

BellSouth Telecommunications, Inc.  
601 W. Chestnut Street  
Room 407  
Louisville, KY 40203

Dorothy.Chambers@BellSouth.com

Dorothy J. Chambers  
General Counsel/Kentucky

502 582 8219  
Fax 502 582 1573

October 27, 2004

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

**RECEIVED**

OCT. 28 2004

PUBLIC SERVICE  
COMMISSION

Re: Vanover, Hall & Bartley, P.S.C., Complainant v. BellSouth  
Telecommunications, Inc., Defendant  
PSC 2004-00410

Dear Ms. O'Donnell:

On October 21, 2004, BellSouth filed a Motion to Dismiss in the above-referenced proceeding. Exhibit 1 to the Motion to Dismiss is the affidavit of Sandra DeMoya. Enclosed is the original affidavit of Sandra DeMoya.

On October 22, 2004, BellSouth filed an Objection to SouthEast Telephone, Inc.'s Motion to Intervene. Exhibit A to BellSouth's Objection is the affidavit of Marcia Holcomb. Enclosed is the original affidavit of Marcia Holcomb.

The original and ten (10) copies of this letter and affidavits are enclosed for filing.

Sincerely,



Dorothy J. Chambers

Enclosures

cc: Parties of Record

554988

**AFFIDAVIT OF SANDRA DEMOYA**

Comes the Affiant, Sandra Demoya, and after being duly sworn states as follows:

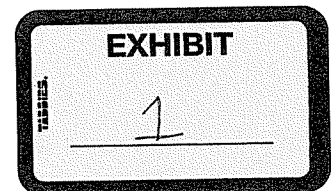
1. I am employed by BellSouth Billing, Inc. as a Manager. In that position, my responsibilities include obtaining information necessary to bill end users for BellSouth's various Internet services. When a BellSouth Internet service customer is identified as not having valid billing information for BellSouth Billing, Inc. to bill that customer for those Internet services, my organization is responsible for attempting to obtain correct billing information.

2. On such occasions, my organization sends information to Mail People, a group at BellSouth that is responsible for sending certain communications (emails) to customers indicating that a valid bill method is needed to maintain service. The email is sent to the email address that we have in our database. The end user is sent an electronic message which states as follows:

\*\*\*\*\*If you have sent to us your new billing information\*\*\*\*\*  
\*\*\*\*\*since Month Date Year\*\*\*\*\* \*\*\*\*\*Please disregard this notice\*\*\*\*\*

Dear BellSouth (r) Internet Service Member,

According to our records, the telephone number we have on file to bill your BellSouth Internet Service, is no longer a valid BellSouth telephone number. This may occur when you move to a new address, change your telephone number or you change your local telephone company.



BellSouth Internet Service can only bill your account through a valid BellSouth telephone number or a valid American Express, MasterCard or VISA credit card.

To prevent any interruption in your BellSouth Internet Service, please provide us with a new credit card number or a valid BellSouth telephone number by Month Date Year.

In order to update your billing information, log into Account Information at <https://www5.bellsouth.net/AllLogin.shtml>, and select the Billing Method link to make the appropriate updates.

After selecting the Billing Method link, follow the prompts to either update your telephone number billing information (you will need a copy of your BellSouth telephone bill to provide all of the necessary information), or change the bill method to a valid American Express, MasterCard, or Visa credit card.

Please update your billing information or contact us as soon as possible. If you have questions regarding the charges or need assistance, please call our Customer Support at 1-800-4DOTNET, and select the option for Billing Questions or Service Changes.

**\*\*NOTE: TO PREVENT THE SPREAD OF VIRUSES PLEASE DO NOT REPLY WITH ATTACHMENTS\*\***

Thank you for using BellSouth Internet Service.

BellSouth Internet Service Billing Department

3. This department receives confirmation that the electronic message in paragraph 2 above has been sent to the end user customer at the email address my office has provided.

