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Noelle M. Holladay
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May 7, 2004

Drop By
RECEIVED

MAY 7 2004

**PUBLIC SERVICE
COMMISSION**

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

RE: Petition of Southeast Telephone, Inc., Case No. 2004-00093

Dear Mr. Dorman:

Enclosed please find an a Response to Southeast's Pleadings and the Commissions April 29, 2004 Order, filed on behalf of Kentucky ALLTEL, Inc. ("ALLTEL") in the above-referenced case. An original and eleven (11) copies of the pleading are enclosed. Please file-stamp the extra copy and return it to me in the self-addressed, pre-stamped envelope I have enclosed for your convenience.

Thank you for your cooperation in this matter. Please do not hesitate to contact me with any questions you may have.

Sincerely,

WYATT, TARRANT & COMBS, LLP

Noelle M. Holladay by Mary T. Hill
Noelle M. Holladay

Enclosure

cc: Deborah T. Eversole
Jonathon Amlung
Kimberly Bennett
James H. Newberry, Jr.
Henry E. Kinser

30326526.2

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502.589.5235

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Nashville, TN 37203-1423
615.244.0020

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New Albany, IN 47150-3610
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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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MAY 7 2004

PUBLIC SERVICE
COMMISSION

In the Matter of:

SOUTHEAST TELEPHONE COMPANY
Complainant

v.

KENTUCKY ALLTEL, INC.
Respondent

)
)
)
) Case No. 2004-00093
)
)
)

**KENTUCKY ALLTEL'S RESPONSE TO SOUTHEAST'S PLEADINGS AND
THE COMMISSION'S APRIL 29, 2004 ORDER**

On Friday, April 30, 2004, Kentucky ALLTEL, Inc. ("Kentucky ALLTEL") filed an Amended Motion to Dismiss or to Hold in Abeyance and Amended Answer to the complaint filed by Southeast Telephone, Inc. ("Southeast"). At the time that Kentucky ALLTEL made its filing, Kentucky ALLTEL was unaware of and had not been served with Southeast's filing dated April 28, 2004 or the Commission's Order dated April 29, 2004. Kentucky ALLTEL, in addition to its prior pleadings, provides the following as a response to those documents:

1. As requested by the Commission's April 29, 2004 Order, Kentucky ALLTEL verifies that Kentucky ALLTEL is complying with all Commission Orders entered in Case No. 2003-00115 and is fulfilling all orders for service submitted by Southeast, including, without limitation, taking the following actions to promptly process Southeast's orders (which actions are further demonstrated by the communications between Kentucky ALLTEL and Southeast attached collectively as Exhibit A):

- a. Without knowledge of the Commission's April 29, 2004 Order or Southeast's April 28, 2004 filing, Kentucky ALLTEL notified Southeast on the morning of Friday, April 30, 2004, that Kentucky ALLTEL would immediately begin providing interim UNE-P service to Southeast. (See, Kentucky ALLTEL's letter to Southeast which was attached as Exhibit C to Kentucky ALLTEL's prior pleading. This letter was emailed the morning of April 30, 2004 to Ms. Liz Thacker at Southeast and Mr. Kent Hatfield, counsel for Southeast.)
- b. When Kentucky ALLTEL had not received a response to its Friday April 30, 2004 letter by Monday, May 3, 2004, Kentucky ALLTEL representative Jimmy Dolan telephoned Southeast representative Brad Hall that Monday to discuss implementation of service. Mr. Hall notified Kentucky ALLTEL that Southeast intended to place orders for UNE-P service only and had no orders for resale. Mr. Dolan provided Southeast with IDs and passwords to ALLTEL Express along with the forms necessary to establish billing accounts. Additionally, Mr. Dolan offered Southeast detailed instructions with respect to navigating through the wholesale services website. Finally, Mr. Dolan reviewed with Southeast Kentucky ALLTEL's escalation lists and account manager assignments and explained to Southeast how to access the ALLTEL Express training material.
- c. Later on Monday, May 3, 2004, Mr. Dolan again telephoned Mr. Hall at Southeast to discuss the provisioning of 911 service and inquired about the status of Southeast's CLEC Profile. Mr. Dolan offered to establish Southeast's account immediately that same day if Southeast would complete and return the form. Southeast returned the form later in the day, and Kentucky ALLTEL established Southeast's account early that evening.
- d. On Tuesday, May 4, 2004, Kentucky ALLTEL representative Theresa Isbell contacted Southeast representative Karen Blackburn to follow up on an order that Southeast had placed but which had been rejected due to the failure to complete the necessary Local Service Request ("LSR," an industry standard form). Ms. Isbell reviewed with Ms. Blackburn the entire LSR process, provided Ms. Blackburn with the UNE-P account codes, and ensured that the order was correctly submitted and processed.
- e. Also on Tuesday, May 4, 2004, Mr. Dolan called Southeast and scheduled an implementation call with Southeast so that the parties could review the ordering placement process. Mr. Dolan again provided Southeast with the UNE-P account codes, which are necessary to identify specific services requested and information needed for billing and switch translation purposes. Mr. Dolan reiterated that Kentucky ALLTEL was prepared to process orders submitted by Southeast. During the implementation call

