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J.D./M.B.A.
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E-MAIL: jonathon@amlung.com

March 19, 2004

VIA HAND DELIVERY

Mr. Thomas M. Dorman
Executive Director, Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Case 2004-00093

RECEIVED

MAR 19 2004

PUBLIC SERVICE
COMMISSION

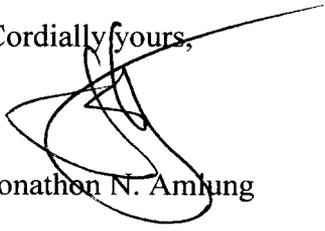
**RE: Petition of Southeast Telephone, Inc., for Arbitration of Certain
Terms and Conditions of the Proposed Agreement with
Kentucky ALLTEL, Inc., Pursuant to the Communications
Act of 1934, as amended by the Telecommunications Act of 1996,
Case No. ~~2003-00115~~**

Dear Mr. Dorman:

Please find enclosed for filing an original and ten (10) copies of SouthEast Telephone, Inc.'s Motion to Compel for filing in the above-referenced matter.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have questions.

Cordially yours,


Jonathon N. Amlung

Enclosures

cc: Parties of record

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

Petition of Southeast Telephone, Inc., for)
Arbitration of Certain Terms and)
Conditions of the Proposed Agreement with)
Kentucky ALLTEL, Inc., Pursuant to the)
Communications Act of 1934, as amended)
by the Telecommunications Act of 1996)

Docket No. ~~2003-00115~~

2004-00093

SOUTHEAST TELEPHONE'S MOTION TO COMPEL

Comes now Southeast Telephone Company ("SouthEast Telephone"), by and through counsel and hereby moves this Honorable Commission to compel lawful obedience to its orders entered in this case as to Kentucky ALLTEL, Inc.'s ("ALLTEL") duty to provide unbundled network elements, including local switching, interconnection and services to SouthEast Telephone.

HISTORY

In support of this Motion, SouthEast Telephone states that on December 19, 2003, this Commission entered an Order settling the disputed terms of an Interconnection Agreement between SouthEast Telephone and ALLTEL. The Commission once again entered an Order on February 6, 2004, resolving additional disputed items that were not anticipated by the parties in the original arbitration. Finally, this Commission entered an Order on March 5, 2004, denying ALLTEL's petition for reconsideration in this matter, taking into consideration all recent developments at the F.C.C. and in Federal Court. Despite this Commission's well-reasoned Orders, ALLTEL has refused, and continues to refuse to process any of SouthEast Telephone's orders for service.

FACTS

On March 12, 2004, SouthEast Telephone faxed to ALLTEL several the paperwork necessary to provision customer orders (See Attached). After discussions between the officers of SouthEast Telephone and ALLTEL, SouthEast sought intervention of counsel. Undersigned counsel contacted ALLTEL and was informed that the company did not intend on processing any orders for service from SouthEast Telephone, despite the three (3) Commission Orders to the contrary and despite their obligations under state and federal law.

ARGUMENT AND PETITIONS FOR RELIEF

Pursuant to K.R.S. 278.390, this Commission is empowered to “compel obedience to its lawful orders by mandamus, injunction or other proper proceedings in the Franklin Circuit Court or any other court of competent jurisdiction, and such proceedings shall have priority over all pending cases.” SouthEast Telephone hereby petitions this Commission to institute any and all proceedings necessary to compel ALLTEL to simply comply with the Commission’s lawful Orders.

ALLTEL’s blatant refusal to comply with the Commission’s Orders violates not only its duty to negotiate in good faith pursuant to 47 U.S.C. §252(b)(5), but also violates K.R.S. 278.170, which prohibits discriminatory conduct as to rates and services by a utility.

The pertinent Federal statute, 47 U.S.C. §252(b)(5) reads as follows:

The refusal of any other party to the negotiation to participate further in the negotiations, to cooperate with the State commission in carrying out its function as an arbitrator, or to continue to negotiate in good faith in the presence, or with the assistance, of the State commission shall be considered a failure to negotiate in good faith.

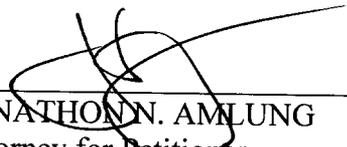
In addition, Kentucky law prohibits any utility from subjecting “any person to any unreasonable prejudice or disadvantage” as to rates or service. K.R.S. 278.170.

ALLTEL has violated these statutory provisions, and has indicated in no uncertain terms that it intends to continue to violate these statutory provisions because it simply does not agree with the Commission’s stance in this case.

SouthEast Telephone hereby petitions this Commission to make a finding that ALLTEL has violated both K.R.S. 278.170 as well as 47 U.S.C. §252(b)(5) in its failure to provide service pursuant to this Commission’s Orders and ALLTEL’s obligations under the 1996 Telecommunications Act.

