
S T O L L

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CHARLES B. WEST
270-831-1900
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February 9, 2004

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

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PUBLIC SERVICE
COMMISSION

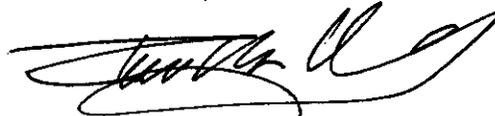
*Re: Review of Federal Communications Commission's Triennial Review Order
Regarding Unbundling Requirements for Individual Network Elements
PSC 2003-00379*

Dear Mr. Dorman:

Enclosed for filing in the above case are the original and ten (10) copies of the Response of City of Henderson Utility Commission, d/b/a Henderson Municipal Power & Light to the Motion to Compel filed by Bellsouth Telecommunications, Inc. in these proceedings.

Very truly yours,

STOLL, KEENON & PARK



Charles B. West

CBW:klp

Enclosure

cc: Mr. Jeff Garner
General Manager
Henderson Municipal Power & Light

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

REVIEW OF THE FEDERAL COMMUNICATIONS)
COMMISSION'S TRIENNIAL REVIEW ORDER) CASE NO.
REGARDING UNBUNDLING REQUIREMENTS) 2003-00379
FOR INDIVIDUAL NETWORK ELEMENTS)

HENDERSON MUNICIPAL POWER & LIGHT'S
RESPONSE TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
MOTION TO COMPEL

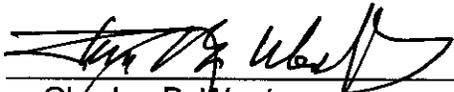
Comes the City of Henderson Utility Commission, doing business as Henderson Municipal Power & Light (hereinafter "HMP&L") and responds to the Motion to Compel filed in these proceedings by Bellsouth Telecommunications, Inc. as follows:

1. The City of Henderson Utility Commission is a body corporate and politic which is established in accordance with the provisions of KRS 96.520, et seq.
2. HMP&L is not a party to this legal proceeding, and has no intention to request to intervene in the action.
3. The Kentucky Public Service Commission does not have jurisdiction of HMP&L.
4. Bellsouth Telecommunications, Inc.'s Motion to Compel is specifically directed toward Competitive Local Exchange Carriers. Although HMP&L is listed in the Service List for KPSC 2003-00379, HMP&L does not qualify as a Competitive Local Exchange Carrier and should not be required to participate in these proceedings.

WHEREFORE, HMP&L prays the Public Service Commission for an order exempting it from participating in anyway in these proceedings before the Kentucky Public Service Commission.

Respectfully submitted,

STOLL, KEENON & PARK, LLP
201-C North Main Street
Henderson, KY 42420
(270) 831-1900
(270) 827-4060 (fax)

By: 
Charles B. West
General Counsel for the City of
Henderson Utility Commission,
d/b/a Henderson Municipal
Power & Light

CERTIFICATE OF SERVICE

I certify that a true and exact copy of Henderson Municipal Power & Light's Response to Bellsouth Telecommunications, Inc.'s Motion to Compel, was served upon the following, via U. S. mail, on this 9th day of February, 2004:

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