later that afternoon, Southeast requested information about accessing a Customer Service Record and finding a Firm Order Confirmation, which information had previously been provided to Southeast in the ALLTEL Express training information. Kentucky ALLTEL representative Theresa Isbell followed up with Southeast with detailed instructions on these two issues.

- f. **Later on Tuesday, May 4, 2004, Mr. Dolan again confirmed that Kentucky ALLTEL was prepared and committed to immediately process Southeast's orders. In response, Southeast submitted one order for service on Tuesday, May 4, 2004 and a second order on Wednesday, May 5, 2004. Kentucky ALLTEL promptly processed these orders.**
 - g. On Wednesday, May 5, 2004, Mr. Dolan attempted to reach Mr. Hall several times to discuss 911 issues, operator services, and directory assistance. Mr. Hall returned Mr. Dolan's telephone calls on Thursday, May 6, 2004 to discuss these issues. Mr. Dolan arranged a conference call later on Thursday, May 6, 2004 with Southeast and Kentucky ALLTEL's 911 experts to discuss the details of Southeast's provision of 911 service.
 - h. Kentucky ALLTEL representatives and Southeast representatives have remained in ongoing communication regarding submission and provisioning of Southeast's orders for service.
2. Southeast has not informed Kentucky ALLTEL of any complaints, dissatisfaction, or problems with respect to the above actions.
3. On a related matter, Kentucky ALLTEL received notice of the Commission's Order dated May 3, 2004 in Case No. 2004-00137 allowing Bluegrass Telephone, Inc. ("Bluegrass") to adopt the arbitrated interconnection agreement between Kentucky ALLTEL and Southeast. Kentucky ALLTEL contacted Bluegrass on Monday, May 3, 2004 in order to initiate the service implementation process. Kentucky ALLTEL representative Jimmy Dolan and Bluegrass representative Joe McClung remain in communication regarding submission and provisioning of Bluegrass's orders for service.
4. In addition to, and separate and apart from, providing Southeast with interim UNE-P service and complying with the Commission's orders, Kentucky ALLTEL also

extended to Southeast an offer on Friday, April 30, 2004 to enter into market-based negotiations with respect to UNE-P pursuant to the March 31, 2004 letters issued by the Federal Communications Commission ("FCC"), requesting that carriers take such initiative.¹ Like the FCC, Kentucky ALLTEL believes that market-based negotiations may restore certainty and preserve competition in the telecommunications market. Kentucky ALLTEL trusts that the Commission will support Kentucky ALLTEL's market-based negotiation offer to Southeast as a tool in shaping a competitive communications marketplace within the Commonwealth.

Upon considering Kentucky ALLTEL's demonstrated compliance with the Commission's orders and fulfillment of Southeast's orders, Kentucky ALLTEL requests that the Commission grant the relief requested in its prior pleadings. In the event that Kentucky ALLTEL's requested relief, including its request that the Commission hold this matter in abeyance, is not granted, Kentucky ALLTEL requests that it be afforded an opportunity to be heard on these matters.

Dated this 7th day of May, 2004.

¹ On March 2, 2004, the D.C. Circuit vacated (subject to a temporary stay) significant portions of the FCC's Triennial Review Order ("TRO") rules. The FCC responded by issuing letters on March 31, 2004, urging incumbent carriers (like Kentucky ALLTEL) and competitive carriers (like Southeast) to enter into market-based negotiations with respect to continued use of UNEs, particularly UNE-P.

Respectfully submitted,

KENTUCKY ALLTEL, INC.

By: Noelle M. Holladay by Mint T Lamy

James H. Newberry

Noelle M. Holladay

Wyatt, Tarrant & Combs, LLP

Attorneys for Kentucky ALLTEL, Inc.

1600 Lexington Financial Center

Lexington, KY 40507-1746

Telephone: 859-288-6333

Facsimile: 859-259-0649

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following via regular U.S. mail postage prepaid this 7th day of May, 2004:

Jonathon N. Amlung, Esq.
1000 Republic Building
429 W. Muhammad Ali Blvd.
Louisville, KY 450202
502/584-0439

Deborah T. Eversole, Esq.
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602
502/564-7279

Noelle M. Holladay by: Mint T Lamy

VERIFICATION

I have reviewed the foregoing pleading and verify that the statements set forth above are true and correct.