In addition to these remedies, SouthEast Telephone petitions this Commission to levy any and all appropriate penalties against ALLTEL pursuant to K.R.S. 278.990, including monetary fines and revocation of ALLTEL’s privilege to conduct business in this Commonwealth should it continue to refuse to process SouthEast Telephone’s orders for service.

Respectfully submitted,



JONATHON N. AMLUNG
Attorney for Petitioner
1000 Republic Building
429 W. Muhammad Ali Blvd.
Louisville, KY 40202
(502) 587-6838

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Kentucky ALLTEL, Inc., by mailing a copy of same to:

James H. Newberry, Jr., Esq.
Noelle M. Holiday, Esq.
Wyatt, Tarrant & Combs, LLP
250 West Main Street, Suite 1600
Lexington, KY 40507

This the 19th day of March, 2004.



JONATHON N. AMLUNG



C O V E R

S H E E T

FAX

Fax Cvr(02-04)

To: Jonathon Amlung

From: Brad Hall

Fax #: (502) 584-0439

Subject: Alltel Account orders

Date: 03/18/04

Pages: 6 , including this cover sheet.

COMMENTS:

Please find following the orders we faxed to Alltel on March 12, 2004. Let me know if you have any questions or need anything else.

Brad

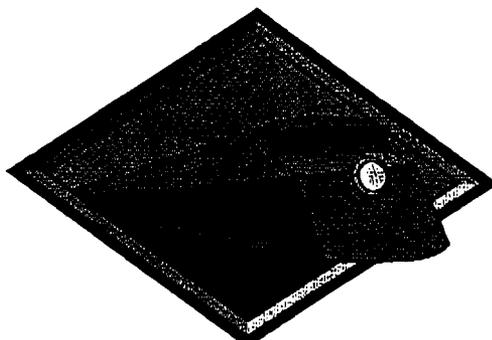
The information contained in this facsimile message is intended only for the use of the individuals to whom it is addressed and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.

SouthEast Telephone

Voice 606-432-3000

PO Box 1001 - Pikeville, KY 41502

Fax 606-433-0500



EXPRESS

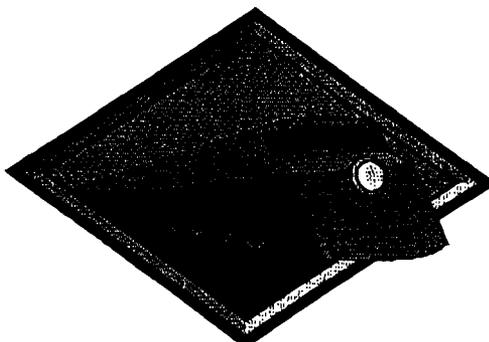
ALLTEL Express Access Request Form

This form is required for **ACCESS** and/or **CHANGES**
 Please e-mail this form to your Access Administrator:
 SCSC.LSPAC@alltel.com

Employee Requiring Access

| | | | |
|--|-------|---------------------------------|-------------|
| Company Type: | | CLEC | |
| Company Name | | Company Address | |
| SouthEast Telephone | | 106 Scott Ave | |
| City | State | Zip Code | Date Needed |
| Pikeville | Ky | 41501 | 3/18/2004 |
| OCN | | OCN State | |
| 7514 | | Ky | |
| Company or User's Email Address | | Can Be Reached Telephone Number | |
| lori.wheeler@setel.com | | 606 433 0732 | |
| User's First Name | | Middle Initial | Last Name |
| Lori | | | Wheeler |
| Select one of the following: <input checked="" type="checkbox"/> Add New User <input type="checkbox"/> Delete User <input type="checkbox"/> Change Existing User | | | |
| Comments: need access for DSL and local service | | | |

| COMPLETED BY ACCESS ADMINISTRATION | | |
|------------------------------------|-------------------|---------------|
| Date Received Request | User's Login I.D. | User Password |
| | | |



EXPRESS

ALLTEL Express Access Request Form

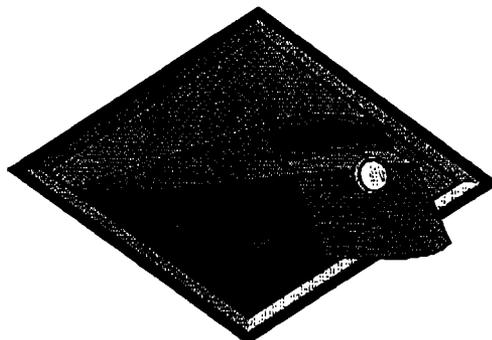
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Employee Requiring Access

| | | | |
|--|----------------|---------------------------------|-------------|
| Company Type: | | CLEC | |
| Company Name | | Company Address | |
| SouthEast Telephone | | 106 Scott Ave | |
| City | State | Zip Code | Date Needed |
| Pikeville | Ky | 41501 | 3/12/2004 |
| OCN | | OCN State | |
| 7514 | | Ky | |
| Company or User's Email Address | | Can Be Reached Telephone Number | |
| chris.salyers@setel.com | | 606 433 0732 | |
| User's First Name | Middle Initial | Last Name | |
| Chris | C | Salyers | |
| Select one of the following: <input checked="" type="checkbox"/> Add New User <input type="checkbox"/> Delete User <input type="checkbox"/> Change Existing User | | | |
| Comments: need access for DSL and local service | | | |

