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February 19, 2010

The Honorable Jocelyn Boyd
Interim Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: dPi Teleconnect, L. L. C. v. BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina
Docket No. 2008-160-C

Dear Ms. Boyd:

Enclosed for filing is AT&T South Carolina's Motion to Take Judicial Notice of Interconnection Agreements in the above-referenced matter.

By copy of this letter, I am serving all parties of record with a copy of this pleading as indicated on the attached Certificate of Service.

Sincerely,

Patrick Turner

Patrick W. Turner

PWT/nml
Enclosure
cc: All Parties of Record
784014

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-160-C

In Re: dPi Teleconnect, L.L.C. Complainant/Petitioner v. BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina Defendant/Respondent.	)))))))))

AT&T SOUTH CAROLINA'S MOTION TO TAKE JUDICIAL NOTICE OF INTERCONNECTION AGREEMENTS

Pursuant to S.C. Code Ann. §1-23-330(4) and Commission Rule 103-846.C, BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina respectfully requests that the Public Service Commission of South Carolina ("the Commission") take judicial and/or administrative notice of the 2003 and the 2007 interconnection agreements between AT&T South Carolina and dPi Teleconnect, L.L.C ("dPi") that are on file with the Commission in Docket No. 2010-18-C.

FACTS

The Direct Testimony of AT&T South Carolina witness Elizabeth Moreland (which will be adopted by AT&T South Carolina witness Scot Ferguson) was filed nearly eighteen months ago. This testimony explains that AT&T South Carolina and dpi entered into a negotiated interconnection agreement in March 2003, and they entered into another negotiated interconnection agreement in April 2007. Rather than attaching both of these voluminous interconnection agreements as exhibits, this testimony attached portions of

these agreements as exhibits and, at page 6, provided a URL address for viewing these agreements in their entirety. AT&T South Carolina, however, may not maintain that URL in the future. More recently, AT&T South Carolina filed these same interconnection agreements with the Commission in Docket No. 2010-18-C, and they are available in pdf format on the Commission's website as Item No. 221028 in the Docket Detail for Docket No. 2010-18-C.

ARGUMENT

South Carolina's Administrative Procedures Act provides that in contested cases like this one:

> Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.[1]

Similarly, the Commission's Rules provide that "Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties of record shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed."[2]

The negotiated 2003 and 2007 interconnection agreements were submitted to, and approved by, the Commission. They are publicly-available on the Commission's website

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1 S.C. Code Ann. §1-23-330(4).

2 S.C. Code Regs. §103-846.C.

in Docket No. 2010-18-C, and all parties have notice of these agreements prior to the hearing, and of how to view them, by virtue of this filing.

CONCLUSION

For the reasons set forth above, AT&T South Carolina respectfully requests that the Commission take judicial and/or administrative notice of the 2003 and the 2007 interconnection agreements between AT&T South Carolina and dPi Teleconnect, L.L.C that are on file with the Commission in Docket No. 2010-18-C.

Respectfully submitted, this 19th day of February, 2010.

BELLSOUTH TELECOMMUNICATIONS, INC.
d/b/a AT&T SOUTH CAROLINA

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STATE OF SOUTH CAROLINA)
) CERTIFICATE OF SERVICE
COUNTY OF RICHLAND)

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T") and that she has caused AT&T South Carolina's Motion to Take Judicial Notice of Interconnection Agreements in Docket No. 2008-160-C to be served upon the following on February 19, 2010.

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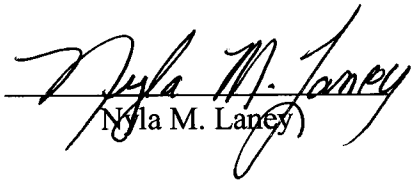

Nyla M. Laney)

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