

**BellSouth Telecommunications, Inc.**

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November 1, 2006

filed electronically in docket office on 11/01/06

VIA HAND DELIVERY

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

Re: *dPi Teleconnect LLC v. BellSouth Telecommunications, Inc.*  
Docket No. 05-00310

Dear Chairman Kyle:

As you are aware, on February 6, 2006, the Authority granted the *Joint Motion for Abatement* filed by BellSouth and dPi. In that *Motion*, the parties agreed to abate the Tennessee proceeding until 30 days from the issuance of a dispositive order in the North Carolina docket. On October 12, 2006, the North Carolina Utilities Commission entered its dispositive order denying dPi's *Motion for Reconsideration*. BellSouth provided the Authority with a copy of that order on October 20.

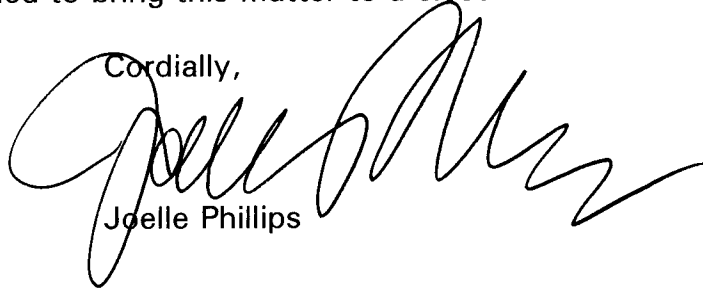
I am in receipt of the October 30, 2006 letter on behalf of dPi, in which dPi asserts that "no action should be taken on this case until a final decision is rendered in [dPi's] appeal [of the North Carolina Utilities Commission order]." The *Joint Motion for Abatement* specifically referenced abatement until 30 days following a dispositive order issued in the case that was pending before the Commission in North Carolina. In fact, the North Carolina Commission case was specifically cited in the *Joint Motion* for clarity. BellSouth did not agree to hold the matter in abatement while dPi appealed the order of the Commission in North Carolina, and BellSouth does not agree to do so now.

This matter has now been pending for nearly a year, and dPi should be prepared to proceed. Given the end of the abeyance period, it is now time for dPi to either act on its complaint or to dismiss it. At this point, if the Tennessee complaint is not dismissed, then BellSouth is entitled to put on evidence, as it did in North Carolina, establishing that dPi is not entitled to any relief. BellSouth should not be delayed further in bringing this matter to resolution

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Accordingly, BellSouth requests that this matter be assigned to a hearing officer and an immediate status conference be convened at which a procedural schedule can be established to bring this matter to a close.

Cordially,

A handwritten signature in black ink, appearing to read 'Joelle Phillips', written over the printed name.


Joelle Phillips

## CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2006, a copy of the foregoing document was served on the following, via the method indicated:

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

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