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EXPRESS

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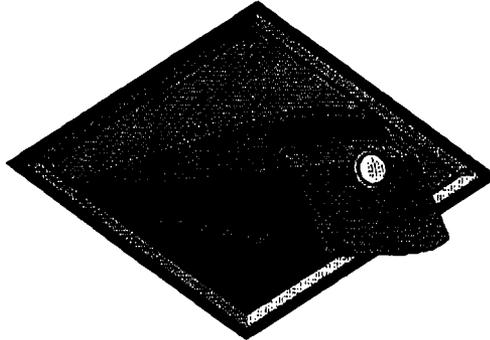
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 SCSC.LSPAC@alltel.com

Employee Requiring Access

| | | | |
|--|----------------|---------------------------------|-------------|
| Company Type: | | CLEC | |
| Company Name | | Company Address | |
| SouthEast Telephone | | 106 Scott Ave | |
| City | State | Zip Code | Date Needed |
| Pikeville | Ky | 41501 | 3/12/2004 |
| OCN | | OCN State | |
| 2514 | | Ky | |
| Company or User's Email Address | | Can Be Reached Telephone Number | |
| Karen.Blackburn@setel.com | | 606 433 0732 | |
| User's First Name | Middle Initial | Last Name | |
| Karen | M | Blackburn | |
| Select one of the following: <input type="checkbox"/> Add New User <input type="checkbox"/> Delete User <input checked="" type="checkbox"/> Change Existing User | | | |
| Comments: need access for local service | | | |

| CONTROLLABLE ACCESS ADMINISTRATION | | |
|------------------------------------|-------------------|---------------|
| Date Received Request | User's Login I.D. | User Password |
| 11/13/2002 | SETL-BLACKBK | |

ALLTEL



EXPRESS

ALLTEL Express Access Request Form

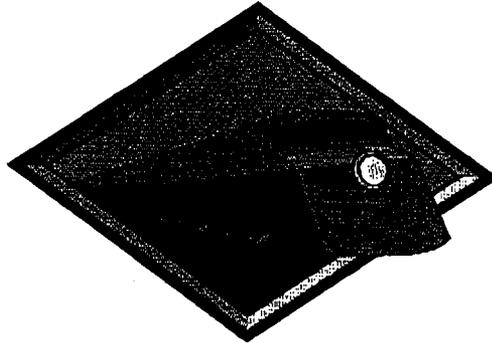
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| Company Type: | | CLEC | |
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| SouthEast Telephone | | 106 Scott Ave | |
| City | State | Zip Code | Date Needed |
| Pikeville | Ky | 41501 | 03/12/2004 |
| OCN | | OCN State | |
| 7514 | | Ky | |
| Company or User's Email Address | | Can Be Reached Telephone Number | |
| Leeann.Galati@setel.com | | 406 433 0732 | |
| User's First Name | Middle Initial | Last Name | |
| Lee | A | Galati | |
| Select one of the following: <input type="checkbox"/> Add New User <input type="checkbox"/> Delete User <input checked="" type="checkbox"/> Change Existing User | | | |
| Comments: need access for local service | | | |

COMPLETED BY ACCESS ADMINISTRATION

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|-----------------------|-------------------|---------------|
| Date Received Request | User's Login I.D. | User Password |
| 11/13/2002 | SETL - GALATI | |



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| Company Type: | | CLEC | |
| Company Name | | Company Address | |
| SouthEast Telephone | | 106 Scott Ave | |
| City | State | Zip Code | Date Needed |
| Pikeville | Ky | 41501 | 3/12/2004 |
| OCN | | OCN State | |
| 7514 | | Ky | |
| Company or User's Email Address | | Can Be Reached Telephone Number | |
| Thomasena.Pendygraft@setel.com | | 606 433 0732 | |
| User's First Name | Middle Initial | Last Name | |
| Thomasena | M | Pendygraft | |
| Select one of the following: | <input checked="" type="checkbox"/> Add New User | <input type="checkbox"/> Delete User | <input type="checkbox"/> Change Existing User |
| Comments: need DSL and Local Service | | | |

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