



BellSouth Telecommunications, Inc.
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General Counsel/Kentucky

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October 22, 2004

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

RECEIVED

OCT 25 2004


PUBLIC SERVICE
COMMISSION

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

Dear Ms. O'Donnell:

Enclosed for filing in the above-captioned case are the original and ten (10) copies of BellSouth Telecommunications, Inc.'s Objection to SouthEast Telephone, Inc.'s Motion to Intervene. Exhibit A to the Motion is a copy of the affidavit of Marcia Holcomb. The original of the affidavit will be filed with the Commission in the very near future.

Sincerely,


for Dorothy J. Chambers

Enclosure

cc: Parties of Record

554710

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)	

BELLSOUTH TELECOMMUNICATIONS, INC.'S OBJECTION TO
SOUTHEAST TELEPHONE, INC.'S MOTION TO INTERVENE

BellSouth Telecommunications, Inc. ("BellSouth"), by counsel, objects to the Motion for Leave to Intervene filed by SouthEast Telephone, Inc. ("SouthEast"). As explained below, there is no legitimate controversy involving BellSouth's DSL practice. Accordingly, the Commission should deny SouthEast's attempt to intervene and create a controversy where none exists.

The subject complaint was filed on October 8, 2004, by Vanover, Hall & Bartley, P.S.C. ("Complainant"). BellSouth received the complaint on October 14, 2004. BellSouth now has filed a motion to dismiss the subject complaint on the basis that even if the facts alleged therein are accurate, which is contrary to BellSouth's records, BellSouth has offered the Complainant all of the relief to which that customer could be entitled.

The Complainant was receiving both voice telephone service and high-speed Internet service (BellSouth® FastAccess® Internet Service) from BellSouth. When the Complainant changed its voice telephone service to voice service from SouthEast, BellSouth attempted to contact the customer to see if the customer wished to retain BellSouth's FastAccess service. Because Complainant changed its voice service to a BellSouth competitor, Complainant needed to make alternate billing arrangements with BellSouth if it chose to continue to receive BellSouth's FastAccess service. Complainant failed to respond to BellSouth's inquiries, did not pay for its FastAccess Internet service for over two months, and failed to make any billing arrangements to pay for that service during that period of time. As a result, BellSouth disconnected the Complainant's FastAccess service. The Complainant filed the subject complaint the next day. Upon receipt of the complaint, BellSouth again contacted the customer, offering to restore BellSouth's FastAccess service to the customer upon the establishment of billing arrangements for that service. Again, as detailed in BellSouth's Motion to Dismiss, the customer failed to respond to BellSouth's message and letter.

Contrary to the allegations made in SouthEast's Motion for Leave to Intervene, the Complainant's FastAccess service was not terminated without justification or notice. Rather, after repeated notices, Complainant's FastAccess service was terminated because Complainant had not been paying for its FastAccess service and had failed to respond to BellSouth's inquiries requesting that alternate billing arrangements be established. SouthEast also incorrectly states that BellSouth refuses to provide its DSL product to any CLEC customer regardless of the manner in which the customer's line is

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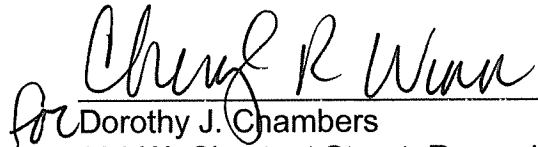
provisioned. On the contrary, BellSouth is willing to provide its FastAccess retail product to an end-user served either by BellSouth or by a CLEC over a resale line and does so today. BellSouth also is willing to provide to a CLEC provider, over a resale line, BellSouth's DSL service pursuant to the terms and conditions of BellSouth's tariff filed at the FCC. Furthermore, BellSouth has, in fact, provisioned to the Complainant's location BellSouth's wholesale DSL service to SouthEast, who in turn is able to provide DSL based high-speed Internet service directly to its end-user customer.¹ See attached affidavit of Marcia Holcomb, paragraphs 5 and 6, Exhibit A.

BellSouth respectfully requests that this Commission deny SouthEast's Motion to Intervene in this complaint. BellSouth has established in its Motion to Dismiss that the underlying complaint should be dismissed since BellSouth has offered all of the relief to which that customer possibly could be entitled. Moreover, SouthEast's allegations in its Motion for Leave to Intervene are inaccurate and contradicted by the documentation BellSouth has provided. See attached Holcomb affidavit, Exhibit A, and affidavit of Sandra DeMoya, Exhibit 1 to BellSouth's October 21, 2004 Motion to Dismiss. There is

¹ Through its request to intervene, SouthEast attempts to divert this complaint into a tangent into DSL over UNE-P (Unbundled Network Element – Platform). However, Complainant's voice service is provided via resale, not UNE-P, and therefore UNE-P is not germane to this complaint. Additionally, BellSouth has no obligation to provide its DSL service over a UNE-P based voice service. Memorandum Opinion and Order, *Joint Application by BellSouth Corporation, et al. for Provision of In-Region, InterLATA Services in Georgia and Louisiana*, 17 FCC Rcd 9018 (2002) ("Georgia/Louisiana 271 Order"); KRS 278.546.

no further relief to which Complainant is entitled. SouthEast's Motion to Intervene should be denied and this complaint should be dismissed.

Respectfully submitted,



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Suite 4300, BellSouth Center
675 W. Peachtree Street, N.E.
Atlanta, GA 30375
Telephone No. (404) 335-0841

COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.

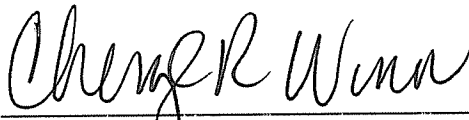
554607

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by mailing a copy thereof, this 22nd day of October, 2004.

James Vanover, Esq.
Gregory L. Hall, Esq.
Vanover, Hall & Bartley, P.S.C.
152 Third Street
Pikeville, KY 41501

Jonathon N. Amlung
Attorney at Law
1000 Republic Building
429 W. Muhammad Ali Blvd.
Louisville, KY 40202-2347

for 
Dorothy J. Chambers

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:)

VANOVER, HALL & BARTLEY, P.S.C.)

COMPLAINANT)

v.)

BELLSOUTH TELECOMMUNICATIONS, INC.)

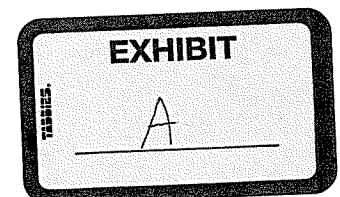
DEFENDANT)

CASE NO. 2004-00410

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 MDL 049262782

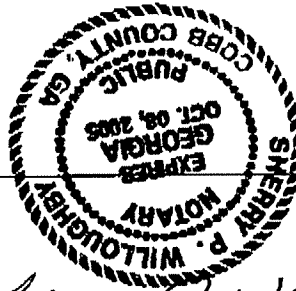
8/25/05

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

yellow 10/06/04 17:50 R0000024 Final Bill

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](#)

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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

SOCS 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)

[Empty text box for Prior NSP Remarks]

New NSP Remarks:

[Empty text box for New NSP Remarks]

Order Information

Assigned CSA Name:

End User Order Number:

NSP Billing Order Number: C4B64J28

Service Order Issue Date: / /

Service Order Initial Due Date: / /

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:

[Empty text box for 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



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