4. The information regarding an unbillable customer is next sent to a BellSouth group this is responsible for initiating an automated telephone call where an automated voice message is sent to the contact number on file in our customer database. The customer's telephone number by means of a service

known as back talk. The following message is provided to the end user through the voice messaging system called "Back Talk":

### This is BellSouth's automated billing notification system. Your Internet Service account will be canceled within 10 days. Please respond to this message immediately.

### According to our records, the telephone number we bill your Internet service to is no longer valid.

### To continue your BellSouth Internet Service, you will need to update your billing method by providing us with either a valid BellSouth telephone number or valid credit card number.

### To update your billing method immediately, please access our Help Center website at [www.help.bellsouth.net](http://www.help.bellsouth.net) (double u double u double u dot help dot bellsouth dot net.) Once changes are submitted, your account will be automatically updated.

### You may also update your billing method by phone. Press '1' now to speak with a customer service representative in our billing department. Press '2' to repeat this message.

### Thank you for using BellSouth Internet Service.

5. Approximately 7 to 10 days after the Back Talk message is delivered for the end user, BellSouth representatives in my group attempt to update valid billing information if available.

6. End users who respond to either the electronic message noted in paragraph 2 or the Back Talk message noted in paragraph 4, are asked to make alternative billing arrangements for their BellSouth Internet service either through providing credit card information (we accept Master Card, Visa or American Express) or a valid BellSouth telephone number for billing purposes.

7. End users of BellSouth's Internet services who do not have proper billing information and who do not respond to these inquiries are disconnected from their BellSouth Internet service or services, because BellSouth does not have a valid method of billing those customers.

8. These same procedures are applied to any end users of BellSouth's Internet services, regardless of whether the end user has left BellSouth for a competitor where billing information is invalid for any of a number of reasons.

9. I have reviewed the records related to the Vanover, Hall and Bartley Complaint, and have determined that BellSouth's records indicate an electronic mail message, as identified in paragraph 2, was sent to h\_vanove@bellsouth.net on or about August 18, 2004. I also have determined that information for a voice message was provided to the Back Talk Provisioning Group for a message to be left with this customer on or about August 17, 2004, stating the information provided in paragraph 4.

10. BellSouth's records indicate that Vanover, Hall & Bartley failed to provide any current billing information so BellSouth Billing, Inc. was not able to bill this customer for their Internet services billed after July 7, 2004. As a result, after more than two months of FastAccess® DSL Service had been provided to Vanover, Hall & Bartley and no arrangements had been made for payment and no payments were made for this service, BellSouth disconnected the BellSouth FastAccess Service being provisioned to this customer.

Further, Affiant sayeth naught.

Sandra Demoya  
SANDRA DEMOYA



STATE OF GEORGIA )  
 ) ss  
COUNTY OF CLAYTON )

SUBSCRIBED AND SWORN TO before me by SANDRA DEMOYA on this 21 day of October, 2004.

My commission expires: April 10, 2005.

Rosalind Evans  
NOTARY PUBLIC

554508

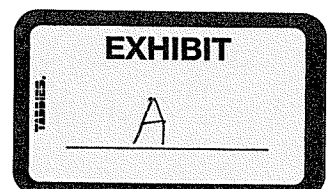
COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of: )  
)  
VANOVER, HALL & BARTLEY, P.S.C. )  
)  
COMPLAINANT )  
)  
v. ) CASE NO. 2004-00410  
)  
BELLSOUTH TELECOMMUNICATIONS, INC. )  
)  
DEFENDANT )  
\_\_\_\_\_ )

**AFFIDAVIT OF MARCIA HOLCOMB**

I, Marcia Holcomb, being of lawful age, and duly sworn, do hereby depose and state:

1. My name is Marcia Holcomb. I am employed by BellSouth Telecommunications, Inc. ("BellSouth") as Assistant Manager – Digital Subscriber Group/Order Support Center. My business address is 575 Morosgo Drive, Atlanta GA 30324. My job responsibilities include handling network service provider ("NSP") complaints or escalations, and project coordination associated with the DSL service that BellSouth provides NSPs pursuant to its FCC tariff.
2. NSPs interact with BellSouth via an interface known as the service order entry gateway ("SOEG"). The account history discussed in my Affidavit is contained in SOEG and is also based on my personal knowledge.



