

**BellSouth Telecommunications, Inc.**  
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**Dorothy J. Chambers**  
General Counsel/Kentucky

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February 23, 2006

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

**RECEIVED**

**FEB 24 2006**

**PUBLIC SERVICE  
COMMISSION**

Re: SouthEast Telephone, Inc., Complainant v. BellSouth  
Telecommunications, Inc., Defendant  
PSC 2005-00533

Dear Ms. O'Donnell:

As this Commission is aware, it is BellSouth's position that SouthEast Telephone, Inc.'s ("SouthEast") insistence on paying Unbundled Network Element Platform ("UNE-P") rates for resale orders that SouthEast has placed since April 27, 2005 amounts to a refusal to abide by the U.S. District Court's "No New Adds" Order of April 22, 2005. BellSouth believes the Commission should also be made aware that SouthEast has now advised it does not intend to comply with the Federal Communication Commission's ("FCC") requirement to transition SouthEast's embedded base of stand alone switch ports and UNE-P lines to alternative arrangements.<sup>1</sup> Enclosed for the Commission's information is BellSouth's response to SouthEast's February 7, 2006 letter.<sup>2</sup>

BellSouth urges the Commission to promptly consider and resolve the underlying dispute which is the subject of this docket. BellSouth believes that SouthEast is continuing to unfairly exploit any and all opportunities for delay, and its latest refusal to cooperate with the transition is a blatant violation of its legal obligations as required by the FCC.

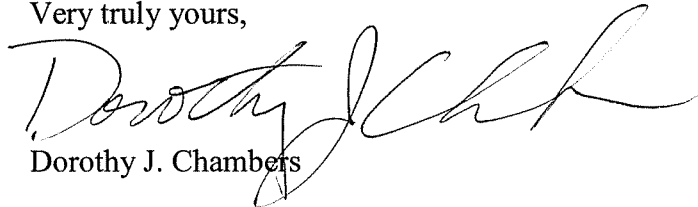
<sup>1</sup> See February 7, 2006 letter from David Sieradzki, Attachment 1.

<sup>2</sup> See Attachment 2.

Ms. Beth O'Donnell  
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The original and ten (10) copies of this letter are enclosed for filing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dorothy J. Chambers". The signature is fluid and cursive, with the first name "Dorothy" being the most prominent part.

Dorothy J. Chambers

Enclosures

cc: Parties of Record

623240

**HOGAN & HARTSON**  
L.L.P.

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February 7, 2006

John Hamman  
BellSouth Interconnection Services  
675 West Peachtree Street  
Atlanta, GA 20275

**RE: Unbundled Network Element Platform Transition**

Dear Mr. Hamman:

On behalf of SouthEast Telephone, Inc. ("SouthEast"), this letter responds to your January 23, 2006 letter to Darrell Maynard regarding an orderly transition of the embedded base of UNE-P lines pursuant to the FCC's *Triennial Review Remand Order*. We appreciate your efforts to work cooperatively with us regarding this transition.

SouthEast does not plan to transition these lines to UNE-L (unbundled loops connected to SouthEast collocations in BellSouth wire centers) before March 10, 2006. Instead, we intend to retain the existing physical arrangements for these lines.

I anticipate that our companies will disagree about the regulatory and financial treatment of these lines going forward. SouthEast believes that these lines should be considered Section 251 loops commingled with Section 271 switching and transport elements, subject to "just and reasonable" rates. As outlined in your letter, BellSouth believes that these lines must be treated either as resold BellSouth telecommunications services (at retail rates less a specified discount) or as "wholesale local platform" services for which a "commercial agreement" would be required (with unregulated rates).

This difference of opinion between our companies regarding the treatment of the embedded base of pre-*TRRO* lines raises issues identical to those raised in the pending dispute regarding lines activated after the *TRRO* effective date (March 11, 2005). As you know, this dispute is the core of the pending administrative litigation between our companies before the Kentucky PSC (*SouthEast Telephone, Inc. v. BellSouth Telecommunications, Inc.*, Case

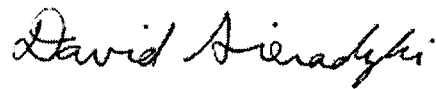
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No. 2005-00533), the generic rulemaking docket (Case No. 2004-00427), and other pending proceedings.

Given that the pending administrative litigation and other proceedings will determine the status of the post-*TRRO* lines and that the same resolution undoubtedly will apply to the pre-*TRRO* lines (the "embedded base"), we suggest that it would be pointless and wasteful to physically reconfigure these lines. Such a conversion would be costly and burdensome to both of our companies. Instead, SouthEast proposes that we agree to disagree, for the time being, and that we leave the existing physical arrangements in place for now. SouthEast will continue paying BellSouth as it currently does, with the financial matters regarding this service to be resolved in the future.

I look forward to discussing this issue with you. While unfortunately our companies have not been able to reach agreement on the major issues in dispute, I am hopeful that we can at least reach a "stand-still" agreement regarding the existing lines, pending resolution of the larger issues between the companies in the long term.

Very truly yours,



David L. Sieradzki  
Counsel for SouthEast Telephone, Inc.

cc: Darrell Maynard



**BellSouth Interconnection Services**

675 West Peachtree Street, NE  
Room 34S91  
Atlanta, Georgia 30375

Alessandra Richmond  
(404)-927-0149  
Fax: (404) 529-7839

**Sent via Electronic and Certified Mail**

February 15, 2006

Mr. David L. Sieradzki  
Counsel for SouthEast Telephone, Inc.  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004-1109

Re: Unbundled Network Element Platform Transition

Dear Mr. Sieradzki:

This is in response to your letter dated February 7, 2006, to John Hamman regarding SouthEast's plan to not transition its remaining embedded base of stand-alone switch ports and Unbundled Network Element Platform (UNE-P) lines to alternative arrangements. In this context, the term "embedded base" refers to the stand-alone switch ports and UNE-Ps that SouthEast had in-service prior to April 27, 2005. On April 27, 2005, BellSouth ceased accepting new service requests from CLECs for mass market unbundled local switching and UNE-P in the state of Kentucky, as explained in Carrier Notification Letter SN91085094 posted on April 26, 2005.

BellSouth maintains its position that SouthEast has a legal obligation to cooperatively work with BellSouth to transition its embedded base of stand-alone switch ports and UNE-Ps to alternative arrangements during the timeframe established by the FCC's Triennial Review Remand Order (TRRO). BellSouth realizes that the issue of transition of such embedded base is being litigated in the change of law docket currently pending before the Kentucky Public Service Commission and will be resolved in that forum. However, the issues regarding the lines that SouthEast has ordered as resale on and after April 27, 2005, are not identical to the issues regarding the orderly transition of the embedded base, as you claim, and the "resale" issues will be resolved in the separate proceeding between BellSouth and SouthEast. As such, BellSouth's plan is to continue to diligently pursue its rights before the Kentucky Public Service Commission, and a "stand still" agreement, as suggested by SouthEast, is not appropriate. Indeed, SouthEast is the only CLEC in BellSouth's region that has blatantly attempted an end run around the April 22, 2005 "no new adds" order from the U. S. District Court for the Eastern District of Kentucky by ordering resold lines and refusing to pay for such.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Alessandra Richmond'.

Alessandra Richmond  
Manager - Interconnection Services

cc: Darrell Maynard  
John Hamman