

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2004-00001 DATED March 4, 2004

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

DEC 29 2003

In the matter of:

RUDOLPH'S, INC.)
(Your Full Name))
COMPLAINANT) Case 2004-00001
VS.)
BELLSOUTH TELECOMMUNICATIONS, INC.)
(Name of Utility))
DEFENDANT)

COMPLAINT

The complaint of RUDOLPH'S, INC. respectfully shows:
(Your Full Name)

(a) Rudolph's, Inc.
(Your Full Name)
P. O. Box 69, Murray, KY 42071-0069
(Your Address)

(b) BellSouth Telecommunications, Inc.
(Name of Utility)
The Prentice-Hall Corporation System, Inc.
421 West Main Street, Frankfort, KY 40601
(Address of Utility)
Principal Office:
1155 Peachtree Street NE
Suite 1800
Atlanta, GA 30309-3610

(c) That: Defendant provides a T1 line to Plaintiff for long
(Describe here, attaching additional sheets if necessary,
distance telephone service. The line is defective and
the specific act, fully and clearly, or facts that are the reason
service is frequently lost for substantial periods of time.
and basis for the complaint.)
A list of outages is attached hereto. Defendant has refused
to correct the defective condition of the line or provide

Continued on Next Page

Formal Complaint

RUDOLPH'S, INC. vs. BELLSOUTH TELECOMMUNICATIONS, INC.

Page 2 of 2

a redundant line to avoid unreasonable outages. Defendant's
failure to provide adequate service violates the provisions of
807 KAR 5:061 and KRS 278.030(2).

Wherefore, complainant asks that Defendant be ordered to provide a
(Specifically state the relief desired.)

redundant T1 telephone line that will minimize service outages.

Dated at Benton, Kentucky, this 24th day
(Your City)

of December, ~~18~~ 2003
(Month)

Robert L. Prince

(Your Signature)

Robert L. Prince, PRINCE & BRIEN, P.S.C.
P. O. Box 466, Benton, KY 42025-0466

(Name and address of attorney, if any)



BellSouth outages

Date	Time	Duration	Problem	Called	Other	Cause/Resolution
6/18/2002	7:09 am	5 hours	T1 down			BellSouth replaced smart jack
8/13/2002	9:50 am	4.5 hours	T1 down			BellSouth replaced smart jack
10/2/2002	11:00 am	3 hours	T1 down			BellSouth repaired 120 ft arial cable damaged by garbage truck
10/21/2002	9:25 am	7 hours	T1 down			BellSouth found grounded pair
11/4/2002	5:57 pm	5.5 hours	T1 data down			BellSouth mis op mux
4/28/2003	3:47 pm	3 hours	T1 down			BellSouth cable problem
5/6/2003	2:42 pm	4.1 hours	T1 down			BellSouth cable problem at 400 pr cable
6/4/2003	11:37 am	3.4 hours	T1 down / bouncing			BellSouth local loop errors, resolved itself
6/13/2003	6:14 am	8 hours	T1 down			BellSouth found 2 bad repeaters, bad F1 cable, open pair, mouse chewing cable, and 50 volt ground
7/3/2003	pm		Lines 6, 8 - no dial tone	BS, PSC	BellSouth incorrectly closed ticket as CPE trouble	Dial tone returned, no explanation from BellSouth
7/3/2003	5:43 pm		Stacy's outbound fax line - no dial tone			Dial tone returned, no explanation from BellSouth
7/9/2003	11:55 am	2.2 hours	T1 down, smartjack dark	Lamb, PNG, PSC, KW, Judy	Qwest called to ask if circuit was down	BellSouth took down in error - lost pair (incorrectly documented) during 400 pair cutover to repair damage at Dutch Essenhaus
7/9/2003	8:00 pm	13.5 hours	All local lines down	BS, Judy, Lamb, PSC		Part or all of two SLICs down, widespread outage including Airport Rd

7/29/2003	10:39 am	2.8 hours	All local lines down	Lamb, PSC, BS/REAO, Judy		Coldwater Rd SLIC down, damaged by lightning
8/04/2003	1:47 pm	0.9 hours	Local lines 4, 5, 6 - no dial tone	Lamb, BS/REAO, PSC		Reorder/busy for a few seconds, then dial tone returned, no explanation from BellSouth
11/21/2003	2:06 pm	3 minutes	All local lines down	Lamb		
11/26/2003	6:18 am	2.3 hours	T1 down	PNG, Lamb, KW		Unofficial report of multiplexor failure at BellSouth Central Office in Murray

Other

Date	Description
9/23/2003	BellSouth offered credit of \$878.27 plus tax for local line outages in July 2003, to be applied to next monthly bill.

Contacts

Lamb David Lamb, Manager, BellSouth local office
 BS BellSouth Repair Office
 BS/REAO Ramona McCauley, BellSouth Regulatory External Affairs Office
 PNG PowerNet Global - T1 provider
 KW Kelly & Wilmore - local agent for PowerNet Global
 Judy Judy Roth, Phone Center of Murray
 PSC Kentucky Public Service Commission

Customer Contact

Mickey Hill
 Rudolph's Inc
 2021 Rob Mason Rd
 PO Box 69
 Murray KY 42071
 (270) 753-0686 x124
 (800) 231-2295 x124
 Fax (270) 753-4230
mickey@rudolphtire.com

Murray, Kentucky 42071
 Red dot -- Rudolph's Inc

Cheryl R. Winn
Attorney At Law

January 20, 2004

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

Re: Rudolph's Inc., Complainant v. BellSouth Telecommunications, Inc., Defendant
PSC 2004-00001

Dear Mr. Dorman:

Enclosed for filing in the above-captioned case are the original and ten (10) copies of Answer of BellSouth Telecommunications, Inc.

