

Cheryl R. Winn
Attorney At Law

January 20, 2004

Drop Box
RECEIVED
JAN 20 2004
PUBLIC
COMMISSION

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

522834

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.

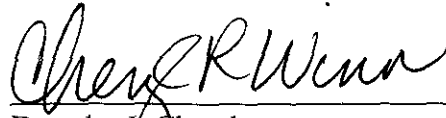
4. With regard to the allegation contained in grammatical paragraph 1 (c) that states BellSouth has refused to correct the defective condition of the line or provide a redundant line to avoid unreasonable outages, BellSouth denies the allegation. BellSouth affirmatively states that it has responded to 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
601 W. Chestnut Street, Room 407
P. O. Box 32410
Louisville, KY 40232
Telephone: (502) 582-1475
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