

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S)	
NOTICE OF INTENT TO DISCONNECT)	CASE NO.
NUSTAR COMMUNICATIONS FOR NON-)	2005-00419
PAYMENT)	

O R D E R

On October 7, 2005, BellSouth Telecommunications, Inc. ("BellSouth") provided written notice to the Commission of its intent to disconnect Nustar Communications ("Nustar") for non-payment of bills.

BellSouth requests authorization to invoke the Emergency Service Continuity Tariff approved by this Commission on May 20, 2003 in Case No. 2002-00310.¹ Invoking this tariff is necessary only if Nustar has not notified its end-users of the service disconnection. If the Emergency Service Continuity Tariff is invoked, BellSouth will continue to provide telephone service to Nustar's customers for a minimum of 14 days after Nustar ceases to operate.²

The Commission, having reviewed BellSouth's notice and having been otherwise sufficiently advised, HEREBY ORDERS that:

¹ Case No. 2003-00310, Customer Billing and Notice Requirements for Wireline Telecommunications Carriers Providing Service in Kentucky.

² On November 16, 2005, BellSouth notified the Commission of the number of affected customers. BellSouth asserts this information is confidential. The confidentiality petition is pending.

1. Nustar shall notify the Commission within 7 calendar days of the date of this Order of its intent to pay the delinquent bill to BellSouth within 10 days of the date of this Order or, in the alternative, of its intent to notify its end-users of the proposed service disconnection. Such written comments shall include a copy of Nustar's customer notice and an affidavit indicating when the notice was mailed and the number of Kentucky customers to whom it was mailed.

2. A copy of BellSouth's notice of intent to disconnect Nustar is attached hereto and incorporated herein.

3. If Nustar has not responded as prescribed in Ordering Paragraph 1 within 7 calendar days of the date of this Order, BellSouth shall implement the procedures established in its Emergency Service Continuity Tariff.

4. A copy of this Order shall be sent by certified mail to Nustar.

Done at Frankfort, Kentucky, this 23rd day of November, 2005.

By the Commission

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2005-00419 DATED NOVEMBER 23, 2005



BellSouth Telecommunications, Inc.
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RECEIVED
OCT 10 2005
GENERAL COUNSEL
PSC

October 7, 2005

RECEIVED

Ms. Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602-0615

C.N. 2005-00419

OCT 10 2005

PUBLIC SERVICE
COMMISSION

Dear Ms. O'Donnell:

Pursuant to the Kentucky PSC's May 20, 2003 order in KY PSC Case No. 2002-03 10, BellSouth is providing advance notice to the Kentucky Public Service Commission (PSC) of BellSouth's intent to disconnect Nustar Communications ("Nustar") for non-payment.

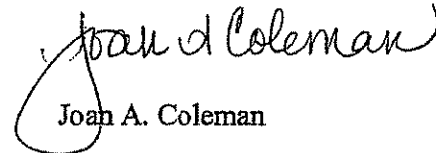
BellSouth's records indicate that Nustar is delinquent in payment of its bills to BellSouth. Attempts to collect past due amounts from Nustar have been unsuccessful. BellSouth made numerous written notifications to Nustar informing them of BellSouth's intent to suspend or terminate services consistent with the terms and conditions of the Interconnection Agreement between Nustar and BellSouth. *As* of today, BellSouth has received no payment from Nustar and we seek to begin discontinuance of services on October 12, 2005. Disconnection of Nustar services will affect numerous Kentucky customers.

Under terms of their Resale Agreement, Nustar is solely responsible for notifying its end users of the proposed service disconnection. BellSouth is copying Nustar to remind them of their obligation to notify their end users of this situation regarding pending disconnection of services.

Should the Commission determine the need to invoke BellSouth's Emergency Service Continuity ~~Tariff~~, BellSouth will take steps to notify the affected end users and inform them that they may continue to receive telecommunications services through The Emergency Services Continuity Plan for a minimum of fourteen (14) days and that the end user must transition to a new service provider.

Should you or the staff have any questions concerning this filing or need additional information, Mike Hayden, of my staff; is familiar with this matter and can be reached on (502) 582-8180.

very truly yours,

A handwritten signature in cursive script that reads "Joan A. Coleman". The signature is written in black ink and is positioned above the printed name.

Joan A. Coleman

cc: Mr. Joseph Macaluso
Mr. Lloyd Roberts