

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 14, 2006

IN RE:

**COMPLAINT OF DPI TELECONNECT, L.L.C. AGAINST
BELLSOUTH TELECOMMUNICATIONS, INC.**

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**DOCKET NO.
05-00310**

ORDER HOLDING COMPLAINT IN ABATEMENT

This matter came before Chairman Ron Jones, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, during a regularly scheduled Authority Conference held on February 6, 2006, for consideration of the *Joint Motion for Abatement* filed by dPi Teleconnect, L.L.C. (“dPi”) and BellSouth Telecommunications, Inc. (“BellSouth”) on January 23, 2006.

BACKGROUND

On November 9, 2005, dPi filed a complaint against BellSouth, stating that a dispute had arisen under the parties’ interconnection agreement. According to dPi, after completing an audit in 2004, dPi noted that BellSouth had failed to issue hundreds of thousands of dollars worth of promotional credits to which dPi believed it was entitled. dPi requested that the Authority direct BellSouth to pay the credits together with interest at the contract rate and requested a hearing on the merits of its complaint. On November 18, 2005, BellSouth filed a letter with the Authority noting that it had not been served with a copy of dPi’s complaint. By a letter dated January 6, 2006, the TRA notified dPi that if no confirmation of service of the complaint on BellSouth was

received by January 20, 2006, the matter might be placed before the Authority for consideration of dismissal of the complaint. On January 23, 2006, BellSouth and dPi filed the *Joint Motion for Abatement*, stating that a similar case between the parties is being litigated before the North Carolina Utilities Commission in Docket No. P-55, Sub 1577, *In the Matter of dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.* BellSouth and dPi informed the TRA that they had reached an agreement to abate this docket until thirty (30) days after a dispositive order is issued in the North Carolina case and requested that the Authority grant such an abatement.

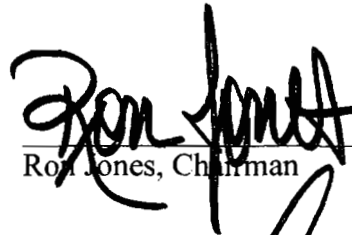
FEBRUARY 6, 2006 AUTHORITY CONFERENCE

At a regularly scheduled Authority Conference held on February 6, 2006, the panel voted unanimously to grant the *Joint Motion for Abatement* and to hold this docket in abatement until thirty (30) days after a dispositive order is issued by the North Carolina Utilities Commission. The panel further ordered that the parties file with the Authority a notification of the North Carolina Utilities Commission's action.

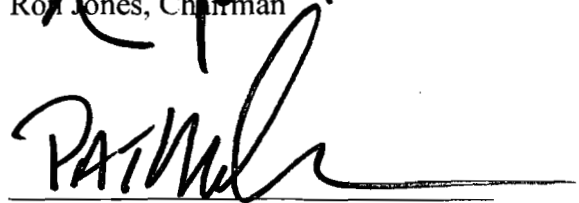
IT IS THEREFORE ORDERED THAT:

1. The *Joint Motion for Abatement* filed by dPi Teleconnect, L.L.C and BellSouth Telecommunications, Inc. on January 23, 2006 is granted.
2. This matter shall be held in abatement until thirty (30) days after a dispositive order is issued by the North Carolina Utilities Commission in Docket No. P-55, Sub 1577, *In the Matter of dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.*

3. The parties are directed to file with the Authority a notification of the North Carolina Utilities Commission's dispositive order in Docket No. P-55, Sub 1577, *In the Matter of dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.*

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Ron Jones, Chairman

A handwritten signature in black ink, appearing to read "Pat Miller", written over a horizontal line.

Pat Miller, Director

A handwritten signature in black ink, appearing to read "Sara Kyle", written over a horizontal line.

Sara Kyle, Director