KENTUCKY ALLTEL, INC.

BY: Michael D Rhoda
Michael D. Rhoda

TITLE: _____
Vice President – Business Development

STATE OF ARKANSAS)
) SS
COUNTY OF PULASKI)

The foregoing was subscribed to and sworn before me this the 7th day of May, 2004, by Michael D. Rhoda, as the Vice President - Business Development of Kentucky ALLTEL, Inc., a Delaware corporation.

My commission expires: September 1, 2011.

Sandra Jean Wood
NOTARY PUBLIC



From: Dolan, Jimmy
Sent: Monday, May 03, 2004 12:42 PM
To: 'brad.hall@setel.com'
Cc: Rowell, Stephen B
Subject: Express IDs & conversation
Importance: High

Tracking: **Recipient** **Delivery**
 'brad.hall@setel.com'
 Rowell, Stephen B Delivered: 5/3/2004 12:42 PM

Brad,

This is to confirm our conversation this morning. I've attached your IDs and passwords for ALLTEL Express and a CLEC Profile to establish your billing account. I would also like to bullet point our topics of discussion as follows,

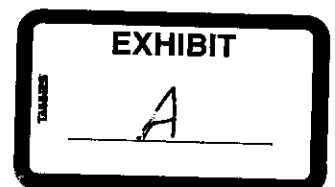
1. ALLTEL is in the process of completing modifications to its billing systems to accommodate UNEP. Those modifications include the creation of new ASOCs.
2. ALLTEL will need to make translations changes to switches, where SE Tel wishes to provide service, to make the required recordings for billing.
3. Processes 1 & 2 may take up to 3 weeks to complete but ALLTEL will conduct a manual work around for each SE Tel service order to insure that there is no delay. ALLTEL will work with SE Tel to insure billing true ups.
4. ALLTEL requested a list of switches, in which SE Tel wishes to provide service, in order to begin translation modifications as noted in item #2.
5. SE Tel is only submitting UNEP orders and no resale.
6. I provided you with information on how to access Express, Express training information and escalation lists.

Please call me if you have any questions regarding the above or if you need assistance with any of the supplied forms.

Thank you,

Jimmy Dolan
Manager - ALLTEL Negotiations
(501)905-7873 Desk
(501)905-6299 Fax
jimmy.dolan@alltel.com

5/6/2004



From: Brad Hall [Brad.Hall@setel.com]
Sent: Monday, May 03, 2004 4:30 PM
To: Dolan, Jimmy
Cc: Karen Blackburn; Liz Thacker
Subject: CLEC Profile



SETEL
CLECPROFILE.DOC

Jimmy,

Please find attached the completed CLEC Profile. Please provide me with a fax number to forward the Use Tax and Fed Tax exemption forms. We have also submitted our order.

Thanks,
Brad

Brad Hall
Director of Operations
SouthEast Telephone
606-432-3000

From: Dolan, Jimmy
Sent: Monday, May 03, 2004 4:58 PM
To: 'Brad.Hall@setel.com'
Cc: 'Karen Blackburn'; 'Liz Thacker'
Subject: RE: CLEC Profile

I've forwarded your profile to the appropriate dept. The fax # for your tax forms is 870-743-1300. I'll contact you when the acct is established.

Jimmy Dolan
Manager - ALLTEL Negotiations
(501)905-7873 Desk
(501)905-6299 Fax
jimmy.dolan@alltel.com

-----Original Message-----

From: Brad Hall [mailto:Brad.Hall@setel.com]
Sent: Monday, May 03, 2004 4:30 PM
To: Dolan, Jimmy
Cc: Karen Blackburn; Liz Thacker
Subject: CLEC Profile

Jimmy,

Please find attached the completed CLEC Profile. Please provide me with a fax number to forward the Use Tax and Fed Tax exemption forms. We have also submitted our order.

Thanks,
Brad

Brad Hall
Director of Operations
SouthEast Telephone
606-432-3000

From: Dolan, Jimmy
Sent: Tuesday, May 04, 2004 10:41 AM
To: 'brad.hall@setel.com'
Subject: UNEP ASOCs
Importance: High

Tracking:

Recipient	Message Status
'brad.hall@setel.com'	

Brad,

I'm glad we were finally able to connect. As discussed, I've attached a list of UNEP ASOCs. I was informed that one of our LSPAC supvs., Theresa Isbell, provided this list to Karen Whiteburn and walked her through an LSR. The LSR has been submitted and is being worked.

