

**Dinsmore & Shohl** LLP  
ATTORNEYS

Holly C. Wallace  
502-540-2309  
holly.wallace@dinslaw.com

February 15, 2007

**RECEIVED**

**FEB 16 2007**

**PUBLIC SERVICE  
COMMISSION**

*via Federal Express*  
Hon. Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601

***Re: In the Matter of: South Central Telcom LLC v. BellSouth  
Telecommunications, Inc. before the Public Service Commission of the  
Commonwealth of Kentucky, Case No. 2006-00448***

---

Dear Ms. O'Donnell:

I have enclosed for filing in the above-styled case the original and eleven (11) copies of Motions for (1) Informal Conference and (2) Procedural Schedule.

Please file-stamp the additional copy and return it in the self-addressed, postage prepaid enveloped furnished herewith.

Thank you, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk  
Enclosures  
cc: John E. Selent, Esq.  
11819v1

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

FEB 16 2007

PUBLIC SERVICE  
COMMISSION

In the Matter of:

SOUTH CENTRAL TELCOM LLC )  
Complainant )  
v. )  
BELLSOUTH TELECOMMUNICATIONS, )  
INC. )  
Defendant )  
\_\_\_\_\_ )

Case No. 2006-00448

**MOTIONS FOR (1) INFORMAL CONFERENCE AND (2) PROCEDURAL SCHEDULE**

South Central Telcom LLC ("South Central"), by counsel, and pursuant to 807 KAR 5:001, section 4 (1) and (4), hereby moves the Kentucky Public Service Commission (the "Commission") (1) to schedule an informal conference and (2) to establish a procedural schedule, including a date for a formal hearing, in the above-referenced matter. In support of its motions South Central states as follows.

South Central filed its Complaint in this matter more than three months ago on October 13, 2006. BellSouth Telecommunications, Inc. ("BellSouth") filed its Answer and a motion to dismiss on November 6, 2006. As South Central indicated in its response to BellSouth's motion, BellSouth failed to establish that South Central "cannot prove any set of facts that would entitle [it] to relief." *Henderson v. Thomas*, 129 S.W.3d 853, 855 (Ky. App. 2004). BellSouth filed its reply in support of its motion on December 14, 2006, and the motion has stood ripe for decision since that date.

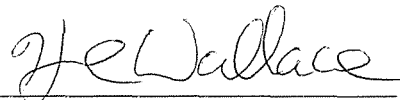
In anticipation of the Commission's order denying BellSouth's motion to dismiss, South Central moves the Commission (1) to schedule an informal conference and (2) to establish a procedural schedule. Pursuant to 807 KAR 5:001, section 4(4), "[i]n order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the

commission staff may be arranged . . . either prior to, or during the course of hearings in any proceeding, at the request of any party.” An informal conference would promote the prompt and efficient resolution of this matter by providing the parties with an opportunity for settlement of this action or of some of the issues presented herein. Should the action not settle, an informal conference would assist the parties in identifying the issues to be addressed at a public hearing.

Similarly, the establishment of a procedural schedule providing for discovery, direct and rebuttal testimony and a formal hearing would aid the parties in fully developing the factual context of the dispute and moving toward a prompt resolution of the matter. Moreover, pursuant to 807 KAR 5:001, section 4(1)(b), the Commission may grant a formal hearing “[w]hen application has been made in a formal proceeding” as in the present case.

For these reasons, the Commission should grant South Central's motions: 1) to schedule an informal conference; and 2) to establish a procedural schedule providing for discovery, direct and rebuttal testimony and a formal hearing.

Respectfully submitted,



John E. Selent  
Holly C. Wallace  
Edward T. Depp  
**DINSMORE & SHOHL LLP**  
1400 PNC Plaza  
500 W. Jefferson Street  
Louisville, KY 40202  
(502) 540-2300 (tel.)  
(502) 585-2207 (fax)  
**COUNSEL TO SOUTH CENTRAL  
TELCOM LLC**

**CERTIFICATE OF SERVICE**

I hereby certify a copy of the foregoing was sent via U.S. Mail, postage prepaid, this 15<sup>th</sup>  
\_\_\_\_\_ day of February, 2007 to:

Mary K. Keyer  
BellSouth Telecommunications, Inc.  
601 W. Chestnut Street, Room 407  
P.O. Box 32410  
Louisville, KY 40203

Jay Philip Carver  
BellSouth Telecommunications, Inc.  
675 West Peachtree Street NW  
Atlanta, GA 30375

  
\_\_\_\_\_  
Counsel to South Central Telcom, LLC

118109v1