3. Regarding telephone number 606-437-4003, the telephone number for Vanover, Hall & Bartley P.S.C. ("Customer"), on October 6, 2004, Customer's former DSL provider (or NSP), BellSouth, submitted a service disconnect request with a requested due date of October 7, 2004. This order was processed and completed on October 7, 2004. BellSouth's SOEG disconnect order is attached to my Affidavit.
4. On Friday, October 8, 2004, at 10:24 AM, BellSouth received a request from the Customer's new NSP, SouthEast Telephone Company ("SouthEast") requesting DSL service for the Customer. The order was processed and assigned a normal due date of October 11, 2004, which was the next business day.
5. On October 8, 2004, based upon an expedite request due to the customer being without DSL service, I intervened and was able to escalate the service due date to October 8, 2004. The order was completed and provisioned on the same day, October 8, 2004, at 6:19 PM. SouthEast's SOEG new order request is attached to my Affidavit along with the Customer's SOEG History.
6. As of today, BellSouth's wholesale DSL service is provisioned over the voice line (606-437-4003) as requested by SouthEast and there is no order in SOEG to remove the DSL service.



This concludes my Affidavit.

*Marcia Holcomb*

MARCIA HOLCOMB

MOZ 049262782

8/25/05

STATE OF GEORGIA )

COUNTY OF ~~FULTON~~  
*Cobb* )

SUBSCRIBED AND SWORN TO before me by MARCIA HOLCOMB on this

22nd day of October, 2004.

My commission expires: \_\_\_\_\_



*Sherry P. Willoughby*  
NOTARY PUBLIC

# **DISCONNECT ORDER**



SERVICE ORDER ENTRY GATEWAY

High Speed Data: Service Request Modification Form

Enter Billing Order Number

Add Comments

More Information

View History

Modify

Reset

Return To Request List

New Search

Return To Main Menu

Request Number: 10648104

Request Submission Date: 10/06/2004 17:50:36

Completion Date: 10/07/2004 20:00:14

Request Modification Date: 10/08/2004 5:52:58

Request Status: COMPLETE / AUTO

If Rejected, Reject Reason: None Selected

If Fallout, Fallout Reason:

If Past Due, Past Due Reason: None Selected

If Held, Held Reason: None Selected

Other Held Reason:

POTS Order Number(s)

POTS Due Date

SOCS Stat

Installation Status:

If Installation Incomplete, Incomplete Reason:

Data Service Type: BBG 1.5m X 256k

Request Type: DISCONNECT

Request Reason: No Further Use

Update Info

Prior Update Info: (Any changes made to this field will be ignored)

New Update Info:

**End User Information**

End User Telephone Number: ( 606 ) 437 - 4003

Old End User Telephone Number:

End User Name: kathy justice

Address Key:

End User Address:

RSAG Address:

Address: 152 3RD ST

Address 2: NA

City, State, ZIP: PIKEVILLE KY 41501

End User Wire Center CLLI:

End User TTA:

End User Tax Area (TAR):

End User Local Exchange Code:

End User VPI (RVPI):

End User VCI (RVCI):

End User Modem Type:

Estimated Due Date: 10/7/2004

Requested BellSouth Completion Date: 10/7/2004

Effective Billing Date:

BellSouth Planned Service Availability Date:  /  /

Payment Method:

PI Request Reason:

Installation Option:

Installation Rate:

Equipment Option:

Equipment Rate:

Self Install Custom Equipment

Quantity

In Line Filter: 0

Wall Filter: 0

Internal Splitter: 0

External Splitter: 0

End User Contact Name:

End User Contact Phone:

Access Information:

Scheduled Access Time:

Is Shipping Information Same As End User

Information?  
Shipping Address  
Shipping Address 2  
Shipping City  
Shipping State  
Shipping ZIP Code

**Demonstration Information**

Demonstration Connection?  
Name of Trade  
Show/Demonstration:  
Duration (days):

