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February 27, 2006

Ron Jones, Chairman
Tennessee Regulatory Authority
460 James Robertson Pkwy.
Nashville, TN 37219

**Re: Petition for Arbitration of Momentum Telecom, Inc. with BellSouth
Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996
Docket Number: 06-00030**

Dear Chairman Jones:

Momentum Telecom submits the following corrections to the issues list filed by Momentum in its arbitration petition. Docket 06-00030. Counsel for BellSouth has reviewed this letter and concurs in these corrections.

I. Issue 33 should be stated as follows:

What is the effective date of this agreement?

Petitioner's Position:

This interconnection agreement should become effective on January 27, 2006, the day that the parties' prior interconnection agreement expired.

BellSouth's Position:

This interconnection agreement should become effective thirty days after execution.

II. The issues matrix omits sub-issues 10(a) and 10(b). Copies of the corrected pages of the matrix (pp. 17-19) are attached and should be substituted for the original pages

Very truly yours,

Henry Walker
Counsel for Momentum

HW/djc
Enclosure

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102168-004
2/27/2006

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10	<p>TRRO/FINAL RULES: What rates, terms, and conditions should govern the transition of existing network elements that BellSouth is no longer obligated to provide as Section 251 UNEs to non-Section 251 network elements and other services and (a) what is the proper treatment for such network elements at the end of the transition period, and (b) what are the appropriate rates, terms, and conditions during such transition period, for unbundled high capacity loops, high capacity transport, and dark fiber transport in and between wire centers that do not meet the FCC's non-impairment standards at this time, but that meet such standards in the future?</p>	<p>BellSouth's position is that this issue addresses de-listed network elements for which there is no transition period or for which the transition period has already ended; including, entrance facilities, enterprise or DS1 level switching, OCN loops and transport, fiber to the home, fiber to the curb, fiber sub-loop feeder, and packet switching. Generally, these elements were addressed by the <i>TRO</i>. Rates, terms and conditions for elements de-listed by the <i>TRRO</i> and which have a designated transition period, including those identified in subpart (b) above, are addressed by BellSouth under Issue 1.</p> <p>Because the FCC eliminated the ILECs' obligation to provide unbundled access to these elements 2 years ago in the <i>TRO</i>, CLECs that still have the rates, terms and conditions for these elements in interconnection agreements have reaped the benefits of unlawful unbundling of these elements for far too long. As such, with the exception of entrance facilities (which BellSouth is allowing CLECs to transition with their embedded base and excess dedicated transport), BellSouth should be authorized in the terms of the interconnection agreement, to disconnect or convert such arrangements upon 30 days written notice absent a CLEC order to disconnect or convert such arrangements. BellSouth should also be permitted to impose applicable nonrecurring charges.</p>	<p>Transitional price increases were established by the FCC for network elements that are no longer available under Section 251 at the following levels: for loop and transport elements, the transitional increase is 15%, while local switching rates were increased by \$1 per month. During the transition period, which runs from March 11, 2005 to March 10, 2006, transition pricing applies to Section 251 network elements. CLECs may still order allegedly de-listed UNEs in wire centers designated as non-impaired by BellSouth pursuant to the "self-certification" process described in TRRO para. 234. The TRRO contains provisions for true-ups back to the March 11, 2005 effective date of the TRRO in some limited circumstances. CompSouth's proposed contract language includes provisions for ordering different arrangements (including Section 271 checklist network elements) that will substitute for de-listed Section 251 UNEs. CompSouth is committed to an orderly transition of circuits to alternative arrangements, but are opposed to BellSouth's efforts to limit the application of the FCC-mandated transition rates by forcing CLECs onto higher-priced arrangements before the completion of the transition period.</p> <p>For future designations of wire centers, CompSouth has proposed a process that BellSouth may utilize on an annual basis to identify additional wire centers it believes have satisfied the FCC's non-impairment standards. This process would require BellSouth to provide back-up data supporting its claims, and would permit review of such data by the Commission and interested parties. After such process is completed and final designations approved, CLECs should be provided a reasonable amount of time (for example, a minimum of 30 business days) to effect transitions off Section 251 UNEs no longer available in one of the designated wire centers.</p>
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