Also as discussed, ALLTEL will work with Southeast to process your initial load of orders as quickly as possible but will still need to maintain parity with other providers. I still want to have the call at 12:30 cst to make sure we get as many questions answered as possible. Let's try to get as many orders through today as we can and keep an open line of communication to make sure that there aren't any provisioning problems.

Jimmy Dolan
Manager - ALLTEL Negotiations
(501)905-7873 Desk
(501)905-6299 Fax
jimmy.dolan@alltel.com

5/6/2004

From: Dolan, Jimmy
Sent: Tuesday, May 04, 2004 1:45 PM
To: 'brad.hall@setel.com'
Subject: Contact

Brad,

Who will be the billing contact at SE Tel? I'll need a name and phone number.

Jimmy Dolan
Manager - ALLTEL Negotiations
(501)905-7873 Desk
(501)905-6299 Fax
jimmy.dolan@alltel.com

5/6/2004

From: Brad Hall [Brad.Hall@setel.com]
Sent: Tuesday, May 04, 2004 4:45 PM
To: Dolan, Jimmy
Cc: Nanette Staggs
Subject: re: Contact

Jimmy,

The billing contact will be Nanette Staggs.

Email: nanette.staggs@setel.com
Phone: 606-432-3000 x323

Brad

On Tuesday, May 04, 2004 2:45 PM, Jimmy.Dolan@alltel.com wrote:

Date: Tue, 4 May 2004 13:45:13 -0500
From: Jimmy.Dolan@alltel.com
To:
Subject: Contact

Brad,

Who will be the billing contact at SE Tel? I'll need a name and phone number.

Jimmy Dolan
Manager - ALLTEL Negotiations
(501)905-7873 Desk
(501)905-6299 Fax
jimmy.dolan@alltel.com

The information contained in this message, including attachments, may contain privileged or confidential information that is intended to be delivered only to the person identified above. If you are not the intended recipient, or the person responsible for delivering this message to the intended recipient, ALLTEL requests that you immediately notify the sender and asks that you do not read the message or attachments, and that you delete them without copying or sending them to anyone else

Brad Hall
Director of Operations
SouthEast Telephone
606-432-3000

5/6/2004

From: Dolan, Jimmy
Sent: Wednesday, May 05, 2004 9:23 AM
To: 'brad.hall@setel.com'
Subject: 911

Brad,

Let me know when you're available for a call to discuss 911.

Jimmy Dolan
Manager - ALLTEL Negotiations
(501)905-7873 Desk
(501)905-6299 Fax
jimmy.dolan@alltel.com

5/6/2004

From: Dolan, Jimmy
Sent: Thursday, May 06, 2004 9:41 AM
To: 'brad.hall@setel.com'
Subject: 911 & OS/DA
Importance: High

Brad,

This is a follow up to the vmails that I've left on 5/5 and today. It's imperative that we discuss 911 and how SE Tel will submit 911 information. I have 911 subject matter experts ready to discuss 911. Since the two orders that SE Tel has submitted have been installed we need to address this ASAP. Also, since ALLTEL is not the OS/DA provider in KY, SE Tel will need submit trunk orders to the OS/DA provider for the territories we SE Tel is providing service. If this is not done then OS/DA calls from SE Tel end users will receive an ALLTEL brand.

Please call me as soon as you can so we can schedule a 911 call. We need to make sure that SE Tel places its customer info in the appropriate 911 database.

Jimmy Dolan
Manager - ALLTEL Negotiations
(501)905-7873 Desk
(501)905-6299 Fax
jimmy.dolan@alltel.com

5/6/2004

From: Dolan, Jimmy
Sent: Thursday, May 06, 2004 4:32 PM
To: 'brad.hall@setel.com'
Subject: e911

Brad,

I'm glad that we were able to get everything going on 911. Just to confirm our conversation with Enoch Morris, with ALLTEL 911. Enoch will provide you with the necessary paperwork to request secure IDs for access to ALLTELS 911 database. Enoch also provided you with the link to access information on how to submit proper 911 data and gave 330-995-1957 as the number to call if you have any questions or problems with submitting your customers 911 information. Also, it will be SE Tels responsibility to migrate customer information for customers converting service from the losing provider to SE Tel. SE Tel will have 30 days to migrate customer information to SE Tel. If you have any questions regarding the above please let me know and we'll set up another call.

Jimmy Dolan
Manager - ALLTEL Negotiations
(501)905-7873 Desk
(501)905-6299 Fax
jimmy.dolan@alltel.com

5/6/2004