**NSP Information**

NSP Name: BellSouth.Net  
District Code:  
NSP Code: 111115  
BellSouth Sales Code:  
NSP Billing Number: ( 502 ) M60 - 2916  
Departmental Identifier:  
NSP Purchase Order Number:  
Project ID:  
NSP Contact Name: Mary Binns  
NSP Contact Phone: ( 865 ) 425 - 1481  
NSP Contact Fax: ( 865 ) 425 - 1591  
NSP Contact E-Mail: help@clientlogic.com  
Related ATM Circuit ID(RCID):  
Virtual Path Identifier(VPI):  
Virtual Channel Identifier(VCI):

**Multiple VC**

	VC A	VC B	VCC
NSP ATM Circuit ID (RCID):			
Virtual Path Identifier (VPI):			
Virtual Channel Identifier (VCI):			
End User VPI (RVPI):			
End User VCI (RVCI):			
# of Destinations:			
# of Sessions per Line:			
# of Sessions per Host:			

Domain Group Name(s):

**NSP Remarks**

Prior NSP Remarks: yellow 10/06/04 17:50 R0000024 Final Bill  
(Any changes made to this field will be ignored)

New NSP Remarks:

**Order Information**

Assigned CSA Name: AUTO

End User Order Number: C43DMG28

NSP Billing Order Number: C44208K7

Service Order Issue Date: 10 / 6 / 2004

Service Order Initial Due Date: 10 / 7 / 2004

Service Order Current Due Date: 10/7/2004

End User Circuit ID (for Fiber facilities only):

SOCS Service Order Status: CPX

SOCS Service Order Status Timestamp: 10/07/2004 20:05:58

NMS Provisioning Status: Completed

NMS Provisioning Status Timestamp: 10/07/2004 18:26:39

**BellSouth Remarks**

Prior BellSouth Remarks: (Any changes made to this field will be ignored)

New BellSouth Remarks:

**Order Cancellation Information**

To NSP Contact Name:

To NSP Phone Number:

Date/Time Contacted:

Cancelled by CSA Name:

Reason:

[Enter Billing Order Number](#)

[Add Comments](#)

More Information

[View History](#)

[Modify](#)

[Reset](#)

[Return To Request List](#)

[New Search](#)

[Return To Main Menu](#)

Copyright 1998 BellSouth. All Rights Reserved. [Legal Notices and Privacy Statement](#)  
Help/Technical Support, call 1-888-701-ADSL. (1-888-701-2375) Help is available from 7:00 AM - 7:00 PM Eastern Time, Monday th

**PRIVATE/PROPRIETARY/LOCK: NO DISCLOSURE OUTSIDE BELLSOUTH EXCEPT BY WRITTEN AGREEMENT**

# CONNECT ORDER





# High Speed Data: Service Request Modification Form

Enter Billing Order Number

Add Comments

## More Information

View History

Modify

Reset

Return To Request List

New Search

Return To Main Menu

Request Number: 10675315

Request Submission Date: 10/08/2004 10:24:50

Completion Date: 10/08/2004 20:48:24

Request Modification Date: 10/08/2004 21:04:31

Request Status: COMPLETE / AUTO

If Rejected, Reject Reason: None Selected

If Fallout, Fallout Reason:

If Past Due, Past Due Reason: None Selected

If Held, Held Reason: None Selected

Other Held Reason:

POTS Order Number(s)

POTS Due Date

SOC5 Stat

Installation Status:

If Installation Incomplete, Incomplete Reason:

Data Service Type: Session-Based DSL

Request Type: NEW

Request Reason:

## Update Info

Prior Update Info:  
(Any changes made to this field will be ignored)

New Update Info:

