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VIA HAND DELIVERY

Monica Smith-Ashford, Hearing Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

filed electronically in Docket Office on 09/13/06

Re: *Generic Docket to Establish a Rate for Switching Provided Pursuant to
Requirements Other Than 47 U.S.C. 251*
Docket No. 06-00080

Dear Hearing Officer Smith-Ashford:

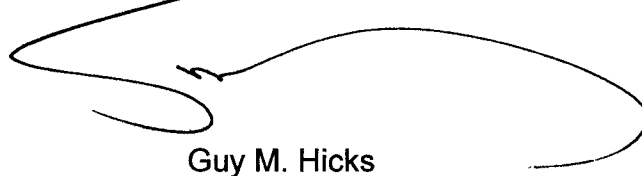
BellSouth has received the September 5 Notice in the above-referenced docket and respectfully requests that the Hearing Officer schedule a pre-hearing planning conference to discuss issues in this case in order to ensure that the parties have adequate understanding of the legal parameters for the materials sought by the hearing officer in this case.

While the issue of the TRA's jurisdiction to establish a rate for switching has been litigated,¹ the Authority has made no rulings defining what standard it will employ in order to establish the rate in this docket, except to note that the applicable standard is not the standard imposed by Section 251. A pre-hearing planning conference will allow the parties and hearing officer the opportunity to discuss and perhaps agree upon such legal parameters. Absent such an agreement, BellSouth believes that, at a minimum, the parties must be permitted an opportunity to brief and argue the legal issues related to setting of rates "pursuant to requirements other than 47USC 251" in order that the parties have had the meaningful notice and opportunity to be heard required by state and federal due process requirements.

¹ BellSouth expressly preserves its right to appeal the decision in the DeltaCom arbitration and does not waive any argument by its actions in this proceeding.

BellSouth believes that a schedule should be established to determine what assumptions and economic analysis is applicable to this proceeding. Without such a determination, there will be confusion as to the underlying assumptions for rate proposals and any rate established would be arbitrary.

Very truly yours,

A handwritten signature in black ink, consisting of a large, sweeping loop that starts under the word "yours", goes up and over the word "Very", and then loops back down to the right, ending under the word "Hicks".

Guy M. Hicks