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June 14, 2004

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

Drop Box
RECEIVED

JUN 14 2004

**PUBLIC SERVICE
COMMISSION**

Re: Petition of CompSouth for Emergency Declaratory Ruling
PSC 2004-00204

Dear Ms. O'Donnell:

On June 10, 2004, a teleconference meeting was held by the Kentucky Public Service Commission ("Commission") on Competitive Carriers of the South, Inc.'s ("CompSouth") Petition for Emergency Declaratory Ruling ("Petition"). CompSouth agreed to withdraw its Petition and BellSouth Telecommunications, Inc. ("BellSouth") agreed to submit a letter similar to the letter that was read into the record before the Louisiana Public Service Commission on June 9, 2004. CompSouth and BellSouth also jointly agreed that the Commission should hold CompSouth's Petition (and BellSouth's Answer) in abeyance and keep this docket open until such time as the parties requested the Commission to take further action. These requests were agreed to by the Commission during the June 10 teleconference meeting. Accordingly, BellSouth submits the following letter.

On May 27, 2004, CompSouth filed a Petition for an Emergency Declaration Ruling which requested expedited action from this Commission based upon CompSouth's perception of an imminent service disruption. BellSouth filed its Response (a letter and a pleading) on June 8, 2004.

On May 24, 2004, BellSouth posted a Carrier Notification Letter to set forth BellSouth's position concerning the D.C. Circuit Court of Appeals' decision that vacated portions of the Federal Communications Commission's *Triennial Review Order*. A copy of this Carrier Notification Letter is attached hereto. BellSouth intended to alleviate apparent uncertainty on the part of some carriers. Apparently, some carriers remain confused. This letter is intended to alleviate any such confusion. As provided in BellSouth's May 24, 2004, Carrier Letter Notification, BellSouth will not "unilaterally disconnect services being provided to any CLEC

Ms. Beth O'Donnell

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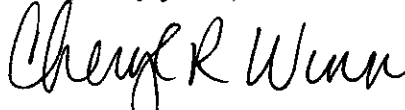
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under the CLEC's Interconnection Agreement." Consequently, there will be no chaos as CompSouth alleges. BellSouth will not unilaterally change its interconnection agreements; rather, it will effectuate changes to its interconnection agreements via established legal procedures.

With regard to new or future orders, "BellSouth will not unilaterally breach its interconnection agreements." If the D.C. Circuit issues its mandate on June 15, 2004, BellSouth will continue to accept and process new orders submitted pursuant to existing interconnection agreements including those orders for unbundled network elements (UNEs), combinations, and services (including unbundled switching, unbundled high capacity transport, and unbundled high capacity loops) and will bill for those services in accordance with the rates, terms and conditions of existing interconnection agreements, until such time as those agreements have been amended, reformed, or modified consistent with the D.C. Circuit's decision pursuant to established legal processes. As it is legally entitled to do, BellSouth reserves all rights, arguments, and remedies it has under the law with respect to the rates, terms, and conditions in the agreements.

We trust this information adequately addresses CompSouth's concerns relating to service disruption and demonstrates that expedited action by this Commission is completely unnecessary. Thank you for your assistance in this matter.

Very truly yours,


for Dorothy J. Chambers

Attachment

cc: C. Kent Hatfield, Esq.

541195



BellSouth Interconnection Services

675 West Peachtree Street
Atlanta, Georgia 30375

**Carrier Notification
SN91084106**

Date: May 24, 2004
To: Facility-Based Competitive Local Exchange Carriers (CLEC)
Subject: Facility-Based CLECs – (Business/Operations Process) - Provision of Service to CLECs
Post-Vacatur

The District of Columbia Circuit Court of Appeals' March 2, 2004, Opinion vacating certain Federal Communications Commission (FCC) Unbundled Network Element (UNE) rules is scheduled to become effective on June 16, 2004. This letter is to affirm that BellSouth will not unilaterally breach its interconnection agreements. Upon vacatur of the rules, BellSouth does intend to pursue modification, reformation or amendment of existing Interconnection Agreements (with the exception of new commercial and transition agreements) to properly reflect the Court's mandate. Rumors have been circulating that, upon vacatur, services that BellSouth now provides to CLECs under their Interconnection Agreements will be disconnected. Contrary to such rumors, if the rules are vacated, BellSouth will not, as a result of the vacatur, unilaterally disconnect services being provided to any CLEC under the CLEC's Interconnection Agreement.

If you have any questions, please contact your BellSouth contract manager.

Sincerely,

ORIGINAL SIGNED BY KRISTEN ROWE FOR JERRY HENDRIX

Jerry Hendrix – Assistant Vice President
BellSouth Interconnection Services