**End User Information**

**End User Telephone Number:** ( 606 ) 437 - 4003

**Old End User Telephone Number:**

**End User Name:** VANOVER; HALL & BARTLEY P\*S\*C

**Address Key:**

**End User Address:**

**RSAG Address:**

**Address:** 152 THIRD ST

**Address 2:**

**City, State, ZIP:** Pikeville KY 41501

**End User Wire Center CLLI:**

**End User TTA:**

**End User Tax Area (TAR):**

**End User Local Exchange Code:**

**End User VPI (RVPI):** 8

**End User VCI (RVCI):** 35

**End User Modem Type:**

**Estimated Due Date:** 10/8/2004

**Requested BellSouth Completion Date:** 10/9/2004

**Effective Billing Date:**

**BellSouth Planned Service Availability Date:**  /  /

**Payment Method:** Month-To-Month

**PI Request Reason:**

**Installation Option:**

**Installation Rate:**

**Equipment Option:**

**Equipment Rate:**

**Self Install Custom Equipment**

**Quantity**

**In Line Filter:** 0

**Wall Filter:** 0

**Internal Splitter:** 0

**External Splitter:** 0

**End User Contact Name:**

**End User Contact Phone:**

**Access Information:**

**Scheduled Access Time:**

**Is Shipping Information Same As End User Information?** Yes

Shipping Address  
Shipping Address 2  
Shipping City  
Shipping State  
Shipping ZIP Code

**Demonstration Information**

Demonstration Connection? No

Name of Trade  
Show/Demonstration:  
Duration (days):

**NSP Information**

NSP Name: Southeast Telephone  
District Code:  
NSP Code: 111273  
BellSouth Sales Code:  
NSP Billing Number: ( 606 ) M77 - 2608 - 608  
Departmental Identifier:  
NSP Purchase Order Number:  
Project ID:  
NSP Contact Name: Karen Blackburn  
NSP Contact Phone: ( 606 ) 432 - 3000  
NSP Contact Fax: ( 606 ) 433 - 0500  
NSP Contact E-Mail: karen.blackburn@setel.com  
Related ATM Circuit ID(RCID):  
Virtual Path Identifier(VPI):  
Virtual Channel Identifier(VCI):

**Multiple VC**

	VC A	VC B	VC C
NSP ATM Circuit ID (RCID):			
Virtual Path Identifier (VPI):			
Virtual Channel Identifier (VCI):			
End User VPI (RVPI):			
End User VCI (RVCI):			
# of Destinations:	01		
# of Sessions per Line:	01		
# of Sessions per Host:	01		

Domain Group Name(s): zohrkq01

**NSP Remarks**

Prior NSP Remarks: (Any changes made to this field will be ignored)

New NSP Remarks:

**Order Information**

Assigned CSA Name: AUTO

End User Order Number: C40TKHW4

NSP Billing Order Number: C4B64J28

Service Order Issue Date: 10 / 8 / 2004

Service Order Initial Due Date: 10 / 11 / 2004

Service Order Current Due Date: 10/8/2004

End User Circuit ID (for Fiber facilities only):

SOCS Service Order Status: CPX

SOCS Service Order Status Timestamp: 10/08/2004 20:51:00

NMS Provisioning Status: Completed

NMS Provisioning Status Timestamp: 10/08/2004 18:19:16

**BellSouth Remarks**

Prior BellSouth Remarks: (Any changes made to this field will be ignored) holcombm 10/08/04 11:19 updated due date to 1008 per susan dever's, regulatory complaint, customer should have been nsp change on same day

New BellSouth Remarks:

**Order Cancellation Information**

To NSP Contact Name:

To NSP Phone Number:

Date/Time Contacted:

Cancelled by CSA Name:

Reason:

Enter Billing Order Number

Add Comments

More Information

View History

Modify

Reset

Return To Request List

New Search

Return To Main Menu



Copyright 1998 BellSouth. All Rights Reserved. [Legal Notices and Privacy Statement](#).  
Help/Technical Support: call 1-888-701-ADSL (1-888-701-2375). Help is available from 7:00 AM - 7:00 PM Eastern Time, Monday thru

**PRIVATE/PROPRIETARY/LOCK: NO DISCLOSURE OUTSIDE BELLSOUTH EXCEPT BY WRITTEN AGREEMENT**