.com

  
Charles B. Welch, Jr.



**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

In the Matter of	)	
	)	
Joint Petition for Arbitration of NewSouth	)	Docket No. 04-00046
Communications Corp., <i>et al.</i> with	)	
BellSouth Telecommunications, Inc.	)	

**NOTICE OF WITHDRAWAL**

On December 13, 2005, Xspedius Communications, LLC, by and for its operating subsidiaries named in this proceeding (“Xspedius”),<sup>1</sup> joined with several other parties in filing a Petition for Enforcement of Abeyance Agreement in this docket. By the Petition, the Tennessee Regulatory Authority (“Authority”) was requested to declare that BellSouth may not unilaterally amend or breach its Tennessee interconnection agreements with the parties, or the Abeyance Agreement between BellSouth and the parties, to unilaterally implement certain provisions of the *Triennial Review Remand Order*.<sup>2</sup>

The Authority has not yet issued its order resolving all of the issues presented in the Petition. However, BellSouth and Xspedius have agreed on a mutually acceptable resolution of those issues. Therefore, Xspedius hereby withdraws as a party to the Petition for Enforcement of Abeyance Agreement in the above-captioned proceeding.<sup>3</sup>

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<sup>1</sup> As a result of a merger, the Xspedius operating entities in Tennessee have been consolidated and renamed Time Warner Telecom of the Mid-South LLC.

<sup>2</sup> See *In the Matter of Unbundled Access to Network Elements* (WC Docket No. 04-313); *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers* (CC Docket No. 01-338), Order on Remand, FCC 04-290 (rel. Feb. 4, 2005). (“*Triennial Review Remand Order*”).

<sup>3</sup> NuVox Communications remains a party to the Petition.

Respectfully submitted this 26<sup>th</sup> day of December, 2007.

By: Charles B. Welch, Jr. by J. R. Helli

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