Sincerely,


Cheryl R. Winn

cc: Party of Record

Enclosures

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APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2004-00001 DATED March 4, 2004

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

Drop Box
RECEIVED

JAN 20 2004

PUBLIC SERVICE
COMMISSION

In the Matter of:

RUDOLPH'S INC.)
)
COMPLAINANT)
)
v.) CASE NO. 2004-00001
)
BELLSOUTH TELECOMMUNICATIONS, INC.)
)
DEFENDANT)

ANSWER OF BELLSOUTH TELECOMMUNICATIONS, INC.

The Defendant, BellSouth Telecommunications, Inc. ("BellSouth"), by counsel, for its answer to the complaint of Rudolph's Inc. states as follows:

FIRST DEFENSE

1. The Complaint fails to state a cause of action upon which relief can be granted.

SECOND DEFENSE

2. With regard to the allegation contained in grammatical paragraph 1(c) of the Complaint that states that Defendant, BellSouth provided a T1 line to Plaintiff for long distance telephone service, BellSouth affirmatively denies that it provides High Capacity Service ("T1 Circuit") service to the Complainant. However, BellSouth affirmatively states Qwest Communications International, Inc. ("Qwest") is the customer of record for the BellSouth provided T1 Circuit, which is the subject matter of this complaint. BellSouth's repair records reflect that the circuit was installed on July 31, 2001. It appears based on the Complainant's complaint that there may be another service provider involved in the provisioning of the ultimate service used by the Complainant.

THIRD DEFENSE

3. With regard to the allegation contained in grammatical paragraph 1 (c) of the Complaint that states that the line is defective and service is frequently lost for substantial periods of time, BellSouth states that it has no knowledge or information sufficient to form a belief as to the truth or falsity of such allegation and therefore denies the allegation. BellSouth affirmatively states that repair records for this circuit indicate there have been no trouble reports made by its customer of record, Qwest, since July 9, 2003. The repair history reflects four trouble reports filed by Qwest in 2003 and four trouble reports in 2002. Specifically, BellSouth's records reflect the following trouble reports:

2003

April 2003 trouble report OWO65595 - determined trouble was due to a defective repeater and defective cable - repaired

May 2003 trouble report OWO65869 - determined trouble was due to a cable cut - repaired

June 2003 trouble report OWO67105 - determined trouble was due to defective copper facilities - repaired

July 2003 trouble report OWO68021 - determined trouble was due to a cable splice error - repaired

2002

June 2002 trouble report OWO59154 - was closed to no-trouble found by BST

August 2002 trouble report OWO60226 - determined trouble was due to defective BellSouth equipment at the customer's premises - repaired

October 2002 trouble report OWO61350 - determined trouble was due to defective copper facilities - repaired

November 2002 trouble report OWO61586 - determined trouble was due to incorrect options in the central office - corrected.

Moreover, BellSouth affirmatively states that its Interconnection Account Team supporting Qwest has confirmed that there have been no other complaints or reports of dissatisfaction to their organization on this circuit.

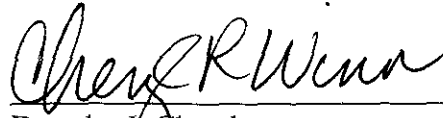
4. With regard to the allegation contained in grammatical paragraph 1 (c) that states BellSouth has refused to correct the defective condition of the line or provide a redundant line to avoid unreasonable outages, BellSouth denies the allegation. BellSouth affirmatively states that it has responded to the aforementioned outages and made repairs on each instance to ensure the service was operational. Additionally, BellSouth has plans in place to upgrade the facilities that are used to serve the Complainant's location. BellSouth has engineered a construction project to replace existing copper facilities with fiber facilities. The project will also replace the existing DMS-1 Urban Carrier Site currently serving the Complainant with a Litespan Remote Terminal. This project is scheduled to complete by October 31, 2004. Once this fiber project is completed the T1 circuit will be reprovisioned over the fiber facilities.

5. With regard to the allegation contained in grammatical paragraph 1 (c) of the Complaint that Defendant's failure to provide adequate service violates the provisions of 807 KAR 5:061 and KRS 278.030(2), BellSouth denies the allegation. BellSouth affirmatively states that Rudolph Inc.'s complaint should have been properly directed to its service provider that makes available the final service used by Rudolph, Inc. Since there are many components involved in the ultimate service used by Rudolph's, Inc. (equipment providers, local provider, long distance provider, etc.), it is important that the provider of the ultimate service to the end-user be notified of service issues. In this manner all aspects of the service actually used by the end-user may be fully evaluated.

6. All allegations contained in the Complaint not specifically admitted are denied.

WHEREFORE, BellSouth respectfully requests that this Complaint be dismissed and held for naught and BellSouth be granted any and all other relief to which it may appear entitled.

Respectfully submitted,



Dorothy J. Chambers
Cheryl R. Winn
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Louisville, KY 40232
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Facsimile: (502) 582-1573


J. Phillip Carver
Suite 4300, BellSouth Center
675 W. Peachtree Street, N.E.
Atlanta, GA 30375
Telephone: (404) 335-0710

COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.

522111

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following individual by mailing a copy thereof, this 20th day of January 2004.


Cheryl R. Winn

Honorable Robert L. Prince
Attorney at Law
Prince & Brien, P.S.C.
P. O. Box 466
Benton, KY 42025-0466