

Before the  
Federal Communications Commission  
Washington, D.C. 20554

MAILED

JUN 27 2006

FCC Mail Room

In the Matter of )  
)  
Petition of KMC Telecom of Virginia, Inc., )  
KMC Telecom V of Virginia, Inc., and )  
KMC Data LLC Pursuant to )  
Section 252(e)(5) of the Communications )  
Act for Preemption of the Jurisdiction )  
of the Virginia State Corporation )  
Commission Regarding Interconnection )  
Disputes with Sprint )

WC Docket No. 05-39

ORDER

Adopted: June 14, 2006

Released: June 14, 2006

By the Deputy Chief, Wireline Competition Bureau:

1. On January 4, 2005, KMC Telecom of Virginia, Inc., KMC Telecom V of Virginia, Inc., and KMC Data LLC (collectively KMC) filed a petition for preemption of the jurisdiction of the Virginia State Corporation Commission (Virginia Commission) with respect to the arbitration of an interconnection agreement with United Telephone Southeast, Inc., and Central Telephone Company of Virginia (collectively, Sprint).<sup>1</sup> Specifically, KMC sought preemption of the jurisdiction of the Virginia Commission pursuant to section 252(e)(5) of the Communications Act of 1934 as amended (the Act).<sup>2</sup> On April 4, 2005, the Wireline Competition Bureau released a Memorandum Opinion and Order<sup>3</sup> preempting the jurisdiction of the Virginia Commission with respect to the interconnection arbitration proceeding between KMC and Sprint in Virginia pursuant to section 252(e)(5) and directed KMC to petition the Commission for arbitration of the interconnection disputes that were subject of the Virginia Commission proceeding.

<sup>1</sup> Petition of KMC Telecom of Virginia, Inc., KMC Telecom V of Virginia, Inc., and KMC Data LLC Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Sprint, WC Docket No. 05-39 (filed Jan. 4, 2005). See *Pleading Cycle Established for Comments on Petition of KMC Telecom of Virginia Inc., KMC Telecom V of Virginia, Inc., and KMC Data LLC for Preemption Pursuant to Section 252(e)(5)*, WC Docket No. 05-39, Public Notice, DA 05-278 (rel. Feb. 1, 2005).

<sup>2</sup> 47 U.S.C. § 252(e)(5).

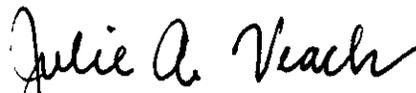
<sup>3</sup> *Petition of KMC Telecom of Virginia, Inc., KMC Telecom V of Virginia, Inc., and KMC Data LLC Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Sprint*, WC Docket No. 05-39, Memorandum Opinion and Order, 20 FCC Rcd 7542 (2005) (*Preemption Order*).

2. On November 17, 2005, KMC notified the Commission that it reached accord with Sprint, and that KMC and Sprint have entered into a new interconnection agreement in the Commonwealth of Virginia.<sup>4</sup> KMC also notified the Commission that it no longer seeks arbitration with Sprint, and will not be filing a Petition for Arbitration pursuant to the Commission's *Preemption Order*.<sup>5</sup>

3. Upon review of this docket, we have determined that there are no outstanding issues, and the matters at issue in these proceedings were resolved between the two parties in their interconnection agreement. Therefore, no further action by the Commission is required in this docket, and it is hereby deemed terminated.

4. Accordingly, pursuant to sections 1, 4(i) and 4(j) of the Communications Act, 47 U.S.C. §§ 151, 154(i) and (j), and authority delegated by sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, IT IS ORDERED that the docketed proceeding set forth above IS TERMINATED, effective upon issuance of this order.

FEDERAL COMMUNICATIONS COMMISSION



Julie A. Veach  
Deputy Chief, Wireline Competition Bureau

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<sup>4</sup> KMC Telecom of Virginia, Inc., KMC Telecom V of Virginia, Inc., and KMC Data LLC, Notice of Settlement, WC Docket No. 05-39 (filed Nov. 25, 2005).

<sup>5</sup> *Id.*